

CITY COUNCIL MEETING

MUNICIPAL COMPLEX, EILEEN DONDERO FOLEY COUNCIL CHAMBERS, PORTSMOUTH, NH
DATE: MONDAY, OCTOBER 16, 2017 TIME: 5:45 PM

AGENDA

- 5:45PM – PUBLIC DIALOGUE
- 6:30PM – NON PUBLIC SESSION IN ACCORDANCE WITH RSA 91-A:2, I (a) REGARDING STRATEGY OR NEGOTIATIONS WITH RESPECT TO COLLECTIVE BARGAINING – FIREFIGHTERS ASSOCIATION OF PORTSMOUTH, NEW HAMPSHIRE LOCAL #1313 AND THE PORTSMOUTH PROFESSIONAL FIRE OFFICERS ASSOCIATION

- I. CALL TO ORDER
- II. ROLL CALL
- III. INVOCATION
- IV. PLEDGE OF ALLEGIANCE

PRESENTATION

1. Revaluation Process, Stephan Hamilton, Director of the Municipal and Property Division of the NH Department of Revenue Administration (DRA)

- V. ACCEPTANCE OF MINUTES – *(There are no minutes on for acceptance this evening)*

- VI. PUBLIC DIALOGUE SUMMARY

- VII. VOTES ON ORDINANCES AND/OR RESOLUTIONS

- A. First reading Re: Zoning Ordinance Amendments – Off Street Parking – Chapter 10, Article 11 – Site Development Standards; Article 15 – Terms of General Applicability and Article 8 – Supplemental Use Standards
- B. First reading Re: Gateway Mixed Use District Zoning Amendments – Chapter 10, Article 5B – Gateway Mixed Use Districts; Article 5A – Character-Based Zoning; and Article 4 – Zoning Districts and Use Regulations
- C. First reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also includes local amendments to the 2014 National Electrical Code
- D. First reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code
- E. Second reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by Striking Article I-V in its entirety and replace with new language *(Postponed from September 5, 2017 City Council Meeting)*

VIII. APPROVAL OF GRANTS/DONATIONS

- A. *Acceptance of Donations Re: USS New Hampshire
- Sean Mahoney - \$500.00
 - Piscataqua Savings Bank - \$500.00
 - The Propeller Club of the United State Port of Portsmouth - \$500.00
 - Teledyne Instruments - \$500.00
- (Sample motion – move to accept and approve the donations for the USS New Hampshire, as presented)***
- B. Acceptance of Police Department Grant
- A grant in the amount of \$9,225.00 from the New Hampshire Department of Safety, Homeland Security and Emergency Management for Special Operations Team Terrorism Prevention Activities training ***(Sample motion – move to accept and approve the grant to the Portsmouth Police Department, as presented)***

IX. CONSENT AGENDA

(ANTICIPATED ACTION - MOVE TO ADOPT CONSENT AGENDA)

- A. Letter from Emily Christian , National Multiple Sclerosis Society, requesting permission to hold the 2018 Walk MS Portsmouth on Saturday, April 14, 2018 from 10:00 a.m. to 2:00 p.m. ***(Anticipated action – move to refer to the City Manager with power)***
- B. Letter from Major DonnaMarie Reed, The Salvation Army, requesting permission to place the Red Kettle in the center of Market Square from November 13th through December 23rd ***(Anticipated action – move to refer to the City Manager with power)***
- C. *Acceptance of Donation Re: Plaque in Memory of Roger Chapdelaine
- In honor of Roger Chapdelaine – Men’s Doubles Tennis Commissioner
- (Anticipated action – move to accept the donation for a plaque in memory of Roger Chapdelaine, as presented)***
- D. Letter from Lynn Raeburn requesting that the lots be restored to their premerger status and that zoning and tax maps be updated to identify premerger boundaries of said parcels ***(Anticipated action – move to refer to the Planning Board for report back)***

X. PRESENTATION & CONSIDERATION OF WRITTEN COMMUNICATIONS & PETITIONS

- A. *(See E-mail Correspondence)*
- B. Letter from Attorney Kevin Baum Re: Comment to Proposed Gateway Mixed-Use Zoning Amendments and Request to Extend Proposed District to Farm Lane
- C. Letter from Mike Somers, NH Lodging & Restaurant Association Re: the 2009 FDA Food Code with proposed amendments

XI. REPORTS AND COMMUNICATIONS FROM CITY OFFICIALS

A. ACTING CITY MANAGER

Acting City Manager's Items Which Require Action:

1. Commercial Revaluation – Request for Peer Review

Acting City Manager's Informational Items:

1. Events Listing
2. Update Re: Recycling Center Swap Shop
3. Report Back Re: Homestead Exemption

B. MAYOR BLALOCK

1. Appointment to be Considered:
 - Appointment of Cyrus Beer as an Alternate to the Historic District Commission
 - Reappointment of Dana Levenson to the Economic Development Commission
2. *Appointments to be Voted:
 - Appointment of Amrishi Chicooree to the Cable Television and Communication Commission
 - Appointment of Thaddeus Jankowski as an Alternate to the Conservation Commission
 - Appointment of Martin Ryan to the Historic District Commission as a Regular Member
 - Reappointment of Shaula Balomenos Levenson to the Library Board of Trustees

C. ASSISTANT MAYOR SPLAINE

1. *Exploring the concept of allowing artists and others who have a studio, gallery, workplace, or storefront in Portsmouth to be able to use their space for residence, with certain limitations of time period and fire and health standards

It would be my intention to request Acting City Manager Nancy Colbert Puff, City Attorney Bob Sullivan, and the Fire Department to report back at the Monday, November 20, 2017 City Council meeting on the practicality of such a living arrangement, and limitations or restrictions that may be required

D. COUNCILOR LOWN

1. Parking & Traffic Safety Committee Action Sheet and Minutes of the October 5, 2017 meeting (***Sample motion – move to accept and approve the action sheet and minutes of the October 5, 2017 Parking & Traffic Safety meeting***)

E. COUNCILOR SPEAR

1. *Follow-up on Parking Work Session

F. COUNCILOR DENTON

1. *Prescott Park Agreements

XII. MISCELLANEOUS/UNFINISHED BUSINESS

XIII. ADJOURNMENT

**KELLI L. BARNABY, MMC, CMC, CNHMC
CITY CLERK**

**Indicates Verbal Report*

INFORMATIONAL ITEMS

(There are no items under this section of the Agenda this evening)

NOTICE TO THE PUBLIC WHO ARE HEARING IMPAIRED: Please contact Dianna Fogarty at 603-610-7270 one-week prior to the meeting for assistance.



MEMORANDUM

TO: ACTING CITY MANAGER, NANCY COLBERT PUFF
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: ZONING ORDINANCE AMENDMENTS – OFF-STREET PARKING
DATE: 09/25/2017

Recommended City Council Action

Vote to schedule first reading on the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations.

Background

On September 21, 2017, the Planning Board voted to recommend that the City Council enact the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations.

The proposed amendments are consistent with recommendations included in the recently adopted Master Plan to support the goal of managing parking supply to serve development needs without compromising community character. These amendments also support the City Council's Housing Policy adopted in 2016, to review parking requirements and revise, as appropriate, to reduce housing development costs and proactively seek parking infrastructure solutions and shared parking arrangements.

The proposed amendments to the Zoning Ordinance, Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking, include several types of changes that are based on best management practices for off-street parking requirements for urban and suburban neighborhoods like Portsmouth's.

First, separate tables of parking requirements are proposed for residential and nonresidential uses. The proposed parking ratios for residential uses have been revised to assign parking requirements based on the size (floor area) of the dwelling unit. This allows the ordinance to be simplified by eliminating separate ratios for micro-units, accessory dwelling units, garden cottages, and elderly housing. (The two provisions for parking in Sections 10.814 and 10.815 then become redundant and are proposed for deletion.)

For nonresidential uses, the parking requirements table has been reorganized to mirror the Table of Uses in Section 10.440 of the Zoning Ordinance. Although the resulting Table of Minimum Off-Street Parking Requirements for Nonresidential Uses is longer than the

existing Table of Off-Street Parking Requirements, itemizing the same use categories as in the Table of Uses eliminates ambiguities and will make it easier for applicants to understand their responsibilities and for staff to administer the ordinance.

Reviewing the more detailed list of uses in the new table resulted in proposed refinements to the parking requirements for many of the uses. Significant changes from the existing Table of Off-Street Parking Requirements include the following:

- For several uses, a parking demand analysis must be prepared to determine the off-street parking requirement, or may optionally be prepared in lieu of a specified parking ratio. These tend to be uses that are unique and where the parking demand might vary based on the size, type or location of the use. Examples include places of assembly, schools, museums, performance facilities, outdoor recreational uses, hospitals, conference centers, and marinas.
- Where the determination of parking requirements is based on the capacity of the use or facility, the terminology has been updated to refer to occupant load as determined by the Building Code and documented through a code analysis. Examples include places of assembly, clubs and fraternal organizations, and indoor recreation uses.
- Certain uses are proposed to have no off-street parking requirement. These include historic preservation buildings, cemeteries, municipal parks, non-commercial boat landings and docks, wholesale lumber yards, various public and private utility uses, and agricultural uses.
- Parking requirements are proposed to be reduced for several uses, including indoor recreation uses, business and professional offices, call centers, outpatient clinics and ambulatory surgical centers, and personal and consumer services.
- Parking requirements are proposed to be increased for retail trade uses, eating and drinking places (restaurant, bar, etc.), hotels and motels, light industry, and biological or chemical laboratories.
- For hotels and motels, specific parking requirements have been added for conference or banquet facilities (and note that this is also carried forward to the Downtown Overlay District requirements in Sec. 10.1115.21). This will better reflect the parking demands of hotels and motels that include such facilities.

The table of maximum allowed parking spaces in Section 10.1112.50 has been simplified and the maximum number of spaces has been increased for larger parking facilities. In addition, a new provision has been added authorizing the Planning Board to grant a conditional use permit allowing the maximum number of spaces to be exceeded if justified by a parking demand analysis. This will streamline the permitting process, avoiding the need or possibility of securing a variance from the Zoning Board of Adjustment before applying to the Planning Board for site plan approval.

A new Section 10.1112.60 has been added mandating a reduction in the number of parking spaces where mixed uses on a site have complementary demands. This section establishes a methodology for computing the minimum number of required parking spaces

for such sites. This section also provides an option to allow a reduction in the number of off-street parking spaces for developments on separate lots, provided that the shared parking facilities are secured by a recorded covenant.

Section 10.1114 has been amended to allow tandem parking spaces when serving residential uses. Currently, the ordinance requires that all parking spaces be designed so that cars may enter and leave without requiring the moving of any other vehicle. The proposed change exempts from this requirement parking spaces that are assigned to a specific dwelling unit in a residential or mixed use development, and establishes minimum dimensions for such spaces.

A new Section 10.1116 has been added requiring that bicycle parking spaces be provided for most uses. Specific standards for such spaces will be added to the Site Plan Review Regulations.

Finally, one change and three additions are proposed in Article 15 – Definitions:

- The definition of “townhouse” is proposed to be changed by deleting the words “single-family.” This is being proposed so that townhouse condominium units will be clearly subject to the same parking requirements as units in rental rowhouses, which are functionally the same and differ only in ownership.
- New definitions are proposed for the terms “driveway” and “maneuvering aisle” to clarify an ongoing issue regarding interpretation of the dimensional standards for off-street parking facilities.
- Lastly, the term “maximum occupancy” is proposed to be linked to the Building Code definition of occupant load, so that conflicts between a facility’s status under the Zoning Ordinance and Building Code can be avoided.

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows:

A. Amend Article 11 – Site Development Standards, Section 10.1110 – Off-Street Parking, as follows:

- (1) Delete existing Section 10.1112 – Number of Required Parking Spaces and insert in its place proposed Section 10.1112 as set forth the document titled “Proposed Revisions to the Zoning Ordinance, Article 11, Section 10.1112 – Number of Required Parking Spaces” dated September 8, 2017.
- (2) Delete existing Section 10.1114 – Design of Off-Street Parking Facilities, and insert in its place proposed Section 10.1114 as set forth the document titled “Proposed Revisions to the Zoning Ordinance, Article 11, Section 10.1114 – Design of Off-Street Parking Facilities” dated September 8, 2017.
- (3) In Section 10.1115 – Off-Street Parking Provisions in the Downtown Overlay District, amend the table in subsection 10.1115.21, as follows (deletions from existing language ~~stricken~~; additions to existing language **bolded**; remaining language unchanged from existing):

Use	Required Parking Spaces
Residential use (dwelling)	1.5 space per dwelling unit As specified in Section 10.1112.31
Hotel or motel	0.75 space per guest room, plus 1 space per 25 sf of conference or banquet facilities
Other nonresidential use	No requirement

- (4) Insert a new Section 10.1116 – Bicycle Parking as set forth the document titled “Proposed Addition to the Zoning Ordinance, Article 11, Section 10.1116 – Bicycle Parking” dated September 8, 2017.

B. Amend Article 15 – Definitions, Section 10.1530 – Terms of General Applicability, as follows:

- (1) In the definition of “townhouse”, delete the words “single-family” so that the definition reads as follows:

Townhouse

A dwelling unit in a group of three or more attached units, foundation to roof, open space on at least two sides, separated by a fire-rated wall.

(2) Insert the following new definitions:

Driveway

The area between the travelled portion of a street or road and a parking area used by motor vehicles for access to and from the parking area. A driveway does not include any maneuvering aisle or other circulation area within the interior of a parking area. Except for lots containing fewer than 7 off-street parking spaces, a driveway has no abutting parking spaces.

Maneuvering aisle

A travel lane located within the perimeter of a parking lot by which motor vehicles directly enter and leave parking spaces.

Maximum occupancy

The occupant load of a building or portion thereof as determined in accordance with the Building Code.

C. Amend Article 8 – Supplemental Use Standards by deleting the separate off-street parking requirements for accessory dwelling units and garden cottages, as follows:

(1) In Section 10.814 – Accessory Dwelling Units, delete paragraph 10.814.34.

(2) In Section 10.815 – Garden Cottages, delete paragraph 10.815.34.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Proposed Revisions to the Zoning Ordinance,
Article 11, Section 10.1112 – Number of Required Parking Spaces
September 8, 2017

10.1112 Number of Required Parking Spaces

10.1112.10 General Requirements and Interpretation

- 10.1112.11 The number of required off-street parking spaces shall be based on the uses on the lot, as specified in Section 10.1112.30.
- 10.1112.12 For any permitted use not covered by Section 10.1112.30, the Code Official shall determine the closest similar use listed in that table and require off-street parking accordingly.
- 10.1112.13 Specially designated parking spaces for the physically disabled shall be provided in compliance with the Building Code (see International Building Code, Section 1106).

10.1112.20 Calculation of Number of Required Spaces

- 10.1112.21 The number of required off-street parking spaces shall be the sum of the requirements for the various individual uses on a lot computed separately, except that a development designed as a shopping center shall comply with the specific requirements of Section 10.1112.30 for said use.
- 10.1112.22 Where the computation of required off-street parking spaces results in a fractional number, the computation shall be rounded up to the next whole number.

10.1112.30 Off-Street Parking Requirements

10.1112.31 Parking Requirements for Residential Uses

The required minimum number of off-street parking spaces for uses 1.10 through 1.90, including dwelling units in mixed-use developments, shall be based on the gross floor area of each dwelling unit, as follows:

Dwelling Unit Floor Area	Required Parking Spaces
Less than 500 sq. ft.	0.5 spaces per unit
500-750 sq. ft.	1.0 space per unit
750-1,200 sq. ft.	1.5 spaces per unit
Over 1,200 sq. ft.	2.0 spaces per unit

10.1112.32 Parking Requirements for Nonresidential Uses

10.1112.321 The required minimum number of off-street parking spaces for uses other than 1.10 through 1.90 shall be based on the following table.

Table of Minimum Off-Street Parking Requirements for Nonresidential Uses

Use No.	Use	Requirement
2. Institutional Residence or Care Facilities		
2.10-2.20	Assisted living facility or Residential care facility	0.5 per bed or resident
3. Educational, Religious, Charitable, Cultural and Public Uses		
3.10	Place of assembly	0.4 per seat (fixed seating), or 1 per 4 persons maximum occupancy of assembly area, or Parking demand analysis
3.20	School	Parking demand analysis
3.30	Historic preservation building	No requirement
3.40	Museum	Parking demand analysis
3.50	Performance facility	0.4 per seat (fixed seating), or Parking demand analysis
3.60	Cemetery	No requirement
3.70	Club, fraternal or service organization	Greater of: - 1 per 4 persons maximum occupancy - 1 per 200 sf GFA
3.80	Municipally operated park and related activities	No requirement
4. Recreational Uses		
4.10	Religious, sectarian or private non-profit recreational use	Parking demand analysis
4.20	Cinema or similar indoor amusement use with no live performance	0.4 per seat, or Parking demand analysis
4.30	Indoor recreation use, such as bowling alley or arcade	1 per 4 persons maximum occupancy
4.40	Health club, yoga studio, martial arts school, or similar use	1 per 250 sf GFA
4.50	Outdoor recreation use	Parking demand analysis
4.60	Amusement park, water park or theme park	NA – Prohibited Use

Use No.	Use	Requirement
5. Office Uses, Non-Medical		
5.10-5.30	Professional, business and financial services	1 per 350 sf GFA
5.40	Social service campus	Apply standards for component uses
5.50	Media studio	1 per 1,000 sf GFA
5.60	Publishing facility or similar electronic production operation	1 per 1,000 sf GFA
5.70	Call Center	1 per 250 sf GFA
6. Medical Services and Health Care		
6.10	Hospital	Parking demand analysis
6.20	Medical offices and clinics (outpatient only)	1 per 250 sf GFA
6.30	Clinics with inpatient care	Greater of: - 2 per bed - 1 per 250 sf GFA
6.40	Ambulatory surgical center	1 per 250 sf GFA
6.50	Substance abuse treatment facility	Parking demand analysis
6.60	Psychiatric hospital for the criminally insane	NA – Prohibited Use
7. Services, Other Than Health Care		
7.11	Family day care facility	4 spaces (including 2 for the single-family dwelling)
7.12	Group day care facility including private preschool and kindergarten	0.5 per client or student based on licensed enrollment capacity
7.20-7.40	Personal services, Consumer services, and Trade, craft and general services	1 per 400 sf GFA
7.50-7.60	Veterinary care and Laundry and dry cleaning establishments	1 per 500 sf GFA
7.70	Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium	1 per 25 sf of floor area for public occupancy
8. Retail Trade		
8.10-8.90	All retail trade uses	1 per 300 sf GFA
9. Eating and Drinking Places		
9.10-9.50	All eating and drinking places	1 per 75 sf GFA

Use No.	Use	Requirement
10. Lodging Establishments		
10.10-10.20	Boarding house or Bed and breakfast	2 + 1 per room for rent
10.30-10.40	Inn, hotel or motel	1.25 per guest room + 1 per 100 sf of lounge or restaurant area + 1 per 25 sf of conference or banquet facilities
10.50-10.60	Conference hotel or Conference center	Parking demand analysis
11. Motor Vehicle-Related Uses		
11.10, 11.30	Sales, renting or leasing of vehicles, marine craft, power equipment, etc.	1 per 600 sf GFA + 1 per 2000 sf outside display or storage area
11.20	Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	2 + 1 per 400 sf GFA
11.40	Impound lot (principal or accessory use)	No requirement
11.50	Truck fueling facility	4 spaces
11.60	Truck terminal	1 per 2000 sf GFA + 3 per loading dock
12. Marine Craft Related Uses		
12.11	Non-commercial boat landings, boat docks, boathouses, etc.	No requirement
12.12	Fishing boat landing 1	4 spaces
12.13	Fishing boat landing 2	Parking demand analysis
12.20-12.40	Marina, repair of commercial marine craft and marine-related structures, or landside support facility for commercial passenger vessel	Parking demand analysis
13. Wholesale Trade, Warehousing and Distribution		
13.10	Wholesale use	1 per 2000 sf GFA
13.20	Wholesale sales devoted to, and in the same establishment as, a permitted retail use	1 per 2000 sf area devoted to wholesale
13.30	Wholesale lumber yards, lumber and contractor sales	No requirement
13.40	Warehousing or distribution of non- flammable, non-hazardous materials, not classified as a high hazard use	1 per 2000 sf GFA

Use No.	Use	Requirement
14. Industrial Uses		
14.10-14.20	Light industry or Research and development	1 per 500 sf GFA
14.30-14.50	Food processing, Electronics manufacturing, General manufacturing	1 per 1000 sf GFA
14.60	Biological or chemical laboratory	1 per 500 sf GFA
14.70	Recycling facility or recycling plant	No requirement
14.80	High hazard use, including other uses listed in this section but not including uses described in 14.90	Parking demand analysis
14.90	Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	NA – Prohibited Use
15. Transportation and Utilities		
15.10	Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building	No requirement
15.20	Helipad or heliport	No requirement
16. Wireless Telecommunications Facilities		
16.10-16.40	All wireless telecommunications facilities	No requirement
17. Agricultural Uses		
17.10-17.20	All agricultural use	No requirement
18. Temporary Uses		
18.10	Construction trailer	No requirement
18.20	Temporary structure	No requirement
18.30	Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes	2 spaces (single-family dwelling)

Use No.	Use	Requirement
18.40	Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	No requirement
19. Accessory Uses		
19.10	Accessory use to a permitted principal use (not otherwise specified in this section), but not including any outdoor storage	No requirement
19.20	Home occupation	No minimum requirement (<u>maximum</u> 1 space for the home occupation)
19.30	Concessions and services located within the principal building	No requirement
19.40	Drive-through facility, as accessory use to a permitted principal use	No requirement
20. Accessory Storage		
20.10 – 20.60	All accessory storage uses	No requirement

- 10.1112.322 Where the table lists a general use category without the subcategories, the parking ratio shall apply to all subcategories within that category (for example, the parking ratio shown for use number 2.10 applies to uses 2.11 and 2.22).
- 10.1112.323 Where the table indicates that the minimum required number of off-street parking spaces shall be based on a parking demand analysis, the applicant shall submit such analysis for review by the Planning Board through the Site Plan Review process. Where the table indicates that a parking demand analysis is an alternative to a specified ratio, the applicant may submit such analysis to justify a ratio different from that listed in the table. In either case, the Planning Board may approve the number of parking spaces proposed by the analysis, or may approve a greater or lesser minimum number of parking spaces based on its review.
- 10.1112.324 Where the minimum number of off-street parking spaces is based on maximum occupancy, the applicant shall submit a code analysis showing the occupant load for the proposed use determined in accordance with the Building Code.

10.1112.40 Reserve Parking Area

When Section 10.1112.30 requires the provision of 20 or more off-street parking spaces, the Planning Board may approve the construction of fewer off-street parking spaces than required, subject to the following:

- 10.1112.41 A “Reserve Parking Area” shall be designated that is sufficient to accommodate the difference between the number of spaces required and the lesser number actually provided.
- 10.1112.42 The site plan shall clearly delineate the Reserve Parking Area and shall demonstrate that it is sufficient to accommodate the additional parking spaces in accordance with the requirements of this Section.
- 10.1112.43 The Reserve Parking Area shall be landscaped with grass, ground covers and/or other plant materials, but shall not be counted toward any minimum open space requirement.
- 10.1112.44 The Reserve Parking Area shall not be used as snow storage area and shall not contain any structure or mechanical equipment.

10.1112.50 Maximum Number of Parking Spaces

10.1112.51 The number of off-street parking spaces for any building or use shall not exceed the following amounts:

Minimum Number of Spaces Required by Section 10.1112.30	Maximum Number of Spaces Allowed
0-20	No maximum
21 or more	120 percent of minimum

10.1112.52 The Planning Board may grant a conditional use permit to allow a building or use to exceed the maximum permitted number of off-street parking spaces. The application for the conditional use permit shall include a parking demand analysis demonstrating the need for additional parking. In granting a conditional use permit, the Planning Board may accept, deny or modify the findings of the parking demand analysis.

10.1112.60 Shared Parking

10.1112.61 Methodology

Developments that contain a mix of uses on the same parcel shall reduce the number of off-street parking spaces in accordance with the following methodology:

- (1) Determine the minimum number of off-street parking spaces for each land use within the development in accordance with Sections 10.1112.10 through 10.1112.50.

- (2) Multiply the minimum parking requirement for each land use by the corresponding parking occupancy rates for each of the five time periods set forth in Columns (B) through (F) of the Parking Occupancy Rates table below.

Parking Occupancy Rates

(A) Land Use	Weekday		Weekend		(F) Nighttime (Midnight– 6:00 AM)
	(B) Daytime (8:00 AM– 5:00 PM)	(C) Evening (6:00 PM– Midnight)	(D) Daytime (8:00 AM– 5:00 PM)	(E) Evening (6:00 PM– Midnight)	
Residential	60%	100%	80%	100%	100%
Office/ Industrial	100%	20%	10%	5%	5%
Retail/Service	60%	90%	100%	70%	5%
Hotel/Motel	70%	100%	75%	100%	100%
Restaurant	70%	100%	80%	100%	10%
Entertainment	40%	100%	80%	100%	10%
Conference/ Convention	100%	100%	100%	100%	5%
Place of Worship*	10%	5%	100%	50%	5%
Other Institutional	100%	20%	10%	10%	5%

* For a religious use that holds its principal services on a weekday, the weekday and weekend ratios shall be reversed.

- (3) Add the resulting shared parking requirements for each time period to determine the minimum parking requirement for that period.

The required minimum number of parking spaces for the development shall be the highest of the five time period totals.

10.1112.62 Shared Parking on Separate Lots

The Planning Board may grant a conditional use permit to allow a reduction in the number of required off-street parking spaces for uses on separate lots, whether in common or separate ownership, subject to the following:

- (1) The shared parking requirement may be determined using the methodology in Section 10.1112.61, or by another method approved or required by the Planning Board.
- (2) The shared parking arrangement shall be secured by a covenant acceptable to the City and recorded at the Rockingham County Registry of Deeds.

Proposed Revisions to the Zoning Ordinance,
Article 11, Section 10.1114 – Design of Off-Street Parking Facilities
September 8, 2017

10.1114 Design of Off-Street Parking Facilities

10.1114.10 Applicability

The provisions of this Section 10.1114 shall apply to all off-street parking facilities, whether in parking structures or surface lots, and whether or not the parking spaces are required or in excess of the requirements for a use, except as specifically exempted herein.

10.1114.20 Stall Layout

10.1114.21 Parking spaces and maneuvering aisles shall be laid out in compliance with the minimum dimensions set forth in the Table of Off-Street Parking Dimensions.

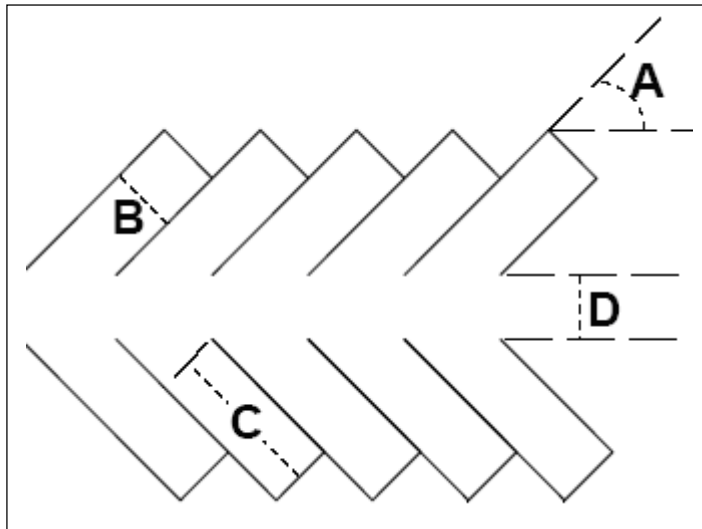
Table of Off-Street Parking Dimensions

A Angle of Parking (degrees)	B Width of Parking Space	C Depth of Parking Space	D Width of Maneuvering Aisle *	
			1-way traffic	2-way traffic
0°	8.5'	20'	14'	24'
45°	8.5'	19'	16'	24'
60°	8.5'	19'	18'	24'
90°	8.5'	19'	24'	24' **

* The required minimum widths of maneuvering aisles does not apply to an aisle providing access to fewer than 7 parking spaces.

**For a parking structure with 90 degree parking, the minimum width of a two-way maneuvering aisle shall be 22 feet.

Key to Table of Off-Street Parking Dimensions



- 10.1114.22 Parking areas shall include parking spaces for the physically disabled in compliance with the Building Code and *Accessible and Usable Buildings and Facilities* (ICC/ANSI A117.1 latest edition).
- 10.1114.23 Parking spaces located within four feet of an abutting structure, sidewalk, or public street shall be designed with suitable bumper stops.
- 10.1114.24 Parking areas and access drives shall be surfaced with a durable surface that meets the load bearing maximum occupancy of the project; minimizes dust, material tracking and erosion; and facilitates snow removal. Examples of such materials include, but are not limited to, bituminous binder, concrete, asphalt, compacted gravel and crushed stone. Pervious surfaces may be used provided that they meet the above objectives and provide equivalent protection of surface and groundwater resources.
- 10.1114.25 Except for one-family and two-family dwellings, all off-street parking spaces shall be marked and maintained to provide delineation between parking stalls and aisles.
- 10.1114.30 Vehicular Circulation**
- 10.1114.31 Access to and egress from all parking areas shall be only via driveways which meet the standards for “General Accessway and Driveway Design” in the Site Plan Review Regulations.
- 10.1114.32 All off-street parking areas shall be designed so that:
- (a) Vehicles can enter and leave each parking space without passing over any other parking space or requiring the moving of any other vehicle, and

- (b) Vehicles can enter and leave the parking area without backing into or from a public street or way.

10.1114.33 Notwithstanding the previous provision, tandem parking spaces may be provided for required off-street parking spaces serving dwelling units in residential and mixed-use developments, subject to the following requirements:

- (a) Tandem spaces shall be assigned to the same dwelling unit.
- (b) Tandem parking shall not be used to provide guest parking.
- (c) Two parking spaces in tandem shall have a combined minimum dimension of 9 feet in width by 38 feet in length.

10.1114.40 Pedestrian Circulation

Except for one-family and two-family dwellings, all off-street parking areas shall incorporate the following provisions for pedestrian circulation:

- 10.1114.41 A minimum 5-foot wide pedestrian path shall be provided throughout the site, connecting adjacent streets, accessways, sidewalks and parking areas to the entrances of all structures.
- 10.1114.42 Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping buffers, or other means.
- 10.1114.43 Continuous off-street vehicle routes shall be no more than 200 feet in length before interruption by pedestrian crosswalks over speed tables, T-intersections or other design elements to calm vehicle movement on site.

Proposed Addition to the Zoning Ordinance,
Article 11, Section 10.1116 – Bicycle Parking
September 8, 2017

10.1116 Bicycle Parking

10.1116.10 Number of Bicycle Parking Spaces Required

10.1116.11 Off-street parking of bicycles shall be provided as follows, up to a maximum of 30 bicycle spaces:

Multifamily dwellings	1 bicycle space for each 5 dwelling units or portion thereof
Elementary, middle and high schools	1 bicycle space for each 4 students
All other uses, except as exempted in Section 10.1116.14	1 bicycle space for each 10 automobile parking spaces or fraction thereof required by Section 10.1112.30 or Section 10.1115.21, as applicable

10.1116.12 When the Planning Board approves the construction of fewer off-street parking spaces than would normally be required under Section 10.1112.30 or Section 10.1115.21 (for example, when a Reserve Parking Area is provided under Section 10.1112.40), or when Board of Adjustment grants a variance from the required number of off-street parking spaces, the required number of bicycle parking spaces shall be based on the number of such spaces that would be required without such reduction or variance.

10.1116.13 In addition to the number of bicycle parking spaces required under Section 10.1116.11 and 10.1116.12, any nonresidential use may substitute bicycle parking spaces for up to 5 percent of the required automobile parking spaces at the following ratios: 1 required automobile space may be replaced by 6 bicycle spaces or by 2 bicycle lockers.

10.1116.14 The following uses are exempt from providing bicycle parking spaces:

Use No.	Use
1.10	Single-family dwelling
1.20	Accessory dwelling unit
1.25	Garden cottage
1.30	Two-family dwelling
2.10	Assisted living facility
2.20	Residential care facility
7.10	Day care
7.70	Undertaking establishment
11.10-11.60	Motor vehicle related uses
12.10-12.40	Marine craft related uses

Use No.	Use
13.10-13.40	Wholesale trade, warehousing and distribution
14.70	Recycling facility or recycling plant
14.80	High hazard use
17.10-17.20	Agricultural uses
19.10-19.40	Accessory uses

10.1116.15 Bicycle parking spaces shall be designed in accordance with standards set forth in the Site Plan Review Regulations.



MEMORANDUM

TO: PLANNING BOARD
FROM: JULIET T.H. WALKER, PLANNING DIRECTOR *JTW*
SUBJECT: GATEWAY MIXED USE DISTRICT ZONING AMENDMENTS
DATE: 9/26/17

Recommended Action

Vote to schedule first reading on the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts.

Background

In November 2016, the City's Housing Committee issued a report, which the City Council adopted, recommending zoning amendments to increase the supply and diversity of housing stock in the City. The recommendations identified three initial areas of focus: 1) along the Lafayette Rd commercial corridor and sites along Route 1 Bypass and Outer Market St; 2) both sides of Mirona Rd; 3) the I-95 Exit 7 Area.

The Housing Committee's report identified a number of general recommendations for each of these areas including allowing an appropriate mix of residential uses, encouraging a mix of land uses, and providing incentives for workforce housing. In addition, the Committee also recommended that any zoning amendments include standards for the design and scale of new development in these areas.

Working with independent planning consultant, Ted Brovitz, the Planning Department prepared proposed zoning amendments that responded to the Housing Committee's recommendation. Primarily, the proposed amendments included the creation of new zoning districts that apply form-based zoning principles similar to what was recently adopted for the Character Districts for the Downtown and West End.

On June 5th, the City Council voted to refer the proposed amendments to the Planning Board for review and recommendation. The Planning Board public input and review process consisted of work sessions, a survey, and public hearings.

June 22 nd	Planning Board work session on first draft of proposed amendments
July 27 th	Planning Board work session with property owners and developers
August 17 th	Planning Board work session including a presentation on development scenarios within the proposed zoning
August 24 th	Planning Board public hearing (including review of survey responses)
September 12 th	Planning Board public hearing (continued from August 24, 2017)

September 21st Planning Board meeting to review revised draft and vote to recommend to City Council

On September 21, 2017, the Planning Board voted to recommend that the City Council enact the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts (as amended based on discussion by Planning Board) to City Council for approval.

The proposed amendments are as follows:

1) Adding a new Article 5B – Gateway Mixed Use Districts as set forth in the document titled “Proposed Zoning Amendments Article 5B Gateway Mixed Use Districts” dated September 26, 2017.

These districts include a Gateway Corridor (G1) District and Gateway Center (G2) District as described below:

- G1 includes the majority of the properties currently zoned Gateway extending along Lafayette Rd (Route 1) between the Rye line and West Rd (including the St. James property at the corner of Hoover Dr and Route 1 which is currently zoned SRB), along Lafayette Rd and the Route 1 Bypass between Sagamore Creek and just north of Greenleaf Ave, and on the east side of Route 1 Bypass between the railroad and the Borthwick Ave intersection;
- G1 also includes properties currently zoned General Business extending along outer Woodbury Ave north to Gosling Rd and west to Spaulding Turnpike as well as the Portsmouth Housing Authority property at Gosling Meadows (currently zoned Garden Apartment);
- G2 includes properties currently zoned General Business located between I-95 and Kearsarge Way as well as the Connect Community Church property which is currently zoned SRB;
- G2 also includes properties currently zoned Gateway along Lafayette Rd in the vicinity of Peverly Hill Rd and Mirona Rd.

Similar to the Character Districts in Article 5A, the proposed Article 5B identifies allowed “Building Types” that specify building form, mass, scale, and function as well as specific dimensional requirements for building location on the lot. Different from Article 5A, the new Article also includes standards for “Development Sites” which consist of lots with multiple principal buildings on a lot or a combination of lots assembled for the purposes of a single development. Development Site standards include requirements for the mix of building types allowed and how the buildings should be oriented toward each other and arranged along public ways and community spaces. As stated in the general purpose statement for this Article, the standards are put forth to guide the physical character of development by providing a menu of building and site types that are based on established community design principles and to encourage the creation of meaningful public spaces and neighborhood centers.

Also included in Article 5B are density incentives to encourage the creation of Workforce Housing along with public realm improvements.

Conditional use permits are required for any project built as a Development Site as well as for the use of the density incentives. The Planning Board, as the permit granting authority, is given some flexibility to work with project proponents to make sure that the purpose and intent of the Gateway Mixed Use Districts are met and, if necessary, to modify specific standards and requirements for the density incentives.

- 2) Amendments to Article 5A – Character-Based Zoning as set forth in the documents titled “Propose Zoning Amendments Figure 10.5A43.10 Façade Types”, “Proposed Zoning Amendments Figure 10.5A45.10 Community Space Types”, and “Proposed Zoning Amendments Figure 10.5A43.60 Building Types” dated September 19, 2017. These changes add new façade, community space and building types to the menu of options for the Gateway Mixed Use Districts. Rather than creating a whole new section listing these additional design types, the existing types in 5A are proposed to be modified and expanded in and then referenced in the new Article. This helps to provide consistency between the two form-based code sections of the Zoning Ordinance.
- 3) Deletion of Section 10.730 Gateway Planned Development. The existing flexible development provision is no longer required as the proposed new zoning incorporates and expands on the requirements and standards included in this section.
- 4) Amendments to Article 4 Zoning Districts and Use Regulations, to delete Gateway (GW), add Gateway Corridor (G1) and Gateway Center (G2) and add these new districts to the Table of Uses as set forth in the document titled “Proposed Zoning Amendments Section 10.440 Table of Uses” dated September 19, 2017. The new districts will allow a mix of uses that are largely consistent with what is currently allowed in the Gateway and General Business Districts, but expands the types of uses to include residential types.
- 5) Replace current GW, GB, I, and SRB where appropriate with new G1 and G2 zoning districts on the Portsmouth Zoning Map for the properties as set forth in documents titled “Gateway Zoning Districts – Proposed Zoning” dated September 26, 2017.
- 6) Amendments to Section 10.5A60 to add new defined terms from Article 5B as set forth in documents titled “Proposed Zoning Amendments Section 10.5A60” dated September 26, 2017.

ORDINANCE

THE CITY OF PORTSMOUTH ORDAINS

That the Ordinances of the City of Portsmouth, Chapter 10 – Zoning Ordinance, be amended as follows:

- A. Add new Article 5B – Gateway Mixed Use Districts as set forth in the document titled “Proposed Zoning Amendments Article 5B Gateway Mixed Use Districts” dated September 26, 2017.
- B. Amend Article 5A – Character-Based Zoning as follows:
 - (1) Add the following Façade Types to Figure 105A43.10: Dooryard, Terrace, Gallery, and Arcade as set forth in the document titled “Proposed Zoning Amendments Figure 10.5A43.10 Façade Types” dated September 19, 2017.
 - (2) In all BUILDING FORM – PRINCIPAL BUILDING tables in Figure 10.5A41.10A strike the following text “~~Maximum finished floor surface of ground floor above sidewalk grade~~” and replace with “**Ground Floor Elevation (Max.)**.”
 - (3) Add the following Community Space Types to Figure 10.5A45.10: Recreation Field or Court, Common or Green, Community Garden, Outdoor Dining Café, and Courtyard as set forth in the document title “Proposed Zoning Amendments Figure 10.5A45.10 Community Space Types” dated September 19, 2017.
 - (4) Add the following new building types to Figure 10.5A43.60: Cottage, Paired House, Gateway Townhouse, Mixed Use Building, Small Flex Space/Fabrication Building, and Community Building as set forth in the document titled “Proposed Zoning Amendments Figure 10,5A43.60 Building Types” dated September 19, 2017.
 - (5) Amend the Definitions in Section 10.5A60 as set forth in the document titled “Proposed Zoning Amendments Section 10.5A60” dated September 26, 2017.
- C. Delete Section 10.730 Gateway Planned Development.
- D. Amend Article 4 Zoning Districts and Use Regulations, as follows:
 - (1) Delete Gateway (GW) under Business Districts from Section 10.410 Establishment and Purpose of Districts, make the following change “Mixed Residential **Use** Districts”, and add the following:

Gateway Corridor	G1	The purpose of this district is to facilitate a broad range of housing types together with compatible commercial, fabrication, and civic uses in a high-quality pedestrian environment with moderate to high density.
Gateway Center	G2	This district is intended to facilitate a broad range of residential and mixed use development at a pedestrian scale and moderate density providing commercial uses that benefit residents of the district and surrounding neighborhoods along major corridors.

(2) Add G1 and G2 to Section 10.440 Table of Uses – Residential, Mixed Residential, Business and Industrial Districts as set forth in the document titled “Proposed Zoning Amendments Section 10.440 Table of Uses” dated September 19, 2017.

(3) Under Section 10.410 District Location and Boundaries, replace current GW, GB, I, and SRB where appropriate with new G1 and G2 zoning districts on the Portsmouth Zoning Map as set forth in documents titled “Gateway Zoning Districts – Proposed Zoning” dated August 26, 2017.

The City Clerk shall properly alphabetize and/or re-number the ordinances as necessary in accordance with this amendment.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon its passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

Article 5B Gateway Mixed Use Districts

Section 10.5B10 General

10.5B11 Purpose

- 10.5B11.10 The purpose of Article 5B is to encourage development that supports the City's continued economic vitality by creating a diversity of housing and mix of businesses in the City's primary gateway areas.
- 10.5B11.20 The standards set forth herein are intended to:
- a) Promote development that is consistent with the goals of the Master Plan to create vibrant, authentic, diverse, connected and resilient neighborhoods;
 - b) Encourage high quality housing for a variety of household types and income ranges.
 - c) Guide the physical character of development by providing a menu of building and site development types that are based on established community design principles;
 - d) Create quality places by allowing for whole site development with meaningful public spaces and neighborhood centers.

10.5B12 Applicability

- 10.5B12.10 Article 5B shall apply to the Gateway Mixed Use Corridor (G1) and Gateway Mixed Use Center (G2) (collectively referred to as Gateway Mixed Use Districts) as shown on the City of Portsmouth Zoning Map.
- 10.5B12.11 No development, subdivision, re-subdivision or construction of or on any building, lot or parcel of land shall occur except in compliance with all standards and requirements for these districts.

10.5B13 Relationship to Other Provisions of the Zoning Ordinance

- 10.5A13.10 The provisions of Article 5B shall take precedence over all other provisions of the Zoning Ordinance that conflict with Article 5B.
- 10.5A13.20 All provisions of the Zoning Ordinance that are not specifically modified or superseded by Article 5B, or that are not in conflict with Article 5B, shall apply to lots, buildings and uses in the Gateway Mixed Use Districts.

10.5B14 Relationship to Other Regulations, Codes and Ordinances

- 10.5B14.10 Any proposed subdivision of land shall comply with the Subdivision Rules and Regulations, in addition to the requirements of Article 5B.
- 10.5B14.20 Any development that requires Site Plan Review under the Site Plan Review Regulations shall comply with such Regulations, in addition to the requirements of Article 5B.
- 10.5B14.30 The provisions of Article 5B do not modify or supersede any provision of the Building Code, other City ordinances or regulations, or State laws relating to the development of land.

10.5B15 Figures and Tables

- 10.5B15.10 The standards and definitions included in the figures and tables in this Article are an integral part of Article 5B.
- 10.5B15.20 The diagrams, photographs and illustrations contained in the figures in this Article are provided only to provide reference to certain regulating elements and indicate general character within the various districts and shall have regulatory force and effect only to that extent.

10.5B16 Allowed Uses

Buildings, structures, and land within the Gateway Mixed Use Districts shall comply with the use regulations set forth in Section 10.440, Table of Uses. The Planning Board shall be the Conditional Use Permit Granting Authority for all uses requiring a Conditional Use Permit in the Gateway Mixed Use Districts.

10.5B17 Definitions

Terms used throughout Article 5B may be defined in the figures, Section 10.5A60, Article 15 or elsewhere in the Zoning Ordinance. Terms not so defined shall be accorded their commonly accepted meanings. In the event of any conflict between the definitions in Article 5B, Article 5A, Article 15, other sections of the Zoning Ordinance, or any other local land use ordinances, rules or regulations, those of Article 5A shall take precedence unless the context clearly indicates otherwise.

Section 10.5B20 General Standards for All Buildings and Development

10.5B21 Building Setback Encroachments

Determination of building setbacks shall not include the exceptions specified in Section 10.515 and 10.516as well as the following:

- 10.5B21.20 Chimneys and flues may encroach up to four (4) feet, provided that at least two (2) feet is maintained from the vertical plane of any lot line.

10.5B21.30 Unenclosed fire escapes or emergency egress stairways may encroach up to four (4) feet into a required side or rear building setback, provided that at least two (2) feet is maintained from the vertical plane of any lot line.

10.5B21.40 Certain Building Façade Types as permitted in 10.5B60.

10.5B22 Building Height and Stepback

10.5B22.10 **Building Height Exceptions:** Roof decks, roof gardens, and related structures and appurtenances shall not be counted in the building height limits. All other building height exceptions shall comply with Section 10.517.

10.5B22.20 **Building Stepback and Street Enclosure:**

Buildings taller than 35 feet that front on streets with right-of-way widths of 60' or less shall be required to be set back or stepped-back from the right-of-way line in accordance with Figure 10.5B22.10. The purpose of this requirement is to enhance the pedestrian environment and prevent excessive shadowing on narrower streets in the district.

Distance from street right-of-way line	Maximum building height
0' to 24'	35'
25' to 49'	45'
50' or more	60'

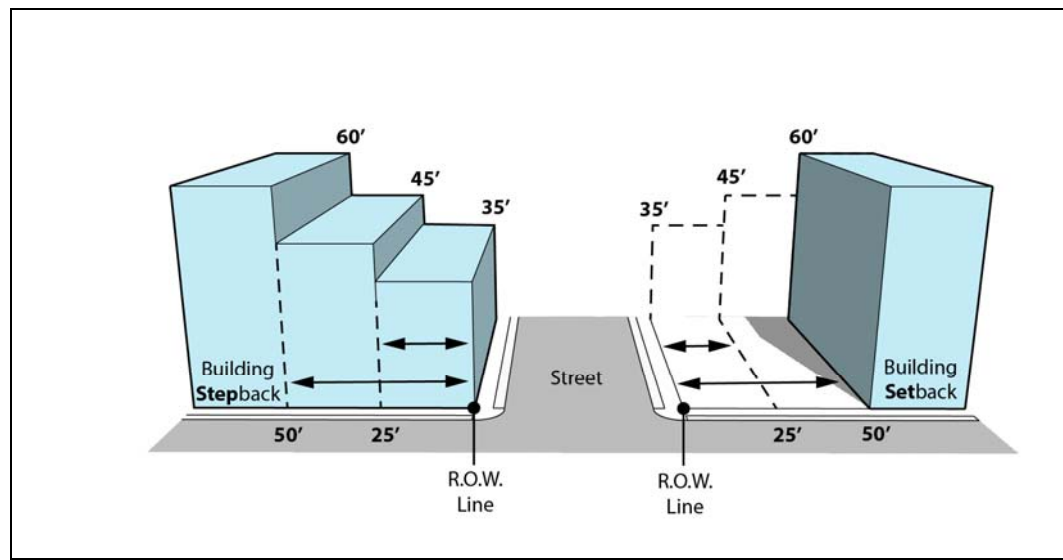
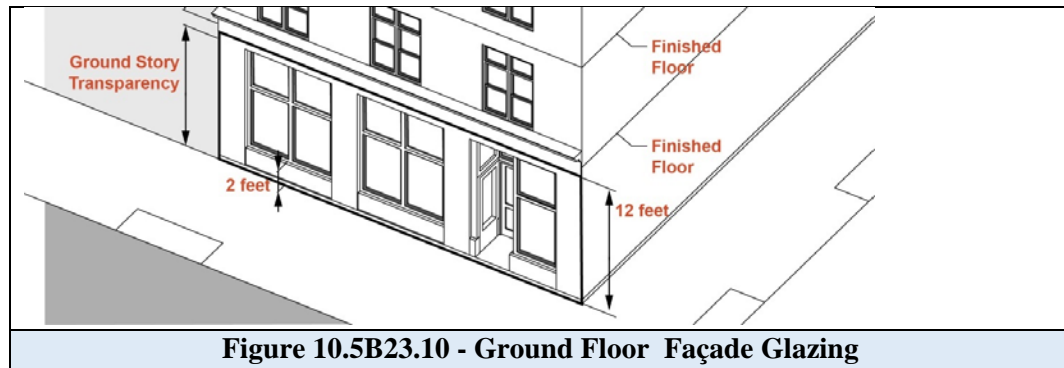


Figure 10.5B22.10 - Building Stepback Standards

10.5B23 Façade Composition Standards

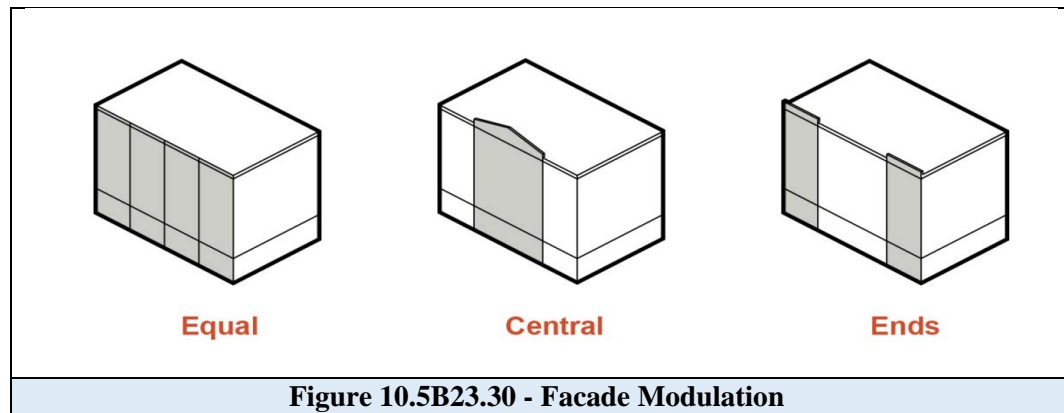
10.5B23.10 Façade Glazing: For Building Types with specific Façade Glazing requirements as defined in Section 10.5B34, the following general standards shall apply:

- (a) Facades shall have windows and doors with highly transparent, low reflectivity glass for a percentage of the total area of a facade, measured for each story independently.
- (b) Façade glazing of a ground story facade is measured between two (2) feet and twelve (12) feet above the abutting sidewalk.
- (c) Façade glazing requirements are only applicable to facades facing a front street line.



10.5B23.20 Façade Modulation

- (a) Building facades shall be vertically articulated with architectural bays between six (6) feet and fifty (50) feet in width to create an equal, central, and/or ends focused composition as illustrated in Figure 10.5B23.30.



- (b) Buildings greater than one hundred (100) feet in width shall be designed to read as a series of smaller buildings with varied architectural design and facade glazing patterns or include a change

in vertical plane of the facade of at least four (4) feet (in depth or projection) for at least one (1) bay in width for every one hundred (100) feet of total facade width. This change in plane applies to the entire height of the façade.

10.5B23.30 **Horizontal Articulation and Massing Elements**: Building facades shall be horizontally articulated with a clearly defined base, middle, and top.

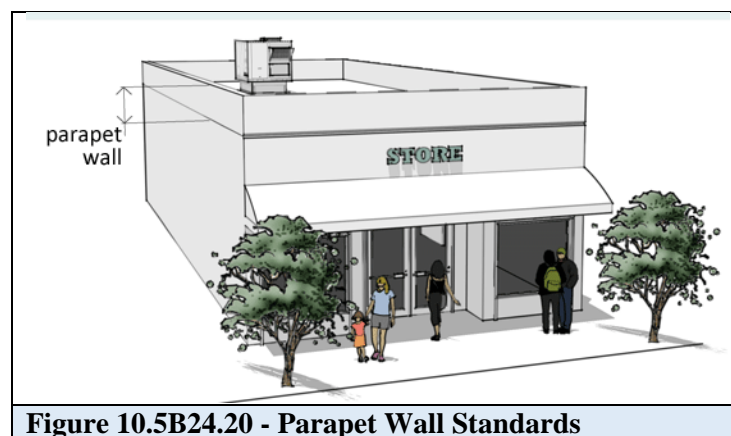
10.5B23.40 **Pedestrian Access**: Where pedestrian access is required for specific Building Types, entrances shall be located on the street-facing facade of a building, provide both ingress and egress, and be operable and accessible. This requirement does not exclude the building from providing pedestrian access to the side or rear of the building.

10.5B24 Roof Types and Design

10.5B24.10 **Roof Shapes and Rooflines**: The shape and proportion of the roof shall be visually compatible with the architectural style of the building and with those of neighboring buildings. Pitched Roofs shall have a minimum slope as follows:

- (a) Shed: 2:12 minimum
- (b) Hip: 3:12 minimum
- (c) Gable: 6:12 minimum to 12:12 maximum.
- (d) Gambrel: 6:12 minimum to 30:12 maximum.

10.5B24.20 **Flat Roofs**: Buildings with Flat Roofs shall be capped by an articulated parapet wall design that acts as a structural expression of the building facade and its materials, visible from all sides of the building.



10.5B25 Number of Dwelling Units

Unless otherwise specified in Section 10.5B34, no more than 24 dwelling units per building shall be allowed without a conditional use permit from the Planning Board as provided in Section 10.5B72.

Section 10.5B30 Building Types and Standards

10.5B31 General

10.5B31.10 All new buildings in the Gateway Mixed Use Districts shall be Building Types specified in this Section and defined in Section 10.5A43.60.

10.5B32 Building Lots

10.5B32.10 Lot Dimensions: Building lot requirements designate the range of lot sizes that a given Building Type as identified in this Section can be built on. If a lot is smaller than the minimum required for a certain Building Type, a different Building Type must be selected.

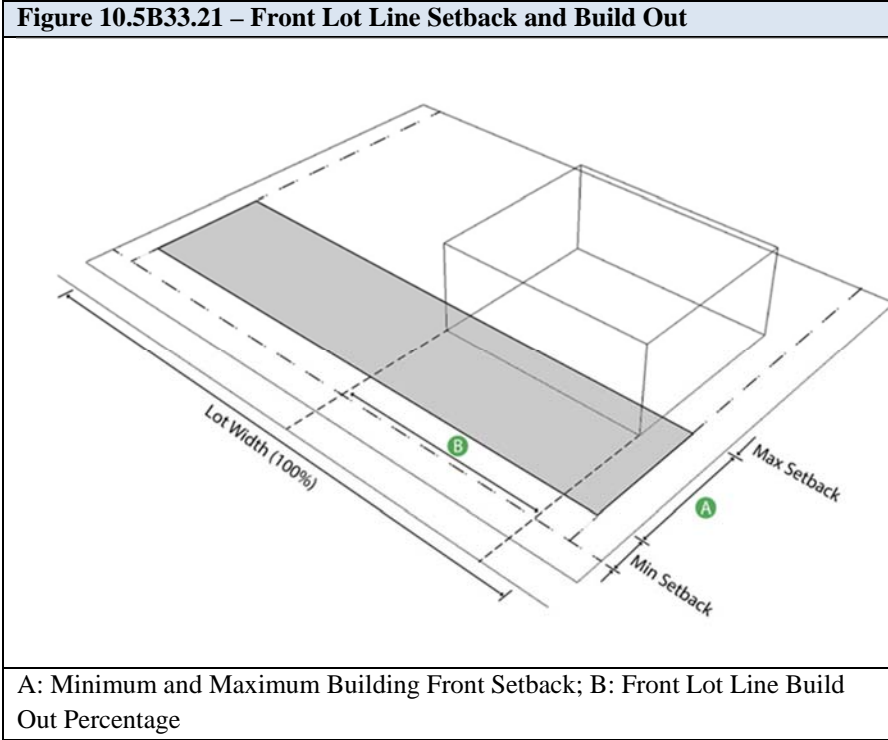
10.5B32.20 Number of Buildings: No more than one principal Building Type is allowed on a lot except where otherwise specified in Section 10.5B40.

10.5B32.30 Special Frontage Requirement: Lots with both frontage on and driveway access from Lafayette Road, Woodbury Ave, or Market Street must have a minimum of 100 feet of street frontage.

10.5B33 Building Placement and Orientation

10.5B33.10 Building Placement: All buildings and structures must be located outside of any required front, side, or rear building setbacks except as otherwise permitted by this Ordinance. The facade of a principal building must be built at or in front of any required maximum front building setback for each story of a building.

10.5B33.20 Front Lot Line Build Out: All buildings must have a front lot line build out of at least 50% unless otherwise specified in Section 10.5B34.



10.5B33.30 **Facade Orientation:** The primary facade of a principal building must be built parallel to a front lot line or to the tangent of a curved front lot line. On a corner lot, the façade may be retracted at a 45-degree angle between the curb radius to allow for community space and for safe sight distance at the corner. All other requirements pertaining to corner visibility in Section 10.516.30 shall apply.

10.5B34 Building Type Standards

10.5B34.10 Cottage

1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)*	30 ft.
D. Front Building Setback (Min./Max.)	5 ft./20 ft.
E. Front Lot Line Buildout (Min.)	80%
F. Side Building setback (Min.)	5 ft.
G. Rear Building setback (Min.)	10 ft.
H. Open Space Coverage (Min.)	20%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	1
B. Dwelling Units Size (Max.)	1,400 GFA; 2 Bedrooms

1.3 DESIGN STANDARDS

A. Building Height (Max.)	1.5 Stories/ 20 ft.
B. Street Facing Façade Height (Min.)	10 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	1,000 SF
F. Façade Modulation Length (Max.)	18 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	Gable, Hip
K. Façade Types	Dooryard, Stoop, Step, Porch

1.4 ADDITIONAL STANDARDS

A. Only allowed in a Pocket Neighborhood Development (see Section 10.5B41)
--

10.5B34.20 Paired House

1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	10 ft./30 ft.
E. Front Lot Line Buildout (Min.)	60%
F. Side Building setback (Min.)	10 ft.
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	20%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	3
B. Dwelling Units Size (Max.)	NR

1.3 DESIGN STANDARDS

A. Building Height (Max.)	2.5 Stories/ 35 ft
B. Street Facing Façade Height (Min.)	12 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	18 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	Gable, Hip, Gambrel
K. Façade Types	Dooryard, Stoop, Step, Porch

1.4 ADDITIONAL STANDARDS

A. Only allowed in a Pocket Neighborhood Development (see Section 10.5B41)
--

10.5B34.30 Gateway Townhouse

1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	50 ft.
C. Street Frontage (Min.)	20 ft.
D. Front Building setback (Min./Max.)	5 ft./15 ft.
E. Front Lot Line Buildout (Min.)	80%
F. Side Building setback (Min.)	NR.
G. Rear Building setback (Min.)	15 ft.
H. Open Space Coverage (Min.)	20%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	1
B. Dwelling Units Size (Max.)	NR

1.3 DESIGN STANDARDS

A. Building Height (Max.)	2.5 Stories/ 35 ft
B. Street Facing Façade Height (Min.)	12 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	Required Every 4th Unit; See Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floors
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
L. Façade Types	Door Yard, Stoop, Recessed Entry, Step, Porch

1.4 ADDITIONAL STANDARDS

A. A maximum of 8 units can be attached by a common wall before a separation of 20 feet or more is required.
--

10.5B34.40 Apartment Building

1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	10 ft./30 ft.
E. Front Lot Line Buildout (Min.)	70%
F. Side Building setback (Min.)	15 ft.
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	20%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Min./Max.)	4/24
B. Dwelling Units Size (Max.)	NR

1.3 DESIGN STANDARDS

A. Building Height (Min./Max.)	4 stories/50 ft
B. Street Facing Façade Height (Min.)	24 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	36"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	50 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Dooryard, Step, Porch

1010.5B34.50 Live/Work Building

1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	20 ft.
D. Front Building setback (Min./Max.)	0 ft./15 ft.
E. Front Lot Line Buildout (Min.)	80%
F. Side Building setback (Min.)	0 ft.
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	15%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	1
B. Dwelling Units Size (Max.)	NR

1.3 DESIGN STANDARDS

A. Building Height (Max.)	2.5 Stories/ 35 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Min./Max.)	0"/24"
D. Building Coverage (Max.)	50%
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	18 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Door Yard, Recessed Entry, Porch, Shopfront, Terrace

10.5B34.60 Small Commercial Building

1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	0 ft./20 ft.
E. Front Lot Line Buildout (Min.)	70%
F. Side Building setback (Min.)	0/10 ft.
G. Rear Building setback (Min.)	15 ft.
H. Open Space Coverage (Min.)	10%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

1.3 DESIGN STANDARDS

A. Building Height (Max.)	3 Stories/ 40 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	70%
E. Building Footprint (Max.)	10,000 SF
F. Façade Modulation Length (Max.)	50 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Porch, Officefront, Shopfront, Terrace, Gallery, Arcade

1.4 ADDITIONAL STANDARDS

A. Side Building Setback is not required when there is a common wall; a minimum 10-foot side building setback is required when there is not a common wall to accommodate pedestrian and/vehicle access to the side and rear of the property.

10.5B34.70 Large Commercial Building

1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	100 ft.
D. Front Building setback (Min./Max.)	0 ft./50 ft.
E. Front Lot Line Buildout (Min.)	50%
F. Side Building setback (Min.)	0/10 ft.
G. Rear Building setback (Min.)	15 ft.
H. Open Space Coverage (Min.)	10%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

1.3 DESIGN STANDARDS

A. Building Height (Max.)	4 Stories/ 50 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	70%
E. Building Footprint (Max.)	40,000 SF
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Porch, Officefront, Shopfront, Terrace, Gallery, Arcade

1.4 ADDITIONAL STANDARDS

A. Side Building Setback is not required when there is a common wall; a minimum 10-foot side building setback is required when there is not a common wall to accommodate pedestrian and/vehicle access to the side and rear of the property.

10.5B34.80 Mixed Use Building

1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	0 ft./50 ft.
E. Front Lot Line Buildout (Min.)	50%
F. Side Building setback (Min./Max.)	0 ft/15 ft.
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	20%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	24
B. Dwelling Units Size (Max.)	NR

1.3 DESIGN STANDARDS

A. Building Height (Min./Max.)	4 stories /50 ft
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24”
D. Building Coverage (Max.)	60%
E. Building Footprint (Max.)	20,000 SF
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	50% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Forecourt, Recessed Entry, Porch, Officefront, Shopfront, Terrace, Gallery, Arcade

1.4 ADDITIONAL STANDARDS

A. Side Building Setback is not required when there is a common wall; a minimum 10-foot side building setback is required when there is not a common wall to accommodate pedestrian and/vehicle access to the side and rear of the property

10.5B34.90 Flex Space/Fabrication Building

1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	0 ft./30 ft.
E. Front Lot Line Buildout (Min.)	50%
F. Side Building setback (Min./Max.)	0 ft if common wall; 20 ft. no common wall
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	10%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

1.3 DESIGN STANDARDS

A. Building Height (Min./Max.)	2.5 Stories/40 ft.
B. Street Facing Façade Height (Min.)	12 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Max.)	24"
D. Building Coverage (Max.)	70%
E. Building Footprint (Max.)	20,000 SF
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	20% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Door Yard, Recessed Entry, Officefront, Shopfront, Terrace

10.5B34.100 Community Building

1.1 LOT STANDARDS

A. Lot Area (Min.)	NR
B. Lot Depth (Min.)	NR
C. Street Frontage (Min.)	50 ft.
D. Front Building setback (Min./Max.)	10 ft./40 ft.
E. Front Lot Line Buildout (Min.)	50%
F. Side Building setback (Min.)	15 ft.
G. Rear Building setback (Min.)	20 ft.
H. Open Space Coverage (Min.)	20%

1.2 BUILDING AND LOT USE

A. Dwelling Units Per Building (Max.)	NR
B. Dwelling Units Size (Max.)	NR

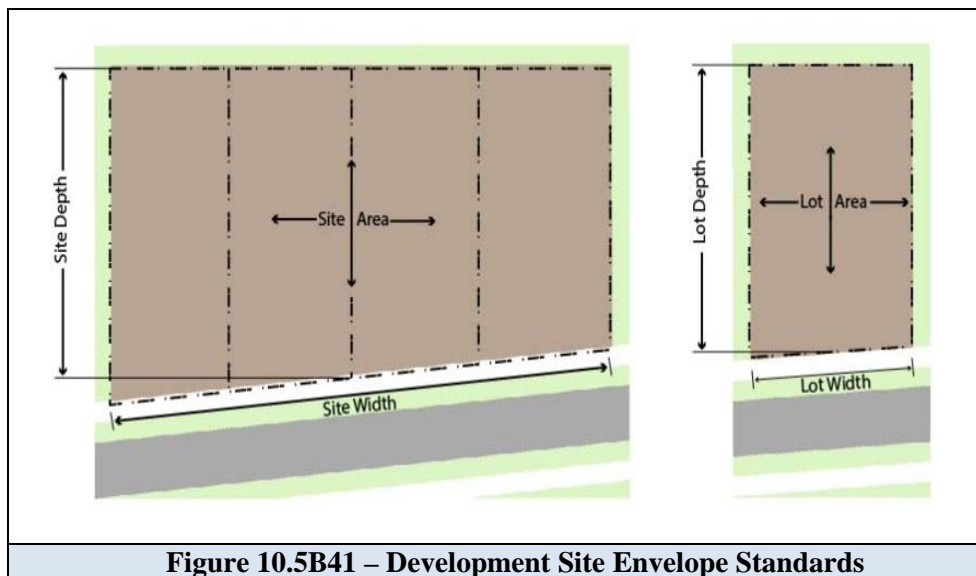
1.3 DESIGN STANDARDS

A. Building Height (Max.)	3 Stories/45 ft.
B. Street Facing Façade Height (Min.)	18 ft.
C. Finished Floor Surface of Ground Floor Above Sidewalk Grade (Min./Max.)	2 ft/6 ft.
D. Building Coverage (Max.)	NR
E. Building Footprint (Max.)	NR
F. Façade Modulation Length (Max.)	100 ft. (see Section 10.5A43.20)
G. Street Facing Façade Glazing (Min.)	30% Ground Floor
H. Street Facing Entrance	Required
I. Street Facing Entrance Spacing (Max.)	NR
J. Roof Type	All
K. Façade Types	Door Yard, Forecourt, Stoop, Recessed Entry, Step, Porch, Terrace, Gallery, Arcade

Section 10.5B40 Development Site Standards

10.5B41 General

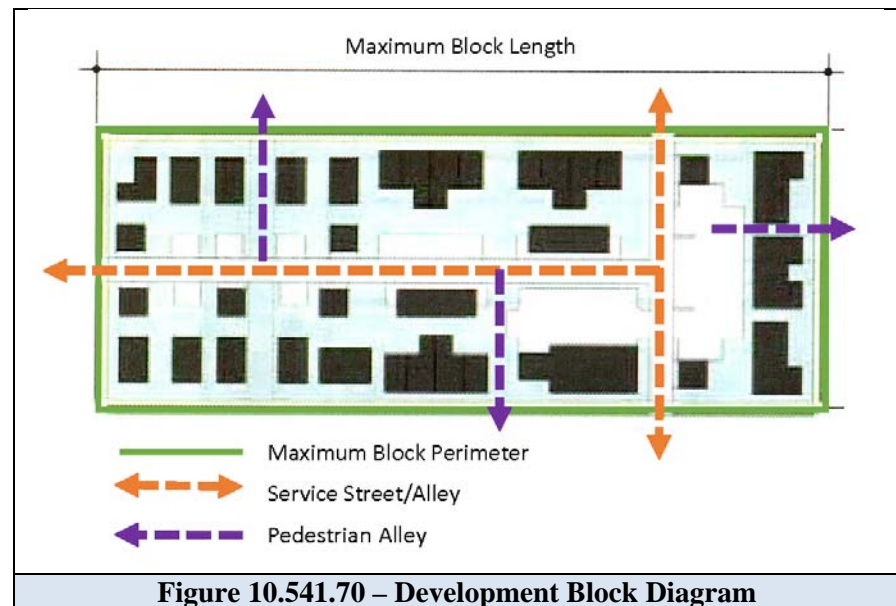
- 10.5B41.10 Allowed by Conditional Use Permit approval from the Planning Board, a Development Site is any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development and including more than one principal building or Building Type. A development that includes individual principal building on a single lot is subject to the requirements of Section 10.5B34.
- 10.5B41.20 Site Area: Development Site area is the cumulative area of all contiguous lots that the site is composed of. Development Site area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.
- 10.5B41.30 Site Width: Development Site width is the cumulative width of all contiguous lots that the site is composed of.
- 10.5B41.40 Site Depth: Development Site depth is the distance between the front and rear property lines measured along a line midway between the outside edge of all contiguous lots.



- 10.5B41.50 Permitted Building Types: A Development Site may include a combination of Building Types as permitted in Section 10.5B43 that are assembled on an individual lot or group of contiguous lots for the purpose of a single development.
- 10.5B41.60 Perimeter Buffer: The perimeter buffer requirements apply to the outside boundary of the Development Site where the site abuts adjoining properties

that are not part of the Development Site, but not along the primary street frontage. In addition to the minimum perimeter buffer required, the Planning Board may require landscaping, fencing, or an increase in the building setback where adjacent land uses may be incompatible. Perimeter buffer requirements supersede building setback requirements for individual Building Types.

- 10.5B41.70 **Development Block Standards:** These standards establish maximum block length along public or private streets within a Development Site as a method to ensure that access and walkability are integrated into the placement of buildings, community spaces, and site utility areas. Generally, blocks are laid out in order to orient buildings to the street and public realm while concentrating utility elements such as electrical service, parking, and refuse collection to the center of blocks, at the rear of the buildings.



- 1). **Size and Dimension:** Each Development Site has a standard for the maximum Block Length and Block Perimeter under Section 10.5B42 and illustrated in Figure 10.5B41.70 above.
- 2). **Access and Service:** Access to the interior utility area of a block will be made by a paved service street/alley of 20 feet with a 4-foot sidewalk on one side. A service road/alley shall be located no less than 50 feet from any intersecting street at the corner of a block. A pedestrian alley is required every 100 linear feet along a block face between intersecting streets where shared parking areas or community space is located within the interior of the block.

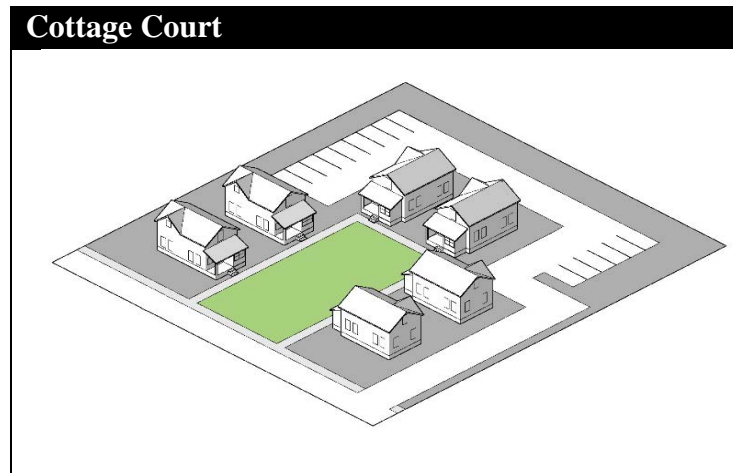
- 10.5B41.80 Community Space Coverage: The minimum Community Space Coverage shall be equal to 10% of the total area of the Development Site and shall be counted toward the minimum Open Space Coverage for the site.
- 10.5B41.90 Public Street Frontage: All Development Sites must have a minimum of 50 feet of frontage on a Public Street providing access to internal streets located within the Development Sites. All Development Sites with direct access to Lafayette Road must have a minimum of 100 feet of frontage along the corridor.
- 10.5B41.100 Conditional Use Permit Criteria: Prior to granting a conditional use permit for Development Sites in the Gateway Mixed Use Districts according to the requirements of this Article, the Planning Board shall make the following findings.
- 1) The development project is consistent with the Portsmouth Master Plan.
 - 2) The development project has been designed to allow uses that are appropriate for its context and consistent with City's planning goals and objectives for the area.
 - 3) The project includes measures to mitigate or eliminate anticipated impacts on traffic safety and circulation, demand on municipal services, stormwater runoff, natural resources, and adjacent neighborhood character.
 - 4) The project is consistent with the purpose and intent set forth in Section 10.5B11.

10.5B42 Development Site Standards

10.5B42.10 Pocket Neighborhood Development

A Pocket Neighborhood is a cohesive cluster of homes gathered around a variety of common open space amenities. In the Gateway Mixed Use Districts, the following Pocket Neighborhood Development Sites are permitted:

- (a) Cottage Court: This Pocket Neighborhood consists of multiple small, detached single family dwellings, arranged around a courtyard. The shared courtyard takes the place of private yard space and becomes an important community-enhancing element of this Development Site. The Cottage Court is appropriately scaled to fit within or nearby medium-density neighborhoods. The Pocket Neighborhood enables appropriately scaled, well-designed, higher density developments important for providing a broad choice of housing types in a walkable environment. Cottage Courts consist of Cottages, Paired Houses, and Community Building Types meeting the design standards in Table 10.5B34 and the density thresholds in Section 10.5B70.



- (b) Cohousing/Housing Cooperative: Cohousing is a community of private dwellings clustered around shared building and community spaces. Each attached or single family dwelling has traditional residential amenities, including a private kitchen. Shared spaces typically feature a common house, which may include a large kitchen and dining area, laundry, and recreational spaces. Other shared spaces include community garden plots, recreational fields, and shared work spaces. Cohousing Developments consists of Cottages, Paired Houses, and Community Building Types meeting the design standards in Table 10.5B33 and the density thresholds in Section 10.5B70.

1.1 DEVELOPMENT STANDARDS

A. Site Area (Minimum)	10,000 S.F.
B. Site Width (Minimum)	75 ft.
C. Site Depth (Minimum)	100 ft.
D. Perimeter Buffer (Min.)	NR
E. Development Block Dimensions (Max.)	Block Length 300 ft.; Block Perimeter 1,200 linear ft.
F. Open Space Coverage (Min.)	20%
G. Community Space Types	Greenway, Courtyard, Park, Pocket Park, Playground, Recreation Field or Court, Community Garden, Common or Green

1.2 PERMITTED BUILDING TYPES

A. Cottages, Paired Houses, Community Buildings

1.3 ADDITIONAL STANDARDS

A. Maximum Cottage Unit Size	1,400 GFA and 2 bedrooms
B. Maximum Cohousing Unit Size	1,800 GFA and 3 bedrooms
C. Courtyard Design (Minimum)	3,000 GFA 40 ft. Width
D. Courtyard Area Per DU (Minimum)	600 SF
E. Buildings shall be centered on a common courtyard in groups of 16 or less	
F. Cottage Courts and Cohousing Developments may include a community garden, common house, co-work space, and other common access site amenities.	
G. For Cottage Court Development Blocks, the cottages will face a central courtyard in the interior areas of the block, and a service street will provide access to parking areas and building lots along the perimeter of the block.	

10.5B42.20 Mixed Use Development



A development project containing multiple residential, nonresidential, and mixed-use Building Types. Mixed Use Developments may include a combination of horizontally and vertically mixed buildings and uses on site subject to all applicable Building Type standards in Section 10.5B30.

1.1 DEVELOPMENT STANDARDS

A. Site Area (Minimum)	20,000 S.F.
B. Site Width (Min.)	100 ft.
C. Site Depth (Min.)	100 ft.
D. Perimeter Buffer (Min.)	75 ft. from a Residential District, Mixed Residential District, or Character District 4-L1
E. Development Block Dimensions (Max.)	Block Length 800 ft.; Block Perimeter 2,200 linear ft.
F. Open Space Coverage (Min.)	20%
G. Community Space Types	All

1.2 PERMITTED BUILDING TYPES

A. Apartment Building, Gateway Townhouse, Live/Work Building, Small Commercial Building, Large Commercial Building, Mixed-Use Building, Small Flex Space/Fabrication Building, Community Building

10.5B42.30 General Residential Development



A development project containing one or more residential Building Types in accordance with allowed Building Types and design standards in Section 10.5B34.

1.1 DEVELOPMENT STANDARDS

A. Site Area (Minimum)	10,000 S.F.
B. Site Width (Min.)	75 ft.
C. Site Depth (Min.)	100 ft.
D. Perimeter Buffer (Min.)	75 ft. from a Residential District, Mixed Residential District, or Character District 4-L1
E. Development Block Dimensions (Max.)	Block Length 500 ft.; Block Perimeter 1,500 linear ft.
F. Open Space Coverage (Min.)	20%
H. Community Space Types	Greenway, Park, Pocket Park, Playground, Recreation Field or Court, Common or Green, Community Garden, Common Yard, Square, Plaza

1.2 PERMITTED BUILDING TYPES

A. Apartment Building, Gateway Townhouse, Live/Work Building, Community Building
--

10.5B42.40 General Commercial Development



A development project containing one or more commercial Building Types in accordance with allowed Building Types and design standards in Section 10.5B34.

1.1 DEVELOPMENT STANDARDS

A. Site Area (Minimum)	10,000 S.F.
B. Site Width (Min.)	75 ft.
C. Site Depth (Min.)	100 ft.
D. Perimeter Buffer (Min.)	100 ft. from a Residential District, Mixed Residential District, or Character District 4-L1
E. Open Space Coverage (Min.)	10%
F. Community Space Types	Park, Pedestrian Alley, Wide Pedestrian Sidewalk, Common or Green, Outdoor Dining Café, Greenway, Square, Plaza, Courtyard

1.2 PERMITTED BUILDING TYPES

A. Small Commercial Building, Large Commercial Building, Small Flex Space/Fabrication Building
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Section 10.5B50 Pre-Existing Buildings and Lots

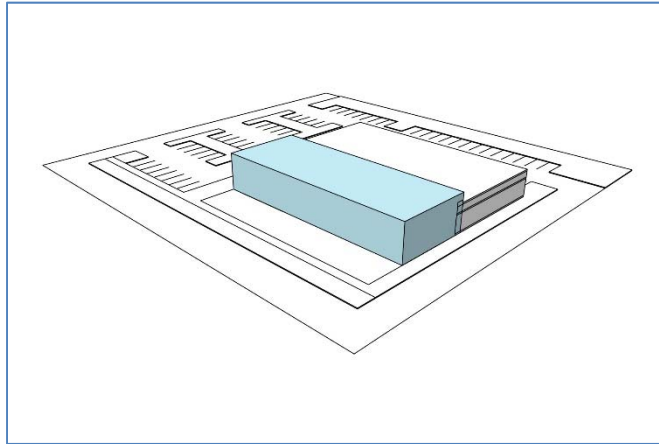
10.5B51 Purpose

The purpose of this section is to establish standards for the continued utilization of existing buildings in Gateway Mixed Use Districts constructed prior to the effective date of Article 10.5B. Where the provisions of this section conflict with Article 3 - Non-Conforming Lots, Buildings, Uses and Structures, this section shall apply.

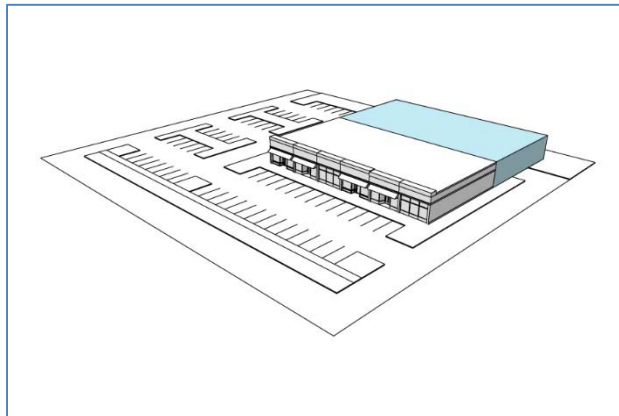
10.5B52 Non-Conforming Building Additions and Retrofits

A building in the Gateway Mixed Use Districts that existed prior to the effective date of Article 5B may be expanded or altered without complying with all of the standards of Section 10.5B34, but shall comply with the following minimum standards for the allowed Building Type as defined in 10.5A36.60 that is most similar to the existing building:

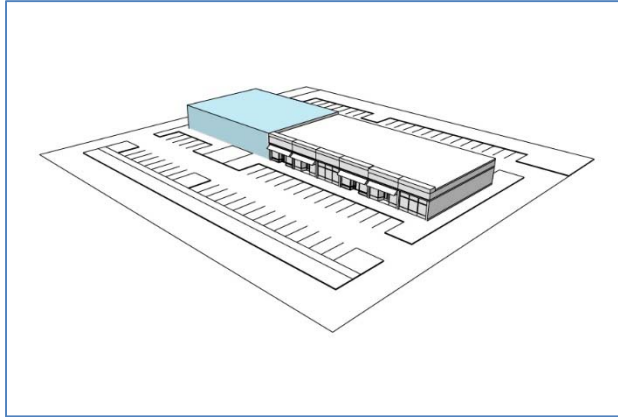
10.5B52.10 Front Addition: Any addition to the front of the building shall comply with the minimum and maximum front building setback for the specified Building Type.



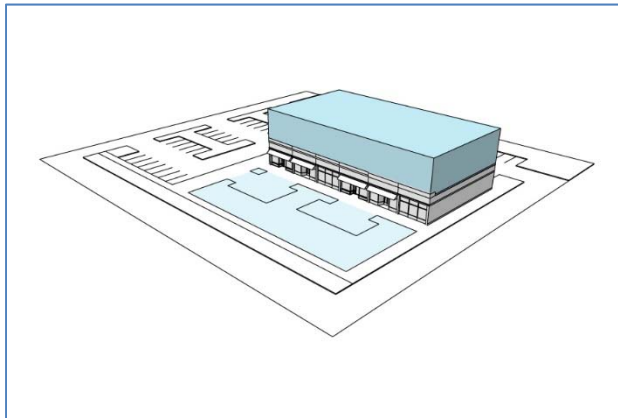
10.5B52.20 Rear Addition: Rear additions are allowed up to the minimum rear building setback for the specified Building Type.



- 10.5B52.30 Side Addition: Side additions are allowed up to the minimum side building setback and to a length not exceeding the maximum façade modulation length for the specified Building Type.



- 10.5B52.40 Story Addition: Story additions are allowed up to the maximum story and building height for the specified Building Type.

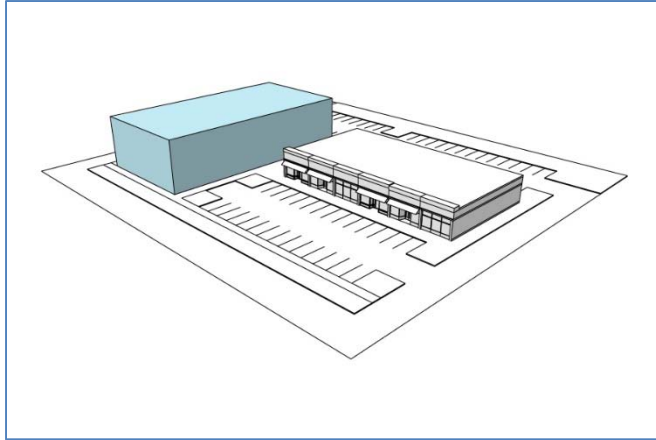


- 10.5B54.10 Residential Density: Maximum Density is 1 Dwelling Unit Per 2,000 Gross Floor Area of the existing building being converted or expanded for residential use.

10.5B53 New Buildings

New building(s) that are constructed on a lot or Development Site that includes one or more non-conforming buildings that existed prior to the effective date of Article 5B, shall comply with the standards for Development Sites as required by Section 10.5B40 except as follows:

- 10.5B52.10 If the minimum Front Lot Line Buildout has not been met, new buildings must be placed within the minimum and maximum front building setback setback.



Section 10.5B60 Building Façade Types

10.5B61 General

At least one (1) façade type as defined in Section 105A43.10 is required for each principal Building Type.

10.5B62 Permitted Building Façade Types by Building Type

10.5B62.10 Building Façade Types

FAÇADE TYPES	BUILDING TYPES							
	A. Cottage	B. Paired House	C. Apartment Building	D. Gateway Townhouse	E. Live/Work Building	F. Large and Small Commercial Building	G. Mixed-Use Building	H. Flex Space/ Fabrication Building
A. Door Yard	P	P	P	P	P			P
B. Forecourt			P			P	P	
C. Stoop	P	P		P				
D. Recessed Entry			P	P	P	P	P	P
E. Step	P	P	P	P				
F. Porch	P	P	P	P	P	P	P	
G. Officefront						P	P	P
H. Shopfront					P	P	P	P
I. Terrace					P	P	P	P
J. Gallery						P	P	
K. Arcade						P	P	

P Permitted

Section 10.5B70 Density Thresholds and Bonuses

10.5B71 Residential Density

10.5B71.10 New development or redevelopment that consists of one principal residential or mixed residential building according to the standards for Building Type in Section 10.5B34 on a single lot shall comply with the following density requirements for the maximum number of dwelling units per acre.

Dwelling Units Per Acre

Building Type	Gateway Corridor (G1)		Gateway Center (G2)	
	P	CU	P	CU
Cottage	NR	NR	NR	NR
Paired House	NR	NR	NR	NR
Apartment Building	16	24	16	24
Gateway Townhouse	16	24	16	24
Live-Work/Building	16	24	16	24
Mixed-Use Building	16	24	16	24

P = Permitted

CU = Conditional Use Permit under the provisions for Density Bonuses in Section 10.5B72

10.5B71.10 New development or redevelopment that is constructed according to the standards for a Development Site in Section 10.5B43 shall comply with the density requirement for the maximum number of dwelling units per acre for all of the buildings in the development.

Dwelling Units Per Acre

Development Sites	Gateway Corridor (G1)		Gateway Center (G2)	
	P	CU	P	CU
Pocket Neighborhood*	16	20	12	16
Mixed Use Development	20	30	20	30
General Residential Development	20	30	20	30

P = Permitted

CU = Conditional Use Permit under the provisions for Density Bonuses in Section 10.5B72

10.5B72 Density Bonus Incentives

A conditional use permit may be granted by the Planning Board for increased housing density or for increased building height and footprint as described in this section. Such conditional use permit shall be contingent upon satisfying the requirements of Section 10.5B73.

10.5B72.10 Dwelling Units Per Building: The Planning Board may, by conditional use permit, allow up to a maximum of 36 dwelling units per building.

10.5B72.20 Dwelling Units per Acre: The Planning Board may, by conditional use permit, allow higher density up to the maximum established in Section 10.5B71.

10.5B72.40 Height and Building Footprint: The Planning Board may, by conditional use permit, allow an increase in the maximum building height by one (1) story or 10' and an increase in the maximum building footprint and square footage by 20 percent.

10.5B73 Bonus Incentive Requirements

In order to be eligible one of the bonus incentives outlined in section 10.5B72, a development shall include Workforce Housing according to the requirements of 10.5B73.10. In order to be eligible for multiple bonus incentives outlined in Section 10.5B72a development shall also provide Public Realm Improvements according to the requirements of 10.5B73.20. Required documentation for these improvements must be submitted with the application as outlined in Section 10.5B74.

10.5B73.10 Workforce Housing Requirement: One or more of the following criteria shall be met:

- 1) At least 30% of the dwelling units within a building, but no less than three units, shall be workforce housing units for sale. Such units shall be at least the average gross floor area of the proposed units in the building or 1,000 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located; or
- 2) At least 10% of the dwelling units within a building, or at least two units, shall be workforce housing units for rent (affordable to a household with an income of no more than 60 percent of the area median income for a 3-person household). Such units shall be at least the average gross floor area of the proposed units in the building or 800 sq. ft., whichever is greater. The workforce housing units shall be distributed throughout the building wherever dwelling units are located.

10.5B73.20 Public Realm Improvements: All public realm improvements used for a density bonus shall be recommended in plans adopted by the City of Portsmouth including but not limited to the Master Plan, Bicycle and

Pedestrian Plan, and Capital Improvement Program. Eligible improvements include the following:

- (a) Design and construction of an off-road trail or path that is at least equal to the linear public street frontage of the site and expands the Portsmouth Bicycle and Pedestrian Network consistent with the Portsmouth Bicycle and Pedestrian Plan. The trail or path shall be located on or adjacent to the project's building lot or Development Site, except as provided in (c) below.
- (b) Design and construction of a public park or athletic facility that is designed for active or passive recreation equal to at least 20% of the project's gross floor area that is located on or adjacent to the project's building lot or Development Site, except as provided in (c) below.
- (c) The Planning Board may allow a proposed public realm improvement to be located on a different lot than the development it if finds that all of the following criteria will be met:
 - (i) An appropriate public realm improvement cannot feasibly be provided on the same lot as the development.
 - (ii) The proposed public realm improvement is within the same Zoning District as the development.

10.5B74 Approval of Density Bonus Incentives

10.5B.74.10 Required Information: In order to be eligible for bonus incentives as described in 10.5B72, the following submissions must be included with an application for a Conditional Use Permit:

- (1) Workforce Housing:
 - a) A description of the workforce housing units, identifying quantity, location, and type;
 - b) Documentation that the proposed units qualify as workforce housing units as defined by this Ordinance;
 - c) Proposed covenant or other legally binding documents that provide enforceable restrictions as to price and occupancy to ensure long-term availability and affordability of the units.
- (2) Public Realm Improvements:
 - a) A written description of the intended site development or District improvements, the relevant City plan, the public benefit provided, provision for design, construction, management and maintenance if required, and plans showing the location and type, size and extent of each of the eligible improvements.
 - b) A specific time frame for the completion of all required on-site and off-site improvements shall be incorporated as a condition of approval of the Planning Board.
 - c) A list of all permits and approvals required in connection with any proposed public realm improvements with the application. These approvals shall be obtained prior to approval of the development, unless authorized by the Planning Board.

- (3) Any requests by the applicant for the Planning Board to modify specific standards and requirements set forth in this Section 10.5B70 as allowed under Section 10.5B74.30 and a detailed justification for the requested modification.

10.5B74.20 Planning Board Findings: Prior to granting a conditional use permit for density bonus incentives under this section, the Board shall make the following findings:

10.5B74.21 The proposed project (and any conditions of approval) satisfies the requirements in Section 10.5B73;

10.5B74.22 The proposed project is consistent with the purpose and intent set forth in Section 10.5B11.

10.5B74.30 Modification of Standards: In granting a conditional use permit, the Planning Board may modify specific standards and requirements set forth in Section 10.5B70 provided that the Planning Board finds such modification will promote design flexibility and overall project quality, or that such modification is required for the development to provide a proposed workforce housing component, and that such modification is consistent with the purpose and intent set forth in Section 10.5B11.

10.5B74.31 In considering a request for a modification of the standards and requirements, the Planning Board may request that the applicant provide additional documentation and information from the applicant demonstrating that the requirements of this Ordinance are prohibitive to the successful completion of the project as proposed. Such information shall include, but not be limited to, project cost factors related to land acquisition, improvements for roads, utilities & drainage, insurance, labor, building materials, and profit to identify a total gross cost of the project and per unit gross costs.

Section 10.5B80 Parking and Loading Requirements and Standards

10.5B81 General

10.5B81.10 Except as otherwise provided in this Section, all buildings, structures, uses, and development sites in the Gateway Mixed Use Districts shall comply with the off-street parking and loading requirements set forth in Section 10.1110 and Section 10.1120.

10.5B82 Number of Required Spaces

10.5B82.10 Uses in the Gateway Mixed Use Districts shall provide off-street parking in accordance with Section 10.1112, except as follows:

- a) For developments located on a public transit route with year-round, 5-days-per-week, fixed-route service and where at least 50% of the building(s) are within ¼ mile of a transit stop, the minimum off-street parking required for motor vehicles shall be reduced by 20% of the total required for all uses.

10.5B83 Location of Motor Vehicle Parking Facilities

Required off-street parking spaces shall not be located between a principal building and a street or within any required perimeter buffer area.

Section 10.5B90 Pedestrian Access and Circulation

- 10.5B81 Pedestrian walkways shall provide connections through the lot/site to the public street right-of-way, and between the lot/site and adjacent land uses.
- 10.5B82 At least one 8-foot wide pedestrian walkway shall be provided throughout the lot/site, connecting adjacent streets, accessways, sidewalks and off-street parking areas to the entrances of all principal buildings.
- 10.5B83 Pedestrian areas shall be clearly distinguished from vehicular and bicycle traffic areas through the use of paving materials, landscaping, or other means.
- 10.5B84 A lot/site with more than one principal building or off-street parking area shall include an internal pedestrian network that provides logical and direct routes for pedestrians throughout site.
- 10.5B85 Parking lots shall include internal walkways spaced not more than 150 feet apart. Where possible, these walkways shall be aligned to connect with major building entries or other destinations.

Section 10.5B100 Community Space

10.5B101 General Requirements

- 10.5B101.10 Community Spaces meeting one or more of the types described in Figure 10.5A45.10 must be provided according to the standards for Development Sites as described in Section 10.5B40.
- 10.5B101.20 A community space that is provided on site and otherwise qualifies as open space as defined by this Ordinance shall count towards the open space requirement for the development.

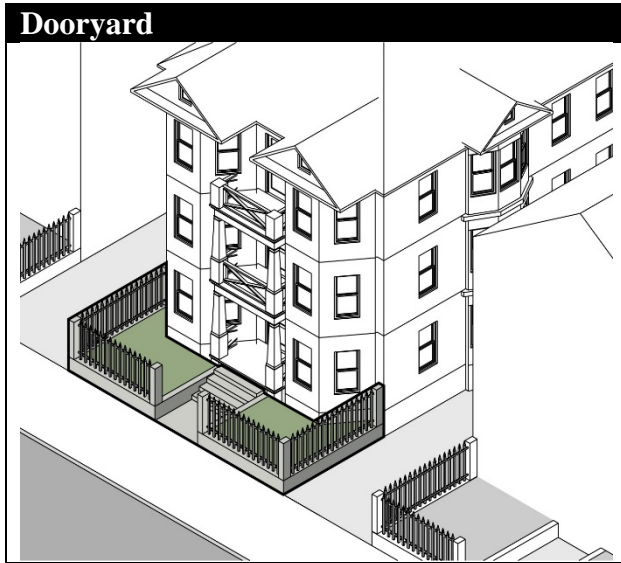
10.5B103 Permitted Community Spaces by Development Site Type

Only Community Space Types that are listed as *permitted* shall count toward the required community space coverage requirement specified for the Development Site.

COMMUNITY SPACE TYPES	DEVELOPMENT SITES			
	Mixed Use Development	Pocket Neighborhood	General Residential Development	General Commercial Development
Park	P	P	P	P
Greenway	P	P	P	P
Pedestrian Alley	P		P	P
Wide Pedestrian Sidewalk	P		P	P
Pocket Park	P	P	P	P
Playground	P	P	P	
Recreation Field	P	P	P	
Common or Green	P	P	P	P
Community Garden	P	P	P	
Outdoor Dining Cafe	P			P
Square	P		P	P
Plaza	P		P	P
Courtyard	P	P	P	P

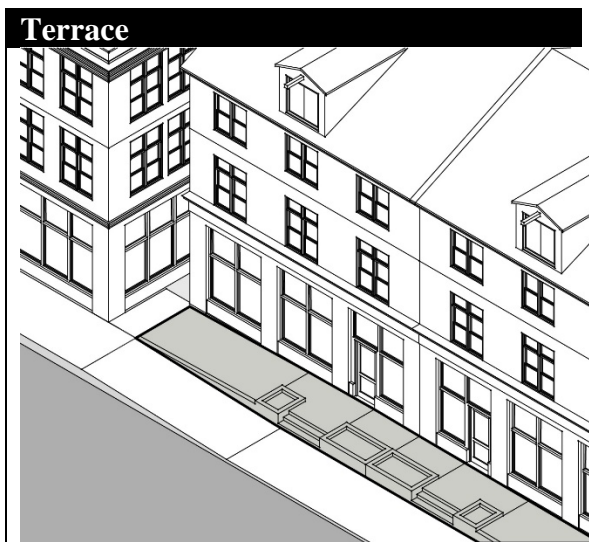
P = Permitted

Proposed Amendments to Zoning Ordinance
Figure 10.5A43.10
September 19, 2017



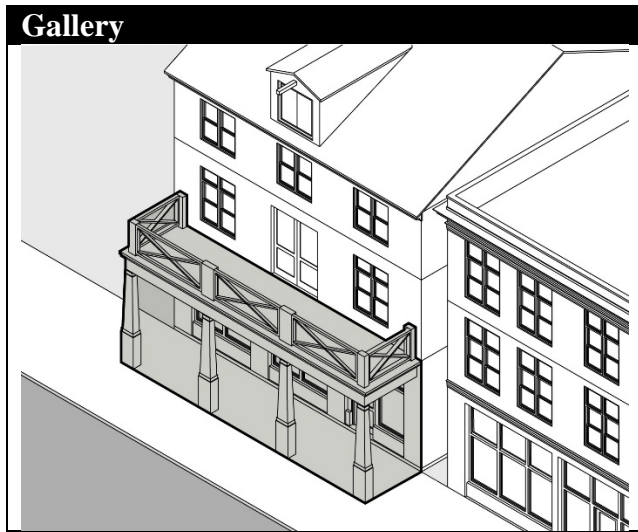
Private Frontage where the Building Facade is aligned close to the Street Line, and the Frontage Line is defined by a low wall, decorative fence or hedge providing a strong spatial definition from the public sidewalk. The result is a small semi-private dooryard containing the principal entrance in the front yard. The dooryard may be slightly raised, sunken, or at-grade, and may be planted or landscaped. A paved walkway from the sidewalk to the front door is required. This type is commonly associated with ground-floor residential use.

Permitted districts: G1, G2



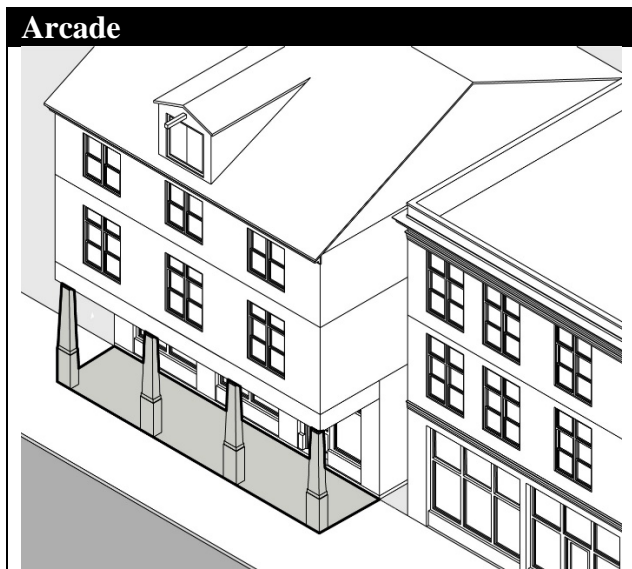
A Private Frontage where the Building Facade is at or near the Street Line with an elevated terrace that may encroach into the front yard setback providing level or terraced public circulation along the façade. This type can be used to provide at-grade access while accommodating a grade change along a Street Line. Frequent steps up to the terrace are necessary to avoid dead walls and maximize access. This type is required to be used in conjunction with other Frontage types to define individual or shared entries facing the street.

Permitted districts: G1, G2



A Private Frontage where the building facade is set back from the Street Line with an attached one or two story cantilevered shed or a lightweight colonnade that is built to the Street Line. This type is intended for buildings with ground floor commercial, hospitality or retail uses. This frontage type is required to be used in conjunction with other types to define individual or shared first floor entries facing the street.

Permitted districts: G1, G2



A Private Frontage where only the ground floor level of the building facade is set back from the Street Line. The Building facade for the upper floors is at the Street Line and is supported by a colonnade with habitable space above. This frontage type is intended for buildings with ground floor commercial, hospitality or retail uses. This type is required to be used in conjunction with other frontage types to define individual or shared first floor entries facing the street.

Permitted districts: G1, G2

Proposed Amendments to Zoning Ordinance
Figure 10.5A43.60
September 19, 2017

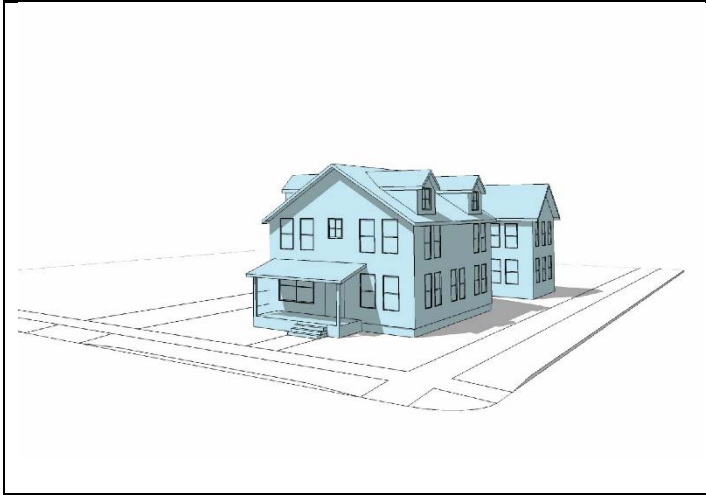
Cottage



A small detached single family dwelling with narrow massing.

Permitted districts: G1, G2

Paired House



A residential building type with narrow massing and horizontally attached or semi-attached dwelling units generally perpendicular to the front lot line. These buildings contain up to 3 dwelling units and are often designed to resemble large farmhouses with attached carriage houses.

Permitted districts: G1, G2

Gateway Townhouse



These small footprint attached single family residential buildings have narrow massing and may be located on individual or common lots. Each unit is separated horizontally by a common wall and groups of buildings may be separated by a common driveway or community space.

Permitted districts: G1, G2

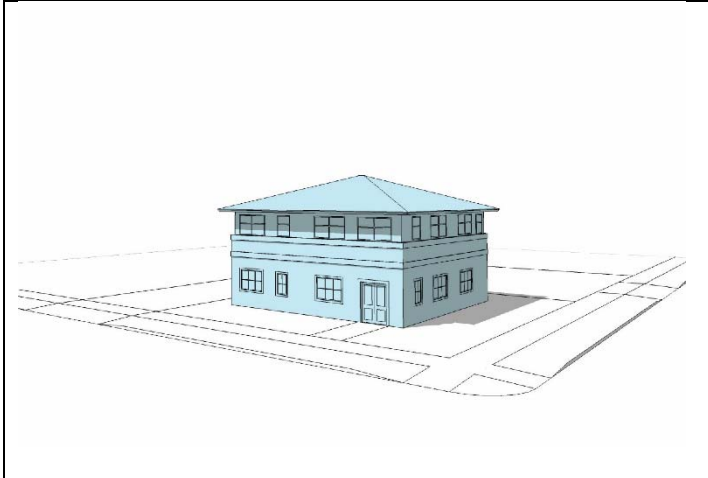
Mixed Use Building



A variable footprint building type that typically accommodates a variety of ground floor commercial uses and upper residential and office uses at the scale that compliments the historic character of the neighborhood.

Permitted districts: G1, G2

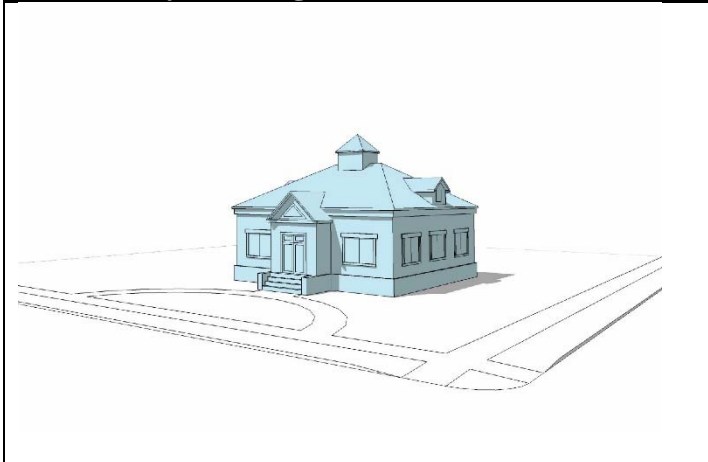
Flex Space/Fabrication Building



A building located and designed to accommodate a small footprint for fabrication and light industrial uses. Flex buildings are also used to provide affordable space to small and creative business enterprises.

Permitted districts: G1, G2

Community Building



A building located and designed to accommodate public or civic uses such as a neighborhood center and similar public gathering facilities and spaces.

Community Buildings may be privately owned and operated as an accessory building and amenity for a residential and mixed use developments.

Permitted districts: G1, G2

Proposed Amendments to Zoning Ordinance
Section 10.5A60
September 26, 2017

Section 10.5A60 Definitions

This Section provides definitions for certain terms in Article 5A and Article 5B that are not otherwise defined in Article 5A, Article 5B, or Article 15:

Backbuilding

A single-story structure connecting a principal building to an outbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/Outbuilding).

Block

The aggregate of private lots, service streets/rear alleys and rear lanes, circumscribed by streets, paths or pedestrian alleys.

Building Stepback

The step-like recession in the profile of a building from the street right-of-way line to control the enclosure of the street and allow light to reach the Public Realm. Where height limitation require, buildings must be setback or setbacked from the street right-of-way line a specified distance for every added height interval.

Community space

As applicable to Article 5B, An area that is privately-owned and oriented and accessible to the public, or as applicable to Article 5A, an area dedicated for public use with permanent deeded access to the City of Portsmouth. Such areas must~~and~~ conforming to the types shown in Figure 10.5A45.10.

Development Site

Any lot or group of contiguous lots owned or controlled by the same person or entity, assembled for the purpose of a single development.

Development Site Area

The cumulative area of all contiguous lots that the site is composed of. Site area does not include existing or proposed right-of-way, whether dedicated or not dedicated to public use.

Entrance spacing

The distance between any two publicly accessible pedestrian entrances to a building along a façade.

Façade

The side of a building facing a front yard.

Façade glazing

The portion of a façade that consists of transparent windows and doors.

Proposed Amendments to Zoning Ordinance
Section 10.5A60
September 26, 2017

Front lot line buildout

The portion of the width of the required front yard that is occupied by a building.

Liner building

A building that is at least 20 feet deep measured from the façade and is specifically designed to mask a parking lot or a parking structure from the street. A liner building may be separated from a parking structure by community space if directly integrated with subsurface parking or vehicular access to a parking structure.

Outbuilding

A building, usually located toward the rear of the same lot as a principal building, and sometimes connected to the principal building by a backbuilding. See Figure 10.5A42.10 (Principal Building/Backbuilding/ Outbuilding).

Path

A pedestrian way traversing a park, square or other open space, or otherwise separated from streets by landscaped areas, and ideally connecting directly with the urban sidewalk network.

Public realm

Includes exterior open spaces and linkages that are physically and/or visually accessible to the general public, during all business hours, or the majority of the day for residential buildings, regardless of ownership.

Regulating Plan

The zoning map or set of maps that shows the Character districts, Municipal districts, Civic districts and any additional requirements of areas subject to, or potentially subject to, regulation by Article 5A.

Streetscreen

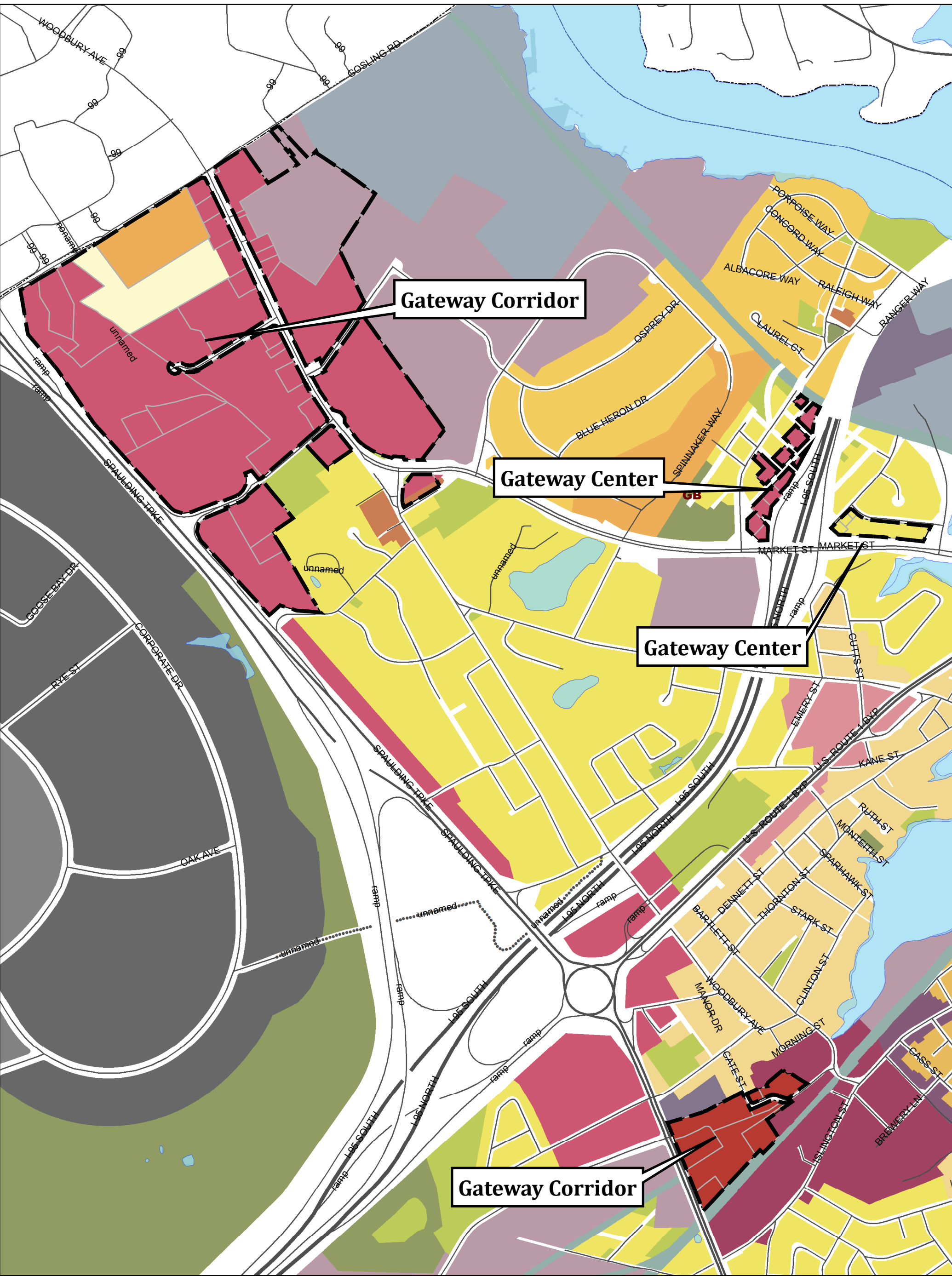
A freestanding wall or fence built on the same plane as a façade to mask a parking lot, structure or use from the street, provide privacy to a side yard, and/or strengthen the spatial definition of the public realm.

Use	G1	G2
1. Residential and Mixed Uses		
1.10 Single family dwelling	P	P
1.20 Accessory dwelling unit		
1.21 Attached	CU	CU
1.22 Detached	N	N
1.25 Garden Cottage	N	N
1.30 Two-family dwelling	P	P
1.40 Townhouse	P	P
1.50 Multifamily dwelling		
1.51 3 or 4 dwelling units	P	P
1.52 5 to 8 dwelling units	P	P
1.53 More than 8 dwelling units	P	P
1.60 Conversion of a building existing on January 1, 1980, with less than the required minimum lot area per dwelling unit specified in Article 5		
1.61 To 2 dwelling units	N	N
1.62 To 3 or 4 dwelling units	N	N
1.63 To 5 to 8 dwelling units	N	N
1.64 To more than 8 dwelling units	N	N
1.70 Live/work unit	P	P
1.80 Manufactured housing park	N	N
1.90 Planned unit development (PUD)		
1.91 Open space PUD	N	N
1.92 Residential density incentive PUD	N	N
2. Institutional Residence or Care Facilities		
2.10 Assisted living facility		
2.11 Assisted living center	S	S
2.12 Assisted living home	S	S
2.20 Residential care facility		
2.21 5 or fewer residents	S	S
2.22 More than 5 residents	S	S
3. Educational, Religious, Charitable, Cultural and Public Uses		
3.10 Place of assembly		
3.11 Religious	S	S
3.12 Other nonprofit	S	S
3.20 School		
3.21 Primary or secondary	S	S
3.30 Post-secondary	S	S
3.30 Historic preservation building	P	P
3.40 Museum	S	S
3.50 Performance facility		
3.51 Indoor performance facility		
3.511 Occupancy up to 500 persons	S	S
3.512 Occupancy more than 500	N	N
3.52 Outdoor performance facility		
3.521 Occupancy up to 500 persons	S	S
3.522 Occupancy more than 500	N	N
3.60 Cemetery	N	N
3.70 Club, fraternal or service organization	S	S
3.80 Municipally operated park and related activities	P	P
4. Recreational Uses		
4.10 Religious, sectarian or private non-profit recreational use	S	S
4.20 Cinema or similar indoor amusement use with no live performance	S	S
4.30 Indoor recreation use, such as bowling alley or arcade	S	S
4.40 Health club, yoga studio, martial arts school, or similar use		
4.41 Up to 2,000 sq. ft. GFA	P	P
4.42 More than 2,000 sq. ft. GFA	S	S
4.50 Outdoor recreation use	P	P
4.60 Amusement park, water park or theme park	N	N
5. Office Uses, Non-Medical		
5.10 Professional office	P	P
5.20 Business office (incl. real estate office)	P	P
5.30 Financial institution		
5.31 Financial services office	P	P
5.32 Retail bank	P	P
5.40 Social service campus		
5.41 Nonresidential	N	N
5.42 Residential	N	N

Use	G1	G2
5.50 Media studio		
5.51 Excluding any transmitting antenna tower	S	S
5.52 Including accessory transmitting antenna tower	N	N
5.60 Publishing facility or similar electronic production operation	P	P
5.70 Call Center	N	N
6. Medical Services and Health Care		
6.10 Hospital	N	N
6.20 Medical offices and clinics (outpatient only)	P	P
6.30 Clinics with inpatient care	S	N
6.40 Ambulatory surgical center	S	N
6.50 Substance abuse treatment facility	N	N
6.60 Psychiatric hospital for the criminally insane	N	N
7. Services, Other Than Health Care		
7.10 Day Care		
7.11 Family day care facility	P	P
7.12 Group day care facility including private preschool and kindergarten	S	S
7.20 Personal services	P	S
7.30 Consumer services such as copy shop, bicycle repair, and pet grooming	P	S
7.40 Trade, craft and general service establishments, such as shops for plumbers, electricians, painters, paper hangers, upholsterers, sign painters and printers	P	S
7.50 Veterinary Care	S	S
7.60 Laundry and dry cleaning establishments		
7.61 Drop-off/pick-up only for items to be dry cleaned or laundered off site	P	P
7.62 Self-service laundry for use by the general public	P	S
7.63 Dry cleaning establishment with on-site cleaning facilities.	N	N
7.70 Undertaking establishment, funeral parlor or mortuary chapel, excluding crematorium	S	S
8. Retail Trade		
8.10 Convenience goods		
8.11 Convenience goods 1		
8.111 Hours of operation between 6:00 AM and 11:00 PM	P	P
8.112 24 hours per day operation	S	N
8.12 Convenience goods 2		
8.121 Hours of operation between 6:00 AM and 11:00 PM	P	P
8.122 24 hours per day operation	S	N
8.30 Retail sales conducted within a building		
8.31 Not marine-related	P	P
8.32 Marine-related	P	P
8.40 Shopping center	P	P
8.50 Retail sales, large format	N	N
8.60 Fish market	P	P
8.70 Manufacture of goods sold at retail on the premises, such as crafts, coffee roasting and bakery goods	P	P
8.90 Sexually oriented business	N	N
9. Eating and Drinking Places		
9.10 Nightclub or bar		
9.11 Occupant load less than 250	P	S
9.12 Occupant load from 250 to 500	S	S
9.13 Occupant load greater than 500	N	N
9.20 Restaurant, take-out only	P	P
9.30 Restaurant, fast food	P	P
9.40 Restaurant, place of public assembly or function room		
9.41 Occupant load less than 50	P	P
9.42 Occupant load from 50 to 250	P	S
9.43 Occupant load from 250 to 500	S	S
9.44 Occupant load greater than 500	N	N
9.50 Permanently moored vessel used as restaurant or bar , with occupant load less than 250	N	N
10. Lodging Establishments		
10.10 Boarding house	S	N
10.20 Bed and breakfast		
10.21 Bed and Breakfast 1	S	S
10.22 Bed and Breakfast 2	S	S
10.30 Inn	S	S
10.40 Hotel or motel		
10.41 Up to 125 rooms	S	S
10.42 126 to 250 rooms	S	S
10.42 251 to 500 rooms	S	N
10.43 More than 500 rooms	S	N
10.50 Conference hotel	S	N
10.60 Conference center	S	N

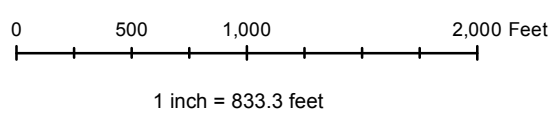
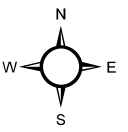
Use	G1	G2
11. Motor Vehicle-Related Uses		
11.10 Sales, renting or leasing of passenger cars and light trucks, motorcycles, tractors, snowmobiles and small power equipment (e.g., lawnmowers), including accessory repair services	S	N
11.20 Motor vehicle service station, motor vehicle repair or washing facility for passenger cars and light trucks	S	N
11.30 Sales, rental, leasing, distribution, and repair of trucks over 10,000 lb gross vehicle weight (GVW), recreational vehicles, marine craft or manufactured housing, and related equipment	S	N
11.40 Impound lot (principal or accessory use)	N	N
11.50 Truck fueling facility	N	N
11.60 Truck terminal	N	N
12. Marine Craft Related Uses		
12.10 Boat landings, boat docks, boathouses and associated marine uses		
12.11 Non-commercial	P	P
12.12 Fishing boat landing 1	N	N
12.13 Fishing boat landing 2	N	N
12.20 Marina		
12.21 With no repair, servicing or fueling facilities	N	N
12.22 With repair, servicing or fueling facilities	N	N
12.30 Repair of commercial marine craft and marine-related structures	N	N
12.40 Landside support facility for commercial passenger vessel	N	N
13. Wholesale Trade, Warehousing and Distribution		
13.10 Wholesale use		
13.11 Not marine-dependent	N	N
13.12 Marine-dependent	N	N
13.20 Wholesale sales devoted to, and in the same establishment as, a permitted retail use		
13.21 Occupying up to 20% of gross floor area of establishment	S	N
13.22 Occupying 21% to 40% of gross floor area of establishment	N	N
13.30 Wholesale lumber yards, lumber and contractor sales		
13.31 Not marine-dependent	N	N
13.32 Marine-dependent	N	N
13.40 Warehousing or distribution of non-flammable, non-hazardous materials, not classified as a high hazard use		
13.41 Not marine-dependent	N	N
13.42 Marine-dependent	N	N
14. Industrial Uses		
14.10 Light industry		
14.11 Not marine-dependent	S	S
14.12 Marine-dependent	N	N
14.20 Research and development		
14.21 Not marine-dependent	S	N
14.22 Marine-dependent	N	N
14.30 Food processing		
14.31 Not including seafood processing	S	N
14.32 Including seafood processing	N	N
14.40 Electronics manufacturing	S	N
14.50 General manufacturing		
14.51 Not marine-dependent	S	S
14.52 Marine-dependent	N	N
14.60 Biological or chemical laboratory		
14.61 Not marine-dependent	N	N
14.62 Marine-dependent	N	N
14.70 Recycling facility or recycling plant	N	N
14.80 High hazard use, including other uses listed in this section but not including uses described in 14.90	N	N
14.90 Storage (other than normal accessory use), processing, disposal, or transfer of petroleum, petrochemicals, natural gas and liquid petroleum products, coal, alcohol, wood pulp, solid or liquid waste, junk or hazardous waste as classified by Federal or State law	N	N
15. Transportation and Utilities		
15.10 Public or private transformer station, substation, pumping station or automatic telephone exchange, not including any business office, storage yard or storage building		
15.11 Essential to service the area in which it is located	S	S

Use	G1	G2
15.12 Providing community-wide or regional service	N	N
15.20 Heliport or helipad		
15.21 Helipad, as an accessory use to a permitted hospital use	N	N
15.22 Heliport	N	N
16. Wireless Telecommunications Facilities		
16.10 Satellite dish receiver 42 inches or less in diameter:		
16.11 Building-mounted, maximum height less than or equal to 4 feet from the roof surface	P	P
16.12 Ground-mounted, complying with all yard requirements for the district	P	P
16.20 Satellite dish receiver more than 42 inches in diameter:		
16.21 Building-mounted, maximum height less than or equal to 4 feet from the roof surface	S	S
16.22 Ground-mounted, complying with all yard requirements for the district	S	S
16.30 Whip antenna not more than 30 feet in height	S	S
16.40 Other wireless telecommunications facility not included above	N	N
17. Agricultural Uses		
17.10 Farm, not including the keeping of farm animals	N	N
17.20 Keeping of farm animals	N	N
18. Temporary Uses		
18.10 Construction trailer	P	P
18.20 Temporary structure		
18.21 Up to 30 days	P	P
18.22 31 to 90 days	S	S
18.23 91 to 180 days	N	N
18.24 More than 180 days	N	N
18.30 Manufactured housing not on a foundation, as temporary replacement housing for a dwelling on the same lot destroyed by natural causes, provided that there is an active building permit for rebuilding the destroyed dwelling		
18.31 Up to 180 days	P	P
18.32 More than 180 days	S	S
18.40 Carts or trailers, including outdoor display area, used for the seasonal sale of dry goods, Christmas trees, flowers, fruits, vegetables, seasonal products and prepared food	S	N
19. Accessory Uses		
19.10 Accessory use to a permitted principal use, but not including any outdoor storage	P	P
19.20 Home occupation		
19.21 Home occupation 1	P	P
19.22 Home occupation 2	P	P
19.30 Concessions and services located within the principal building	P	P
19.40 Drive-through facility, as accessory use to a permitted principal use	CU	N
20. Accessory Storage		
20.10 Indoor storage of motor vehicles or boats as an accessory use	P	P
20.20 Outdoor storage of registered motor vehicles owned by residents of the premises or business. Such vehicles may include only one commercial vehicle, which shall be limited to no more than 2 axles and 6 wheels.	P	P
20.30 Outdoor storage for not more than 9 consecutive months of boats owned by residents of the property:		
20.31 Not more than one motorboat or sailboat longer than 12 feet	P	P
20.32 Any number of (a) motorboats or sailboats up to 12 feet in length, or (b) hand-powered craft (canoes and kayaks) without restriction as to length	P	P
20.40 Outdoor storage of lobster traps, lobster buoys and associated rope	P	P
20.50 Outdoor storage of raw or partially finished material		
20.51 Not marine-dependent	N	N
20.52 Marine-dependent	N	N
20.60 Outdoor storage of machinery, equipment and vehicles		
20.61 Not marine-dependent	N	N
20.62 Marine-dependent (other than allowed by 20.30 or 20.40 above)	N	N

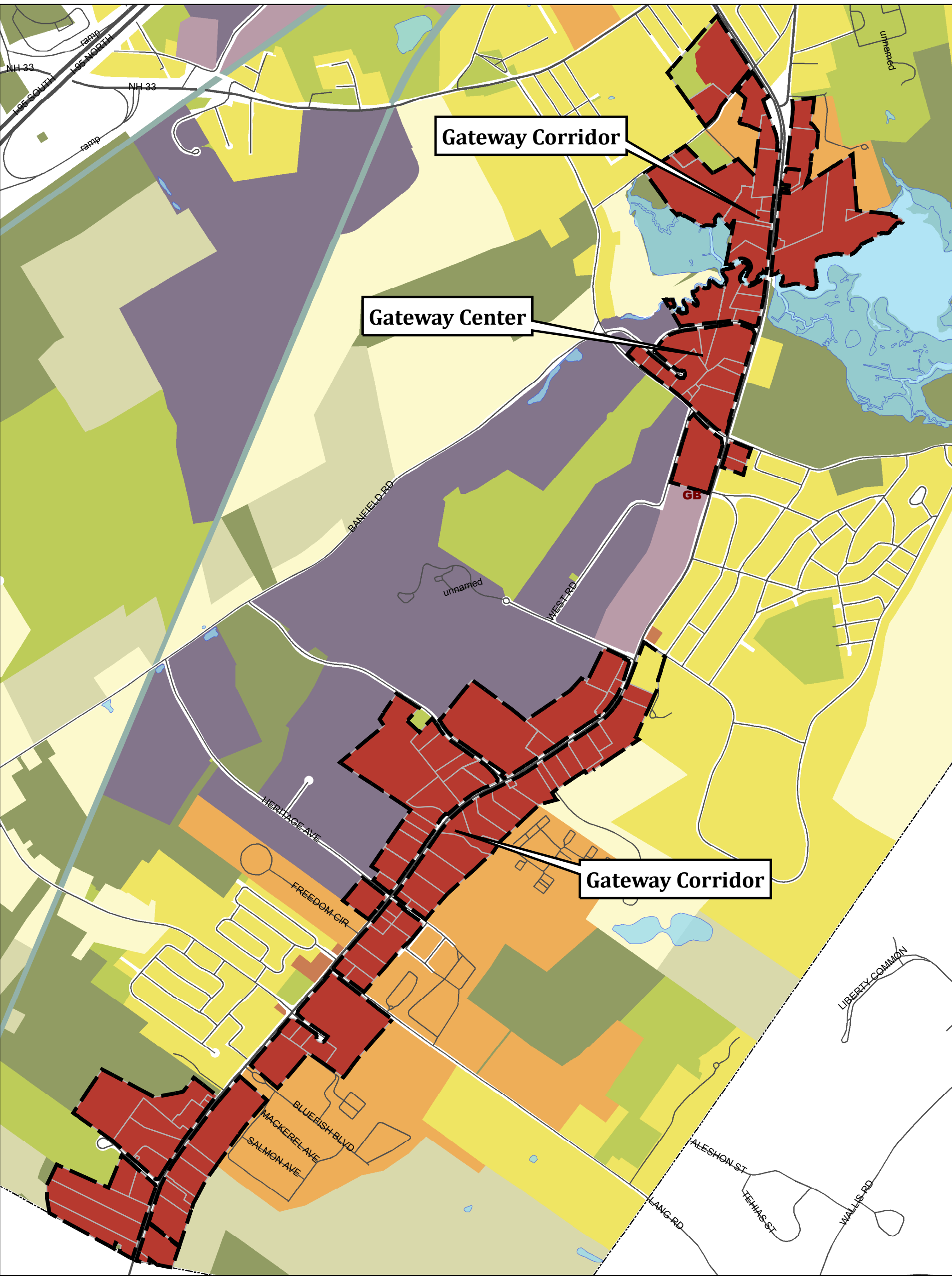


Gateway Mixed Use Zoning Districts

- Legend**
- Proposed Gateway Districts
 - SRB - Single Residence B
 - GA/MH - Garden Apt./Mobile Home Park
 - OR - Office Research
 - M - Municipal
 - Current Districts
 - GW - Gateway
 - GB - General Business
 - SRA - Single Residence A



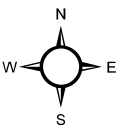
Map created by Portsmouth Planning Department
September 25, 2017



Gateway Mixed Use Zoning Districts

Legend

- Proposed Gateway Districts
- SRB - Single Residence B
- GA/MH - Garden Apt./Mobile Home Park
- GW - Gateway
- GB - General Business
- OR - Office Research
- M - Municipal
- SRA - Single Residence A
- GW_Existing_Zoning



0 650 1,300 2,600 Feet

1 inch = 1,125 feet

Map created by Portsmouth Planning Department
September 25, 2017

1
2 **CITY ORDINANCE - CHAPTER 12**
3 **Part I**

4
5 **INTERNATIONAL BUILDING CODE, 2006**
6 **(Adopted 10/19/2009)**
7

8 The International Building Code **2009 (IBC), 2006 Edition** as published by the International Code
9 Council, Inc., **and provisions of national codes model codes or standards referred to within**
10 **the IBC unless specifically excluded by this Chapter-** is hereby adopted as **Chapter 12, Part I**
11 of the Ordinances of the City of Portsmouth, New Hampshire subject to the following
12 amendments, additions and deletions:
13

14 **SECTION 101 GENERAL**

15
16 *Insert in blank space:*

17
18 **101.1 Title.** “the City of Portsmouth, New Hampshire”

19
20 *Change subsections to read as follows:*

21
22 ~~**101.4.1 Gas.** **101.4.1 Electrical.** The provisions of the National Electric Code, NFPA 70 shall~~
23 ~~apply to the installation of electrical systems including alterations, repairs, replacement,~~
24 ~~equipment, appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references~~
25 ~~the International Electric Code the reader shall substitute that reference with the National Electric~~
26 ~~Code, NFPA 70 as adopted by the State of New Hampshire. The City of Portsmouth does not~~
27 ~~adopted Article 80, Administration and Enforcement, of NFPA 70.~~
28

29 ~~**101.4.2 Gas.**~~ The provisions of the National Fuel Gas Code, NFPA 54, shall apply to the
30 installation of gas piping from the point of delivery to gas appliances and related accessories as
31 covered in this Code. These requirements apply to gas piping systems extending from the point of
32 delivery to the inlet connections of the appliances and the installation and operation of residential
33 and commercial gas appliances and related accessories. Wherever this Code references the
34 International Fuel Gas Code the reader shall substitute that reference with the National Fuel Gas
35 Code, NFPA 54 **as listed in Chapter 35.**
36

37 *Edit subsection as follows:*

38
39 **101.4.34 Plumbing.**

40
41 *Delete the last sentence in the subsection:*

42
43 ~~The provisions of the International Private Sewage Disposal Code shall apply to private sewage~~
44 ~~disposal systems.~~
45

46 *Change subsection to read as follows:*

47
48 **101.4.45 Property maintenance.** The City of Portsmouth does not adopt the International
49 Property Maintenance Code and any reference to it in this Code shall not direct the reader to its
50 contents or requirements.
51
52

53 **SECTION 105 PERMITS**

54
55 *Add the following text to end of subsection:*

56
57 **105.1 Required.** “New construction and *general renovation* work requires the issuance of a
58 building permit. *General renovation* is defined as work which changes the overall size of a building
59 or portions thereof or which involves the creation of rooms or spaces, which did not previously
60 exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also
61 considered general renovation. Types of work, which may be so classified, are:

- 62
63 1. Additions of any size.
64 2. Enlarging existing structures, rooms or spaces.
65 3. Creating new rooms or spaces within a structure.
66 4. Structural changes or structural repairs.
67 5. Dormers.
68 6. Renovations to kitchens and bathrooms.
69 7. Demolition of all or part of a structure.
70 8. Changing exits or any components of the means of egress in any way.
71 9. New structures including sheds, gazebos, pools (above and below ground),
72 decks, garages, carports, tents, awnings, etc.
73 10. Above or below grade flammable and combustible liquid tank removal or
74 installation **shall require separate mechanical and gas permitting-**
75 11. Changes in Use or Occupancy.
76 12. Electrical work.
77 13. Plumbing or mechanical work.
78 14. Fire sprinkler or fire alarm systems

79
80 Licensed trade persons shall secure permits for electrical, ~~and~~ plumbing **and fuel gas** work when
81 required under New Hampshire law.”

82
83 *Delete the following subsections without substitution:*

- 84
85 ~~**105.1.1 Annual permits.**~~
86 ~~**105.1.2 Annual permit records.**~~

87
88 *Change subsections to read as follows:*

89
90 **105.2 Work exempt from permits.** Exemptions from permit requirements of this Code shall not
91 be deemed to grant authorization for any work to be done in any manner in violation of the
92 provisions of this Code or any laws or ordinances of this jurisdiction. Permits shall not be required
93 for the following:

94
95 **Building:**

- 96
97 2. ~~1-~~ Ordinary repairs as defined in Section 105.2.2 provided such repairs do not exceed
98 \$3,000 in construction value.
99 3. **Any painting or wall papering; and tiling when not part of a kitchen or bath**
100 **remodel.**
101 ~~2-~~4. Fences not over ~~68 six~~8 feet high or not in the Historic District.
102 ~~3-~~5. Sidewalks, driveways or patios constructed on grade with earth products.
103 ~~4-~~6. Prefabricated (including air inflated) swimming pools, accessory to a Group R-3
104 occupancy which are less than 18 inches deep, **do not exceed 5,000 gallons** and are
105 entirely above grade.

106 ~~5.7.~~Swings and other playground equipment accessory to dwellings and which are erected
107 or assembled from a kit.

108 ~~6.8.~~Moveable cases and counters (typical in retail occupancies).

109 ~~7.9.~~Cabinets, countertops and similar finish work when total construction value does not
110 exceed \$3,000 **including labor and materials.**

111 **10.** Re-roofing including repairs to existing roof sheathing without regard to cost. (See also
112 Section 105.2.2, Exception 1.) **Roof coverings shall be applied in accordance with**
113 **the applicable provisions of the IBC, Section 1507, Requirements for Roof**
114 **Ceoverings and Chapter 15. Reroofing shall be compliant with the requirements**
115 **of the IBC, Section 1510.**

116 **11. All roofing and re-roofing within the Historic District requires prior approval and**
117 **permitting even if the cost is less than \$3,000.00.**

118
119 **Electrical:**

120
121 **Repairs and maintenance:** Minor repair work, including the replacement of lamps or the
122 connection of approved portable electrical equipment to approved permanently installed
123 receptacles in single family dwellings, or in facilities employing full time maintenance
124 personnel, provided the work is performed or supervised by a licensed electrician employed
125 by the facility owner. **(See NH RSA 319-C)**

126
127 **Radio and television transmitting stations:** *No change to printed code text.*

128
129 **Temporary testing systems:** *No change to printed code text.*

130
131 **Gas:**

132
133 1. Portable heating appliances for 1 & 2 family occupancies.

134 2. *No change to printed code text.*

135
136 **Mechanical:**

137
138 1. Portable heating appliances for 1 & 2 family occupancies.

139 2. *through 7. No changes to printed code text.*

140
141 **Plumbing:** *No change to printed code text.*

142
143 **105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs
144 to structures. *Ordinary repairs* are defined as work which is associated with the *normal*
145 *maintenance* of a property and which affects only the surface or finish characteristics of a structure.
146 Types of work, which may be so classified, are:

147
148 1. Painting and wallpapering, no matter what the cost. (\$3,000 exception does not
149 apply.)

150 2. Replacing or repairing flooring or carpeting **in-kind.**

151 3. Replacing or repairing interior trim.

152 4. Replacing or repairing cabinets **in kind.**

153 5. Replacing or repairing countertops **in-kind.**

154 ~~6. Replacing or repairing windows and doors (no headers involved).~~

155 ~~7. Replacing or repairing siding.~~

156 ~~68.~~ Reroofing no matter what the cost. (\$3,000 exception does not apply **and roof**
157 **covering shall be applied in accordance with the applicable provisions of the IBC, Chapter**
158 **15. Note – This provision does not apply to structures located in the Historic District.→**

- 160 ~~9. Bathroom renovation (number & location of fixtures & room size not changed).~~
- 161 ~~710. Repointing masonry.~~
- 162 ~~11. Insulating no matter what the cost. (\$3,000 exception does not apply.)~~
- 163 ~~812. Replacing in kind or repairing components of fire protection systems.~~
- 164

165 In general, for a work element to be considered a repair or replacement, the item, which is being
166 repaired, must already exist. The above items are intended to represent individual replacement or
167 repair work. When one or more of the above items are included in *general renovations* to
168 structures, then all such items will be included in the construction cost and a permit is required.
169

170
171 Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist,
172 rafter or bearing support, or the removal or change of any required means of egress, or
173 rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do
174 not include additions to, alterations of, replacement or relocation of any fire protection system,
175 water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring
176 or mechanical equipment or other work affecting public health or general safety.

177
178 **Exceptions:** (i.e. permit is required.)

179
180 1. Repairs or renovations made to the exterior facade of structures in the Historic District
181 shall require a building permit application review by the Planning Department. When it is
182 determined that Historic District Commission approval is required, then a building permit
183 shall also be required. This shall include reroofing that changes the roof material.

184
185 2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000).
186 (i.e., a permit is required when repair value is more than \$3,000 **including materials and**
187 **labor. Homeowner/property owner labor value to be included**)

188
189 *Delete subsection without substitution:*

190
191 ~~**105.2.3 Public service agencies.**~~

192
193 *Add new sentence to end of subsection:*

194
195 **105.3.1 Action on application.** “Permits shall not be issued when there is found to be outstanding,
196 non-inspected permit(s) already issued against a given property or when there are known non-
197 conformances on the property. Only when said permit(s) is (are) closed out and/or the non-
198 conformances corrected, shall a new permit be issued.”

199
200 *Change subsection to read as follows:*

201
202 **105.3.2 Time limitation of application.** An application for a permit shall be deemed to have been
203 abandoned one year after the date of filing, unless such application has been diligently prosecuted
204 or a permit has been issued, except that the building official may grant one (1) extension of time
205 not exceeding twelve (12) months if there is reasonable cause and only when requested in writing
206 prior to the application expiration date.

207
208 *Add new subsection to read as follows:*

209
210 **105.3.3 By whom application is made.** Application for a permit shall be made by the owner-~~or~~
211 ~~lessee~~ of the building or structure, or by the authorized agent of either, or by the authorized
212 contractor, registered design professional, employed by the owner, in connection with the proposed
213 work. The full names and addresses of the owner, ~~lessee~~, applicant and of the responsible officers,
214 if the owner ~~or lessee~~ is a corporate body **it** shall be stated on the application. When the applicant
215 is not the owner, it is assumed by the City that the owner is aware of the proposed work being
216 applied for and that the applicant takes full responsibility for the information represented.

217

218 *Change subsection to read as follows:*
219

220 **105.5 Expiration.** Every permit issued shall become invalid if the authorized work is not
221 commenced within one year after issuance of the permit, or if the authorized work is suspended or
222 abandoned for a period of one year after the time of commencing the work. The building official
223 may grant one (1), extension of time not exceeding twelve (12) months if there is reasonable cause
224 and only when requested in writing prior to the permit expiration date. Said extension will only be
225 authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a
226 permit to be considered active, periodic inspections must be requested and work progress
227 documented by inspections. Work elements shall be items associated with the building permit
228 scope of work.
229

230 *Add new subsection to read as follows:*
231

232 **105.5.1 Minimum progress required to keep permit active.** After an extension has been granted
233 under Section 105.5, work shall begin ~~and~~ within the next twelve (12) month period **and,** shall
234 **have progressed**~~progress~~ such that a full foundation has been constructed and inspected **in that**
235 **same twelve (12) months.** If the scope of work does not include a foundation, then within the
236 same (first) twelve month period, framing shall be complete and inspected to a weather tight
237 condition. When work involves a foundation, framing to a weather tight condition shall be
238 complete and inspected within the next (second) twelve (12) month period. If the scope of work
239 does not involve either a foundation or weather tight framing, work progress shall be at a final
240 inspection stage within twenty-four (24) months from the date of granting the permit extension
241 under Section 105.5. Failure to achieve these milestones, shall cause the permit to become invalid.
242

243 *Change subsection to read as follows:*
244

245 **105.7 Placement of permit.** The building permit field copy shall be posted in a window or other
246 suitable location on site, such that said permit is visible from the primary city street. Where such
247 posting is impracticable the building permit field copy shall be available on site for public viewing
248 upon request. The building permit field copy may be removed once the certificate of occupancy
249 has been issued or upon expiration of the building permit.
250

251 *Delete the following section without substitution:*
252

253 ~~SECTION 106 FLOOR AND ROOF DESIGN LOADS~~

254 ~~SECTION 107 SUBMITTAL CONSTRUCTION DOCUMENTS~~

255
256
257 *Add new sentences to end of subsection:*
258

259 ~~107.2.2106.1.1.1~~ **Fire protection system shop drawings.** “Plans, specifications, flow calculations
260 and drawings for the installation of fire protection systems shall be submitted to the Inspection
261 Department, along with an application for said work. The Inspection Department will coordinate
262 with the Fire and ~~Water~~ **Public Works** Departments in the review of the design material submitted.
263 Permits shall be issued for fire protection systems which have been approved by the Fire and ~~Water~~
264 **Public Works** Department officials. **Shop drawings shall contain all information required by**
265 **the referenced standards in the IBC, Chapter 9.”**
266

267 *Change subsection to read as follows:*
268

269 **107.3.1 Approval of construction documents.** The building official shall review and approve
270 all submitted documents. The permit holder is responsible for complying with the comments

271 **and notes added during the permit review process. Approved plans and documents shall be**
272 **maintained as part of the official permit construction documents.**

273
274 ~~**106.3.1 Approval of construction documents.** The building official shall mark up one (1) set of~~
275 ~~plans with the necessary comments. This set shall become the official permit plan set. It is the~~
276 ~~responsibility of the permit holder to transfer these comments to whatever medium he/she wishes.~~
277 ~~The permit holder is responsible for complying with the comments as shown on the official permit~~
278 ~~construction documents kept by the building official.~~

279
280
281

282 *Add new sentence to end of subsection:*

283

284 **107106.3.3 Phased approval.** “A phased building permit shall not be issued until such time as
285 the permit application is approved by the City Planning Department and all necessary bonds are
286 posted.”

287

288 *Add new subsection to read as follows:*

289

290 **107106.3.56 Outside Plan Review Services.** When a project is determined by the building official
291 to be of a scope which exceeds available staff time or expertise, the option to utilize a third party
292 plan review agency shall be exercised. The building official shall determine the scope of review,
293 the agency or qualified firm to conduct the review; and shall direct the permit applicant to submit
294 all plans, specifications and required calculations to the selected agency or firm.

295

296 The design professional of record shall work directly with the third party plan review agency or
297 firm to resolve all code deficiencies or omissions on the design documents. The outside plan review
298 agency or firm shall copy all correspondence relevant to the plan review process to the building
299 official. When the plan review process is complete the outside review agency or firm shall certify
300 in writing to the building official that, to the best of their knowledge and belief, the project design
301 documents conform to the adopted construction codes. One set of agency approved design
302 documents shall be forwarded to the building official. The building official, on a case by case
303 basis, may require additional drawing/specification sets or partial sets. All required copies shall be
304 provided to the building official at no charge.

305

306 The contractual agreement for the third party review service shall be between the permit applicant
307 and the outside plan review agency or firm. The permit applicant shall pay all fees associated with
308 the third party plan review process directly to the outside plan review agency or firm. The
309 applicable building permit fee(s), paid by the permit applicant to the City of Portsmouth, shall be
310 adjusted based on the fee schedule **as determined by the adoption of fees by budget resolution
311 of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, of the
312 Ordinances of the City of Portsmouth, NH. For the purposes of this section, the applicable building
313 permit shall mean any building, electric, plumbing, mechanical or fire protection system permit
314 issued against the design documents that have been reviewed by the outside plan review agency
315 or firm.

316

317 **SECTION 108107 TEMPORARY STRUCTURES**

318

319 *Change subsection to read as follows:*

320

321 **107.1 General.** Pursuant to the approval by the City's Planning Department, the building official
322 may issue a permit for temporary structures or uses. Such permit will be limited to the regulations
323 set forth in the City's Zoning Ordinance and this Code. Any temporary structure shall be limited
324 as to time of service, but shall not be permitted for more than 180 days. The building official is
325 authorized to grant one (1), 180 day extension for demonstrated cause.

326

327 **SECTION 109108 FEES**

328
329 *Change subsection to read as follows:*

330
331 **109108.2 Schedule of permit fees.** Fees shall be determined in accordance with Chapter 1, Article
332 XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

333
334 **Flat Rate Permits are:** Siding,- buried-tank removal or installation, sheds, replacement
335 windows, temporary structures, **pad mounted generators**, fences (in Historic District),
336 change-in-use/occupancy with no construction.

337
338 *Change subsection to read as follows:*

339
340 **109108.4 Work commencing before permit issuance.** Any person who is found to have
341 demolished, constructed, altered, removed, or changed the use of a building or structure without
342 the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon
343 issuance of said permit(s), be assessed a fee **as determined by the adoption of fees by budget**
344 **resolution of the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, of
345 the Ordinances of the City of Portsmouth, NH.

346
347 *Change subsection to read as follows:*

348
349 **109108.6 Refunds.** The building official shall authorize the refunding of fees as follows:

- 350
351 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
352
353 2. Not more than 50% of the permit fee paid when no work has been done under a permit
354 issued in accordance with this Code.
355
356 3. Not more than 50% of the plan review fee paid when an application for a permit for
357 which a plan review fee has been paid, is withdrawn or canceled before any plan review
358 effort has been expended.

359
360 The building official shall only authorize a fee refund when a written request is filed by the original
361 permittee not later than one year after the date of fee payment. Refunds shall not be issued on
362 permits that have expired under the conditions of Section 105.5.

363
364 *Add new subsection to read as follows:*

365
366 **109108.7 City construction projects.** Fees shall not be assessed for work associated with projects
367 undertaken by the City of Portsmouth. These projects may also include contract work done by
368 private contracting firms hired directly by the City. This exemption shall not apply to projects done
369 by the State Department of Public Works, Pease Development Authority, State Port Authority or
370 the Portsmouth Housing Authority.
371

372 **SECTION 110109 INSPECTIONS**

373
374 *Add new sentence to end of subsection:*

375
376 **110109.5 Inspection requests.** “The permit holder shall allow a minimum of two work days (48
377 hours) from the time the building official is notified to the time the inspection is scheduled.”

378
379 *Add new subsection to read as follows:*

380
381 **110109.7 Reinspection fee.** If, upon being called for any inspection, the work is not in compliance
382 with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be
383 noted on the building official's report. The permit holder shall be responsible for correcting the
384 item(s) and for notifying the building official to reinspect said deficiencies. If when called to
385 reinspect these deficiencies, all is correct, no further action will be taken. However, if during the
386 first reinspection, the originally deficient work has not been corrected, there will be a reinspection
387 fee assessed as determined **by the adoption of fees by budget resolution of the City Council** in
388 accordance with Chapter 1, Article XVI ~~or similar wording~~, which must be paid at the Inspection
389 Office before a third inspection will be made. For each subsequent reinspection of the same
390 deficiency or deficiencies, a like procedure and fee shall be assessed.

391
392 During any inspection, the building official may find new item(s), not previously discovered, to
393 be nonconforming. These item(s) will be noted on the building official's report, and will require
394 reinspections. Reinspection fees will not be assessed for items newly found or for their first
395 reinspection. However, said fees shall be assessed for these items if a third inspection is required.
396 The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be
397 just cause to revoke the permit under which the work was being done. Furthermore, no future
398 permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until
399 all outstanding fees are paid.

400
401 **SECTION 111110 CERTIFICATE OF OCCUPANCY**

402
403 *Add new sentences to beginning of subsection:*

404
405 **111110.1 Use and occupancy.** “A certificate of occupancy/completion shall be issued upon
406 request, for work associated with a valid building permit and under the criteria ~~set forth~~ **set forth** in
407 Sections ~~111110.2~~ and ~~111110.3~~ of this code. Certificates are not required for work outlined in
408 Section 105.2.”

409
410 *Edit subsection as follows:*

411
412 **111110.2 Certificate issued.**

413
414 *Add new item 13 to read as follows:*

- 415
416 13. The city zoning map and lot numbers associated with the street address.

417
418 *Add new subsection to read as follows:*

419
420 **111110.5 Fee for Certificate of Use and Occupancy.** There shall be a fee assessed as determined
421 **by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1,
422 Article XVI ~~or similar wording~~, assessed to the holder of a permit for the issuance of a Certificate
423 of Use and Occupancy when the following condition exists: When, during the final inspection
424 phase, the building official is required to make a third inspection on a nonconforming item or
425 items; then this third inspection, and any subsequent inspections for the same item(s) will cause

426 the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and
427 will be paid prior to the building official making said inspections. This procedure shall apply to
428 building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific
429 procedure for implementing this subsection is outlined in Section 109.7 of these amendments.

430 SECTION 114113 VIOLATIONS

431
432 Change subsection to read as follows:

433
434
435
436 ~~Change subsection to read as follows:~~

437
438 **114113.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail
439 to comply with any of the requirements thereof or who shall erect, construct, alter or repair a
440 building or structure in violation of an approved plan or directive of the building official, or of a
441 permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions
442 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.
443 Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

444 445 446 447 448 SECTION 115114 STOP WORK ORDER

449
450
451 ~~Change subsection to read as follows:~~

452
453 **114**

454 Change subsection to read as follows:

455
456 **115.3 Unlawful continuance.** Any person who shall continue any work in or about the structure
457 after having been served with a stop work order, except such work as that person is directed to
458 perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section
459 1143.4 of these amendments.

460
461 ~~Delete the Entire Section 421 LIVE/WORK UNITS without substitution.~~

462
463 ~~Add new section to read as follows:~~

464 465 SECTION 421 LIVE/WORK UNITS

466
467 ~~**421.1 General.** A live/work unit is a dwelling unit or sleeping unit in which a significant portion
468 of the space includes a nonresidential use that is operated by the tenant and shall comply with
469 Sections 421.1 through 421.8.~~

470
471 ~~**Exception:** Dwelling or sleeping units that include an office that is less than 10 percent of
472 the area of the dwelling unit shall not be classified as a live/work unit.~~

473
474 ~~**421.1.1 Limitations.** The following shall apply to all live/work areas:~~

- 475
476 ~~1. The live/work unit is permitted to be a maximum of 3,000 square feet (279 m2);~~
477
478 ~~2. The nonresidential area is permitted to be a maximum 50 percent of the area of each
479 live/work unit;~~

- 480
- 481 ~~3. The nonresidential area function shall be limited to the first or main floor only of the~~
- 482 ~~live/work unit; and~~
- 483
- 484 ~~4. A maximum of five nonresidential workers or employees are allowed to occupy the~~
- 485 ~~nonresidential area at any one time.~~
- 486

487 **421.2 Occupancies.** ~~Live/work units shall be classified as a Group R-2 occupancy. Separation~~

488 ~~requirements found in Sections 420 and 508 shall not apply within the live/work unit when the~~

489 ~~live/work unit is in compliance with Section 421. High hazard and storage occupancies shall not~~

490 ~~be permitted in a live/work unit. The aggregate area of storage in the nonresidential portion of the~~

491 ~~live/work unit shall be limited to 10 percent of the space dedicated to nonresidential activities.~~

492

493 **421.3 Means of egress.** ~~Except as modified by this section, the provisions for Group R-2~~

494 ~~occupancies in Chapter 10 shall apply to the entire live/work unit.~~

495

496 **421.3.1 Egress capacity.** ~~The egress capacity for each element of the live/work unit shall~~

497 ~~be based on the occupant load for the function served in accordance with Table 1004.1.1.~~

498

499 **421.3.2 Sliding doors.** ~~Where doors in a means of egress are of the horizontal-sliding type,~~

500 ~~the force to slide the door to its fully open position shall not exceed 50 pounds (220 N)~~

501 ~~with a perpendicular force against the door of 50 pounds (220 N).~~

502

503 **421.3.3 Spiral stairways.** ~~Spiral stairways that conform to the requirements of Section~~

504 ~~1009.8 shall be permitted.~~

505

506 **421.3.4 Locks.** ~~Egress doors shall be permitted to be locked in accordance with Exception~~

507 ~~4 of Section 1008.1.8.3.~~

508

509 **421.4 Vertical openings.** ~~Floor openings between floor levels of a live/work unit are permitted~~

510 ~~without enclosure.~~

511

512 **421.5 Fire protection.** ~~The live/work unit shall be provided with a monitored fire alarm system~~

513 ~~where required by Section 907.2.9 and an automatic sprinkler system in accordance with Section~~

514 ~~903.2.7.~~

515

516 **421.6 Structural.** ~~Floor loading for the areas within a live/work unit shall be designed to conform~~

517 ~~to Table 1607.1 based on the function within the space.~~

518

519 **421.7 Accessibility.** ~~Accessibility shall be designed in accordance with Chapter 11.~~

520

521 **421.8 Ventilation.** ~~The applicable requirements of the International Mechanical Code shall apply~~

522 ~~to each area within the live/work unit for the function within that space.~~

523

524 SECTION 502 DEFINITIONS

525

526 *Add new sentence to end of definition:*

527

528 **GRADE PLANE.** “Grade points shall be taken at 5 foot intervals around the building perimeter.”

529

530 SECTION 503 GENERAL HEIGHT AND AREA LIMITATIONS

531

532 *General note pertaining to Table 503:*

533
534 **Table 503** as published in this Code has been *replaced* with **Table 503** as published by the State
535 of New Hampshire Building Code Review Board. Said new Table 503 is a modified version of the
536 former BOCA Table 503, ~~1999 Edition~~**2009**. ~~(Copy attached to these amendments.)~~

537
538
539 *Section 506 amendments by the State of New Hampshire Building Code Review Board:*

540
541 **SECTION 506 AREA MODIFICATIONS**

542
543 *Change ~~subsections~~subsection to read as follows:*

544
545 **506.1 General.** The provisions of this section shall modify the area limitations of the amended
546 Table 503 as herein specified.

547
548 ~~*Delete the following subsection without substitution:*~~

549
550 ~~**506.1.1 Basements.**~~

551
552
553
554
555
556
557 ~~**1.**~~

558
559 ~~*Change subsection to read as follows:*~~

560
561 **506.2 Frontage increase.** Where a building or structure has more than 25 percent of the building
562 perimeter fronting on a street or other unoccupied space, the area limitations specified in Table
563 503 shall be increased 2 percent for each 1 percent of such excess frontage. The unoccupied space
564 shall be on the same lot or dedicated for public use, shall not be less than 30 ~~feeteet~~ (9144 mm) in
565 width and shall have access from a street or posted fire lane not less than 18 feet (5486 mm) in
566 width.

567
568 ~~*Delete the following subsections without substitution:*~~

569
570 ~~**506.2.1 Width limits.**~~

571 ~~**506.2.2 Open space limits.**~~

572
573 *Change subsection to read as follows:*

574
575 **506.3 Automatic sprinkler system increase.** Where a building is equipped throughout with an
576 automatic sprinkler system installed in accordance with Section 903.3.1.1, the area limitations
577 specified in Table 503 shall be increased 200 percent for one- and two-story buildings and 100
578 percent for buildings more than two stories in height.

579
580 **Exceptions:**

- 581
582 1. The automatic sprinkler system increase shall not apply buildings with an occupancy
583 of Group H-1.
584 2. The automatic sprinkler system increase shall not apply to any fire area with an
585 occupancy of Group H-2 or H-3.

586

587 *Change subsection to read as follows:*

588

589 **506.4 Multistory buildings.** The area limitations for buildings two stories in height shall be the
590 same as the area limitations provided in Table 503 for one story buildings. In buildings over two
591 stories in height, the area limitations of Table 503 for one story buildings shall be reduced as
592 specified in Table 506.4.

593

594 **Table 506.4 Reduction of Area Limitations**

595

No. of Stories	Types of Construction		
	1A	1B	All Others
1	None	None	None
2	None	None	None
3	None	5%	20%
4	None	10%	20%
5	None	15%	30%
6	None	20%	40%
7	None	25%	50%
8	None	30%	60%
9	None	35%	70%
10	None	40%	80%

596

597 *End of State of New Hampshire Building Code Review Board amendments*

598

599 **SECTION 507 UNLIMITED AREA BUILDINGS**

600

601 *Change subsection to read as follows:*

602

603 **507.3 Sprinklered, one story.** The area of a one-story, Group A-4, B, F, M or S building, of Type
604 I or II construction, shall not be limited when the building is equipped throughout with an
605 automatic sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined
606 by public ways or yards not less than 60 feet (18,288 mm) in width.

607

608 **Exceptions:**

609

610 *Exceptions 1 and 2 remain unchanged.*

611

612 *Edit first sentence in subsection ~~Change exception 3 to read~~ as follows:*

613

614 **507.3.1 Mixed occupancy buildings with Group A-1 and A-2. ~~occupancies~~**

615

616 ~~3. Delete: “of other than Type V” and Replace with: “of Type I and or II”. ~~construction shall~~~~
617 ~~be permitted, provided:~~

618

619 ~~*Exceptions 3.1, 3.2 and 3.3 remain unchanged.*~~

620

621 *Change subsection to read as follows:*

622

623 **507.4 Two story buildings.** The area of a two story, Group B, F, M or S building, of Type I or II
624 construction, shall not be limited when the building is equipped throughout with an automatic
625 sprinkler system in accordance with Section 903.3.1.1, and is surrounded and adjoined by public
626 ways or yards not less than 60 feet (18,288 mm) in width.

627
628 **SECTION 508 MIXED USE AND OCCUPANCY**
629

630 *Add new exception to*

631 *Delete the following subsection without substitution:*

632
633 ~~**506.7.7 Group A-3 buildings of Types III and IV construction.**~~

634
635 ~~**508.3 Mixed occupancies.**~~

636
637 ~~**Exception 3.** Uses within live/work units, complying with Section 421 of these~~
638 ~~amendments, are not considered separate occupancies.~~

639 *Add new exception to subsection:*

640
641
642 ~~**508.3.1.3 Separation.**~~

643
644 ~~**Exception 2.** Group I-1, R-1, R-2 and R-3 dwelling units and sleeping units shall be~~
645 ~~separated from other dwelling or sleeping units and from accessory occupancies contiguous~~
646 ~~to them in accordance with the requirements of Section 421.~~

647
648 **SECTION 706705 FIRE WALLS**
649

650 *Change subsection to read as follows:*

651
652 **706705.1.1 Party walls.** Any wall located on a property line between adjacent buildings which is
653 used or adapted for joint service between the two buildings, shall be constructed as a fire wall in
654 accordance with Section ~~706705~~ and shall create separate buildings.

655
656 *Exception to remain unchanged.*

657
658 *Edit subsection as follows:*

659
660 **706**

661
662 *Edit subsection as follows:*

663
664 **705.8 Openings.**

665
666 *Delete Exception 1 without substitution:*

667
668 ~~**1. 1.** Openings are not permitted in party walls constructed in accordance with Section~~
669 ~~**706.1705.1.**~~

670
671 *Edit Exception 2 as follows:*

672
673 **2. Openings shall not be limited to 156 square feet where both buildings are equipped**
674 **throughout with and automatic sprinkler system installed in accordance with Section**
675 **903.3.1.1 and the wall is not a party wall.**

676
677 **SECTION 715 OPENING PROTECTIVES**
678

679 *Add new sentences to end of subsection. Exceptions remain unchanged:*

680

681 **715.4.87 Door closing.** “The building or fire official shall approve the type of closing device to be
682 used and when magnetic hold-open devices shall be required based on the occupancy
683 classification, door use and location within the building. In Group E Occupancies and in Group B
684 educational occupancies, magnetic hold-open devices shall be installed on all fire doors leading
685 into enclosed exit stairs.”

686

687

688

SECTION 901 GENERAL

689 *Add new sentence to end of subsection:*

690

691 **[F] 901.4 Threads.** “Hand line hose threads for 2-1/2” diameter hose shall be National Standard
692 thread. Hand line hose threads for 1-1/2” or 1-3/4” diameter hose shall be Iron Pipe thread.”

693

694

SECTION 903 AUTOMATIC SPRINKLER SYSTEMS

695

696 *Change subsection to read as follows, with exception remaining unchanged:*

697

698 **[F] 903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures
699 shall be provided in the locations described in **Sections 903.2.1 through 903.2.12**~~this section~~ or
700 as required by NFPA 101 **as listed in Chapter 35.**

701

702 ~~*Add new item 4 to subsection:*~~

703

704 ~~**[F] 903.2.6 Group M.**~~

705

706 ~~4. A Group M occupancy greater than 4800 sf and used for the display and sale of upholstered
707 furniture.~~

708

709 *Change subsection to read as follows, with exceptions remaining unchanged:*

710

711 **[F] 903.4.1 Monitoring Signals.** Alarm, supervisory and trouble signals shall be distinctly
712 different and shall be automatically transmitted to an approved central station, remote supervising
713 station, ~~auxiliary fire alarm system,~~ or proprietary supervising station as defined in NFPA 72 or,
714 when approved by the building or fire official, shall sound an audible and visual signal at a
715 constantly attended location.

716

717

SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

718

719 *Add new sentence to end of first paragraph in subsection.*

720

721 **[F] 907.2 Where required.** “A manual, automatic or combination manual and automatic fire alarm
722 system shall also be provided in accordance with NFPA 101 **as listed in Chapter 35.**”

723

724 ~~*Edit subsections as follows:*~~

725

726

727 ~~*Edit subsection as follows:*~~

728

729 **[F] 907.2.1 Group A.**

730

731 ~~*Delete Exception without substitution.*~~

732

733 ~~*Edit subsection as follows:*~~

734

735 **[F] 907.2.2 Group B.**
736
737 *Delete Exception without substitution.*
738
739 *Edit subsection as follows:*
740
741 **[F] 907.2.3 Group E.**
742
743 *Delete Exception 3 without substitution.*
744
745 *Edit subsection as follows:*
746
747 **[F] 907.2.4 Group F.**
748
749 *Delete Exception without substitution.*
750
751 *Edit subsection as follows:*
752
753 ~~**[F] 907.2.6. Group I.**~~
754
755 ~~*Delete Exception without substitution.*~~
756
757 *Edit subsection as follows:*
758
759 **[F] 907.2.6.1 Group I-1.**
760
761 *Delete Exception 1 without substitution.*
762
763 *Edit subsection as follows:*
764
765 **[F] 907.2.6.2 Group I-2.**
766
767 *Delete Exceptions 1 and 2 without substitution.*
768
769 *Edit subsection as follows:*
770
771 ~~**[F] 907.2.6.3.3 Smoke detectors.**~~
772
773 ~~*Delete Exceptions 2 and 3 without substitution.*~~
774
775 *Edit subsection as follows:*
776
777 **[F] 907.2.7 Group M.**
778
779 *Delete Exceptions 1 and 2 without substitution.*
780 *Edit subsection as follows:*
781
782 **[F] 907.2.8.1 Manual fire alarm system.**
783
784 *Delete Exception 2 without substitution.*
785
786 *Change subsection to read as follows with exception remaining unchanged:*
787

788 [F] **907.2.8.2 Automatic fire alarm system.** System smoke detectors shall be installed in all
789 common spaces and in means of egress components such as exit access corridors, exit enclosure
790 stairs and basements and shall be installed to provide coverage based on the manufacturers listing
791 for the ~~devices~~device.

792

793 *Change subsection to read as follows:*

794

795 [F] **907.2.9 Group R-2.** A manual and automatic fire alarm system shall be installed and
796 maintained in all Group R-2 occupancies where any dwelling unit is located three or more stories
797 above the lowest level of exit discharge; or where any dwelling unit is located more than one story
798 below the highest level of exit discharge of exits serving the dwelling unit; or when said building
799 contain more than 11 dwelling units.

800

801 **Exceptions:**

802

803 1. **A fire alarm system is not required in buildings not more than two stories in height**
804 **where all dwelling units or sleeping units and contiguous attic and crawl spaces**
805 **are separated from each other and public or common areas by at least 1-hour fire**
806 **partitions and each dwelling unit or sleeping unit has an exit directly to a public**
807 **way, egress court or yard**~~This exception remains unchanged.~~

808

809 **A fire alarm system is not required in buildings that do not have interior corridors**
810 **serving dwelling units and are protected by an approved automatic sprinkler system**
811 **installed in accordance with Section 903.3.1.1 or 903.3.1.2, provided that dwelling**
812 **units either have a means of egress door opening directly to an exterior exit access**
813 **that leads directly to the exits or are served by open-ended corridors designed in**
814 **accordance with Section 1026.6, Exception 4.2.**~~Delete this exception without~~
815 ~~substitution.~~

816

817 ~~3. This exception remains unchanged.~~

818

819 **2. Add new**

820

821 *Change subsection to read as follows:*

822

823 [F] **907.2.9.1 Smoke detector coverage.** System smoke detectors shall be installed in all common
824 spaces and in means of egress components such as exit access corridors, exit enclosure stairs and
825 basements and shall be installed to provide coverage based on the manufacturers listing for the
826 device.

827

828 *Add new item 4 to end of subsection:*

829

830 [F] **907.2.1110.1.1 Group R-1.**

831

832 4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor
833 level, including basements, when the building is not equipped with an automatic fire alarm
834 system, ~~single-and-Single-or~~ multiple-station smoke ~~alarms~~detectors in common areas
835 shall be interconnected but shall not be interconnected with guest room smoke
836 ~~alarms~~detectors.

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Add new item 4 to end of subsection:

[F] 907.2.1110.1.2 Groups R-2, R-3, R-4, and I-1.

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-~~and/or~~ multiple-station smoke ~~alarms/detectors~~ in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke ~~alarms/detectors~~. In some Group R-2 or R-3 occupancies, as determined by the building official, additional single-~~and/or~~ multiple-station smoke ~~alarms/detectors~~ may be required in the basement, interconnected with a dwelling unit(s) ~~alarm/detector~~(s).

Add new subsection to read as follows:

[F] 907.2.1110.1.4.1 Smoke alarm circuits. Smoke alarms in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke alarms in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke alarms shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke alarms are wired.

Add new subsection to read as follows:

[F] 907.2.11.5 Groups E, I-2 and I-4. Single-~~and/or~~ multiple-station smoke ~~alarms/detectors~~ shall be installed and maintained on all stories and all sleeping rooms of Group E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Sections 305.2, 308.3.1, 308.5 and 308.5.2 respectively.

Exception: Single-~~and/or~~ multiple-station smoke ~~alarms/detectors~~ shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all **common areas and** sleeping rooms.

Add new ~~section/subsection~~ to read as follows:

SECTION 916 FIRE SERVICE BUILDING ACCESS

[F] 916.1 General. Where required by Chapter 9, IBC Sections ~~916.2 through 916.XX~~, key storage access boxes shall be installed at buildings in the required quantities, and in the required locations as specified ~~at locations approved by the fire code official~~. Access boxes shall be ~~XXXXXXX~~

~~[F] 916.2 Buildings requiring access boxes. XXXXXXXXXXXXXXXX~~

~~[F] 916.3 Access box make. XXXXXXXXXXXXXXXX~~

~~[F] 907.2.10.3.1 Smoke detector circuits. Smoke detectors in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke~~

895 ~~detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly~~
896 ~~labeled as to which circuit the smoke detectors are wired.~~

897

898 *Change subsection to read as follows with exceptions remaining unchanged:*

899

900 ~~[F] 907.14 Monitoring. Fire alarm systems required by this chapter or the International Fire Code~~
901 ~~shall be monitored by an approved supervising station or by a Auxiliary Fire Alarm System in~~
902 ~~accordance with NFPA 72.~~

903

904

SECTION 1001 ADMINISTRATION

905

906 *Add new sentences to end of subsection:*

907

908 **1001.1 General.** “The building official shall utilize the exit criteria and building fire safety system
909 provisions of the Life Safety Code, NFPA 101, as adopted by the New Hampshire State Fire
910 Marshal’s office, when evaluating the adequacy of means of egress in new or existing buildings.
911 When there are conflicts between this Code and NFPA 101, the building and fire officials shall
912 make the final exit and fire safety system criteria determination.”

913

914

915

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921

SECTION 1003 GENERAL MEANS OF EGRESS

922

923 *Change Exception 1 in subsection to read as follows:*

924

1003.5 Elevation change.

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Exceptions:

1. ~~Elevators are not required to be accessed from an area of refuge or horizontal exit in open parking structures.~~

949 ~~2. Elevators are not required to be accessed from an area of refuge or horizontal exit in~~
950 ~~buildings and facilities equipped throughout by an automatic sprinkler system installed~~
951 ~~in accordance with Section 903.3.1.1 or 903.3.1.2.~~

952 SECTION 1011 EXIT SIGNS

953
954 *Change subsection to read as follows with exception remaining unchanged:*

955
956
957 **1011.2 Illumination.** Exit signs shall be internally illuminated with the primary power source from
958 the building electric system. Exit signs shall also be provided with a battery backup power source
959 or from the building emergency power supply system if so equipped. Self-illuminated (nuclear)
960 exit signs are not an approved source of illumination.

961
962 *Change subsection to read as follows:*

963
964 **1011.5 Externally illuminated exit signs.** When approved by the **buildingcode** official,
965 externally illuminated exit signs shall comply with Sections 1011.5.1 through 1011.5.3.

966 SECTION ~~1029~~1026 EMERGENCY ESCAPE AND RESCUE

967
968
969 *Change exception 1 in subsection to read as follows:*

970 **1029**1026.1 General.

971
972
973 **Exception 1:** In buildings equipped throughout with an approved automatic sprinkler system in
974 accordance with Section 903.3.1.1 or 903.3.1.2.

975 ~~Add new exception to read as follows:~~

976 **1026.2.1 Minimum dimensions.**

977
978
979 ~~**Exception:** Double hung, tilt clean style windows shall be acceptable when their size and~~
980 ~~operation satisfy the criteria stipulated in Sections 1026.2, 1026.3, 1026.4, 1026.5 and this~~
981 ~~Section. The minimum net clear opening area and net clear opening height shall be~~
982 ~~computed with both upper and lower sashes removed. Said sash removal shall not require~~
983 ~~any tools and shall not constitute special knowledge.~~

984
985 *Add new subsection to read as follows:*

986
987 ~~**1026.6 Access through garage.** The basement emergency escape route is allowed to be through~~
988 ~~an attached garage via a side hinged swinging door complying with Section 1008.1.1 or door and~~
989 ~~stair combination, provided this route is not the only door or stair out of the basement. There shall~~
990 ~~also be a side hinged swinging door complying with Section 1008.1.1 from the garage to the exit~~
991 ~~discharge in accordance with Section 1027~~1024.

992 SECTION 1109 OTHER FEATURES AND FACILITIES

993
994
995 *Add new subsection to read as follows:*

996
997 **1109.5.3 Occupancies with limited occupants.** In any occupancy classification with a design
998 occupant load of less than 50 persons, a single point of use water cooler may be substituted for the
999 required drinking fountain. The access approach clearances at the cooler shall be maintained based
1000 on the dimensions stipulated in ICC/ANSI A117.1.

1002 SECTION 1208 INTERIOR SPACE DIMENSIONS

1003
1004 *Add new exception 4 to subsection to read as follows:*

1005
1006 **1208.2 Minimum ceiling heights.**

1007
1008 **Exception 4: Within dwelling units the** minimum ceiling height above
1009 ~~lavatories~~**lavatories** and water closets shall be 6 foot 8 inches (6'-8"), as measured
1010 vertically from the ceiling to the floor at the operating handle end of the fixture. The
1011 minimum ceiling height above bathtubs and shower stalls shall be 6 foot 8 inches (6'-8"),
1012 as measured vertically from the ceiling to the floor or tub bottom at the operating handle
1013 end of the fixture and shall be maintained for a 30 inch by 30 inch clear area from the walls
1014 adjacent to the operating handles.

1015
1016 SECTION 1612 FLOOD LOADS

1017
1018 *Insert in two blank spaces:*

1019
1020 **1612.3 Establishment of flood hazard areas.** ~~"the~~**The** City of Portsmouth, New Hampshire";
1021 **and**²
1022 "Sep 30, 2002"

1023
1024
1025
1026
1027
1028 SECTION 1704 SPECIAL INSPECTIONS

1029
1030
1031 *Change subsections*~~Add new subsection~~ *to read as follows:*

1032
1033 **1704.3.4 Cold-formed steel**~~15 Installation of~~ **trusses.** Special inspections shall be required for
1034 all ~~wood or~~ light gauge metal roof or floor truss installations. The special inspection shall verify
1035 and document the proper installation of all required bracing, **both temporary and permanent,**
1036 **and any special connection details required by either the design professional or the truss**
1037 **manufacturer.**

1038
1039 **1704.6.2 Metal-plate-connected wood trusses.** Special inspections shall be required for all
1040 **metal-plated-wood roof or floor truss installations. The special inspection shall verify and**
1041 **document the proper installation of all required bracing, both temporary and permanent,**
1042 and any special connection details required by either the design professional or the truss
1043 manufacturer.

1044
1045 *Add new subsections to read as follows:*

1046
1047 **1704.17 Fire-resistant penetrations and joints.** In buildings of four or more stories above
1048 grade plane, special inspections for through-penetrations, membrane penetration firestops,
1049 fire-resistant joint systems, and perimeter fire barrier systems that are tested and listed in
1050 accordance with Sections 713.3.1.2, 713.4.1.1.2, 714.3 and 714.4 shall be in accordance with
1051 Section 1704.17.1 or 1704.17.2.

1053 **1704.17.1 Penetration firestops. Inspections of penetration firestop systems that are**
1054 **tested and listed in accordance with Sections 713.3.1.2 and 713.4.1.1.2 shall be**
1055 **conducted by an approved inspection agency in accordance with ASTM E 2174.**
1056

1057 **1704.17.2 Fire-resistant joint systems. Inspection of fire-resistant joint systems that**
1058 **are tested and listed in accordance with Sections 714.3 and 714.4 shall be conducted**
1059 **by an approved inspection agency in accordance with ASTM E 2393.**
1060

1061 **SECTION 1809 SHALLOW ~~1805~~ FOOTINGS AND FOUNDATIONS**

1062
1063 *Amend Item 1 ~~Add new sentence to end~~ of subsection to read as follows:*
1064

1065 **1809.5 ~~1805.2.1~~ Frost protection. “1. Extending to ~~Frost line depth for Portsmouth shall be 4~~**
1066 **feet (1219 mm),) as measured to the bottom of the footing from the adjoining finish grade.”:**
1067

1068 **SECTION 2701 GENERAL**

1069
1070 *Change subsection to read as follows:*
1071

1072 **2701.1 Scope.** This chapter governs the electrical components, equipment and systems used in
1073 buildings and structures covered by this Code. Electrical components, equipment and systems shall
1074 be designed and constructed in accordance with the provisions of the *National Electric Code*,
1075 NFPA 70. The State of New Hampshire adopts new editions of NFPA 70 on a three year cycle.
1076 The edition that is State adopted at the time of a new electrical **design or** installation shall govern
1077 the requirements of that installation.
1078

1079 *Add new sections to read as follows:*
1080

1081 **SECTION 2703 INSPECTIONS AND TESTS**

1082
1083 **2703.1 Concealing work.** Work in connection with an electric system for which a permit is
1084 required, shall not be covered or concealed until such work has been inspected and permission to
1085 conceal such work has been given by the building official. It shall be the responsibility of the
1086 electric permit holder to contact the building official for said inspections. Furthermore, the permit
1087 holder shall allow a minimum of two work days (48 hours) from the time the building official is
1088 notified to the time the inspection is performed.
1089

1090 **2703.2 Service Inspection.** All service equipment shall be installed, grounded and bonded before
1091 a request is made for a service inspection. It shall be the responsibility of the permit holder to
1092 contact the building official for said inspection. The same inspection notification time allowance
1093 is required as in Section 2703.1. After satisfactory completing said inspection, the building official
1094 shall issue written notification to the local electric utility to allow for meter installation and power
1095 connection. It shall be the responsibility of the permit holder to contact the local electric utility for
1096 scheduling this power connection.
1097

1098 **2703.3 Final inspection and tests.** After all work is complete, all systems have been supplied
1099 power and all systems have been tested by the installer, a request for final inspection shall be made
1100 by the permit holder. The same inspection notification time allowance is required as in Section
1101 2703.1. Copies of all test results shall be provided to the building official at this time. The building
1102 official shall inspect the work and cause tests to be made of the operation of the entire system to
1103 insure compliance with all requirements.
1104

1105 **2703.4 Records.** Records of all inspections shall be kept by the respective building official. Said
1106 records shall list date of inspections, observed nonconformances, corrective actions required and
1107 the building official’s initials. Follow-up inspections shall be required to confirm the completed
1108 corrective actions. All inspection records shall be maintained by the building officials and be
1109 available for public access. The owner shall provide for special inspections in accordance with
1110 Section 1704.

1111

1112 SECTION 2704 QUALIFICATIONS OF ELECTRICIANS

1113

1114 **2704.1 General.** All persons performing electrical work in the City of Portsmouth shall be
1115 licensed in accordance with the provisions of RSA 319-C of the State of New Hampshire; except
1116 owners of detached single family homes, who reside in said home, may do electrical work without
1117 a license. All electrical work requires an electrical permit unless exempt by Section 105.2.

1118

1119 **2704.2 Responsibilities of electricians.** When an electrical installation is required to be performed
1120 by a licensed New Hampshire Electrician, the permit for said work shall be obtained by the Master
1121 Electrician responsible for the work. Said electrician or company, shall be responsible for all
1122 work done under said permit.

1123

1124 SECTION 2705 APPENDIX K

1125

1126 **2705.1 General.** Refer to Appendix K for additional administrative provisions for
1127 enforcement of the National Electric Code, NFPA 70.

1128

1129 SECTION [M] 2801 GENERAL

1130

1131 *Change subsection to read as follows:*

1132

1133 **[M] 2801.1 Scope.** Mechanical appliances, equipment and systems shall be designed, constructed,
1134 installed and maintained in accordance with the *International Mechanical Code*; the *National Fuel*
1135 *Gas Code*, NFPA 54 and *Installation of Oil-Burning Equipment*, NFPA 31. Refer to Chapter 15,
1136 Part II of the City Ordinances (Mechanical Code), for required qualifications of persons installing
1137 **fuel** gas piping.

1138

1139 SECTION [P] 2901 GENERAL

1140

1141 *Change subsection to read as follows:*

1142

1143 **[P] 2901.1 Scope.** The design and installation of building plumbing systems shall conform to
1144 Chapter 15, Part I of the City Ordinances (Plumbing Code) and Chapter 29 of this Code. The
1145 design and installation of building sewer and building water supply piping (city side of water
1146 meters) shall conform to the requirements of the Public Works Department, Water/Sewer Division.
1147 Private sewage disposal systems shall conform to the requirements of the State of New Hampshire
1148 Water Supply and Pollution Control Subsurface Waste Disposal Division.

1149

1150 SECTION [P] 2902 MINIMUM PLUMBING FACILITIES

1151

1152 *Change exception 2 in subsection to read as follows:*

1153

1154 **[P] 2902.2 Separate facilities.**

1155

1156 **Exception 2:** In other than mercantile occupancies, separate facilities shall not be required
1157 in structures or tenant spaces with a total occupant load, including both employees and

1158 customers of 24 or less. ~~See Section [P] 2902.4.4 of these amendments for mercantile~~
1159 ~~occupancy fixture requirements.~~

1160
1161 *Add new sentences to end of subsection:*

1162
1163 **[P] 2902.3 Require public toilet facilities. “Plumbing features and facilities shall also comply**
1164 **with the accessibility requirements of Section 1109.”**

1165
1166
1167 *Change subsection to read as follows:*

1168
1169 ~~**[P] 2902.4 Require public toilet facilities.** Customers, patrons and visitors shall be provided with~~
1170 ~~public toilet facilities in structures and tenant spaces intended for public utilization. The accessible~~
1171 ~~route to public facilities shall not pass through kitchens, store rooms, closets or similar spaces.~~
1172 ~~Public toilet facilities shall be available to the public at all times the building or tenant space is~~
1173 ~~open for business. Employees shall be provided with toilet facilities in all occupancies. Employee~~
1174 ~~toilet facilities shall be either separate or combined with public facilities. The minimum number~~
1175 ~~of plumbing fixtures shall be calculated by [P] Table 2902.1, Section [P] 2902.2 and Section [P]~~
1176 ~~2902.4.4. Plumbing fixtures shall also comply with the accessibility requirements of Chapter 11.~~

1177
1178 ~~**[P] 2902.4.4 Group M occupancies.** A minimum of one public single-occupant toilet room shall~~
1179 ~~be provided in~~

1180 *Add new subsection to read as follows:*

1181
1182 **[P] 2902.5 Renovations to existing buildings.** ~~or tenant spaces when the total occupant load is~~
1183 ~~more than 24 persons but less than 50 persons. A minimum of two public single-occupant toilet~~
1184 ~~rooms shall be provided in buildings or tenant spaces when the total occupant load is 50 persons~~
1185 ~~or more. Additional plumbing fixtures shall be provided when the occupant load reaches a point~~
1186 ~~where the provisions of [P] Table 2902.1 would require more than two fixtures.~~

1187
1188 **Exception:** Where an existing toilet room **or rooms** is **(are)** present and renovations are being
1189 undertaken, the existing toilet room(s) shall not be removed ~~even if~~ **said removal will cause the**
1190 **new occupancy to have less fixtures than what is required under this code for new**
1191 **installations**~~the occupant load is 24 persons or less.~~ In a case where there are more toilet rooms
1192 existing than what are required under this code, toilet rooms in excess of the minimum required
1193 may be removed but at less one shall remain.

1194
1195 **SECTION 3001 GENERAL**

1196
1197 *Add new sentence to end of subsection:*

1198
1199 **3001.1 Scope.** ~~Wherever the provisions of this chapter refer to the *building official* for purposes~~
1200 ~~of permitting, tests and inspections, certificates of compliance, and maintenance and accidents;~~
1201 ~~said official shall be the State Elevator Inspector as appointed by the New Hampshire Department~~
1202 ~~of Labor, Boiler and Elevator Division. Refer to Chapter 35 for the referenced elevator law.~~

1203
1204 **[F] SECTION 3003 EMERGENCY OPERATIONS**

1205
1206 *Add new subsection to read as follows:*

1207
1208 **[F] 3003.2.13 Elevator recall key.** Where required by ASME A17.1, all new elevators shall be
1209 equipped with a Yale #3502 fire service elevator recall key.

1210
1211 **SECTION 3107 SIGNS**

1212
1213 *Add new subsection to read as follows*

1214
1215 **3107.2 Zoning ordinance.** The City's *Zoning Ordinance, Chapter 10* of the City's Ordinances,
1216 regulates ~~all things~~temporary signs. ~~, permanent signs, sign size, letter size and sign illumination.~~
1217 Refer to ~~that~~this document for ~~all sign~~these criteria.

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SECTION 3304 SITE WORK

1223
1224
1225 *Add new subsection to read as follows:*

1226
1227 **3304.2 Site access and hydrant operation.** When roads are created or extended during the
1228 construction of new developments and subdivisions, adequate site access for emergency vehicles
1229 shall be maintained at all times during construction. The fire department will be the determining
1230 agency when evaluating the adequacy of site access. As construction progresses, water hydrants
1231 required by the site plan shall be installed, activated, tested and maintained with adequate hydrant
1232 access as determined by the fire department. The City of Portsmouth reserves the right to “call”
1233 the site bond at any time during construction, when the owner refuses to provide adequate access,
1234 as deemed necessary by the fire department, for the protection of life and property.

1235
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SECTION 3306 PROTECTION OF PEDESTRIANS

1238 *Add new subsection to read as follows:*

1239
1240 **3306.10 Hazardous excavations.** All open excavations left unattended, when deemed a hazard by
1241 the building official, shall be guarded or fenced in accordance with the criteria in Sections 1013.2.
1242 and 1013.3. The hazard judgment shall be based on public accessibility to the excavation, time
1243 period left open, falling hazard, and the pooling of surface or ground water at the bottom of the
1244 excavation. All appeals to the building official’s order shall be made in writing and will follow the
1245 appeals process in Section ~~113H2~~.

1246
1247

General note pertaining to Chapter 34:

1248
1249 **The State of New Hampshire Building Code Review Board has adopted the 2009 Edition of**
1250 **the International Existing Building Code (IEBC) as published by the International Code**
1251 **Council. All IBC Chapter 34 code users shall utilize the technical provisions of the IEBC in**
1252 **lieu of the provisions of Chapter 34 of the IBC. The following amendments to chapter 35 of**
1253 **the IBC apply.**

1254
1255

SECTION 3401 GENERAL

1256
1257 *Change subsection to read as follows:*

1258
1259 **3401.3 Compliance with other codes.** Alterations, repairs, additions and changes in occupancy
1260 to existing structures shall comply with the provisions for alterations, repairs, additions and
1261 changes in occupancy in the *International Fire Code, National Fuel Gas Code (NFPA 54),*
1262 *International Plumbing Code, International Mechanical Code, International Residential Code and*
1263 *the National Electric Code (NFPA 70).*

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SECTION 34093407 HISTORIC BUILDINGS

Change subsection to read as follows:

~~Change subsection to read as follows:~~

34093407.1 Historic buildings. The provisions of this Code relating to the construction, repair, alteration, enlargement, restoration and movement of buildings or structures shall not be mandatory for historic buildings or structures classified or qualify for classification on the *National Register of Historic Places* as listed by the National Park Services, Interagency Resources Division; when such buildings are judged by the building official to be safe and in the interest of public health, safety and welfare regarding any proposed construction, repair, alteration, enlargement, restoration and relocation. All such approvals shall be based on the applicant's complete submission of professional architectural and engineering plans and specifications bearing the professional seal of the **designer of record**designers.

Add new subsection to read as follows:

34093407.3 Historic District. The City of Portsmouth has delineated a special Zoning Overlay Historic District, which regulates all work done to the exterior facade of structures within said district. All such work requires a City Building Permit. Refer to the City Zoning Ordinance for specific details.

SECTION 34113409.0 ACCESSIBILITY FOR EXISTING BUILDINGS

~~Change subsection to read as follows:~~

Change subsection to read as follows:

34113409.9 Historic buildings. These provisions shall apply to buildings and facilities designated as historic structures as defined in Section **34093407.1** of these Code amendments, that undergo alterations or a change in occupancy, unless technically infeasible. Where compliance with the requirements for accessible routes, ramps, entrances or toilet facilities would threaten or destroy the historic significance of the building or facility, as determined by the authority having jurisdiction, the alternative requirements of Section 3409.9.1 through 3409.9.4 for that element shall be permitted.

~~[EB]~~ **SECTION 34123410 COMPLIANCE ALTERNATIVES**

Insert in blank space:

34123410.2 Applicability. "the effective date of the adoption of this Code"

CHAPTER 35 REFERENCED STANDARDS

Insert the following Codes and Standards:

New Hampshire State Building Code
Department of Safety
33 Hazen Drive Drive
Concord, NH 03305

1318 (603) 271-3294
1319 bldgcodebrd@dos.nh.gov

1320
1321 **New Hampshire Architectural Barrier Free Design Code**
1322 Governor's Commission on Disability
1323 ~~57 Regional Drive~~ **121 South Fruit Street, Suite 101**
1324 Concord, NH 03301-8518
1325 (603) 271-2773
1326 1-800-852-3405 (NH)
1327 <http://www.nh.gov/disability/abcommittee.html>

1328
1329 **New Hampshire Energy Code**
1330 Public Utilities Commission
1331 21 South Fruit Street, Suite 10
1332 Concord, NH 03301-2429
1333 (603) 271-2431
1334 ~~www.puc.nh.gov/index.htm~~ www.puc.state.nh.gov/EnergyCodes/energyppg.htm
1335 puc@puc.nh.gov

1336
1337 **New Hampshire Elevator and Accessibility Lift Law, RSA 157-B**
1338 NH Labor Department
1339 Boiler & Elevator Division
1340 PO Box 2076
1341 Concord, NH 03302-2076
1342 (603) 271-6294
1343 ~~www.labor.state.nh.us/boilers.asp~~ www.nh.gov/labor/inspection/boilers-elevators.htm

1344
1345 *Insert in the NFPA section the following referenced Codes and Standards:*

1346
1347 ~~31-06~~ ~~Installation of Oil-Burning Equipment~~ ~~2801.1~~
1348
1349 **54-09** National Fuel Gas Code 101.4.~~12~~, 2801.1, 3401.3
1350
1351 **70-1108** National Electric Code *Referenced Sections remain unchanged.*
1352
1353 ~~101-09.4.1, 2701.1~~
1354
1355 **101-03** Life Safety Code (Or as Adopted by the ~~SFMEMO~~) 903.2, 907.2, 1003.2,
1356 1008.5.2
1357
1358

1359 ~~211-06~~ ~~Chimneys, Fireplaces,~~ ~~2111, 2113~~
1360 ~~Vents, and Solid~~
1361 ~~Fuel-Burning Appliances~~
1362

1363 *Amend in the NFPA section the following referenced Standards:*

1364 *Change 13-0702 to 13-1307 Design & Installation of Sprinkler Systems*

1365
1366 *Change 13D-0702 to 13D-1307 Design & Installation of Sprinkler Systems in 1 & 2*
1367 *Family Dwellings*

1368
1369 *Change 13R-0702 to 13R-1307 Design & Installation of Sprinkler Systems in*
1370 *Residential Occupancies 4 Stories in Height or Less*

1371
1372 *Change 72-0702 to 72-1307 National Fire Alarm Code*

1373
1374 *Change 409-01 to 409-04 Aircraft Hangers* ~~412.2.6, 412.4.5~~
1375
1376

APPENDIX A - EMPLOYEE QUALIFICATIONS

1377
1378
1379 *Appendix A is not adopted as part of this ordinance. Refer to the City of Portsmouth Human*
1380 *Resource Department employee job descriptions for employee qualifications.*

APPENDIX B - BOARD OF APPEALS

1381
1382
1383 *Appendix B is adopted as part of this ordinance subject to the following amendments:*

SECTION B 101 GENERAL

1384
1385
1386
1387 *Change subsection to read as follows:*

1388
1389 **B101.2.2 Qualifications.** The board of appeals shall consist of five individuals, one from each of
1390 the following professions or disciplines:

- 1391 1. Registered design professional that is a registered architect.
- 1392 2. Registered design professional that is a registered civil or structural engineer.
- 1393 3. Registered design professional that is a registered mechanical engineer; or a
1394 licensed master plumber with at least ten years experience in building plumbing and/or
1395 HVAC systems.
- 1396 4. Registered design professional that is a registered electrical engineer; or a
1397 licensed master electrician with at least ten years experience in building electrical
1398 systems.
- 1399 5. A building contractor with at least ten years experience in construction.

1400
1401
1402
1403 *Delete the following subsection without substitution:*

1404 **B101.2.7 Compensation of members.**

APPENDIX C - AGRICULTURAL BUILDINGS

1405
1406
1407 *Appendix C is adopted as part of this ordinance without amendments.*

APPENDIX D THROUGH APPENDIX JK

1408
1409
1410 *Appendix D through K are not adopted as part of this ordinance.*
1411

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APPENDIX K – ADMINISTRATIVE PROVISIONS

Appendix K is adopted as part of this ordinance without amendments.

ADOPTED XX Xxx 2013

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CITY ORDINANCE - CHAPTER 12
Part II

INTERNATIONAL RESIDENTIAL CODE, 2006
(Adopted 10/19/2009)

The International Residential Code, ~~2009~~2006 Edition (**IRC**) as published by the International Code Council, Inc. is hereby adopted as **Chapter 12, Part II** of the Ordinances of the City of Portsmouth, New Hampshire subject to the following amendments, additions and deletions:

SECTION R101-TITLE, SCOPE AND ADMINISTRATIONPURPOSE

Insert in blank space:

R101.1 Title. “the City of Portsmouth, New Hampshire”

SECTION R102 APPLICABILITY

Add new subsections to read as follows:

R102.4.1 Electrical. The provisions of the *National Electric Code*, NFPA 70 shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references the *International Electric Code* the reader shall substitute that reference with the *National Electric Code*, NFPA 70 as adopted by the State of New Hampshire. The City of Portsmouth does not adopted Article 80, Administration and Enforcement, of NFPA 70.

R102.4.2 Gas. The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to the installation of gas piping from the point of delivery to gas appliances and related accessories as covered in this Code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of the appliances and the installation and operation of residential gas appliances and related accessories. Wherever this Code references the *International Fuel Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.

R101.4.3 Plumbing. The City of Portsmouth does not adopt the *International Sewage Disposal Code* and any reference to it in this Code shall not direct the reader to its contents or requirements.

R102.4.4 Property maintenance. The City of Portsmouth does not adopt the *International Property Maintenance Code* and any reference to it in this Code shall not direct the reader to its contents or requirements.

1463 **SECTION R105 PERMITS**

1464
1465 *Add the following text to end of subsection:*

1466
1467 **R105.1 Required.** “New construction and *general renovation* work requires the issuance of a
1468 building permit. *General renovation* is defined as work which changes the overall size of a building
1469 or portions thereof or which involves the creation of rooms or spaces, which did not previously
1470 exist. Expansion of existing electrical, plumbing, mechanical or fire protection systems is also
1471 considered general renovation. Types of work, which may be so classified, are:”

- 1472 1. Additions of any size.
- 1473 2. Enlarging existing structures, rooms or spaces.
- 1474 3. Creating new rooms or spaces within a structure.
- 1475 4. Structural changes or repairs.
- 1476 5. Dormers.
- 1477 6. Demolition of all or part of a structure.
- 1478 7. Changing exits or exit components in any way.
- 1479 8. New structures including sheds, gazebos, pools (above and below ground),
- 1480 decks, garages, carports, tents, awnings, etc.
- 1481 9. Above or below grade flammable and combustible liquid tank removal or
- 1482 installation **shall require separate mechanical and gas permitting-**
- 1483 10. Changes--in--Use or Occupancy.
- 1484 11. Electrical work.
- 1485 12. Plumbing or mechanical work.
- 1486 13. Fire sprinkler systems
- 1487 14. Fire alarm systems.

1488
1489
1490 **“NH licensed Licensed** trade persons shall secure permits for electrical, ~~and~~ plumbing **and gas**
1491 **pipng** work when required under New Hampshire law.”

1492
1493 *Change subsections to read as follows:*

1494
1495 **R105.2 Work exempt from permits.** Exemption from permit requirements of this Code shall not
1496 be deemed to grant authorization for any work to be done in any manner in violation of the
1497 provisions of this Code or any laws or ordinances of this jurisdiction. Permits shall not be required
1498 for the following:

1499
1500 **Building:**

- 1501 1. Ordinary repairs as defined in Section R105.2.2 provided such repairs do not exceed
- 1502 \$3,000 in construction value **including materials and labor.**
- 1503 2. Fences not over 6 feet high or not in the Historic District.
- 1504 3. Sidewalks, driveways or patios constructed on grade.
- 1505 4. Prefabricated (including air inflated) swimming pools which are less than 18 inches
- 1506 deep and are entirely above grade.
- 1507 5. Swings and other playground equipment.
- 1508 6. Cabinets, countertops and similar finish work when total construction value does not
- 1509 exceed \$3,000.
- 1510 7. Re-roofing including repairs to existing roof sheathing without regard to cost. (See also
- 1511 Section R105.2.2, Exception 1.) **Re-roofing and Roof coverings shall be applied in**
- 1512 **accordance with IRC, Chapter 9.]**
- 1513

1514
1515
1516

- 8. All roofing and re-roofing within the Historic District requires prior approval and permitting even if the cost is less than \$3,000.00.**

1517 **Electrical:**

1518

1519 A permit is not required for minor repair work, including the replacement of lamps or the
1520 connection of portable electrical equipment to permanent receptacles. Contact the electrical
1521 inspector for specific questions concerning the need for a permit.

1522

1523 **Gas, Mechanical, Plumbing:**

1524

1525 ~~A permit is not required for minor repair work, including the replacement of fixtures. Refer~~
1526 ~~to the City Plumbing and Mechanical Codes for details on permits and inspections. Contact~~
1527 ~~the plumbing/mechanical inspector for specific questions concerning the need for a permit.~~

1528

1529 **R105.2.2 Repairs.** Application or notice to the building official is not required for ordinary repairs
1530 to structures. *Ordinary repairs* are defined as work which is associated with the *normal*
1531 *maintenance* of a property and which affects only the surface or finish characteristics of a structure.
1532 Types of work, which may be so classified, are:

1533

1534 1. Painting and wallpapering. no matter what the cost. (\$3,000 exception **2 below**
1535 does not apply.)

1536 2. Replacing or repairing flooring or carpeting **in-kind.**

1537 3. Replacing or repairing interior trim.

1538 4. Replacing or repairing cabinets **in-kind.**

1539 5. Replacing or repairing countertops **in-kind.**

1540 6. ~~Replacing or repairing windows and doors (no headers involved).~~

1541 7. ~~Replacing or repairing siding.~~

1542 8. Reroofing no matter what the cost. (\$3,000 exception **2 below** does not
1543 apply.)(**Note: This provision does not apply if Unless the structure is located within the**
1544 **Historic District)-**)

1545 9. ~~Bathroom renovation (number & location of fixtures & room size not changed).~~

1546 10. Repointing masonry **unless located in the Historic District.**

1547 11. ~~Insulating no matter what the cost. (\$3,000 exception does not apply.)~~

1548 12. Replacing in kind or repairing components of fire protection systems.

1549

1550 In general, for a work element to be considered a repair or replacement, the item, which is being
1551 repaired, must already exist. The above items are intended to represent individual replacement or
1552 repair work. When one or more of the above items are included in *general renovations* to
1553 structures, then all such items will be included in the construction cost.

1554

1555 Ordinary repairs do not include the cutting, removing or altering of any structural beam, joist,
1556 rafter or bearing support, or the removal or change of any required means of egress, or
1557 rearrangement of parts of a structure affecting the egress requirements. Ordinary repairs also do
1558 not include additions to, alterations of, replacement or relocation of any fire protection system,
1559 water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring
1560 or mechanical equipment or other work affecting public health or general safety.

1561

1562 **Exceptions:** (i.e. permit **is** required.)

1563

1564 1. Repairs or renovations made to the exterior facade of structures in the Historic District
1565 shall require a building permit application review by the Planning Department. When it is
1566 determined that Historic District Commission approval is required, then a building permit
1567 shall also be required. This shall include reroofing that changes the roof material.

1568

1569
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1571

2. When the total cost of ordinary repair work exceeds three thousand dollars (\$3,000).
(i.e., a permit is required when repair value is more than \$3,000)

1572 *Delete subsection without substitution:*

1573

1574 **~~R105.2.3 Public service agencies.~~**

1575

1576 *Add new sentence to end of subsection:*

1577

1578 **R105.3.1 Action on application.** “Permits shall not be issued when there is found to be
1579 outstanding, non-inspected permit(s) already issued against a given property or when there are
1580 known non-conformances on the property. Only when said permit(s) is (are) closed out and/or the
1581 non-conformances corrected, shall a new permit be issued.”

1582

1583

1584

1585 *Change subsection to read as follows:*

1586

1587 **R105.3.2 Time limitation of application.** An application for a permit shall be deemed to have
1588 been abandoned one year after the date of filing, unless such application has been diligently
1589 prosecuted or a permit has been issued, except that the building official may grant one (1) extension
1590 of time not exceeding twelve (12) months if there is reasonable cause and only when requested in
1591 writing prior to the application expiration date.

1592

1593 *Add new subsection to read as follows:*

1594

1595 **R105.3.3 By whom application is made.** Application for a permit shall be made by the owner or
1596 ~~lessee of the building or structure or bby~~ by the authorized agent, ~~of either,~~ or by the authorized
1597 contractor, registered design professional, employed by the owner, in connection with the proposed
1598 work. The full names and addresses of the owner, ~~lessee,~~ applicant and of the responsible officers,
1599 if the owner or lessee is a corporate body shall be stated on the application. When the applicant is
1600 not the owner, it is assumed by the City that the owner is aware of the proposed work being applied
1601 for and that the applicant takes full responsibility for the information represented.

1602

1603 *Change subsection to read as follows:*

1604

1605 **R105.5 Expiration.** Every permit issued shall become invalid if the authorized work is not
1606 commenced within one year after issuance of the permit, or if the authorized work is suspended or
1607 abandoned for a period of one year after the time of commencing the work. The building official
1608 may grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause
1609 and only when requested in writing prior to the permit expiration date. Said extension will only be
1610 authorized when it does not conflict with any Federal, State or Local laws or ordinances. For a
1611 permit to be considered active, periodic inspections must be requested and work progress
1612 documented by inspections, within any twelve month period. Work elements shall be items
1613 associated with the building permit scope of work.

1614

1615 *Add new subsection to read as follows:*

1616

1617 **R105.5.1 Minimum progress required to keep permit active.** After an extension has been
1618 granted under Section R105.5, work shall begin and within the next twelve (12) month period shall
1619 progress such that a full foundation has been constructed and inspected. If the scope of work does
1620 not include a foundation, then within the same (first) twelve month period, framing shall be
1621 complete to a weather tight condition and inspected. When work involves a foundation, framing
1622 to a weather tight condition shall be complete and inspected within the next (second) twelve (12)
1623 month period. If the scope of work does not involve either a foundation or weather tight framing,

1624 work progress shall be at a final inspection stage within twenty-four (24) months from the date of
1625 granting the permit extension under Section 105.5. Failure to achieve these milestones, shall cause
1626 the permit to become invalid.

1627
1628 *Change subsection to read as follows:*

1629
1630 **R105.7 Placement of permit.** The building permit ~~field-copy (card)~~ shall be posted in a window
1631 or other suitable location on site, such that said permit is visible from the primary city street **which**
1632 **the permit is issued to.** Where such posting is impracticable the building permit ~~field-copy~~ shall
1633 be available on site for public viewing upon request. The building permit ~~field-copy~~ may be
1634 removed once the certificate of occupancy has been issued or upon expiration of the building
1635 permit.

1636
1637
1638
1639 *Add new subsection to read as follows:*

1640
1641 **R105.9 Qualifications of persons doing trade work.** Electrical, plumbing and mechanical work
1642 is allowed to be done by resident homeowners engaged in said trade work and conducted within
1643 the **single-family** dwelling in which they reside. Gas piping shall be done by a ~~licensee~~**licensed**
1644 plumber or another *qualified person or agency*, individual, firm, corporation or company that
1645 either in person or through a representative, is engaged in and is responsible for (a) the installation
1646 or replacement of gas piping or (b) the connection, installation, repair or servicing of gas
1647 equipment; and who is experienced in such work and is familiar with all the precautions required.
1648 For plumbing work refer to State RSA 329-A:13 and for electrical work refer to State RSA 319-
1649 C. All trade work require city permits.

1650 SECTION R106 CONSTRUCTION DOCUMENTS

1651
1652
1653 *Change subsection to read as follows:*

1654
1655 **R106.3.1 Approval of construction documents.** The building official shall **review and approve**
1656 **all submitted documents** ~~mark up one (1) set of plans with the necessary comments. This set~~
1657 ~~shall become the official permit plan set. It is the responsibility of the permit holder to transfer~~
1658 ~~these comments to whatever medium he/she wishes.~~ The permit holder is responsible for
1659 complying with the comments **as shown on the and notes added during the permit review**
1660 **process as part of the** official permit construction documents.

1661
1662 *Add new sentence to end of subsection:*

1663
1664 **R106.3.3 Phased approval.** “A phased building permit shall not be issued until such time as the
1665 permit application is approved by the City Planning Department and all necessary bonds are
1666 posted.”

1667 SECTION R107 TEMPORARY STRUCTURES

1668
1669
1670 *Change subsection to read as follows:*

1671
1672 **R107.1 General.** Pursuant to the approval by the City's Planning Department, the building official
1673 may issue a permit for temporary structures or uses. Such permit will be limited to the regulations
1674 set forth in the City's Zoning Ordinance and this Code. Any temporary structure shall be limited

1675 as to time of service, but shall not be permitted for more than 180 days. The building official is
1676 authorized to grant one (1), 180 day extension for demonstrated cause.
1677

1678 **SECTION R108 FEES**

1679
1680 *Change subsection to read as follows:*

1681
1682 **R108.2 Schedule of permit fees.** Fees shall be determined **by the adoption of fees by budget**
1683 **resolution of the City Council** in accordance with Chapter 1, Article XVI, of the Ordinances of
1684 the City of Portsmouth, NH.

1685
1686 **Flat rate type permits are:** Siding, buried tank removal or installation, sheds, **pad**
1687 **mounted generators,** replacement windows, temporary structures, fences (in Historic
1688 District), change-in-use/occupancy with no construction.

1689
1690
1691
1692
1693
1694
1695 *Change subsection to read as follows:*

1696
1697 **R108.5 Refunds.** The building official shall authorize the refunding of fees as follows:

- 1698
1699 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
1700
1701 2. Not more than 50% of the permit fee paid when no work has been done under a permit
1702 issued in accordance with this Code.
1703
1704 3. Not more than 50% of the plan review fee paid when an application for a permit for
1705 which a plan review fee has been paid, is withdrawn or canceled before any plan review
1706 effort has been expended.

1707
1708 The building official shall only authorize a fee refund when a written request is filed by the original
1709 permittee not later than one year after the date of fee payment. Refunds shall not be issued on
1710 permits that have expired under the conditions of Section 105.5.

1711
1712 *Change subsection ~~Add new subsections~~ to read as follows:*

1713
1714 **R108.6 Work commencing before permit issuance.** Any person who is found to have
1715 **demolished, constructed, altered, removed, or changed the use of a building or structure**
1716 **without the benefit of a building, electrical, plumbing, mechanical, or change-in-use permit**
1717 **shall, upon issuance of said permit(s), be assessed a fee as determined by the adoption of fees**
1718 **by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the**
1719 **Ordinances of the City of Portsmouth, NH.**

1720
1721 *Add new subsection to read as follows:*

1722
1723 **R108.7R108.6 City construction projects.** Fees shall not be assessed for work associated with
1724 projects undertaken by the City of Portsmouth. These projects may also include contract work
1725 done by private contracting firms hired directly by the City. This exemption shall not apply to
1726 projects done by the State Department of Public Works, Pease Development Authority, State Port
1727 Authority or the Portsmouth Housing Authority.

1730 ~~**R108.7 Work commencing before permit issuance.** Any person who is found to have~~
1731 ~~demolished, constructed, altered, removed, or changed the use of a building or structure without~~
1732 ~~the benefit of a building, electrical, plumbing, mechanical, or change in use permit shall, upon~~
1733 ~~issuance of said permit(s), be assessed a fee in accordance with Chapter 1, Article XVI or similar~~
1734 ~~wording, of the Ordinances of the City of Portsmouth, NH.~~

SECTION R109 INSPECTIONS

1735
1736
1737
1738 *Add new sentence to end of subsection:*

1739
1740 **R109.3 Inspection requests.** “Furthermore, the permit holder(s) shall allow a minimum of two
1741 work days (48 hours) from the time the building official is notified to the time the inspection is
1742 scheduled.”

1743
1744 *Add new subsection to read as follows:*

1745
1746 **R109.5 Reinspection fee.** If, upon being called for any inspection, the work is not in compliance
1747 with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be
1748 noted on the building official's report. The permit holder shall be responsible for correcting the
1749 item(s) and for notifying the building official to reinspect said deficiencies. If when called to
1750 reinspect these deficiencies, all is correct, no further action will be taken. However, if during the
1751 first reinspection, the work in question has not been corrected, there will be a reinspection fee
1752 assessed as determined **by the adoption of fees by budget resolution of the City Council** in
1753 accordance with Chapter 1, Article XVI ~~or similar wording~~, which must be paid at the Inspection
1754 Office before a third inspection will be made. For each subsequent reinspection of the same
1755 deficiency or deficiencies, a like procedure and fee shall be assessed.

1756
1757 During any inspection, the building official may find new item(s), not previously discovered, to
1758 be nonconforming. These item(s) will be noted on the building official's report, and will require
1759 reinspections. Reinspection fees will not be assessed for items newly found or for their first
1760 reinspection. However, said fees shall be assessed for these items if a third inspection is required.
1761 The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be
1762 just cause to revoke the permit under which the work was being done. Furthermore, no future
1763 permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until
1764 all outstanding fees are paid.

SECTION R110 CERTIFICATE OF OCCUPANCY

1765
1766
1767
1768 *Add new sentence to beginning of subsection:*

1769
1770 **R110.1 Use and occupancy.** “A certificate of occupancy/completion shall be issued upon request,
1771 for work associated with a valid building permit and under the criteria ~~set forth~~ **set forth** in Sections
1772 R110.3 and R110.4 of this code.”

1773
1774 *Edit subsection as follows:*

1775
1776 **R110.3 Certificate issued.**

1777
1778 *Add new item to read as follows:*

- 1779
1780 10. The City zoning map and lot numbers associated with the street address.
1781

1782 *Add new subsection to read as follows:*

1783

1784 **R110.6 Fee for Certificate of Use and Occupancy.** There shall be a fee assessed as determined
1785 **by the adoption of fees by budget resolution of the City Council** in accordance with Chapter 1,
1786 Article XVI ~~or similar wording~~, assessed to the holder of a permit for the issuance of a Certificate
1787 of Use and Occupancy when the following condition exists: When, during the final inspection
1788 phase, the building official is required to make a third inspection on a nonconforming item or
1789 items; then this third inspection, and any subsequent inspections for the same item(s) will cause
1790 the above mentioned fee to be assessed. The fee shall be repetitive for each new inspection and
1791 will be paid prior to the building official making said inspections. This procedure shall apply to
1792 building, electrical, plumbing, gas, mechanical, and fire inspections, independently. The specific
1793 procedure for implementing this subsection is outlined in Section R109.5 of this Code.

1794

1795

SECTION R113 VIOLATIONS

1796

1797 *Change subsection to read as follows:*

1798

1799 **R113.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail
1800 to comply with any of the requirements thereof or who shall erect, construct, alter or repair a
1801 building or structure in violation of an approved plan or directive of the building official, or of a
1802 permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions
1803 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.
1804 Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

1805

1806

1807

1808

1809

SECTION R114 STOP WORK ORDER

1810

1811

1812 *Change subsection to read as follows:*

1813

1814 **R114.2 Unlawful continuance.** Any person who shall continue any work in or about the structure
1815 after having been served with a stop work order, except such work as that person is directed to
1816 perform to remove a violation or unsafe condition, shall be liable to the fines outlined in Section
1817 R113.4 of these amendments.

1818

1819

SECTION R301 DESIGN CRITERIA

1820

1821 *Insert in blank spaces in Table R301.2(1):*

1822

1823 **Ground snow load:** 50 pounds per square foot (PSF)

1824

1825 **Wind speed:** 100 miles per hour (MPH)

1826

1827 **Seismic Design Category:** C

1828

1829 **Weathering:** Severe

1830

1831 **Frost Line Depth:** 4 feet to bottom of footing.

1832

1833 **Termite:** Slight to Moderate

1834
1835 **Winter Design Temp.:** (-)3 degree days
1836
1837 **Ice Barrier Underlayment Required:** Yes
1838
1839 **Flood Hazard:** Current Flood Insurance Study, Sep. 2002
1840
1841 **Air Freezing Index:** 1000
1842
1843 **Mean Annual Temperature:** 47 degrees F
1844

1845 **SECTION R302 FIRE-RESISTANT CONSTRUCTION**~~R305 CEILING HEIGHTS~~

1846
1847 *Amend*~~Change~~ *Exception 14* in subsection to read as follows:

1848
1849 **R302.3 Two-family dwellings.**

1850
1851 **Exception 1:** A fire-resistance rating of ½ hour shall be permitted in two-family dwellings
1852 protected throughout with an automatic fire sprinkler system in accordance with Section
1853 2904, NFPA 13R or NFPA 13D as listed in Chapter 44.~~R305.1 Minimum height.~~

1854
1855 ~~**Exception 4:** Bathrooms and kitchens sink areas shall have a minimum ceiling height of 6~~
1856 ~~feet 8 inches (6' 8") at the front clearance area for fixtures as shown in Figure R307.1. The~~
1857 ~~ceiling height above fixtures shall be such that the fixture is capable of being used for its~~
1858 ~~intended purpose. A shower or bathtub equipped with a showerhead shall have a minimum~~
1859 ~~ceiling height of 6 feet 8 inches (6' 8") above a minimum area 30 inches by 30 inches at~~
1860 ~~the showerhead.~~

1861
1862
1863
1864
1865
1866
1867
1868 **SECTION R310 EMERGENCY ESCAPE AND RESCUE OPENINGS**

1869
1870 **R310.1 Emergency escape and rescue required.**

1871
1872 **All Emergency Escape and Rescue openings on new construction shall meet the requirements**
1873 **outlined in IRC, Section R310. However, Emergency Escape and Rescue openings for**
1874 **structures located within the Historic District will be reviewed on a case by case basis.**
1875 **Change of occupancy shall be considered new construction.**

1876
1877 *Add new exception 2*~~exceptions~~ *to read as follows:*

1878
1879 ~~**Exception 2**~~~~Exception 2:~~ Double hung, tilt clean style windows shall be an acceptable
1880 element in an emergency means of escape route, when their size and operation satisfy the
1881 criteria stipulated in Sections R310.1.1, R 310.1.2, R310.1.3 and R310.1.4. The minimum
1882 net clear opening area and net clear opening height shall be computed with both upper and
1883 lower sashes removed. Sash removal shall not constitute special knowledge and shall not
1884 require use of any tools.

1885
1886 ~~**Exception 3:**~~ Emergency escape and rescue openings are not required when the entire
1887 structure is protected throughout with an automatic fire suppression system conforming to
1888 **Section 2904**~~NFPA 13~~, NFPA 13R or NFPA 13D as listed in Chapter ~~44~~~~43~~.

1889
1890 *Add new subsections to read as follows:*

1891
1892 ~~**R310.6 Access through garage.** The basement emergency escape route is allowed to be through~~
1893 ~~an attached garage via a door complying with Section R311.4.2 or door and stair combination,~~
1894 ~~provided this route is not the only door or stair out of the basement. There shall also be a door~~
1895 ~~complying with Section R311.4.2 from the garage directly to a public way, or to a yard or court~~
1896 ~~that opens to a public way.~~

1897
1898 **R310.7 Renovations to existing finished basements areas.** When existing basements areas are
1899 being remodeled for uses other than sleeping rooms and when such basements do not have an
1900 emergency escape and rescue opening or route as required by Sections R310.1, R310.2, R310.3 or
1901 R310.6; smoke and carbon monoxide ~~alarmsdetectors~~ shall be installed in accordance with
1902 Section ~~R314R313.2.1~~ and ~~R315313.5~~ of these amendments.

1903
1904
1905 **SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS**

1906
1907 *Change subsection to read as follows:*

1908
1909 **R313.1.1 Design and installation.** Automatic residential fire sprinkler systems for
1910 townhouses shall be designed and installed in accordance with Section P2904 or NFPA 13R
1911 as listed in Chapter 44.

1912
1913 *Add new subsection to read as follows:*

1914
1915 **R313.1.2 Fire sprinkler system alarm monitoring.** Townhouse fire sprinkler systems shall be
1916 monitored for water flow, supervisory and trouble conditions and shall automatically
1917 transmit signals to an approved central station, remote supervising station or proprietary
1918 supervising station as defined in NFPA 72 and shall sound an audible and visual signal on
1919 the building exterior in a publicly ~~visable~~visible location.

1920
1921 **Exception.** When approved by the fire official, townhouse fire sprinkler systems shall sound
1922 an audible and visual signal on the building exterior in a publicly ~~visable~~visible location and
1923 not require off site monitoring.

1924
1925 *Delete subsection without substitution:*

1926
1927 ~~**R313.2 One and two family dwellings automatic fire systems.**~~

1928
1929 **SECTION R314 SMOKE ALARMS**

1930
1931 *Add new sentence to end of subsection:*

1932
1933 **R314.4 Power source.** “Smoke alarms shall be supplied by a branch circuit that also supplies
1934 lighting loads serving habitable spaces. Smoke alarm circuit(s) shall be clearly labeled in the
1935 electric panel. The branch overcurrent protective device supplying the smoke alarms shall
1936 be clearly ~~labeled~~—“labeled “Smoke Alarms” in a manner that distinguishes it from other
1937 overcurrent protective devices.”

1938
1939 **SECTION R315 CARBON MONOXIDE ALARMS**

1940
1941 *Change section to read as follows:*

1942
1943 **~~SECTION R313 ALARMS~~**

1944
1945 ~~*Add new sentence to end of subsection:*~~

1947 ~~**R313.3 Power source.** “Smoke detectors shall not be the only load on a branch circuit and shall~~
1948 ~~be wired to a branch circuit consisting of lighting loads serving habitable spaces. Smoke detector~~
1949 ~~circuit(s) shall be clearly labeled in the electric panel.”~~

1950
1951 *Add new subsections to read as follows:*

1952
1953 ~~**R313.R315.2 Where required**~~ ~~**4 Carbon monoxide alarms in new construction.**~~ ~~In new~~
1954 ~~construction, dwelling units within which fuel-fired appliances are installed or which have attached~~
1955 ~~garages, shall be provided with carbon monoxide alarms installed outside each separate sleeping~~
1956 ~~area in the immediate vicinity of the bedroom(s), and in each room(s) as the fuel-fire appliance(s)~~
1957 ~~is (are) located.~~

1958
1959 ~~—— **Exception:** Rooms containing kitchen appliances or cloths dryers.~~

1960
1961
1962
1963
1964
1965 ~~**R313.5 Carbon monoxide alarms in existing dwellings.**~~ In existing dwellings within which fuel-
1966 fired appliances are present or which have attached garages and where alterations, repairs or
1967 additions that require a building permit are being undertaken or when additional sleeping rooms
1968 are being created; carbon monoxide alarms shall be installed in locations as required **in Section**
1969 ~~**R315.1 for new construction.**~~ The exceptions of Section ~~**R314.4R313.2.1**~~ shall also apply to
1970 retrofitting interconnected hard-wired carbon monoxide alarms.

1971
1972 *Add new subsection to read as follows:*

1973
1974 ~~**R315.4R313.6 Alarm requirements.**~~ Single station carbon monoxide alarms shall be listed as
1975 ~~complying with UL 2034-08 and shall be installed in accordance with this code and the~~
1976 ~~manufacturer’s installation instructions.~~

1977
1978 ~~**R313.6.1 Power source and alarm types.**~~ Single-station carbon monoxide alarms shall be hard
1979 wired to the building’s electric system in the same ~~manor~~ **manner** as required in Section
1980 ~~**R314.4R313.3**~~ for smoke ~~alarms~~ ~~detectors~~. Carbon monoxide alarm devices may be individually
1981 powered or may be interconnected between devices when the device listing allows for
1982 interconnection. Carbon monoxide alarm devices may be combination devices such that they serve
1983 both the buildings smoke ~~alarm~~ ~~detection~~ and carbon monoxide ~~alarm~~ ~~detection~~ requirements.
1984 When combination units are used, they shall be interconnected and shall be capable of sounding
1985 different alarm signals for either a smoke or a carbon monoxide condition.

1986
1987 **SECTION R501 GENERAL** ~~**R317 DWELLING UNIT SEPARATION**~~

1988
1989 *Add new subsections to read as follows:*

1990
1991 ~~**R501.3 Fire protection of floors.**~~ Floor assemblies, not required elsewhere in this code to be
1992 ~~fire-resistance rated, shall be provided with a minimum of 1/2-inch (12.7 mm) gypsum~~
1993 ~~wallboard membrane, 5/8-inch (16 mm) wood structural panel membrane, or equivalent on~~
1994 ~~the underside of the floor framing members.~~

1995 **Exceptions:**

- 1996 **1. Floor assemblies located directly over a space protected by an automatic sprinkler**
1997 **system in accordance with Section P2904, NFPA 13D or NFPA 13R.**
1998 **2. Floor assemblies located directly over a crawl space not intended for storage or**
1999 **fuel-fired appliances.**
2000 **3. Portions of floor assemblies can be unprotected when complying with the following:**
2001 **3.1. The aggregate area of the unprotected portions shall not exceed 80 square feet**
2002 **per story**
2003 **3.2. Fire blocking in accordance with Section R302.11.1 shall be installed along the**
2004 **perimeter of the unprotected portion to separate the unprotected portion from the**
2005 **remainder of the floor assembly.**
2006 **4. Wood floor assemblies using dimension lumber or structural composite lumber**
2007 **equal to or greater than 2-inch by 10-inch (50.8 mm by 254 mm) nominal dimension,**
2008 **or other approved floor assemblies demonstrating equivalent fire performance.**

2009 ~~**R317.2.5 Dwelling unit separation with sprinkler protection.** When a townhouse is protected~~
2010 ~~with a suppression system conforming to NFPA 13 or NFPA 13R as listed in Chapter 43, dwelling~~
2011 ~~unit separation walls shall be a minimum 1-hour fire resistance-rated assembly, constructed~~
2012 ~~continuous per Section R317.2.1. The wall parapet requirements of Sections R317.2.2 and~~
2013 ~~R317.2.3 and the structural independence requirement of Section R317.2.4 shall not be required.~~
2014 ~~The dwelling unit separation wall shall be constructed in conformance with its listing as tested in~~
2015 ~~accordance with ASTM E 119.~~

2016 ~~**R317.2.5.1 Allowed utility systems within dwelling unit separation walls.** Plumbing,~~
2017 ~~mechanical, fire protection and electrical systems shall be allowed in the dwelling unit separation~~
2018 ~~wall except as prohibited in Section R317.2.5.2. Penetrations of the dwelling unit separation wall~~
2019 ~~by these systems shall be in accordance with Section R317.3.~~

2020 ~~**R317.2.5.2 Prohibited utility systems within dwelling unit separation walls.** Clothes dryer~~
2021 ~~vents, chimneys and flue gas vents shall not be installed in dwelling unit separation walls. Fire~~
2022 ~~dampers shall not be installed in clothes dryer vents, chimneys or flue gas vents.~~

2023 ~~**R317.3.3 Fire damper listing.** Fire dampers used as a method to maintain the rating of a fire-~~
2024 ~~resistance-rated assembly shall comply with the requirements of Underwriters Laboratory~~
2025 ~~Standard, *UL 555, Fire Dampers* and shall be installed based on the fire damper listing. Fire~~
2026 ~~dampers shall have a minimum fire protection rating of 1 hour.~~

2027 ~~**R317.3.4 Alarm monitoring.** Water flow, supervisory and trouble signals shall be distinctly~~
2028 ~~different and shall be automatically transmitted to an approved central station, remote supervising~~
2029 ~~station, auxiliary fire alarm system, or proprietary supervising station as defined in NFPA 72 or,~~
2030 ~~when approved by the fire official, shall sound an audible and visual signal on the building exterior~~
2031 ~~in a publicly visible location.~~

2032
2033
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2036
2037
2038
2039 *Add new section to read as follows:*

2040 **SECTION R325 TOWNHOUSE FIRE SPRINKLER SYSTEMS**

2041 ~~**R325.1 Where required.** When a townhouse structure contains four (4) or more dwelling units,~~
2042 ~~the structure shall be protected with an automatic fire sprinkler system designed in accordance~~
2043 ~~with NFPA 13 or NFPA 13R.~~

2047 ~~**R325.2 Alarm monitoring.** Sprinkler systems shall be monitored by a fire alarm system~~
2048 ~~complying with Section R317.3.4 of these amendments.~~

2049
2050 ~~**R325.3 Separation walls and mechanical penetrations.** Townhouse unit separation walls,~~
2051 ~~parapets, mechanical system penetrations and fire dampers shall have minimum construction~~
2052 ~~features as stipulated in Sections R317.2.5, R317.2.5.1 R317.2.5.2 and R317.3.3 of these~~
2053 ~~amendments.~~

2054
2055 **SECTION R1001 MASONRY FIREPLACES**

2056
2057 *Add new sentence to end of subsection:*

2058
2059 **R1001.1 General.** “The *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning*
2060 *Appliances*, NFPA 211, is also allowed by this code to be used for the design and installation of
2061 masonry fireplaces.”

2062
2063 **SECTION R1003 MASONRY CHIMNEYS**

2064
2065 *Add new sentence to end of subsection:*

2066
2067 **R1003.1 Definitions.** “The *Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning*
2068 *Appliances*, NFPA 211 is also allowed by this code to be used for the design and installation of
2069 masonry chimneys.”

2070

2071 **CHAPTER 11 ENERGY EFFICIENCY**

2072
2073 *Change Table N1101.2 to read as follows:*

2074
2075 ~~New Hampshire. Zone 6 for entire State.~~

2076
2077 **SECTION M1201 GENERAL**

2078
2079 *Add new subsection to read as follows:*

2080
2081 **M1201.3 Additional codes and standards.** In addition to the requirements of Chapters ~~1213~~
2082 through ~~2423~~ of this Code; the design, installation, maintenance, alteration and inspection of new
2083 mechanical systems and new gas delivery systems shall also be in accordance with the
2084 *International Mechanical Code* (IMC) as adopted and amended by the City of Portsmouth. The
2085 Portsmouth Mechanical Code is found in Chapter 15, Part 2 of the City Ordinances. When there
2086 is a conflict between this code and the IMC in the design or installation of mechanical systems,
2087 the requirements of the IMC shall take precedence.

2088
2089
2090
2091
2092
2093 *Delete entire chapter and replace with the following:*

2094 **CHAPTER 24 FUEL GAS**

2095
2096
2097 *Change subsection to read as follows:*

2098
2099 **G2401.1 Application.** The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to
2100 the installation of new gas piping and gas appliances. These requirements apply to gas piping
2101 systems extending from the point of delivery to the inlet connections of the appliances and the
2102 installation and operation of residential gas appliances and related accessories.

2103
2104 **SECTION P2501 GENERAL**

2105
2106 *Add new subsection to read as follows:*

2107
2108 **P2501.3 Additional codes and standards.** In addition to the requirements of Chapters 25 through
2109 32 of this Code; the design, installation, maintenance, alteration and inspection of new plumbing
2110 systems and fixtures shall also be in accordance with the *International Plumbing Code* (IPC) as
2111 adopted and amended by the City of Portsmouth. The Portsmouth Plumbing Code is found in
2112 Chapter 15, Part 1 of the City Ordinances. When there is a conflict between this Code and the IPC
2113 in the design or installation of plumbing systems, the requirements of the IPC shall take
2114 precedence.

2115 **SECTION ~~E3401E3301~~ GENERAL**

2116
2117 *Add new sentence to end of subsection:*

2118
2119 **~~E3401E3301.1~~ Applicability.** “The State of New Hampshire adopts new editions of NFPA 70 on
2120 a three year cycle. The edition that is State adopted at the time of a new electrical installation shall
2121 govern the requirements of that installation.”

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CHAPTER 35 REFERENCED STANDARDS

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2181

Insert the following Codes and Standards:

New Hampshire State Building Code

Department of Safety
33 Hazen Drive Drive
Concord, NH 03305
(603) 271-3294
bldgcodebrd@dos.nh.gov

New Hampshire Architectural Barrier Free Design Code

Governor’s Commission on Disability
~~57 Regional Drive~~ **121 South Fruit Street, Suite 101**
Concord, NH 03301-8518
(603) 271-2773
1-800-852-3405 (NH)
<http://www.nh.gov/disability/abcommittee.html>

New Hampshire Energy Code

Public Utilities Commission
21 South Fruit Street, Suite 10
Concord, NH 03301-2429
(603) 271-2431
www.puc.nh.gov/EnergyCodes/energyypg.htm ~~index.htm~~
puc@puc.nh.gov

New Hampshire Elevator and Accessibility Lift Law, RSA 157-B

NH Labor Department
Boiler & Elevator Division
PO Box 2076
Concord, NH 03302-2076
(603) 271-6294
~~www.labor.state.nh.us/boilers.asp~~ www.nh.gov/labor/inspection/boilers-elevators.htm

Insert in the NFPA section the following referenced Codes and Standards:

13D-1307 Design & Installation of Sprinkler Systems in 1 & 2 Family Dwellings **R302.3,**
R310.1

13R-1307 Design & Installation of Sprinkler Systems in
Residential Occupancies 4 Stories in Height or Less **R310.1, R313.1.1R317.2.5,**
~~**R325.1**~~

54-1209 National Fuel Gas Code **R102.4.2, G2501.1**

211-1306 Chimneys, Fireplaces,
Vents, and Solid **R1001.1, R1003.1**
Fuel-Burning Appliances

2182 Amend in the *NFPA* section the following referenced Standards:

2183

2184 ~~Change: 13-02 to 13-07 Design & Installation of Sprinkler Systems R310.1, R317.1, R317.2.5,~~
2185 ~~R325.1~~

2186

2187 Change: ~~70-0805~~ to **70-1108** National Electric Code **R102R101.4.1,**

2188 ~~E3401E3301.1~~

2189

2190 Change: ~~72-0702~~ to **72-1307** National Fire Alarm Code R313.1, ~~R317.3.4, R325.2~~

2191

2192

APPENDIX A THROUGH APPENDIX F

2194 Appendix A through Appendix F are **not** adopted as part of this ordinance.

2195

APPENDIX G – SWIMMING POOLS, SPAS AND HOT TUBS

2197 Appendix G **is** adopted as part of this ordinance without amendments.

2198

2199

APPENDIX H THROUGH APPENDIX L

2200 Appendix H through Appendix L are **not** adopted as part of this ordinance.

2201

2202

APPENDIX M – HOME DAY CARE, – R-3 OCCUPANCY

2203

2204 Appendix M **is** adopted as part of this ordinance as amended below:

2205

2206 Edit subsection as follows:

2207

2208 **AM103.1.1 Exits access prohibited.**

2209

2210 Add new exception 2 to read as follows:

2211

2212 **Exception 2:** Exit access passing through an attached garage complying with Section R310.6 of
2213 these code amendments.

2214

2215 Change subsection to read as follows with exception remaining unchanged:

2216

2217 **AM103.1.2 Basements.** If the basement of a dwelling is to be used in the day-care operation, two
2218 exits are required from the basement regardless of the occupant load. One of the exits may pass
2219 through the dwelling and the other must lead directly to the exterior of the dwelling or lead through
2220 an attached garage that complies with Section R310.6 of these code amendments. Stairs leading
2221 from the basement are not required to be enclosed.

2222

2223

APPENDIX N - VENTING METHODS

2224

APPENDIX O - GRAY WATER RECYCLING SYSTEMS

2225 Appendix N and Appendix O **are** adopted as part of this ordinance without amendments.

2226

2227

APPENDIX P – SIZING OF WATER PIPING SYSTEM–SPRINKLING

2228 Appendix P is **not** adopted as part of this ordinance.

2229

2230

APPENDIX Q – INTERNATIONAL RESIDENTIAL CODE ELECTRICAL

2231

PROVISIONS / NATIONAL ELECTRIC CODE CROSS REFERENCE

2232 Appendix Q **is** adopted as part of this ordinance without amendments.

2233

2234
2235

ADOPTED XX XXX 20XX

1
2
3 **CITY ORDINANCE - CHAPTER 15**
4 **Part I**

5
6 **INTERNATIONAL PLUMBING CODE, 2006**
7 **(Adopted 10/19/2009)**
8

9 **The City of Portsmouth adopts the State Building Code, which adopts by reference t**The
10 International Plumbing Code, ~~2006-2009~~ Edition (**IPC**) as published by the International Code
11 Council, Inc. is hereby adopted as **Chapter 15, Part I**, of the Ordinances of the City of Portsmouth,
12 New Hampshire subject to the following amendments, additions and deletions. ~~Chapter 15, Part~~
13 ~~I, also adopts in its entirety, the latest edition of the State Plumbing Code as published by the State~~
14 ~~Plumbing Licensing Board under authority of RSA 329 A:15. When there are conflicts between~~
15 ~~the amendments herein and the State Plumbing Code, the Portsmouth Amendments shall take~~
16 ~~precedence.~~

17
18 **SECTION 101 GENERAL**
19

20 *Insert in blank space:*

21
22 **101.1 Title.** “the City of Portsmouth, New Hampshire.”

23
24 *Edit subsection as follows:*

25
26 **101.2 Scope.** *Delete* the second sentence in its entirety. In the last sentence *delete* reference to the
27 “~~International Fuel Gas Code~~” and *replace* text with the “National Fuel Gas Code, NFPA 54”.

28
29 *Add new subsection to read as follows:*

30
31 **101.5 Appendices.** Provisions in the appendices shall not apply unless specifically adopted.
32 Appendices B, C, D, E and F are adopted.

33
34 **SECTION 102 APPLICABILITY**
35

36 *Add new subsections to read as follows:*

37
38 **102.8.1 Electrical.** The provisions of the National Electric Code, NFPA 70 shall apply to the
39 installation of electrical systems including alterations, repairs, replacement, equipment,
40 appliances, fixtures, fittings and appurtenances thereto. Wherever this Code references the
41 International Electric Code the reader shall substitute that reference with the National Electric
42 Code, NFPA 70 as adopted by the State of New Hampshire. Article 80, *Administration and*
43 *Enforcement, of NFPA 70* is not adopted by the City of Portsmouth. ~~Refer to Chapter 12 of the~~
44 ~~city ordinances (Building Code) for the electric code administration process.~~
45

46 **102.8.2 Gas.** The provisions of the National Fuel Gas Code, NFPA 54, shall apply to the
47 installation of fuel gas piping from the point of delivery (meter) to the gas appliances, equipment,
48 or related accessories as covered in this Code. Wherever this Code references the International
49 **Fuel** Gas Code the reader shall substitute that reference with the National Fuel Gas Code, NFPA
50 54.

51
52 **102.8.3 Property maintenance.** The City of Portsmouth does not adopt the International Property
53 Maintenance Code and any reference to it in this Code shall not direct the reader to its contents or
54 requirements.

55
56 **102.8.4 Sewage disposal.** The City of Portsmouth does not adopt the International Sewage
57 Disposal Code and any reference to it in this Code shall not direct the reader to its contents or
58 requirements. Private sewage disposal systems shall meet the requirements of **City Ordinances,**
59 State Law **and,** RSA 485-A:29-44.

60
61 **SECTION 103 DEPARTMENT OF BUILDING SAFETY**

62
63 *Change subsection to read as follows:*

64
65 **103.1 General.** The ~~Department of Building Safety is created and the~~ Inspection Department's
66 executive official ~~thereof shall be known as~~ is the Chief Building Inspector. There shall be a
67 Plumbing/Mechanical Inspector assigned to this department, and he/she will report to the Chief
68 Building Inspector. For the purposes of this Code, the Plumbing/Mechanical Inspector shall be
69 referred to as the *code official*.

70
71 **~~SECTION 104 DUTIES AND POWERS OF THE CODE OFFICIAL~~**

72
73 *Edit subsection as follows:*

74
75 **~~104.2 Rule-making Authority.~~** ~~Add the word "written" in front of the word "rules" in the first~~
76 ~~sentence.~~

77
78 **SECTION 106 PERMITS**

79
80 *Change subsection to read as follows:*

81
82 **106.3 Plumbing permits.** Plumbing permits shall be issued on the form provided by the
83 Building Inspection Department. A separate permit application is not required.

84
85 *Add new subsection to read as follows:*

86
87 **106.3.1.12 Food establishment documentation.** All new and renovated food establishments
88 shall submit plumbing designs as required in Section 106.3.1.

89
90 *Delete the following subsection without substitution:*

91

92 **~~106.4 By whom application is made.~~**

93

94 *Change subsection to read as follows:*

95

96 **106.5 Permit issuance.** The construction documents and other data filled by an applicant for a
97 permit shall be reviewed by the code official. If the code official finds that the proposed work
98 conforms to the requirements of this code and all laws and ordinances applicable thereto, and the
99 fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant. Work shall
100 be done in accordance with the submitted construction documents presented at the time of permit
101 issuance.

102

103 Plumbing permits shall only be issued to current New Hampshire Master Plumbers; resident
104 owners of single family homes for work in said home and in which the owner currently resides;
105 and to persons engaged in the installation and servicing of water softeners or swimming pools.
106 ~~(Reference State RSA 329-A:13).~~ All permits shall be obtained in person by the qualified person
107 taking responsibility for the work. Plumbing permits shall not be transferable. All work shall be
108 done in accordance with the submitted construction documents.

109

110 The code official shall have the authority to issue a permit for the construction of part of a plumbing
111 system before the entire construction documents for the whole system have been submitted,
112 provided adequate information and detailed statements have been filed complying with all
113 pertinent requirements of this Code. The holder of the partial permit shall proceed at their own risk
114 without assurance that the permit for the entire plumbing system will be granted.

115

116 *Delete the following subsection without substitution:*

117

118 **~~106.5.1 Approved construction documents.~~**

119

120 *Change subsection to read as follows:*

121

122 **106.5.3 Expiration and extensions.** Every permit issued shall become invalid if the authorized
123 work is not commenced within one year after issuance of the permit, or if the authorized work is
124 suspended or abandoned for a period of one year after the time of commencing the work. The
125 building official may grant one (1), extension of time not exceeding twelve (12) months if there is
126 reasonable cause and only when requested in writing prior to the permit expiration date. Said
127 extension will only be authorized when it does not conflict with any local laws or ordinances
128 governing the construction work. For a permit to be considered active, periodic inspections must
129 be requested and work progress documented by inspections. Work elements shall be items
130 associated with the plumbing permit scope of work.

131

132 *Delete the following subsection without substitution:*

133

134 **~~106.5.4 Extensions.~~**

135

136 *Add new subsection to read as follows:*

137

138 **106.5.97 Outstanding permits.** Any person or company with outstanding or expired permits, for
139 work that has been completed and not inspected, may be denied issuance of new permits, until all
140 prior work has passed all required inspections.

141
142 *Delete the following subsection without substitution:*

143
144 **~~106.5.6 Retention of construction documents.~~**

145
146 *Change subsections to read as follows:*

147
148 **106.6.1 Work commencing before permit issuance.** Any person who commences any work on
149 plumbing systems, equipment, pipes, or fixtures without first obtaining the required permit(s)
150 shall, upon issuance of said permit(s), be assessed a fee **as determined by the adoption of fees**
151 **by budget resolution of the City Council** in accordance with Chapter 1, Article XVI ~~or similar~~
152 ~~wording,~~ of the Ordinances of the City of Portsmouth, NH.

153
154 **106.6.2 Fee schedule.** Fees shall be determined **by the adoption of fees by budget resolution of**
155 **the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording,~~ of the Ordinances
156 of the City of Portsmouth, NH. All permit fees shall be payable at the time the permit is issued.
157 No work will be inspected unless all fees are paid in full. See Section 107.1.2.4 for reinspection
158 fees.

159
160 **106.6.3 Fee refunds.** The code official shall authorize the refunding of fees as follows:

- 161
162 1. The full amount of any fee paid hereunder which was erroneously paid or collected.
163
164 2. Not more than 50% of the permit fee paid when no work has been done under a permit issued
165 in accordance with this Code.
166
167 3. Not more than 50% of the plan review fee paid when an application for a permit for which a
168 plan review fee has been paid, is withdrawn or canceled before any plan review effort has been
169 expended.

170
171 The code official shall not authorize the refund of any fee paid, except upon written request filed
172 by the original permittee not later than one year after the date of fee payment. Refunds shall not
173 be issued on permits that have expired under the conditions of Section 106.5.3.

174
175 *Add new subsection to read as follows:*

176
177 **106.6.4 City construction projects.** Fees shall not be assessed for work associated with projects
178 undertaken by the City of Portsmouth. These projects may also include contract work done by
179 private contracting firms hired directly by the City. This exemption shall not apply to projects done
180 by the State Department of Public Works, Pease Development Authority, State Port Authority or
181 the Portsmouth Housing Authority.

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SECTION 107 INSPECTIONS AND TESTING

Add sentence to end of subsection to read as follows:

107.21 Required inspections and testing. “The permit holder shall allow a minimum of two work days (48 hours) from the time the inspector is notified to the time the inspection is scheduled and shall be present during the required inspections.”

Add new subsection to read as follows:

107.2.5.4 Reinspection fees. If, upon being called for any inspection, and the work is not in compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies shall be noted on the code official’s report. The permit holder shall be responsible for correcting the item(s) and for notifying the code official to reinspect said deficiencies. If when called to reinspect these deficiencies, all is correct, no further action will be taken. However, if during the first reinspection, the work in question has not been corrected, there will be a reinspection fee assessed **as determined by the adoption of fees by budget resolution of the City Council, in accordance with** Chapter 1, Article XVI ~~or similar wording~~, which must be paid at the Inspection Office before a third inspection will be made. For each subsequent reinspection of the same deficiency or deficiencies, a like procedure and fee shall be assessed.

During any inspection, the code official may find new item(s), not previously discovered, to be nonconforming. These item(s) will be noted on the code official’s report, and will require reinspections. Reinspection fees will not be assessed for items newly found or for their first reinspection. However, said fees shall be assessed for these items if a third inspection is required. The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be just cause to revoke the permit under which the work was being done. Furthermore, no future permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until all outstanding fees are paid.

SECTION 108 VIOLATIONS

Change subsection to read as follows:

108.4 Violation penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the building official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense. Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

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SECTION 109 MEANS OF APPEAL

Delete entire Section 109 and substitute with the following:

109.1 Application for appeals. Refer to City Ordinance Chapter 12, Part 1, Appendix B as amended (City Building Code), for the procedure to follow when an appeal from the provisions of this Code is being requested and for the membership and qualifications of the Board of Appeals.

SECTION 202 GENERAL DEFINITIONS

Change the following definitions to read as follows:

Hot Water: Water having a temperature range between 111 degrees F (43.9 degrees C) and 130 degrees F (54 degrees C).

Tempered Water: Water having a temperature range between 85 degrees F (29 degrees C) and 110 degrees F (43.3 degrees C).

Amend Section 202 by adding the following definition:

Food service establishment: Any fixed or mobile restaurant, temporary food service establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop, soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment, catering kitchen, commissary and any other eating or drinking establishment where food or beverages are prepared or served; whether private, public, profit or non-profit.

SECTION 305 PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS

Change subsection to read as follows:

305.6 Freezing. Water, soil and waste pipes shall not be installed outside of a building, in attics or crawl spaces, concealed in outside walls, or in any other place subject to freezing temperature unless adequate provisions are made to protect such pipes from freezing by insulation or heat or both. The Portsmouth Water/Sewer Ordinance requires building water service pipes to be 4 feet below grade, or adequately insulated to afford the same protection whenever a condition arises that the 4 feet cannot be attained.

Change subsection to read as follows:

305.6.1 Sewer depth. Building sewers that connect to private sewage disposal systems shall conform to RSA 485-A relative to minimum depth below finish grade. Building drains that connect to public sewers shall be a minimum depth of 48 inches(1219 mm) below grade or be adequately insulated to afford the same protection whenever a condition arises that the 48 inches(1219 mm) cannot be attained.

276 **SECTION 312 TESTS AND INSPECTIONS**

277
278 *Change subsection to read as follows:*

279
280 **312.1 Required tests.** The permit holder shall make the applicable tests prescribed in Sections
281 312.2, 312.3, through 312.9 to determine compliance with the provisions of this code. The permit
282 holder shall give reasonable advance notice (2 work days) to the code official when the plumbing
283 work is ready for tests. The equipment, material, power and labor necessary for the inspection and
284 test shall be furnished by the permit holder and the permit holder shall be responsible for
285 determining that the work will withstand the test pressure prescribed in the following tests. All
286 plumbing system piping shall be tested with either water or air.

287
288 *Edit subsection as follows:*

289
290 **312.5 Water supply system test.** *Delete* the words: “~~or, for piping systems other than plastic~~” in
291 the first sentence.

292
293 **SECTION 403 MINIMUM PLUMBING FACILITIES**

294
295 *Change exception 2 in subsection to read as follows:*

296
297 **403.2 Separate facilities.**

298
299 **Exception 2:** In other than mercantile occupancies, separate facilities shall not be required in
300 structures or tenant spaces with a total occupant load, including both employees and customers, of
301 24 or less. See Section 403.4.4 of these amendments for mercantile occupancy fixture
302 requirements.

303
304 *Change subsection to read as follows:*

305
306 ~~**403.4 Require public toilet facilities.** Customers, patrons and visitors shall be provided with
307 public toilet facilities in structures and tenant spaces intended for public utilization. The accessible
308 route to public facilities shall not pass through kitchens, store rooms, closets or similar spaces.
309 Public toilet facilities shall be available to the public at all times the building or tenant space is
310 open for business. Employees shall be provided with toilet facilities in all occupancies. Employee
311 toilet facilities shall be either separate or combined with public facilities. The minimum number
312 of plumbing fixtures shall be calculated by Table 403.1, Section 403.2 and Section 403.4.4.
313 Plumbing fixtures shall also comply with the accessibility requirements of Section 404.1.~~

315 *Add new subsection to read as follows:*

316

317 **403.34.54.4 Group M occupancies.** A minimum of one public single occupant toilet room shall
318 be provided in buildings or tenant spaces when the total occupant load is more than 24 persons but
319 less than 50 persons. A minimum of two public single occupant toilet rooms shall be provided in
320 buildings or tenant spaces when the total occupant load is 50 persons or more. Additional plumbing
321 fixtures shall be provided when the occupant load reaches a point where the provisions of Table
322 403.1 would require more than two fixtures.

323

324 **Exception:** Where an existing toilet room is present and renovations are being undertaken,
325 the existing toilet room shall not be removed even if the occupant load is 24 persons or
326 less. In a case where there are more toilet rooms existing than what are required under this
327 code, toilet rooms in excess of the minimum required may be removed but at least one shall
328 remain.

329

330 SECTION 404 ACCESSIBLE PLUMBING FACILITIES

331

332 *Change subsection to read as follows:*

333

334 **404.1 Where required.** Accessible plumbing facilities and fixtures shall be provided in
335 accordance with the International Building Code and State of New Hampshire Architectural
336 Barrier Free Design Standards. ~~as listed in Chapter 13.~~

337

338 SECTION 405 INSTALLATION OF FIXTURES

339

340 *Add new subsections to read as follows:*

341

342 **405.3.3 Bathtubs and showers.** The clear space in front of a bathtub or shower shall be a minimum
343 of 30-inches wide and 24-inches deep.

344

345 **405.3.4 Ceiling height above fixtures.** Bathrooms and kitchens sink areas shall have a minimum
346 ceiling height of 6 feet 8 inches (6'-8") at the front clearance areas for fixtures as shown in Figure
347 405.3.1. The ceiling height above fixtures shall be such that the fixture is capable of being used
348 for its intended purpose. A shower or bathtub equipped with a showerhead shall have a minimum
349 ceiling height of 6 feet 8 inches (6'-8") above a minimum area 30 inches by 30 inches at the
350 showerhead.

351

352 **Exception:** Showers complying with the Exception in Section 417.4 shall have a minimum
353 ceiling height of 6'-8" above an area 25 inches by 30 inches at the showerhead

354

355 **SECTION 410 DRINKING FOUNTAINS**

356
357 *Add new subsection to read as follows:*

358
359 ~~**410.1.1 Occupancies with limited occupants.** In any occupancy classification with a design~~
360 ~~occupant load of less than 50 persons, a single point of use water cooler may be substituted for the~~
361 ~~required drinking fountain. Refer to Chapter 11 of the Building Code for required drinking fountain~~
362 ~~accessibility features.~~

363
364 **SECTION 418 SINKS**

365
366 *Add new subsections to read as follows:*

367
368 **418.4 Service/utility sinks or curbed mop base.** Use groups requiring service sinks are found in
369 Table 403.1. Service sink faucet spouts which accommodate a hose connection shall require
370 backflow protection as required in Section 608.2. Food service establishments shall have a
371 service/utility sink or curbed mop base installed on the main food preparation floor level and on
372 any floor level where food is prepared and where dish or pot washing takes place. This sink shall
373 be placed close to the kitchen area or as approved by the Health Department.

374
375 **418.5 Pre-rinse sink.** All food service establishment kitchens shall have a pre-rinse sink adjacent
376 to the automatic dishwasher. The pre-rinse sink shall be adjacent to the 3 compartment pot sink in
377 kitchens allowed to omit the dishwasher. The pre-rinse sink shall drain to the grease interceptor.

378
379 **SECTION 419 URINALS**

380
381 *Change subsection to read as follows:*

382
383 **419.1 Approval.** Urinals shall conform to ANSI Z124.9, ASME A112.19.2M, CSA B45.1, or
384 CSA B45.5. Urinals shall conform to the water consumption requirements of Section 604.4.
385 Water supplied urinals shall conform to the hydraulic performance requirements of ASME
386 A112.19.6, CSA B45.1 or CSA B45.5. If a no-water urinal is installed, a water supply line shall
387 be sized and installed as if a water supplied urinal were being installed. Said supply line shall be
388 properly capped and may be buried within the building construction at the urinal location.

389
390 **SECTION 501 GENERAL**

391
392 *Change subsections to read as follows:*

393
394 **501.2 Water heater as space heater.** Where combination potable water heating and space heating
395 systems require water for space heating, a master thermostatic mixing valve complying with ASSE
396 1017 shall be provided to limit the water supplied to the potable hot water distribution system to a
397 temperature of 130 degrees F (54 degrees C) maximum. The potability of the water shall be
398 maintained throughout the system.

399
400 **501.6 Water temperature control in piping from tankless heaters.** The temperature of water
401 from tankless heaters shall be a maximum of 130 degrees F (54 degrees C) when intended for

402 domestic uses. When a tempering device is used to limit the maximum water distribution system
403 temperature it shall conform to ASSE 1017. This provision shall not supersede the requirement
404 for protective shower valves in accordance with Section 424.3.

405
406 *Add new subsection to read as follows:*

407
408 **501.9 Minimum water heater temperatures.** Tank type water heaters and indirect fired hot water
409 storage tanks shall be maintained at a minimum temperature of 140 degrees F (60 degrees C) and
410 shall be equipped with a temperature controlling device conforming to ASSE 1017 to limit the
411 maximum hot water temperature to faucets as required by this code.

412
413

414 SECTION 603 WATER SERVICE

415

416 *Change subsection to read as follows:*

417

418 **603.1 Size of water service pipe.** The water service pipe shall be sized to supply water to the
419 structure in quantities and at the pressures required in this code. The minimum diameter of water
420 service pipe shall be 1 inch.

421

422 SECTION 605 MATERIALS, JOINTS AND CONNECTIONS

423

424 *Amend Table 605.3 as follows:*

425

426 **Table 605.3 Water service pipe.** *Delete all materials except type K copper for all pipe up to and*
427 *including 3 inches (3") in diameter **and** cement lined ductile iron for pipe over 3 inches (3") in*
428 *diameter.*

429

430 *Edit subsection as follows:*

431

432 **605.22.2 Solvent cementing.** *Delete the word “purple” in the second sentence.*

433

434 SECTION 607 HOT WATER SUPPLY SYSTEMS

435

436 *Add new subsection to read as follows:*

437

438 **607.1.1 Child care and Group E water temperatures.** Water for hand washing sinks in child
439 care and Group E occupancies shall be between 100 degrees F (37 degrees C) and 120 degrees F
440 (49 degrees C).

441

442 *Change subsection to read as follows:*

443

444 **607.2 Hot water supply temperature maintenance.** Where the developed length of hot water
445 piping from the source of hot water supply to the farthest fixture exceeds 50 feet (15.24 m), the
446 hot water supply system shall be provided with a method of maintaining the temperature in
447 accordance with the International Energy Code.

448
449
450 **SECTION 608 PROTECTION OF POTABLE WATER SUPPLY**
451

452 *Change subsection to read as follows:*
453

454 **608.14 Portsmouth Water Department backflow prevention criteria.** Backflow prevention at
455 the water meter shall be accordance with Section 608.14.1 through 608.14.5, and Section 608.16.5.
456

457 *Delete the following subsection without substitution:*
458

459 ~~**608.14.1 Outdoor enclosures for backflow prevention.**~~
460

461 *Add new subsections to read as follows:*
462

463 **608.14.1 Multiple tenant spaces.** All buildings that have more than three tenants or tenant spaces
464 being served by one water service shall have two backflow preventers installed in parallel for
465 uninterrupted service. When the building or tenant space does not have a known tenant, the water
466 service to that building or tenant space shall have a reduced pressure zone backflow preventer
467 installed on the building side of the water meter.
468

469 **608.14.1.2 Dual check valve assemblies.** All new residential water services of less than or equal
470 to 1 inch in size shall have at a minimum, a dual check valve backflow prevention assembly
471 conforming to ASSE 1024 listed in Chapter 13. Said assembly shall be installed on the water
472 distribution side of the water meter, without a water meter bypass feature. Thermal expansion of
473 water shall be addressed per Section 607.3.2.
474

475 **608.14.2.1.3 Existing water service.** When replacing or upgrading an existing water distribution
476 piping system, a dual check valve backflow prevention assembly shall be installed on the water
477 distribution side of the water meter, without a water meter bypass feature. Thermal expansion of
478 water shall be addressed per Section 607.3.2
479

480 **608.14.1.43 Double check-valve assemblies.** All new residential water services greater than 1
481 inch in size shall have at a minimum, a double check-valve assembly in accordance with the City
482 of Portsmouth ~~*Cross-Connection Control and Backflow Prevention Ordinance*~~ listed in Chapter
483 **163**.
484

485 **608.14.1.54. Bypass lines.** Bypass lines around required backflow preventers shall be protected
486 with a backflow preventer of the same type in the bypass line. Refer to the City of Portsmouth
487 ~~*Cross-Connection Control and Backflow Prevention Ordinance*~~ listed in Chapter **163** for additional
488 backflow prevention requirements
489

490 **608.14.1.65. Auxiliary wells or water supplies.** Whenever an auxiliary well or water supply
491 serves property that also has a domestic water service, the domestic water service shall have a
492 reduced pressure principle backflow preventer installed on the water distribution side of the water

493 meter in accordance with the City of Portsmouth ~~Cross-Connection Control and Backflow~~
494 ~~Prevention Ordinance~~ listed in Chapter 163.

495
496 *Change subsection to read as follows:*

497
498 **608.16.5 Connection to lawn irrigation systems.** The potable water supply to lawn irrigation
499 systems shall be protected against backflow by a pressure-type vacuum breaker or a reduced
500 pressure principle backflow preventer. Where chemicals are introduced into the system, the
501 potable water supply shall be protected against backflow by a reduced pressure principle backflow
502 preventer.

503
504 *Edit subsections as follows:*

505
506 **608.16.8 Portable cleaning equipment.** *Delete reference to Section 608.13.7 and insert reference*
507 *to Section 608.13.5.*

508
509 **608.16.9 Dental pump equipment.** *Delete reference to Section 608.13.6.*

510 SECTION 701 GENERAL

511
512
513 *Change subsection to read as follows:*

514
515 **701.2 Sewer required.** Every building in which plumbing fixtures are installed and all premises
516 having drainage piping shall be connected to a public sewer where available or an approved private
517 disposal system. A building is considered available to a public sewer when said building is within
518 150 feet of a public sewer line. When a private subsurface disposal system is provided, a site plan
519 shall document its location on the lot. Subsurface systems shall meet the requirements of
520 RSA 485-A:29-44.

521 SECTION 705 JOINTS

522
523
524 *Edit subsections as follows:*

525
526 **705.8.2 Solvent cementing.** *Delete the word “purple” in the second sentence.*

527
528 **705.14.2 Solvent cementing.** *Delete the word “purple” in the second sentence.*

529 SECTION 905 VENT CONNECTIONS AND GRADES

530
531
532
533 *Change subsection to read as follows:*

534
535 **905.6 Vent for future fixtures.** **Within an habitable or occupiable space at the lowest level**
536 **of a structure where plumbing fixtures are not installed, there shall be made available an**
537 **accessible vent connection, not less than 2” inch diameter, which is properly connected to**
538 **the vent system to provide for future venting.**

539

540

541

542

SECTION 909 WET VENTING

543

544 *Amend Table 909.3 as follows:*

545

546 **Table 909.3 Wet Vent Sizing.** Delete 1-1/2 inch Wet Vent Pipe Size and 1 Drainage Fixture
547 Unit Load from table.

548

549 **SECTION 917 AIR ADMITTANCE VALVES**

550
551 *Change subsection to read as follows:*

552
553 **917.3 Where permitted.** Air admittance valves are not a substitute for a conventional venting
554 system. Air admittance valves shall only be used when structural conditions prevent conventional
555 venting of fixtures. Use of air admittance valves shall be pre-approved by the code official on a
556 case-by-case basis. When approved, individual branch and circuit vents shall be permitted to
557 terminate with a connection to an individual or branch type air admittance valve. Stack vents and
558 vent stacks shall be permitted to terminate to stack type air admittance valves. Individual and
559 branch type air admittance valves shall vent only fixtures that are on the same floor level and
560 connect to a horizontal branch drain. The horizontal branch drain having individual and branch
561 type air admittance valves shall conform to Section 917.3.1 or 917.3.2. Stack type air admittance
562 valves shall conform to Section 917.3.3.

563
564 **SECTION 1003 INTERCEPTORS AND SEPARATORS**

565
566 *Change subsection to read as follows:*

567
568 **1003.2 Approval.** All interceptors and separators shall be of the type and capacity approved by
569 the City Engineer. Each interceptor and each separator shall be designed and installed in
570 accordance with the manufacturer’s instructions and the requirements of this section based on the
571 anticipated conditions of use. When exceptions are granted under the conditions of Section 1003.3,
572 the applicant shall obtain in writing, approval from the City Engineer for said exceptions. Waste
573 exempted from treatment by the City Engineer, shall not be discharged into separators or
574 interceptors.

575
576 *Change subsection to read as follows:*

577
578 **1003.3 Food service grease interceptors required.** New and remodeled food service
579 establishments shall install a 1000 gallon in-ground grease interceptor located outside the building
580 envelope in addition to all required grease interceptors at fixtures inside the building. The grease
581 interceptor shall receive drainage from fixtures and equipment with grease laden waste as stated
582 in Section 1003.3.1.

583
584 **Exception 1:** When adequate in-ground space is not available outside on the lot, ~~an~~
585 ~~automatic~~-grease **interceptor approved by the City Engineer and removal unit (AGRU)**
586 ~~sized-sized in accordance with section 1003.3.4 for the load~~ shall be installed inside.

587
588 **Exception 2:** When the Health Officer and City Engineer do not feel the type of food
589 service establishment warrants such protection.

590
591 **Exception 3:** If the drain line connecting a grease laden fixture(s) to the in-ground
592 interceptor exceeds 50 liner feet, then said fixture or fixtures, shall also be protected with
593 a grease removal device **or an AGRU** as listed in Section 1003.3.4 **or 1003.3.5.**

595 *Add sentence to end of subsection to read as follows:*

596

597 **1003.4 Oil separators required.** “The City Engineer shall approve all oil separator designs.”

598

599 *Change subsection to read as follows:*

600

601 **1003.10 Access and maintenance of interceptors and separators.** All interceptors and
602 separators shall be located to provide easy access for cleaning and inspection. Interceptors shall
603 not be located in a pit below a slab on grade. Interceptors and separators shall be inspected cleaned
604 and repaired regularly as needed by the building owner at their expense. The building owner shall
605 be responsible for the proper removal and disposal by appropriate means of the captured materials
606 and shall maintain records of the dates and means of disposal. Said records shall be subject to
607 periodic review by the City Engineer, City Health Officer or Code Official. Only licensed waste
608 disposal companies shall perform removal and disposal operations of the collected materials.

609

610 **CHAPTER 153 REFERENCED STANDARDS**

611

612 *Insert the following referenced codes and regulations:*

613

614 **New Hampshire State Building Code**

615 Department of Safety

616 33 Hazen Drive Drive

617 Concord, NH 03305

618 (603) 271-3294

619 bldgcodebrd@dos.nh.gov

620

621 **New Hampshire Architectural Barrier Free Design Code**

622 Governor’s Commission on Disability

623 ~~57 Regional Drive~~ **121 South Fruit Street, Suite 101**

624 Concord, NH 03301-8518

625 (603) 271-2773

626 1-800-852-3405 (NH)

627 <https://www.nh.gov/disability/abcommittee.html>

628

629 **New Hampshire Energy Code**

630 Public Utilities Commission

631 ~~57 Regional Drive~~ **21 South Fruit Street, Suite 101**

632 Concord, NH 03301-2429

633 (603) 271-2431

634 www.puc.nh.gov/index.htm www.puc.state.nh.us/EnergyCodes/energypg.htm

635 puc@puc.nh.gov

636

637 ~~Cross-Connection Control and City of Portsmouth~~ **Backflow Prevention Ordinance,**
638 **Chapter 16** 608.14
639 City of Portsmouth New Hampshire 608.16.5
640 Department of Public Works, Water Division
641 680 Peverly Hill Road
642 Portsmouth, NH 03801
643 (603) 766-1413

644
645 *Add in the NFPA section the following referenced Standards:*

646
647 **54-09** National Fuel Gas Code 101.2, 102.8.2

648
649 *Amend in the NFPA section the following referenced Standards:*

650
651 *Change 70-02 to 70-08* National Electric Code 102.8.1, 502.1,
652 504.3, 1113.1.3

653
654 **APPENDIX A – PLUMBING PERMIT FEE SCHEDULE**

655 *Appendix A is not adopted as part of this ordinance.*

656
657 **APPENDIX B – RATES OF RAINFALL FOR VARIOUS CITIES**

658 *Appendix B is adopted as part of this ordinance without amendments.*

659
660 **APPENDIX C – GRAY WATER RECYCLING SYSTEMS**

661 *Appendix C is adopted as part of this ordinance without amendments.*

662
663 **APPENDIX D – DEGREE DAY DESIGN TEMPERATURES**

664 *Appendix D is adopted as part of this ordinance without amendments.*

665
666 **APPENDIX E – SIZING OF WATER PIPING SYSTEM**

667 *Appendix E is adopted as part of this ordinance without amendments.*

668
669 **APPENDIX F – STRUCTURAL SAFETY**

670 *Appendix F is adopted as part of this ordinance without amendments*

671
672 **APPENDIX G – VACUUM DRAINAGE SYSTEM**

673 *Appendix G is not adopted as part of this ordinance.*

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ADOPTED: 20 Oct 2009

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CITY ORDINANCE -

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CHAPTER 15

~~CITY ORDINANCE CHAPTER 15~~

Part II

**INTERNATIONAL MECHANICAL CODE,
~~(Adopted 10/20/2006)~~ 2009**

The **City of Portsmouth adopts the State Building Code, which adopts by reference The International Mechanical Code, 2009~~6~~ Edition (IMC)** as published by International Code Council is hereby adopted as **Chapter 15, Part II**, of the Ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and deletions. ~~Chapter 15, Part I, also adopts in its entirety, the latest edition of the State Plumbing Code as published by the State Plumbing Licensing Board under authority of RSA 329 A:15. When there are conflicts between the amendments herein and the State Plumbing Code, the Portsmouth Amendments shall take precedence.~~

SECTION 101 GENERAL

Insert in blank space:

101.1 Title. “the City of Portsmouth, New Hampshire”

Edit subsection as follows:

101.2 Scope. *Delete the reference, “International Fuel Gas Code” and replace with the reference, “National Fuel Gas Code, NFPA 54.”*

SECTION 102 APPLICABILITY

Add new subsections to read as follows:

102.8.1 Electrical code. The provisions of the *National Electric Code*, NFPA 70 shall apply to the installation of electrical systems including alterations, repairs, replacement, equipment, appliances, fixtures, fittings and appurtenances thereto. Where ever this Code references the *International Electric Code* the reader shall substitute that reference with the *National Electric Code*, NFPA 70 as adopted by the State of New Hampshire. Article 80, *Administration and Enforcement, of NFPA 70* is not adopted by the City of Portsmouth. Refer to Chapter 12 of the city ordinances (Building Code) for the electric code administration process.

102.8.2 Gas code. The provisions of the *National Fuel Gas Code*, NFPA 54, shall apply to the installation of gas piping from the point of delivery (meter) to gas appliances and related accessories as covered in this code. Wherever this Code references the *International Fuel Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54. ~~Refer to Chapter 16 of these amendments for modifications to NFPA 54.~~

726
727 **102.8.3 Liquefied petroleum gas code.** The provisions of the *Liquefied Petroleum (LP) Gas*
728 *Code*, NFPA 58, shall apply to the installation of propane containers and the first- and second stage
729 pressure regulators.

730
731 **102.8.4 Commercial cooking.** The requirements of NFPA 96, the *Standard for Ventilation*
732 *Control and Fire Protection of Commercial Cooking Operations*, **Chapter 10: Fire-Extinguishing**
733 **Systems, Chapter 11: Procedures for the Use and Maintenance of Equipment and Chapter**
734 **14: Solid Fuel Cooking Operations** shall apply ~~to all hoods, ducts and~~ to Type I hoods ~~fire~~
735 ~~suppression systems~~ in occupancies with commercial food preparation services.

736 737 SECTION 103 DEPARTMENT OF BUILDING SAFETY

738
739 *Change subsection to read as follows:*

740
741 **103.1 General.** The ~~Department of Building Safety is created and the Inspection Department's~~
742 executive official ~~thereof shall be known as is~~ the Chief Building Inspector. There shall be a
743 Plumbing/Mechanical Inspector assigned to this department, and he/she will report to the Chief
744 Building Inspector. For the purposes of this Code, the Plumbing/Mechanical Inspector shall be
745 referred to as the *code official*.

746 747 SECTION 106 PERMITS

748
749 *Change subsection to read as follows:*

750
751 **106.3 Mechanical permits.** Mechanical permits shall be issued on the form provided by the
752 Building Inspection Department. A separate permit application is not required.

753
754 *Change subsection to read as follows:*

755
756 **106.4 Permit issuance.** The construction documents and other data filled by an applicant for a
757 permit shall be reviewed by the code official. If the code official finds that the proposed work
758 conforms to the requirements of this code and all laws and ordinances applicable thereto, and the
759 fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant. Work shall
760 be done in accordance with the submitted construction documents presented at the time of permit
761 issuance.

762
763 Mechanical permits shall only be issued to resident owners of single family homes for work in
764 said home in which the owner currently resides, and to businesses engaged in the installation of
765 any heating, cooling, air-conditioning or domestic water heating systems. All permits shall be
766 obtained in person by the *qualified person or agency* taking responsibility for the work.
767 Mechanical permits shall not be transferable.

768
769 For gas piping work and the installation and repair of all gas fired equipment, a *qualified person*
770 shall be any person who conforms to the SAFE-C-8000 *Licensing of Fuel Gas Fitters* rules, as
771 regulated by The State of New Hampshire Division of Fire Safety.

772

773 The code official shall have the authority to issue a permit for the construction of part of a
774 mechanical system before the entire construction documents for the whole system have been
775 submitted, provided adequate information and detailed statements have been filed complying with
776 all pertinent requirements of this Code. The holder of the partial permit shall proceed at their own
777 risk without assurance that the permit for the entire mechanical system will be granted.

778

779 *Delete the following subsection without substitution:*

780

781 ~~**106.4.1 Approved construction documents.**~~

782

783 *Change subsection to read as follows:*

784

785 **106.4.3 Expiration and extensions.** Every permit issued shall become invalid if the authorized
786 work is not commenced within one year after issuance of the permit, or if the authorized work is
787 suspended or abandoned for a period of one year after the time of commencing the work. The
788 building official may grant one (1), extension of time not exceeding twelve (12) months if there is
789 reasonable cause and only when requested in writing prior to the permit expiration date. Said
790 extension will only be authorized when it does not conflict with any local laws or ordinances
791 governing the construction work. For a permit to be considered active, periodic inspections must
792 be requested and work progress documented by inspections. Work elements shall be items
793 associated with the mechanical permit scope of work.

794

795 *Delete the following subsection without substitution:*

796

797 ~~**106.4.4 Extensions.**~~

798

799 *Add new subsection to read as follows:*

800

801 **106.4.97 Outstanding permits.** Any person or company with outstanding or expired permits, for
802 work that has been completed and not inspected, may be denied issuance of new permits, until all
803 prior work has passed all required inspections.

804

805 *Change subsections to read as follows:*

806

807 **106.5.1 Commencing work before permit issuance.** Any person who commences any work on
808 mechanical equipment, systems, pipes, ducts or fixtures without first obtaining the required
809 permit(s) shall, upon issuance of said permit(s), be assessed a fee in accordance with Chapter 1,
810 Article XVI or similar wording, of the Ordinances of the City of Portsmouth, NH.

811

812 **106.5.2 Fee schedule.** Fees shall be determined **by the adoption of fees by budget resolution of**
813 **the City Council** in accordance with Chapter 1, Article XVI ~~or similar wording~~, of the Ordinances
814 of the City of Portsmouth, NH. All permit fees shall be payable at the time the permit is issued.
815 No work will be inspected unless all fees are paid in full. See Section 107.6 for reinspection fees.

816

817 *Edit subsection as follows:*

818

819 **106.5.3 Fee refunds:**

820

821 *Insert in blank spaces: 2. “50%”; 3. “50%”*

822

823 *In last paragraph substitute “one year” in place of “180 days”.*

824

825 *Add sentence to end of last paragraph:*

826

827 “Refunds shall not be issued on permits that have expired under the conditions of Section 106.4.3.”

828

829 *Add new subsection to read as follows:*

830

831 **106.5.4 City construction projects.** Fees shall not be assessed for work associated with projects
832 undertaken by the City of Portsmouth. These projects may also include contract work done by
833 private contracting firms hired directly by the City. This exemption shall not apply to projects done
834 by the State Department of Public Works, Pease Development Authority, State Port Authority or
835 the Portsmouth Housing Authority.

836

837 **SECTION 107 INSPECTIONS AND TESTING**

838

839

840 *Add new subsection to read as follows:*

841

842 **107.3.45 Reinspection fees:** If, upon being called for any inspection, and the work is not in
843 compliance with this Code, verbal notice will be given as to the deficiencies and such deficiencies
844 shall be noted on the code official’s report. The permit holder shall be responsible for correcting
845 the item(s) and for notifying the code official to reinspect said deficiencies. If when called to
846 reinspect these deficiencies, all is correct, no further action will be taken. However, if during the
847 first reinspection, the work in question has not been corrected, there will be a reinspection fee
848 assessed **by the adoption of fees by budget resolution of the City Council** in accordance with
849 Chapter 1, Article XVI, ~~or similar wording,~~ which must be paid at the Inspection Office before a
850 third inspection will be made. For each subsequent reinspection of the same deficiency or
851 deficiencies, a like procedure and fee shall be assessed.

852

853 During any inspection, the code official may find new item(s), not previously discovered, to be
854 nonconforming. These item(s) will be noted on the code official’s report, and will require
855 reinspections. Reinspection fees will not be assessed for items newly found or for their first
856 reinspection. However, said fees shall be assessed for these items if a third inspection is required.
857 The same procedures as outlined above shall govern. Failure to pay any reinspection fees shall be
858 just cause to revoke the permit under which the work was being done. Furthermore, no future
859 permits will be issued to any person who owes the City of Portsmouth said reinspection fees, until
860 all outstanding fees are paid.

861

862

863 *Add sentence to end of subsection:*

864

865 **107.43 Approval.** “Said notice shall be the completed permit inspection log form.”

866

867

868

SECTION 108.0 VIOLATIONS

869

870 *Change subsection to read as follows:*

871

872 **108.4 Violation penalties.** Any person who shall violate a provision of this Code or shall fail to
873 comply with any of the requirements thereof or who shall erect, construct, alter or repair a building
874 or structure in violation of an approved plan or directive of the building official, or of a permit or
875 certificate issued under the provisions of this Code, shall be subject to the penalty provisions
876 prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense.
877 Reference State RSA's 155-A:8, 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

878

879 **108.5 Stop work orders:** *Insert in the first blank: "\$100.00"; Insert in the second blank:*
880 *"\$1000.00".*

881

882

883

SECTION 109 MEANS OF APPEAL

884

885 *Delete the entire section and substitute with the following:*

886

887 **109.1 Application for appeal.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as
888 amended (City Building Code), for the procedure to follow when an appeal from the provisions of
889 this Code is being requested and for the membership and qualifications of the Board of Appeals.

890

891

892

SECTION 202 GENERAL DEFINITIONS

893

894 *Add new definition to subsection:*

895

896 **Food service establishment.** Any fixed or mobile restaurant, temporary food service
897 establishment, coffee shop, cafeteria, short order cafe, luncheonette, grill, tearoom, sandwich shop,
898 soda fountain, tavern, bar, cocktail lounge, night club, industrial food service establishment,
899 catering kitchen, commissary and any other eating or drinking establishment where food or
900 beverages are prepared or served; whether private, public, profit or non-profit.

901

902

SECTION 303 EQUIPMENT AND APPLIANCE LOCATION

903

904 *Add new subsection to read as follows:*

905

906 **303.9 Equipment noise.** Refer to the City of *Portsmouth Zoning Ordinance*, for the limitations of
907 excessive noise from mechanical equipment operations. Noise from mechanical equipment shall
908 not exceed the levels so stated.

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SECTION 501 GENERAL

Add new subsection to read as follows:

501.5 Mechanical equipment and terminations in the Historic District. Mechanical equipment and equipment terminations shall comply with the *City of Portsmouth Zoning Ordinance* with respect to the allowable size of equipment and termination devices, without having to receive Historic District Commission approval.

~~SECTION 506 COMMERCIAL KITCHEN HOOD VENTILATION SYSTEM DUCTS AND EXHAUST EQUIPMENT~~

Change subsection to read as follows:

~~**506.1 General.** The requirements of NFPA 96, the Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations shall apply to all hoods, ducts, make-up air and suppression systems in commercial food service establishments. The provisions of NFPA 96 governing hoods shall mean a Type I hood as defined in this code.~~

Change subsection to read as follows:

~~**506.2 NFPA 96.** The following amendments to NFPA 96 are hereby incorporated into this code:~~

~~Chapter 10 Fire Extinguishing Equipment~~

Add new subsections to read as follows:

~~10.9.3 Initial System Tests.~~

~~**10.9.3.1** Prior to placing the cooking equipment in service, all the systems shall be tested as required by the City of Portsmouth Range Hood Test Report Form. The suppression test shall use a substitute nonflammable gas in place of the UL 300 suppression agent.~~

~~**10.9.3.2** When the conditions in Section 10.2.3.1 apply, a re-test of all the systems as stated in Section 10.9.3.1 shall be performed.~~

~~Chapter 11 Procedures for the Use and Maintenance of Equipment~~

Add new sentence to end of subsection:

~~11.6 Cleaning of Exhaust Systems.~~

~~**11.6.2*** “The methods, tools and values outlined in Annex A, Section A.11.6.2 and Figure A.11.6.2 shall become mandatory requirements of this Section.”~~

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~~End of NFPA 96 amendments.~~

~~*Delete the following subsections without substitution:*~~

~~**506.3 through 506.3.12.3 Ducts serving Type I hoods.**~~

963
964 **SECTION 507 COMMERCIAL KITCHEN HOODS**
965

966 *Add exception 4 in subsection to read as follows:*
967

968 **Exception 4.** Cooking equipment that has been listed in accordance with ANSI/UL 197 or an
969 equivalent standard for reduced emissions shall not be required to be provided with an
970 exhaust system. Spaces in which such systems are located shall be considered to be kitchens
971 and shall be ventilated in accordance with table 403.3. For the purposes of determining the
972 floor area required to be ventilated, each individual appliance shall be considered as
973 occupying not less than 100 square feet.(9,3m²).
974

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976
977 *Add new subsection to read as follows:*
978

979 **507.2.3.1 Cooking appliances for accessory uses.** All free standing domestic ranges used for
980 cooking demonstrations/classes, employee break rooms, or similar “mini” kitchens, shall have
981 Type II range hoods complying with Sections 507.5 and 507.7.2. Range hood vent terminations
982 shall comply with Section 506.4.1. Ranges used for such accessory purposes shall not be used to
983 prepare food sold to the general public.
984

985 ~~*Delete the following section without substitution:*~~
986

987 **SECTION 509 FIRE SUPPRESSION SYSTEMS**
988

989 *Add subsection to read as follows:*
990

991 **509.2 NFPA 96.** The following amendments to NFPA 96 are hereby incorporated into this
992 code:
993

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998 **Chapter 10 Fire-Extinguishing Equipment**
999

1000 *Add new subsections to read as follows:*
1001

1002 **10.9.3 Initial System Tests.**
1003

1004 **10.9.3.1** Prior to placing the cooking equipment in service, all the systems shall be tested as
1005 required by the *City of Portsmouth Range Hood Test Report Form*. The suppression test shall
1006 use a substitute non-flammable gas in place of the UL 300 suppression agent.
1007

1008 **10.9.3.2** When the conditions in Section 10.2.3.1 apply, a re-test of all the systems as stated in
1009 **Section 10.9.3.1** shall be performed.

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**Chapter 11 Procedures for the Use and
Maintenance of Equipment**

1013

1014

1015 *Add new sentence to end of subsection:*

1016

1017

11.6 Cleaning of Exhaust Systems.

1018

1019

11.6.2* “The methods, tools and values outlined in Annex A, Section A.11.6.2 and Figure
1020 **A.11.6.2** shall become mandatory requirements of this Section.”

1021

1022

1023

End of NFPA 96 Amendments.

1024

1025

~~**508 COMMERCIAL KITCHEN MAKEUP AIR**~~

1026

1027

1028

1029 **CHAPTER 8 CHIMNEYS AND VENTS**

1030
1031 **SECTION 801 GENERAL**

1032
1033 *Change subsections to read as follows:*

1034
1035 **801.1 Scope.** This chapter shall govern the installation, maintenance, repair and approval of
1036 factory-built chimneys, chimney liners, vents and connectors. This chapter shall also govern the
1037 utilization of masonry chimneys. Gas-fired appliances shall be regulated in accordance with the
1038 *National Fuel Gas Code, NFPA 54.*

1039
1040 **801.3 Masonry chimneys.** Masonry chimneys shall be constructed in accordance with the
1041 *International Building Code* and NFPA 211, *the Standard for Chimneys, Fireplaces, Vents, and*
1042 *Solid Fuel-Burning Appliances.*

1043
1044 **SECTION 902 MASONRY FIREPLACES**

1045
1046 *Change subsection to read as follows:*

1047
1048 **902.1 General.** Masonry fireplaces shall be constructed in accordance with the *International*
1049 *Building Code* and NFPA 211, *the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-*
1050 *Burning Appliances.*

1051 **CHAPTER 15 REFERENCED STANDARDS**

1052
1053 *Insert the following Codes and Regulations:*

1054
1055 **New Hampshire State Building Code**

1056 Department of Safety
1057 33 Hazen Drive Drive
1058 Concord, NH 03305
1059 (603) 271-3294
1060 bldgcodebrd@dos.nh.gov

1061
1062 **Guidelines Manual for Two (2) PSIG Gas Systems.** 1601.2 (NFPA 54, 5.5.1)

1063 Unutil Corporation.
1064 PO Box 508
1065 325 West Road, Portsmouth, NH 03802-0508,
1066 1-800-552-3047

1067
1068 **New Hampshire Energy Code**

1069 Public Utilities Commission
1070 21 South Fruit Street, Suite 10
1071 Concord, NH 03301-2429
1072 (603) 271-2431

1073 ~~www.puc.nh.gov/index.htm~~ www.puc.state.nh.us/EnergyCodes/energyppg.htm

1074 puc@puc.nh.gov

1075
1076 *Add in the NFPA section the following referenced Standards:*
1077
1078 **54-09** National Fuel Gas Code 101.2, 102.8.2, 801.1, 1601.1,
1079 1601.2
1080
1081 **70-05** National Electric Code 102.8.1
1082
1083 **96-1108** Ventilation Control and Fire Protection 102.8.4, ~~506.1~~
1084 of Commercial Cooking Operations
1085
1086 *Amend in the NFPA section the following referenced Standards:*
1087
1088 *Change 31-~~0601~~ to 31-1106* Standard for Installation of Oil Burning Equipment
1089
1090 *Change 58-~~0401~~ to 58-1404* Liquefied Petroleum Gas Code
1091
1092 *Change 211-0 to ~~03 to~~ 211-1306* Standards for Chimneys,
1093 Fireplaces, Vents and Solid Fuel-Burning Appliance
1094

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Add a new Chapter 15 Part III to read as follows:

**CHAPTER 156,
PART III
FUEL GAS INSTALLATIONS**

SECTION ~~1601-1001~~ GENERAL

10601.1 Scope. This chapter shall govern the installation, modification and maintenance of fuel gas piping systems, fuel gas utilization equipment and related accessories. All such installations shall be regulated by the *National Fuel Gas Code*, NFPA 54 subject to the following additions, amendments and deletions.

10601.2 Amendments to the National Fuel Gas Code. The following text refers to the *National Fuel Gas Code*, NFPA 54 listed in Chapter 15.

Section 5.5 Piping System Operating Pressure Limitations.

Add new subsection to read as follows:

5.5.1.1 Two pound gas systems. Two pound gas delivery systems shall be designed and installed as outlined in the *Guidelines Manual for 2 psig Gas Systems* listed in Chapter 15.

Section 5.6 Acceptable Piping Materials and Joining Methods.

~~5.6.2.2 Steel and wrought iron. Black steel pipe complying with ANSI/ASME B36.10 or ASTM A 53 shall be used for all gas delivery systems after the point of delivery.~~

Delete the following subsections without substitution:

~~**5.6.2.3 Copper and Brass**~~

~~**5.6.2.4 Threaded Copper, Brass, and Aluminum**~~

~~**5.6.2.5 Aluminum Alloy**~~

~~**5.6.2.6 Aluminum Installation**~~

~~**5.6.3 Metallic Tubing**~~

~~**5.6.3.1 Steel**~~

~~**5.6.3.2 Copper and Brass**~~

~~**5.6.3.3 Aluminum**~~

Change subsection to read as follows:

5.6.3.4 Corrugated Stainless Steel. Corrugated stainless Steel Tubing shall be listed in accordance with ANSI LC 1/CSA 6.26, *Fuel Gas Piping Systems Using Corrugated Stainless*

1141 **Steel Tubing.** Corrugated stainless steel tubing may only be used in 1 and 2 family dwelling
1142 units and townhouses with firewalls constructed per Section 706 of the 2009 International
1143 Building Code.

1144

1145 Section 7.2 Installation of Piping.

1146

1147 *Add new subsections to read as follows:*

1148

1149 **7.2.8.1 Exterior Meter Connections.** CSST shall not be connected to an exterior meter. The
1150 tubing shall terminate at the foundation wall with a termination fitting, and the gas meter shall be
1151 rigidly connected with steel piping to the building structure.

1152

1153 **7.2.8.2 Fireplace Log Installations.** CSST shall terminate with a termination fitting at the
1154 entrance to the masonry fire box. The workmanship shall be performed and completed in such a
1155 manner so that the termination will not be exposed to any mechanical damage.

1156

1157 **7.2.8.3 Fixed Appliance Connection Using CSST.** CSST may be directly connected to a fixed
1158 appliance when all the following conditions are met:

- 1159 • The tubing is securely attached to the building structure or other means of solid support.
- 1160 • Tubing shall not run exposed for a distance greater than or equal to 30 inches without being
1161 physically attached to the building structure or other means of solid support.
- 1162 • CSST terminates with a proper fitting and gas cock.

1163

1164 **7.2.8.4 CSST Used as an Appliance Connection.** CSST shall not be used as a flexible appliance
1165 connector downstream of the appliance shutoff device.

1166

- 1167 • **Testing Requirements for CSST Systems.** When CSST piping systems are installed in new
1168 construction or remodeling, the system shall be tested before any piping is covered as part of the
1169 inspections prescribed in Chapter 8.1. Before placing appliances and equipment in operation a
1170 second pressure test as prescribed in Chapter 8.1 shall be completed and inspected.

1171

1172 **7.2.8.6 CSST Piping Installed on Roofs.** CSST shall be installed for roof top equipment only
1173 when it is supported by one of the following methods:

- 1174 • The CSST tubing is installed within a metal or plastic conduit that is securely attached by
1175 an appropriate method every six feet to the roof structure. Where the piping system requires
1176 a tee to be installed within the line, the sleeve shall terminate no more than 12 inches from
1177 the tee on both main and branch line runs.
- 1178 • For CSST tubing having sizes of 1½ inch and two inches and having a UV stabilized jacket,
1179 all the following requirements shall be satisfied:
 - 1180 • The CSST shall be supported on blocks which are spaced not more than 48 inches
1181 apart.
 - 1182 • The blocks shall be constructed of materials appropriate for outdoor conditions and
1183 shall be securely attached by an appropriate method to the roof structure, and
 - 1184 • The method used to attach the CSST to the block shall not damage the plastic
1185 coating.

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- The maximum length of tubing not supported by any method listed shall not exceed 30-inches when connected to a gas fired roof top unit or similar gas equipment.

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Section 12.9 Through the wall vent termination.

Add new subsection to read as follows:

12.9.6 Through-the-wall vents for mechanical draft vented appliances shall terminate a minimum of 5 ft from property lines.

End of NFPA 54 Amendments.

**APPENDIX A – COMBUSTION AIR OPENINGS AND
CHIMNEY CONNECTOR PASS-THROUGH**

Appendix A is adopted as part of this ordinance.

APPENDIX B – RECOMMENDED PERMIT FEE SCHEDULE

Appendix B is not adopted as part of this ordinance.

~~**ADOPTED 20 ADOPTED 20 Oct 2009**~~

1 CITY ORDINANCE – CHAPTER 15

2 PART IVH

3 NATIONAL ELECTRIC CODE, 2014

4
5 The **City of Portsmouth adopts the State Building Code, which adopts by reference The**
6 **National Electrical Code, 2014 (NEC), ~~is hereby adopted~~** as Chapter 15, Part **HHIV**, of the
7 ordinances of the City of Portsmouth, New Hampshire, subject to the following amendments,
8 additions and deletions:

9
10 *Change subsection to read:*

11
12 **210.8 Ground-Fault Circuit-Interrupter Protection for Personnel.**

13 Ground-fault circuit-interrupter protection for personnel shall be provided as required in
14 210.8(A) through (E). The ground- fault circuit interrupter shall be installed in a readily
15 accessible location.

16
17 For the purposes of this section, when determining distance from receptacles the distance shall
18 be measured as the shortest path the cord of an appliance connected to the receptacle would
19 follow without piercing a floor, wall, ceiling, or fixed barrier, or passing through a door,
20 doorway, or window.

21
22 (A) **Dwelling Units.** All 125-volt, **and 240 volts** single-phase, 15-thru ~~20~~ **50** ampere
23 receptacles installed in the locations specified in 210.8(A)(1) through (10) shall have
24 ground-fault circuit interrupter protection for personnel.

25 1) Bathrooms

26 (2) Garages, and also accessory buildings that have a floor located at or below grade level not
27 intended as habitable rooms and limited to storage areas, work areas, and areas of similar use.

28 (3) Outdoors

29
30 ***Exception to (3):** Receptacles that are not readily accessible and are supplied by a branch*
31 *circuit dedicated to electric snow-melting, deicing, or pipeline and vessel heating equipment*
32 *shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.*

33 (4) Crawl spaces — at or below grade level.

34 (5) Unfinished portions or areas of the basement not intended as habitable rooms.

35

36 **Exception to (5):** *A receptacle supplying only a permanently installed fire alarm or burglar*
37 *alarm system shall not be required to have ground fault circuit-interrupter protection.*

38 Informational Note: See 760.41(B) and 760.121(B) for power supply requirements for fire alarm
39 systems.

40 Receptacles installed under the exception to 210.8(A)(5) shall not be considered as meeting the
41 requirements of 210.52(G).

42 (6) Kitchens — where the receptacles are installed to serve the countertop surfaces.

43 (7) Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the
44 bowl of the sink.

45 (8) Boathouses

46 (9) Bathtubs or shower stalls — where receptacles are installed within 1.8 m (6 ft) of the outside
47 edge of the bathtub or shower stall.

48 (10) Laundry areas

49 **B) All Area Including Dwelling Unit ~~Other Than Dwelling Units~~.** All single-phase
50 receptacles rated 150 volts to ground or less, 50 amperes or less and three phase receptacles rated
51 150 volts to ground or less, 100 amperes or less installed in the following locations shall have
52 ground-fault circuit-interrupter protection for personnel.

53 (1) Bathrooms

54 (2) Kitchens

55 (3) Rooftops

56 *Exception: Receptacles on rooftops shall not be required to be readily accessible other than from*
57 *the rooftop.*

58 (4) Outdoors

59 *Exception No. 1 to (3) and (4): Receptacles that are not readily accessible and are supplied by a*
60 *branch circuit dedicated to electric snow melting, deicing, or pipeline and vessel heating*
61 *equipment shall be permitted to be installed in accordance with 426.28 or 427.22, as applicable.*

62 *Exception No. 2 to (4): In industrial establishments only, where the conditions of maintenance*
63 *and supervision ensure that only qualified personnel are involved, an assured equipment*
64 *grounding conductor program as specified in 590.6(B)(3) shall be permitted for only those*
65 *receptacle outlets used to supply equipment that would create a greater hazard if power is*
66 *interrupted or having a design that is not compatible with GFCI protection.*

67 (5) Sinks — where receptacles are installed within 1.8 m (6 ft) from the top inside edge of the
68 bowl of the sink.

69 *Exception No. 1 to (5): In industrial laboratories, receptacles used to supply equipment where*
70 *removal of power would introduce a greater hazard shall be permitted to be installed without*
71 *GFCI protection.*

72 *Exception No. 2 to (5): For receptacles located in patient bed locations of general care*
73 *(Category 2) or critical care (Category 1) spaces of health care facilities other than those*
74 *covered under 210.8(B)(1), GFCI protection shall not be required.*

75 (6) Indoor wet locations.

76 (7) Locker rooms with associated showering facilities.

77 (8) Garages, service bays, and similar areas other than vehicle exhibition halls and showrooms.

78 (9) Crawl spaces — at or below grade level.

79 (10) Unfinished portions or areas of the basement not intended as habitable rooms.

80 **(C) Boat Hoists.** GFCI protection shall be provided for outlets not exceeding 240 volts that
81 supply boat hoists installed in dwelling unit locations.

82 **(D) Kitchen Dishwasher Branch Circuit.** GFCI protection shall be provided for outlets that
83 supply dishwashers installed in dwelling unit locations.

84 **(E) Kitchen Microwaves, Range Hood Branch Circuits.** GFCI protection shall be provided
85 **for outlets, or hard wired microwaves and range hood in dwelling unit locations.**

86 **(F) Kitchen Refrigerator Branch Circuits.** GFCI protection shall be provided for outlets
87 **that supply refrigerators installed in dwelling unit location.**

88 **(G) Kitchen Garbage Disposal, and Trash Compactors Branch Circuits.** GFCI protection
89 **shall be provided for outlets that supply garbage disposals and trash compactors installed**
90 **in dwelling units.**

91 **(H) Kitchen Electric Ranges Branch Circuits.** GFCI protection shall be provided for all
92 **electric ranges 120 volts thru 240 volts 50 amps and less in dwelling units.**

93 **(I) Electric Dryers in Bathrooms, Basements and Laundry Room Rooms.** GFCI protection
94 **shall be provided for circuits for 120 volt thru 240 volts 50 amps or less that supply electric**
95 **dryers in dwelling units.**

96 **(J)-~~(E)~~ Crawl Space Lighting Outlets.** GFCI protection shall be provided for lighting outlets
97 not exceeding 120 volts installed in crawl space.

98

99

100 *Change subsection to read as follows:*

101 **Part VI. Service Equipment — Disconnecting Means.**

102

103 **230.70 General.** Means shall be provided to disconnect all conductors in a building or other
104 structure from the service entrance conductors.

105 **(A) Location.** The service disconnecting means shall be installed in accordance with
106 230.70(A)(1), (A)(2), and (A)(3) except for one and two family dwellings, the disconnecting
107 means shall be located on the outside of the dwelling in a readily accessible location nearest
108 point of the conductors entering the building or structure.

109 **(1) Readily Accessible Location.** The service disconnecting means shall be installed at a readily
110 accessible location either outside of a building or structure or inside nearest the point of entrance
111 of the service conductors.

112 **(2) Bathrooms.** Service disconnecting means shall not be installed in bathrooms.

113 **(3) Remote Control.** Where a remote control device(s) is used to actuate the service
114 disconnecting means, the service disconnecting means shall be located in accordance with
115 230.70(A)(1).

116 **(B) Marking.** Each service disconnect shall be permanently marked to identify it as a service
117 disconnect.

118 **(C) Suitable for Use.** Each service disconnecting means shall be suitable for the prevailing
119 conditions. Service equipment installed in hazardous (classified) locations shall comply with the
120 requirements of Articles 500 through 501

121

122 *Change subsection to read as follows:*

123 **Part II. Installation**

124 **334.10 Uses Permitted.** Type NM, Type NMC, and Type NMS cables shall be permitted to be
125 used in the following, except as prohibited in 334.12:

126 (1) One- and two-family dwellings and their attached or detached garages, and their storage
127 buildings.

128 ~~(2) Multi-family dwellings permitted to be of Types III, IV, and V construction.~~

129 ~~(3) Other structures permitted to be of Types III, IV, and V construction. Cables shall be~~
130 ~~concealed within walls, floors, or ceilings that provide a thermal barrier of material that has at~~
131 ~~least a 15-minute finish rating as identified~~

132 ~~In listings of fire-rated assemblies.~~

133 ~~Informational Note No. 1: Types of building construction and occupancy classifications are~~
134 ~~defined in NFPA 220—2015, *Standard*~~

135 ~~on Types of Building Construction, or the applicable building code, or both.~~

136 ~~Informational Note No. 2: See Informative Annex E for determination of building types [NFPA~~
137 ~~220, Table 3-1].~~

138 ~~(4) Cable trays in structures permitted to be Types III, IV, or V where the cables are identified~~
139 ~~for the use.~~

140 ~~Informational Note: See 310.15(A)(3) for temperature limitation of conductors.~~

141 ~~(5) Types I and II construction where installed within raceways permitted to be installed in~~
142 ~~Types I and II construction.~~

143 **(A) Type NM.** Type NM cable shall be permitted as follows:

144 (1) For both exposed and concealed work in normally dry locations **in one and two family**
145 **dwelling, except as prohibited in 334.10(3)**

146 (2) To be installed or fished in air voids in masonry block or tile walls.

147

148 **334.12 Uses Not Permitted.**

149 **(A) Types NM, NMC, and NMS.** Types NM, NMC, and NMS cables shall not be permitted as
150 follows:

- 151 (1) In any dwelling or structure not specifically permitted in 334.10(1), ~~(2), (3), and (5)~~
152 (2) Exposed in a dropped or suspended ceiling in other than one- and two-family ~~and multifamily~~
153 ~~dwellings~~
154 (3) As service-entrance cable.
155 ~~(4) In commercial garages having hazardous (classified) locations as defined in 511.3~~
156 ~~(5) In theaters and similar locations, except where permitted in 518.4(B)~~
157 ~~(6) In motion picture studios~~
158 ~~(7) In storage battery rooms~~
159 ~~(8) In hoist ways or on elevators or escalators~~
160 ~~(9) Embedded in poured cement, concrete, or aggregate~~
161 ~~(10) In hazardous (classified) locations, except where specifically permitted by other articles in~~
162 ~~this Code~~
163 **(B) Types NM and NMS.** Types NM and NMS cables shall not be used under the following
164 conditions or in the following locations:
165 ~~(1) Where exposed to corrosive fumes or vapors~~
166 ~~(2) Where embedded in masonry, concrete, adobe, fill, or plaster~~
167 ~~(3) In a shallow chase in masonry, concrete, or adobe and covered with plaster, adobe, or similar~~
168 ~~finish~~
169 ~~(4) In wet or damp locations.~~

170
171 **334.15 Exposed Work in one and two family dwelling.**

172 In exposed work, except as provided in 300.11(A), cable shall be installed as specified in
173 334.15(A) through (C).

174 **(A) To Follow Surface.** Cable shall closely follow the surface of the building finish or of
175 running boards.

176 **(B) Protection from Physical Damage.** Cable shall be protected from physical damage where
177 necessary by rigid metal conduit, intermediate metal conduit, electrical metallic tubing, Schedule
178 80 PVC conduit, Type RTRC marked with the suffix - XW, or other approved means. Where
179 passing through a floor, the cable shall be enclosed in rigid m conduit, Type RTRC marked with
180 the suffix -XW, or other approved means extending at least 150 mm (6 in.) above the floor.
181 Type NMC cable installed in shallow chases or grooves in masonry, concrete, or adobe shall be
182 protected in accordance with the requirements in 300.4(F) and covered with plaster, adobe, or
183 similar finish.

184
185 **(C) In Unfinished Basements and Crawl Spaces in one and two family dwellings.** Where
186 cable is run at angles with joists in unfinished basements and crawl spaces, it shall be permissible
187 to secure cables not smaller than two 6 AWG or three 8 AWG conductors directly to the lower
188 edges of the joists. Smaller cables shall be run either through bored holes in joists or on running
189 boards. Nonmetallic sheathed cable installed on the wall of an unfinished basement shall be
190 permitted to be installed in a listed conduit or tubing or shall be protected in accordance with
191 300.4. Conduit or tubing shall be provided with a suitable insulating bushing or adapter at the
192 point the cable enters the raceway. The sheath of the nonmetallic-sheathed cable shall extend
193 through the conduit or tubing and into the outlet or device box not less than 6 mm (1/4 in.). The
194 cable shall be secured within 300 mm (12 in.) of the point where the cable enters the conduit or
195 tubing. Metal with the provisions of 250.86 and 250.148.

196 **334.17 Through or Parallel to Framing Members.** Types NM, NMC, or NMS cable shall be
197 protected in accordance with 300.4 where installed through or parallel to framing members.
198 Grommets used as required in 300.4(B) (1) shall remain in place and be listed for the purpose of
199 cable protection.

200 **334.23 In Accessible Attics in one and two family dwellings.**

201 The installation of cable in accessible attics or roof spaces shall also comply with 320.23.

202

203 *Change subsection to read as follows:*

204 **Part II. Installation**

205 **338.10 Uses Permitted.**

206 **(A) Service-Entrance Conductors for one and two family dwellings.** Service-entrance cable
207 shall be permitted to be used as service-entrance conductors and shall be installed in accordance
208 with 230.6, 230.7, and Parts II, III, and IV of Article 230.

209 **(B) Branch Circuits or Feeders.**

210 **(1) Grounded Conductor Insulated.** Type SE service-entrance cables shall be permitted in
211 wiring systems where all of the circuit conductors of the cable are of the thermoset or
212 thermoplastic type.

213 **2) Use of Uninsulated Conductor.** Type SE service-entrance cable shall be permitted for use
214 where the insulated conductors are used for circuit wiring and the uninsulated conductor is used
215 only for equipment grounding purposes.

216 **(3) Temperature Limitations.** Type SE service-entrance cable used to supply appliances shall
217 not be subject to conductor temperatures in excess of the temperature specified for the type of
218 insulation involved.

219 **(4) Installation Methods for Branch Circuits and Feeders.**

220 **(a) Interior Installations.** In addition to the provisions of this article, Type SE service-entrance
221 cable used for interior wiring shall comply with the installation requirements of Part II of Article
222 334, excluding 334.80.

223 For Type SE cable with ungrounded conductor sizes 10 AWG and smaller, where installed in
224 thermal insulation, the ampacity shall be in accordance with 60°C (140°F) conductor temperature
225 rating. The maximum conductor temperature rating shall be permitted to be used for ampacity
226 adjustment and correction purposes, if the final derated ampacity does not exceed that for a 60°C
227 (140°F) rated conductor.

228

229 *Change subsection to read as follows:*

230 **338.12 Uses Not Permitted.**

231 **(A) Service-Entrance Cable.** Service-entrance cable (SE) shall not be used under the following
232 conditions or in the following locations, other than one and two family dwellings.

233 (1) Where subject to physical damage unless protected in accordance with 230.50(B).

234 (2) Underground with or without a raceway.

235 (3) For exterior branch circuits and feeder wiring unless the installation complies with the
236 provisions of Part I of Article 225 and is supported in accordance with 334.30 or is used as
237 messenger-supported wiring as permitted in Part II of Article 396.

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CHAPTER 5

FIRE DEPARTMENT AND PREVENTION REGULATIONS

Article I	Fire Department	5.101 - 5.104
Article II	Reserved for future use	5.201
Article III	Reserved for future use	5.301
Article IV	Petroleum and its Products Reserved for future use	5.401 - 5.409
Article V	Municipal Fire Alarm and Communication Systems	5.501 - 5.504
Article VI	Fire Department Emergency Medical Services Costs	5.601
Article VII	Blasting	5.701
Article VIII	Alarm Systems Monitored by the City	5.801 - 5.806
Article IX	International Fire Code / 2006 Edition Adopted Fire Codes	Sec. F-100.0

ARTICLE I: FIRE DEPARTMENT

Section 5.101: PERSONNEL

The Fire Department shall consist of ~~the a~~ **Fire Chief, permanent firemen, call firemen and such substitutes as may be provided. Of the permanent firemen, three shall be chosen as first, second and third Deputy Chiefs, fire officers, firefighters, and administrative personnel as recommended by the fire chief and approved by the Board of Fire Commissioners. respectively, two as Captains, and two as Lieutenants, and shall devote their full time to such offices.**

Section 5.102: ~~APPARATUS TO BE KEPT IN CITY AID OUTSIDE CITY~~

~~No engine, horn, wagon or hook and ladder truck or other piece of fire apparatus shall be taken to a fire out of the City, without permission of the Fire Chief, or in his absence the officer in charge, nor shall any of the apparatus of the Fire Department be taken from the City, except in case of fire, without permission from the Board of Fire Commissioners. (Amended 8/15/88; former Sections 5.102 and 5.103 deleted 10/22/12)~~

The Fire Chief is authorized to allow department apparatus, vehicles, and/or personnel to provide aid outside the City, in or out of state, for the purposes of extinguishing a fire, rendering other emergency assistance, or performing any detail as requested.

42 **ARTICLE II ,~~AND~~ ARTICLE III, Article IV – RESERVED FOR FUTURE USE**
43

44 **ARTICLE IV: PETROLEUM AND ITS PRODUCTS, ~~Burn Permits (Amended 4/1/96)~~**

45

46 **Section 5:401: LICENSE**

47

48 ~~No person shall store or handle any gasoline or similar fluids within the City without first obtaining~~
49 ~~a license from the City License Officer for the purpose and without said license having been~~
50 ~~endorsed by the Fire Chief and Building Inspector.~~

51

52

53 **Section 5:402: FEE**

54

55 ~~Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended~~
56 ~~3/18/2002)~~

57

58

59 **Section 5:403: LIMITATIONS**

60

61 ~~For the purpose of preventing excessive fire hazards, no license, other than a renewal of an existing~~
62 ~~license, for the storage of more than 300 gallons of crude petroleum or any of the products thereof~~
63 ~~within the district described in Section 5:404 hereof, shall be granted unless such storage is to be~~
64 ~~in underground tanks.~~

65

66

67 **Section 5:404: STORAGE DISTRICT**

68

69 ~~Section 5:403 of this ordinance shall apply to the area bounded as follows:~~

70

71 ~~Commencing at the Piscataqua River opposite the easterly end of Court Street; and running~~
72 ~~westerly to said easterly end of Court Street; thence westerly through Court Street to Middle Street;~~
73 ~~thence northeasterly through Middle Street to Islington Street; thence westerly through Islington~~
74 ~~Street to the westerly boundary of said land of the Morley Company to the Boston and Maine~~
75 ~~Railroad tracks; thence easterly along said tracks to a point opposite the westerly end of the North~~
76 ~~Mill Pond; thence northerly to the westerly end of the North Mill Pond; thence following the~~
77 ~~northerly boundary of the North Mill Pond to the Piscataqua River; thence by the Piscataqua River~~
78 ~~to the point of beginning.~~

79

80

81 **Section 5:405: DUTIES OF THE PETROLEUM INSPECTOR**

82

83 ~~The duties of the Petroleum Inspector shall be those prescribed for the duties of such officers in~~
84 ~~Chapter 339 of the N.H. RSA.~~

85

86

87 **Section 5:406: FEE OF INSPECTOR**

88

89 ~~Fees to be determined in accordance with Chapter 1, Article XVI or similar wording. (Amended~~
90 ~~3/18/2002)~~

91

92

93 **Section 5:407: ANNUAL REPORT**

94

95 ~~Said inspector shall annually as early as practical in January, but not later than the second~~
96 ~~Thursday, report in writing to the City Council all inspections made by him during the preceding~~
97 ~~year.~~

98

99

100 **Section 5:408: PENALTY**

101

102 ~~If any person shall violate any of the provisions of Sections 5:401 or 5:403 of this Chapter, he shall~~
103 ~~be fined not less than \$1.00 nor more than \$100.00 for each day the violation shall continue.~~

104

105

106 **Section 5:409: BURNING PERMITS**

107

108 ~~All burning permits shall be issued by the Fire Department; the licensing process and fees required~~
109 ~~are governed by New Hampshire State Law, currently designated as RSA 244. (Adopted 4/1/96)~~

110

111

112 ~~ARTICLE V: MUNICIPAL FIRE ALARM AND COMMUNICATION SYSTEMS~~

113

114

115 ~~Section 5.501: RESPONSIBILITY~~

116

117 ~~The Chief of the Fire Department or his designee shall be responsible for the proper installation,~~
118 ~~maintenance and supervision of the municipal fire alarm and communication systems.~~

119 ~~(Adopted 1/26/87)~~

120

121

122 ~~Section 5.502: POLE AND DUCT SYSTEMS~~

123

124 ~~It shall be the responsibility of the Chief of the Fire Department or his designee to coordinate with~~
125 ~~the Public Utilities for the supply and spacing of poles or ducts for municipal use.~~

126 ~~(Adopted 1/26/87)~~

127

128

129 ~~Section 5.503: LOCATION OF FIRE ALARM BOXES AND SIGNALS~~

130

131 ~~The Chief of the Fire Department or his designee shall located fire alarm call boxes, and other~~
132 ~~signaling devices as public interest may require. However, permanent removal of fire alarm boxes~~
133 ~~shall only be at the direction of the City Council. (Adopted 1/26/87)~~

134

135

136 ~~Section 5.504: PENALTY FOR INJURE OR POSTING~~

137

138 ~~If any person shall willfully injure, or attempt to injure; or post any paper or placard; paint or~~
139 ~~deface any pole, fire alarm box, signal pole, pedestal, manhole, pull box, gong, wire or other~~
140 ~~component of the Municipal Signal Systems, shall be fined \$100 plus the costs of repair or~~
141 ~~replacement. (Adopted 1/26/87)~~

142

143

144 **ARTICLE VI: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS**

145

146 **Section 5.601: FIRE DEPARTMENT EMERGENCY MEDICAL SERVICE COSTS**

147

148 The rates to be charged for Emergency Medical Services shall be established and adjusted as
149 necessary by the City Manager with approval of the Board of Fire Commissioners. Where
150 applicable, the rates shall be equal to or less than the usual and customary rates, which are charged
151 for those services by private service providers in the geographic area. The rates shall be established
152 pursuant to the following terms and conditions:

153

154 A. Medicare patients shall be charged the current Medicare allowable rate for any Medicare
155 covered service, and Medicare patients are to be responsible for co-pays and deductibles.

156

157 B. The rates may include a fee for mileage traveled by municipal vehicles.

158

159 C. The rates may include a fee for special services provided by the Fire Department such as
160 extrication of individuals from motor vehicles or similar services.

161

162 D. The rates may include a fee for non-emergency transfer of patients from one location to
163 another location.

164

165 E. The rates may contain a provision allowing for a reduction or waiver of the established
166 rates in the case of need or other good cause shown by the recipient of the service.

167

168 (Article VI deleted in its entirety and replaced 6/1/98)

169

170 **ARTICLE VII: BLASTING**

171
172 **Section 5:701 BLASTING PERMIT REQUIRED**

173
174 No person shall perform or cause to be performed any blasting within the City limits unless a
175 Blasting Permit is obtained from the City Engineer. This permit shall not be issued until the
176 following terms and conditions have been satisfied by the applicant:

- 177
178 A. All abutters within five hundred (500) feet of the area where the blasting will occur shall
179 receive notice by certified mail two full business days (excluding Saturday, Sunday and
180 holidays) in advance of the blasting. The term “abutter” shall be defined in the manner
181 used for the notification of zoning abutters. (Amended 9/17/2001)
182
183 B. That the City Engineer’s office as well as the Building Inspector shall receive the same
184 notice, also sent by certified mail, at least two full business days (excluding Saturday,
185 Sunday and holidays) in advance of the blasting.
186
187 C. The name and address of the blasting company be provided.
188
189 D. The name of a company representative be provided and the twenty-four (24) hour telephone
190 number of the representative; such representative being a person who is capable of
191 responding to claims and issues arising from the blasting performed.
192
193 E. A pre-blast survey shall be completed by the blasting company for an area within five
194 hundred (500) feet of the proposed blasting. (Amended 9/17/2001)
195
196 F. Any reports, measurements or video tapes made in connection with this pre-blast survey or
197 with the subsequent blasting shall be made available upon request to all abutters within
198 five hundred (500) feet of the area. (Amended 9/17/2001)
199
200 G. That the cost of such a pre-blast survey shall be borne by the blasting company.
201
202 H. The Use and Transport License of the hauler shall be designated.
203
204 I. The route of removing blasting material shall be designated.
205
206 J. The location of the blasting shall be designated.
207
208 K. The blasting shall take place within the hours of 8:00 A.M. to 5:00 P.M. Monday through
209 Friday.
210
211 L. An Insurance Certificate shall be posted with the City Engineer in an amount and type
212 deemed appropriate by the City Engineer and the City Attorney. (Amended 9/20/93)
213
214 M. The Public Works Director is hereby authorized to promulgate blasting rules consistent
215 with the intent of this ordinance, such rules shall become effective on acceptance by the
216 City Council. (Item M. adopted 9/17/2001)
217
218

219 **ARTICLE VIII: ALARM SYSTEMS ~~MONITORED BY THE CITY~~**

220
221 **Section 5.801: DEFINITIONS**

222 For the purpose of this Article, the following definitions shall be applicable:

223
224
225 Alarm System: Any assembly of equipment and/or devices which, with or without human
226 involvement, is reasonably calculated to notify either police or fire officials and
227 lead them to believe that there is a situation requiring their urgent attention.

228
229 Unfounded Emergency Call: Any response by police or fire officials to the activation of an alarm
230 system, when no objective indication of a situation requiring their urgent
231 attention is found by the responding police or fire offices; false alarm.

232
233
234 **Section 5.802: SERVICE FEE**

235
236 The owner of any premises served by an alarm system shall be obligated to pay a service fee to
237 the City of Portsmouth for all unfounded emergency calls to that premises in excess of the number
238 of such calls permitted by this Article. This service fee shall be in such amounts as ~~shall be~~
239 ~~determined by the adoption of fees by budget resolution or the City Council in accordance~~
240 ~~with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth. may be determined~~
241 ~~on an annual basis by the City during its budget process.-~~ The service fee may be graduated to
242 increase based upon an increasing number of unfounded emergency calls. (Amended 1/25/88;
243 amended 04/16/2012)

244
245
246 **Section 5.803: PERMISSIBLE UNFOUNDED EMERGENCY CALLS ~~[Amended~~**
247 ~~04/16/2012]~~

248
249 The owner of any premises served by an alarm system shall be permitted the following number of
250 unfounded emergency calls prior to the imposition of a service fee:

- 251
- 252 A. Unfounded Emergency Calls to Police Department
253 Five calls per calendar year (Amended 1/25/88)
 - 254
 - 255 B. Unfounded Emergency Calls to Fire Department
256 ~~Two~~ **Four** calls per six calendar month period (January to June inclusive or July to
257 December inclusive)
 - 258
 - 259

260 ~~**Section 5.804: ALARM SYSTEMS MONITORED BY THE CITY**~~

261
262 ~~Any person, firm, or corporation maintaining an alarm system located wholly or in part on City~~
263 ~~premises shall be subject to the following provisions:~~

- 264
- 265 ~~A. Such alarm systems shall be maintained in strict conformance to any operating standards~~
266 ~~that may be from time to time promulgated by the Department Head with jurisdiction over~~
267 ~~the premises in which the alarm system is located.~~
 - 268

269 ~~B. — A service charge shall be paid to the City department which monitors any alarm system.~~
270 ~~The rates to be charged for these alarm systems shall be established and adjusted as~~
271 ~~necessary by the City Manager with the approval of the Police Commission or Fire~~
272 ~~Commission, in the event the system is monitored by either department. This fee shall be~~
273 ~~payable in advance and no part thereof may be refunded or transferred.~~

274
275 ~~(Amended title of Ordinance & Section 5.804 and replaced Item B in its entirety 5/3/99)~~
276

277
278 ~~**Section 5.805: — PROHIBITIONS**~~

279
280 ~~Direct Dialers: — The use of so-called direct dialer tape alarm systems, which automatically~~
281 ~~engage available telephone lines, is prohibited within the City of Portsmouth~~

282
283
284 ~~**Section 5.806: — PENALTY**~~

285
286 ~~Any person, firm or corporation who violates any provision of Section 5.805 of this Ordinance~~
287 ~~shall be subject to a fine of not more than \$100.00 upon conviction.~~

288
289

290 CITY ORDINANCE - CHAPTER 5

291 ARTICLE IX: ~~INTERNATIONAL FIRE CODE, 2006~~
292 ~~(Adopted 10/19/2009)~~
293 ADOPTED FIRE CODES
294

295
296 **The City of Portsmouth formally adopts Saf-C 6000 (the State Fire Code) published by the**
297 **National Fire Protection Association, by adopting by reference the Life Safety Code 2015**
298 **Edition and the Uniform Fire Code NFPA1, 2009 Edition, as published by the National Fire**
299 **Protection Association and as amended by the State Board of Fire Control.**

300
301 The **City of Portsmouth adopts the** International Fire Code, ~~2006~~ **2015 Edition (IFC)** and the
302 provisions of any other national code, model code or standard referred to in the IFC as published
303 by the International Code Council, is hereby adopted as **Chapter 5, Article IX**, of the ordinances
304 of the City of Portsmouth, New Hampshire, subject to the following amendments, additions and
305 deletions:

306
307 SECTION 101 GENERAL

308 *Insert in blank space:*

309
310 **101.1 Title:** “the City of Portsmouth, New Hampshire”

311
312 SECTION 102 APPLICABILITY

313
314 *Add new subsections to read as follows:*

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316 ~~102.6.1~~ ~~102.7.3~~ **Specific electrical code reference.** Wherever this Code references the
317 *International Electric Code* the reader shall substitute that reference with the *National Electric*
318 *Code*, NFPA 70 as adopted by the State of New Hampshire.

319
320 ~~102.6.2~~ ~~102.7.4~~ **Specific gas code reference.** Wherever this Code references the *International Fuel*
321 *Gas Code* the reader shall substitute that reference with the *National Fuel Gas Code*, NFPA 54.
322

323
324 *Change section title to read as follows:*

325
326 SECTION 103 BUREAU OF FIRE PREVENTION

327
328 *Change subsection to read as follows:*

329
330 **103.1 General.** The Bureau of Fire Prevention and Control is hereby created within the City of
331 Portsmouth, New Hampshire Fire Department. It shall be the duty and responsibility of the Fire
332 Chief, ~~the Fire Marshal~~, or any duly authorized representative, to enforce the provisions of this
333 Code. The designated enforcement officer of this Code shall be referred to as the fire code official.
334

335 *Add new sentence to end of subsection to read as follows:*

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337 **103.3 Deputies.** “Deputy officials shall include but not be limited to: the Deputy Fire Chief, Fire
338 ~~Inspector, Prevention/Safety Officer, Fire Marshal~~, all Fire Officers, Chief Building Inspector,
339 Assistant Building Inspector, Electrical Inspector, Plumbing/Mechanical Inspector, Public Works
340 Director or City Engineer.”
341

SECTION 105 PERMITS

Change subsections to read as follows:

~~**105.1.1 Permits required.** All permits required by this Code, or any other ordinance or state law shall be obtained through the Building Inspection Department or Fire Prevention Bureau. Issued permits shall be kept on the premise designated therein at all times and shall be subject to inspection by the fire code official.~~

105.1.1 Permits required. All permits required by this Code for the installation, modification, or maintenance of fire alarm or fire sprinkler systems shall be obtained prior to the initiation of any work being performed. Issued permits shall be kept on the premises designated therein at all times and shall be subject to inspection by the fire code official.

~~**105.2 Application.** Application for permits shall be made to the Building Inspection Department or Fire Prevention Bureau on the appropriate form provided. Applications for permits shall be accompanied by construction documents as required by the fire code official for evaluation of the application.~~

105.2 Application. Application for permits shall be made using the City's on-line permitting system located at <https://portsmouthnh.viewpointcloud.com/> Applications for permits shall be accompanied by construction documents as required by the fire code official for evaluation of the application.

105.3 All fees for permits and applications shall be determined by the adoption of fees by budget resolution of the City Council in accordance with Chapter 1, Article XVI of the Ordinances of the City of Portsmouth.

Change subsections to read as follows:

105.2.3 Time limitation of application. An application for a permit shall be deemed to have been abandoned one year after the date of filing, unless such application has been diligently prosecuted or a permit has been issued, except that the fire code official shall grant one (1) extension of time not exceeding twelve (12) months if there is reasonable cause and only when requested in writing prior to the application expiration date.

Change subsections to read as follows:

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, revoked or for such a period of time as specified on the permit. Construction/installation permits issued shall become invalid if the authorized work is not commenced within one year after issuance of the permit, or if the authorized work is suspended or abandoned for a period of one year after the time of commencing work

105.3.2 Extensions. The fire code official shall grant one (1) extension of time not exceeding twelve (12) months, if there is reasonable cause and only when requested in writing prior to the expiration date. Said extension will only be authorized when it does not conflict with any Federal, State, Local Laws or Ordinances.

105.4.1 Submittals. Construction documents and supporting data shall be submitted with each application for a permit and in such form and detail as required by the fire code official. The construction documents shall be prepared and stamped by a licensed professional engineer acceptable to the fire code official.

105.4.6 Retention of construction documents. The fire code official shall mark-up one (1) set of plans with the necessary comments. This set shall become the official permit plan set. It is the responsibility of the permit holder to transfer these comments to whatever medium he/she wishes.

399 The permit holder is responsible for complying with the comments as shown on the official permit
400 construction documents kept by the fire code official. **Upon project completion, a complete set**
401 **of “as built” construction documents will be provided to the fire code official in an approved**
402 **electronic format.**

403
404 **105.6 Required operational permits.** Permits shall be required by the fire code official in
405 accordance with Sections ~~105.6.1 through 105.6.3.~~ **105.6.32 and 105.6.36.**

406
407 *Delete subsections 105.6.1 through 105.6.31 without substitution.*

408
409 **105.6.1 105.6.32 Open Burning.** The City of Portsmouth Fire Department shall issue open
410 burning permits under the requirements of ~~City Ordinance Chapter 5,~~ Section ~~5:409.~~ **307.**

411
412 *Delete subsections 105.6.31 through 105.6.35 without substitution.*

413 **105.6.2 105.6.36 Places of Public Assembly.** The City of Portsmouth Fire Department shall issue
414 places of public assembly permits under the requirements of State RSA 155:17 and 155:18.

415
416 *Delete subsections 105.6.37 through 105.6.48 without substitution.*

417
418 ~~**105.6.3 Pyrotechnic special effects material or performances.** The City of Portsmouth Fire~~
419 ~~Department shall issue permits for the outdoor display of 1.3G fireworks. Refer to Section 3308~~
420 ~~(as amended) of this Code and State RSA 160-B for further requirements of outdoor fireworks~~
421 ~~displays. Pursuant to State RSA 153:5, the State Fire Code, Part Saf C 6018 and Part Saf C 6019,~~
422 ~~any person engaged in the discharge of proximate audience pyrotechnic displays shall be licensed~~
423 ~~and obtain a permit from the State Fire Marshal.~~

424
425 *Delete subsections 105.6.4 through 105.6.46 without substitution.*

426
427 *Change subsections to read as follows:*

428
429 **105.7 Required fire system construction permits.** Permits shall be required by the **fire** code
430 official in accordance with Sections 105.7.1 through ~~105.7.3~~ **105.7.17.**

431
432 **105.7.1 Automatic fire-extinguishing systems including fire pumps.** Applications for fixed fire-
433 extinguishing systems may be obtained from the ~~fire prevention bureau or the city~~ building
434 inspection department.

435
436 **105.7.2 105.7.6 Fire alarm and detection systems and related equipment.** Applications for fire
437 alarm systems may be obtained from the ~~fire prevention bureau or the city~~ building inspection
438 department.

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440 **105.7.3 105.7.17 Standpipe systems.** Applications for standpipe systems may be obtained from
441 ~~the fire prevention bureau or~~ the city building inspection department.

442
443 *Delete subsections 105.7.4 through 105.7.13 without substitution.*

444 445 446 SECTION 108 BOARD OF APPEALS

447
448 *Add sentence to end of subsection to read as follows:*

449
450 **108.1 Board of appeals established.** Refer to Appendix A of this Code and Chapter 12 of the
451 Portsmouth City Ordinances (International Building Code) for the establishment of the Board of
452 Appeals.

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SECTION 109 VIOLATIONS

Change subsection to read as follows:

109.3 109.4 Violations penalties. Any person who shall violate a provision of this Code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this Code, shall be subject to the penalty provisions prescribed by RSA 155-A:8. Each day that the violation continues shall be deemed a separate offense. Reference New Hampshire RSA's 625:8 I(c), 651:2 IV(a) and 676:17 for further penalty provisions.

SECTION 307 OPEN BURNING

Change subsections to read as follows:

307.1 General All open burning shall conform to all applicable State Laws (RSA 227-L) and Administrative Rules of the NH Department of Resources and Economic Development, Division of Forests and Lands and any other Federal, State, Local laws or ordinances which are applicable.

307.1.1 Prohibited Open Burning. Due to narrow roadways, restricted access to rear yards, and the proximity of structures, open burning is prohibited in the “South End” of the City. This area is defined as south of State Street, east of Pleasant Street, east of Junkins Avenue, and north of South Street. Also included is the area along Marcy Street to New Castle Avenue.

307.2 Permit required. Open burning shall be allowed after obtaining a permit from the Fire Department. ~~and paying the appropriate fee as set forth by the City of Portsmouth, NH.~~

Delete subsection 307.4 through 307.5 without substitution.

SECTION 503 FIRE APPARATUS ACCESS ROADS

Add new subsection to read as follows:

503.7 Fire Lanes. Fire lanes shall be maintained in areas so posted. All fire lanes shall conform to City Ordinance, Chapter 7, *Vehicles, Traffic & Parking*, Article XV, *Emergency Lanes*.

SECTION 605 ELECTRICAL EQUIPMENT, WIRING AND HAZARDS

Change subsection to read as follows:

605.11 Solar photovoltaic power systems. Solar photovoltaic power systems shall be installed in accordance with Sections 605.11.1 through 605.11.2, the *International Building Code*, and *NFPA 70*.

510
511 **605.11.1.2 Solar photovoltaic systems for Group R-3 buildings.**

512
513 *Delete Exception without substitution.*

514
515 *Change subsection to read as follows:*

516
517 **605.11.1.2.2 Hip roof layouts. Panels and modules installed on Group R-3 buildings with**
518 **hip roof layouts shall be located in a manner that provides a 3.5-foot-wide (1067 mm) clear**
519 **access pathway from the eave to the ridge on each roof slope where panels and modules are**
520 **located. The access pathway shall be at a location acceptable to the fire code official.**

521
522 *Delete Exception and replace with the following:*

523
524 **Exception: Access pathway requirement may be waived when structure protected by a**
525 **code compliant automatic sprinkler system**

526
527 *Change subsection to read as follows:*

528
529 **605.11.1.2.3 Single-ridge roofs. Panels and modules installed on Group R-3 buildings with**
530 **a single ridge shall be located in a manner that provides one, 3.5-foot-wide (1067 mm)**
531 **access pathway from the eave to the ridge on each roof slope where panels and modules are**
532 **located. The access pathway shall be at a location acceptable to the fire code official.**

533
534 *Delete Exception and replace with the following:*

535
536 **Exception: Access pathway requirement may be waived when structure protected by a**
537 **code compliant automatic sprinkler system**

538
539 *Edit subsection as follows:*

540
541 **605.11.1.2.4 Roofs with hips and valleys.**

542
543 *Delete Exception without substitution.*

544
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546 **SECTION 609 COMMERCIAL KITCHEN HOODS**

547
548 *Change subsection to read as follows:*

549
550 **[M]609.1 General.** Commercial kitchen exhaust hoods shall comply with the requirements of the
551 *International Mechanical Code* and NFPA 96, *Ventilation Control and Fire Protection of*
552 *Commercial Cooking Operations.*

553
554
555 **SECTION 903 AUTOMATIC SPRINKLER SYSTEMS**

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557
558 ~~*Change subsection to read as follows with exception remaining unchanged:*~~

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560 ~~**903.2 Where required.** Approved automatic sprinkler systems in new buildings and structures~~
561 ~~shall be provided in the locations described in this section and as required by NFPA 101.~~

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Change subsection to read as follows:

903.2.1.1 Group A-1. An automatic sprinkler system shall be provided for fire areas containing Group A-1 occupancies and intervening floors of the building where one of the following conditions exists:

1. The fire area exceeds 10,000 square feet (928 m2).
2. The fire area has an occupant load of 300 or more.
3. The fire area is located on a floor other than a level of exit discharge serving such occupancies.
4. The fire area contains a multi-theater complex.

Change subsection to read as follows:

903.2.1.2 Group A-2. An automatic sprinkler system shall be provided for all Group A-2 occupancies and intervening floors of the building.

Change subsection to read as follows:

903.2.7 Group M. An automatic sprinkler system shall be provided throughout buildings containing a Group M occupancy where one of the following conditions exist:

1. A Group M fire area exceeds 5,000 square feet (464 m2).
2. A Group M fire area is located more than three stories above grade plane.
3. The combined area of all Group M fire areas on all floors, including any mezzanines, exceeds 10,000 square feet (928 m2).
4. A Group M occupancy used for the display and sale of upholstered furniture or mattresses exceeds 2,500 square feet (232 m2).

Change subsection to read as follows:

903.2.9 Group S-1. An automatic sprinkler system shall be provided throughout all buildings containing a Group S-1 occupancy where one of the following conditions exists:

1. A Group S-1 fire area exceeds 10,000 square feet (928 m2).
2. A Group S-1 fire area is located more than three stories above or any number of stories below grade plane.
3. The combined area of all Group S-1 fire areas on all floors, including any mezzanines, exceeds 20,000 square feet (1856 m2).
4. A Group S-1 fire area used for the storage of commercial motor vehicles where the fire area exceeds 5,000 square feet (232 m2).
5. A Group S-1 occupancy used for the storage of upholstered furniture or mattresses exceeds 2,500 square feet (232 m2).

Add new item 4 to subsection:

903.2.6 Group M.

~~4. A Group M occupancy greater than 4800 sf and used for the display and sale of upholstered furniture.~~

Change subsection to read as follows, with exceptions remaining unchanged:

903.4.1 Signals Monitoring. Alarm, supervisory and trouble signals shall be distinctly different and shall be automatically transmitted to an approved central station, remote supervising station, ~~auxiliary fire alarm system~~ or proprietary supervising station as defined in NFPA 72 or, when

619 approved by the building or fire official shall sound an audible and visual signal at a constantly
620 attended location.

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SECTION 905 STANDPIPE SYSTEMS

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625 *Add new subsection to read as follows:*

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627 **905.12 Threads.** Threads provided for fire department connections to standpipe systems shall be
628 compatible with equipment used by the Portsmouth Fire Department. Hand line hose threads for
629 2-1/2” diameter hose shall be National Standard thread. Hand line hose threads for 1-1/2” or 1-
630 3/4” diameter hose shall be Iron Pipe thread.

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SECTION 907 FIRE ALARM AND DETECTION SYSTEMS

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635 *Add new sentence to end of first paragraph in subsection.*

636

637 ~~**907.2 Where required --- new buildings and structures.** “A manual, automatic or combination
638 manual and automatic fire alarm system shall also be provided in accordance with NFPA 101.”~~

639

640 *Edit subsection as follows:*

641

907.2.1 Group A.

642

643 *Delete Exception without substitution.*

644

645 *Change subsection to read as follows with Exception remaining unchanged:*

646

647 **907.2.1.1 System initiation in Group A occupancies with an occupant load of 300 or more.
648 Activation of the fire alarm in Group A occupancies with an occupant load of 300 or more
649 shall initiate a signal using an emergency voice/alarm communications system in accordance
650 with Section 907.5.2.2.**

651

652

653 *Edit subsection as follows:*

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907.2.2 Group B.

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656 *Delete Exception without substitution.*

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659 *Edit subsection as follows:*

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907.2.3 Group E.

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662 *Delete Exception 3 and 4 without substitution.*

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Edit subsection as follows:

907.2.6.1 Group I-1.

Delete Exception 1 without substitution.

Edit subsection as follows:

907.2.6.2 Group I-2.

Delete Exceptions 1 and 2 without substitution.

Edit subsection as follows:

907.2.6.3.3 ~~Smoke detectors.~~ Automatic smoke detection system.

Delete Exceptions 2 and 3 without substitution.

Edit subsection as follows:

907.2.7 Group M.

Delete Exceptions 1 and 2 without substitution.

Edit subsection as follows:

907.2.8.1 Manual fire alarm system.

Delete Exception 2 without substitution.

Change Add new subsection to read as follows. ~~with exception remaining unchanged:~~

907.2.8.2.1 Automatic fire alarm system. System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements, and shall be installed to provide coverage based on the manufacturers listing for the device.

Change subsection to read as follows:

~~**907.2.9 Group R-2.** A manual and automatic fire alarm system shall be installed and maintained in all Group R-2 occupancies where any dwelling unit is located three or more stories above the lowest level of exit discharge; or where any dwelling unit is located more than one story below the highest level of exit discharge of exits serving the dwelling unit; or when said building contain more than 11 dwelling units.~~

Change subsection to read as follows:

907.2.9.1 Manual fire alarm system.

3. The building contains more than 11 dwelling units or sleeping units.

Exceptions:

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1. *This exception remains unchanged.*
2. *Delete this exception without substitution.*
3. *This exception remains unchanged.*

Add new Change subsection to read as follows:

907.2.9.1.3 Smoke detector coverage. System smoke detectors shall be installed in all common spaces and in means of egress components such as exit access corridors, exit enclosure stairs and basements and shall be installed to provide coverage based on the manufacturers listing for the device.

Add new item 4 to end of subsection:

~~907.2.10.1.1~~ 907.2.11.1 Group R-1.

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-or multiple-station smoke detectors in common areas shall be interconnected but shall not be interconnected with guest room smoke detectors.

Add new item 4 to end of subsection:

~~907.2.10.1.2~~ 907.2.11.2 Groups R-2, R-3, R-4, and I-1.

4. In all exit access corridors, all exit enclosure stairs and in common areas on each floor level, including basements, when the building is not equipped with an automatic fire alarm system. Single-or multiple-station smoke detectors in common areas shall be interconnected but shall not be interconnected with dwelling unit smoke detectors. In some Group R-2 or R-3 occupancies, as determined by the fire official, additional single-or multiple-station smoke detectors may be required in the basement, interconnected with a dwelling unit(s) detector(s).

Add new subsection to read as follows:

~~907.2.10.1.4~~ 907.2.11.2.1 Groups E, I-2 and I-4. Single-or multiple-station smoke detectors shall be installed and maintained on all stories and all sleeping rooms of Group E day care facilities, Group I-2 child care facilities, Group I-4 day care facilities and Group I-4 child care facilities as defined in Section 202.

Exception: Single-or multiple-station smoke detectors shall not be required when the building is equipped with an automatic fire alarm system with smoke detection in all sleeping rooms.

Add new subsection to read as follows:

~~**907.2.10.3.1 Smoke detector circuits.** Smoke detectors in individual units shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke detectors are wired.~~

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Add new subsection to read as follows:

~~**907.3.2.3.1 Smoke detector circuits.** Where interconnected smoke detectors are provided they shall be wired to a branch circuit containing lighting loads of the dwelling unit or guestroom. Smoke detectors in common spaces shall be wired to a circuit used for common habitable space lighting. All smoke detectors shall be wired ahead of any switch on the circuit. The electric panel shall be clearly labeled as to which circuit the smoke detectors are wired.~~

Change subsection to read as follows with exceptions remaining unchanged:

~~**907.15 Monitoring.** Fire alarm systems required by this chapter or the *International Building Code* shall be monitored by an approved supervising station or by an Auxiliary Fire Alarm System in accordance with NFPA 72.~~

SECTION 915 CARBON MONOXIDE DETECTION

Change subsection to read as follows:

915.1 General. Carbon monoxide detection shall be installed in new buildings in accordance with Section 915.1.1 through 915.6 and Saf-C 6015. Carbon monoxide detection shall be installed in existing buildings in accordance with Section 1103.9 and Saf-C 6015.

CHAPTER 10 MEANS OF EGRESS

Delete all sections within this chapter and replace with the following subsections:

SECTION 1001 ADMINISTRATION

Change subsections to read as follows:

1001.1 General. ~~The provisions of the *Life Safety Code*, NFPA 101, shall govern the minimum means of egress requirements in all new and existing buildings and structures. Buildings or portions thereof shall be provided with a means of egress system as required by this chapter and Saf-C 6000. The provisions of this chapter and Saf-C 6000 shall control the design, construction, and arrangement of means of egress components required to provide an approved means of egress from structures and portions thereof. Sections 1003 through 1029 shall apply to new construction. Section 1030 shall apply to existing buildings.~~

~~**Exception:** The provisions of [B] Section 1007, *Accessible Means of Egress* as written in this code, shall apply to new construction.~~

1001.2 Minimum requirements. It shall be unlawful to alter a building or structure in a manner that will reduce the number of exits or the capacity of the means of egress to less than required by the code referenced in Section 1001.1.

SECTION ~~2301~~ 3201 GENERAL

~~**2301.1**~~ **3201.1 Scope.** *Delete in item 4, the reference to NFPA 230 and replace with NFPA 1.*

SECTION ~~1410~~ 3310 ACCESS FOR FIREFIGHTING

847 *Change subsection to read as follows:*

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849 **1410.1 3310.1 Site access and hydrant operation.** When roads are created or extended during
850 the construction of new developments and subdivisions, adequate site access for emergency
851 vehicles shall be maintained at all times during construction. The fire department will be the
852 determining agency when evaluating the adequacy of site access. As construction progresses,
853 water hydrants required by the site plan shall be installed, activated, tested and maintained with
854 adequate hydrant access as determined by the fire department. The City of Portsmouth reserves
855 the right to “call” the site bond at any time during construction, when the owner refuses to provide
856 adequate site access and water supply, as deemed necessary by the fire department, for the
857 protection of life and property.

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~~SECTION 2308 RACK STORAGE~~

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865 **2308.4 Column protection.** ~~Delete the reference to NFPA 230 and replace with~~
866 ~~NFPA 1.~~

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~~SECTION 2310 SPECIALTY STORAGE~~

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871 **2310.1 General.** ~~Delete the reference to NFPA 230 and replace with NFPA 1.~~

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~~SECTION 2501 GENERAL~~

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876 **2501.1 Scope.** ~~Delete the reference to NFPA 230 and replace with NFPA 1.~~

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~~SECTION 3301 5601 GENERAL~~

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881 *Amend subsection as follows:*

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883 **3301.1.3 5601.1.3 Fireworks.** *Delete exception 4 with remainder of subsection unchanged.*

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885 *Change subsection to read as follows:*

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887 **3301.2.4.1 5601.2.4.1 Blasting.** Blasting operations are regulated in Chapter 5, Article VII,
888 Section 5:701 of the Portsmouth City Ordinances. Refer to this ordinance for additional blasting
889 regulations and the permitting process.

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~~SECTION 3308 5608 FIREWORKS DISPLAYS~~

893

894 *Add sentences to end of subsections to read as follows:*

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896 **3308.1 5608.1 General.** The display, sale and discharge of 1.4G fireworks is prohibited within
897 the City of Portsmouth, NH. The display and discharge of 1.3G fireworks shall meet the
898 requirements of all Federal, State, Local Laws, Ordinances and Administrative Rules.

899

900 **3308.2.1 Outdoor displays.** Application for fireworks displays shall be made in writing at least
901 15 working days in advance of the date of the display or discharge of 1.3G fireworks, on the current
902 version of the State of NH approved form. The discharge of fireworks shall be lawful under the

903 terms and conditions approved. Approval granted hereunder shall not be transferable, nor shall any
904 approval be extended beyond the dates set out therein.

905
906 ~~Delete following subsection without substitution:~~

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908 ~~3308.11 Retail display and sale.~~

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911 **SECTION 3404 STORAGE**

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913 ~~3404.3.3.9 Idle combustible pallets. Delete the reference to NFPA 230 and replace with NFPA~~
914 ~~1.~~

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919 **CHAPTER 45 80 REFERENCED STANDARDS**

920
921 *Insert the following Codes and Standards:*

922
923 **New Hampshire State Building Code**

924 Department of Safety
925 33 Hazen Drive ~~Drive~~
926 Concord, NH 03305
927 (603) 271-3294
928 bldgcodebrd@dos.nh.gov

929
930 **New Hampshire Architectural Barrier Free Design Code**

931 Governor's Commission on Disability
932 ~~57 Regional Drive 121 South Fruit Street, Suite 101~~
933 Concord, NH 03301-~~8518~~
934 (603) 271-2773
935 1-800-852-3405 (NH)
936 <https://www.nh.gov/disability/abcommittee.html>

937
938 **New Hampshire Energy Code**

939 Public Utilities Commission
940 21 South Fruit Street, Suite 10
941 Concord, NH 03301-2429
942 (603) 271-2431
943 ~~www.puc.nh.gov/index.htm www.puc.state.nh.us/EnergyCodes/energypg.htm~~
944 ~~puc@puc.nh.gov~~

945
946 **New Hampshire Elevator and Accessibility Lift Law, RSA 157-B**

947 NH Labor Department
948 Boiler & Elevator Division
949 PO Box 2076
950 Concord, NH 03302-2076
951 (603) 271-~~6294~~ **2584**
952 ~~www.labor.state.nh.us/boilers.asp www.nh.gov/labor/inspection/boilers-elevators.htm~~

953
954 *Amend in the NFPA Section the following referenced Standards:*

955
956 *Change 13-02 to ~~13-07~~ 13-13 Design & Installation of Sprinkler Systems*

957
958 *Change 13D-02 to ~~13D-07~~ 13D-13 Design & Installation of Sprinkler Systems in 1 & 2 Family*

959 **Dwellings**

960
961 *Change 13R-02 to ~~13R-07~~ 13R-13* Design & Installation of Sprinkler Systems in
962 Residential Occupancies 4 Stories in Height or Less

963
964 *Change 30-03 to ~~30-08~~ 30-12* Flammable and Combustible Liquids Code

965
966 *Change 30A-03 to ~~30A-08~~ 30A-15* Code for Motor Fuel-dispensing Facilities and Repair
967 Garages

968
969 *Change 30B-02 to ~~30B-07~~ 30B-15* Manufacture and Storage of Aerosol Products

970
971 *Change 31-01 to ~~31-06~~ 31-11* Installation of Oil-Burning Equipment

972
973 *Change 58-04 to ~~58-08~~ 58-14* Liquefied Petroleum Gas Code

974
975
976
977 *Change 72-02 to ~~72-07~~ 72-13* National Fire Alarm Code

978
979 *Change 211-03 to ~~211-06~~ 211-13* Chimneys, Fireplaces, Vents, and Solid Fuel-Burning
980 Appliances

981
982 *Change 230-03 to ~~01-06~~ 01-09* Uniform Fire Code

983
984 *Change 409-01 to ~~409-04~~ 409-11* Aircraft Hangers
985 ~~70-08~~

986 *Insert in the NFPA Section the following referenced Codes and Standards:*

987
988 ~~54-09~~ ~~54-15~~ National Fuel Gas Code

989
990 ~~70-08~~ ~~70-14~~ National Electric Code

991
992 ~~96-08~~ ~~96-14~~ Ventilation Control and Fire Protection of Commercial Cooking Operations
993
994
995

996 **APPENDIX A - BOARD OF APPEALS**

997
998 *Appendix A is adopted as part of this ordinance subject to the following amendments:*

999
1000 *Delete all subsections and replace with the following subsection to read as follows:*

1001 **SECTION A101 GENERAL**

1002
1003
1004 **A101.1 Scope.** Refer to City Ordinance Chapter 12, Part 1, Appendix B as amended, (City
1005 Building Code), for the establishment of the Board of Appeals.

1006
1007
1008 **APPENDIX B – FIRE-FLOW REQUIREMENTS FOR BUILDINGS**

1009
1010 *Appendix B is adopted as part of this ordinance without amendments.*

1011
1012
1013 **APPENDIX C – FIRE HYDRANT LOCATIONS AND DISTRIBUTION**

1015 *Appendix C is **not** adopted as part of this ordinance. New water hydrant locations are regulated*
1016 *through the City Planning / Site Development process.*

1017

1018

1019

APPENDIX D - FIRE APPARATUS ACCESS ROADS

1020

1021 *Appendix D is **not** adopted as part of this ordinance.*

1022

1023

1024

APPENDIX E – HAZARD CATEGORIES

1025

1026 *Appendix E **is** adopted as part of this ordinance without amendments.*

1027

1028

1029

APPENDIX F – HAZARD RANKING

1030

1031 *Appendix F **is** adopted as part of this ordinance without amendments.*

1032

1033

1034

APPENDIX G – CRYOGENIC FLUIDS-WEIGHT AND VOLUME EQUIVALENTS

1035

1036 *Appendix G **is** adopted as part of this ordinance without amendments.*

1
2 ORDINANCE #

3
4 THE CITY OF PORTSMOUTH ORDAINS:

5
6 That Chapter 4, Articles I-V of the ordinances of the City of Portsmouth be
7 stricken in its entirety and replaced with the following:

8
9 **CHAPTER 4**

10 **ARTICLE I FOOD LICENSING AND REGULATIONS**

11 **Section 4.101 Adoption of the FDA 2009 Food Code**

12
13 That a certain document, three copies of which are on file in the office of the City
14 Clerk of the City of Portsmouth, New Hampshire being marked and designated as the
15 Food Code, 2009 Recommendations of the United States Public Health Service/Food
16 and Drug Administration and Annexes "FDA Food Code" as published by the U.S.
17 Department of Health and Human Services, Public Health Services, Food and Drug
18 Administration be, and is hereby adopted, subject to the following amendments,
19 additions and deletions.¹

20
21 If specific provisions of the FDA Food Code are not referenced below, the text
22 remains as written.

23
24
25 **Section 4.102: Amendments, Additions and Deletions to Food Code**

26
27 *Change subsection to read as follows:*

28 **1-201.10 Statement of Application and Listing of Terms.**

29
30 "Temporary food establishment" means a food establishment that operates for a
31 period of no more than 3 consecutive days in conjunction with a single event or
32 celebration.

33
34
35 *Add sentence at the end of paragraph to read as follows:*

36 **1-201.10 Food Establishment.**

37
38 (2) (B) These facilities must be in compliance with Portsmouth Health
39 Department's Guidelines, Rules and Regulations.

40
41
42

¹ For a copy of the FDA Food Code, 2009 go to
<https://www.fda.gov/food/guidanceregulation/retalifoodprotection/foodcode/ucm2019396.htm.foodcode2009>

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Delete following subsections:

1-201.10 Food Establishment.

(3) (e) – (g) *Delete*

Change subsection to read as follows:

3-301.11 Preventing Contamination from Hands.

(B) Except when washing fruits and vegetables as specified under 3-302.15 Food Employees may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.

(D) *Delete*

Delete following subsection in its entirety:

3-305.13 Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container.

Delete following subsection:

3-306.12 Condiments Protection.

(B) *Delete*

Delete following subsection:

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.

(D) *Delete*

Delete following subsection:

4.204.14 (A) (B) Vending Machines, Vending Stage Closure.

Delete following subsection:

4-204.19 Can Openers on Vending Machines.

Delete following subsection:

4-204.111 Vending Machines, Automatic Shutoff.

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Add new subsection to read as follows:

4-301.16 Food Prep Sink.

A Food Prep sink that meets the requirements specified in 4-205.10, 5-202.13 and 5-402.11 shall be provided for washing/thawing of foods, and drawing of potable water, to be used for no other purposes.

Delete following subsections:

4-301.12 Manual Warewashing, Sink Compartment Requirements.

(C)(5) *Delete*

(C)(6) *Delete*

(D) *Delete*

Add new subsection to read as follows:

4-302.12 Food Temperature Measuring Devices.

(A) Digital food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment in maintenance of food temperatures as specified under Chapter 3.

Add new subsection to read as follows:

4-302.13 Temperature Measuring Devices, Manual Warewashing.

(B) In hot water mechanical WAREWASHING operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the UTENSIL surface temperature.

Change subsection to read as follows:

4-501.16 Warewashing Sinks, Use Limitation.

(A) A warewashing sink may not be used for handwashing as specified under §2-301.15, and drawing potable water, wash produce, or thaw foods.

134 *Delete following subsections:*
135 **4-603.16 Rinsing Procedures.**

- 136
137 (C) *Delete*
138 (D) *Delete*
139 (E) *Delete*

140
141
142 *Change subsection to read as follows:*

143 **5-104.12 Alternative Water Supply.**

144
145 Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-
146 103 shall be made available for a mobile facility, for a temporary food
147 establishment without a permanent water supply, and for a food establishment
148 with a two hour interruption of its water supply through:

149
150
151 *Change subsections to read as follows:*

152 **5-203.11 Handwashing Sinks.**

153 A handwashing sink shall be located within 20 unobstructed feet:

- 154 (A) To allow convenient use by employees in food preparation, food
155 dispensing, and warewashing areas; and
156 (B) In toilet rooms.

157
158
159 *Change subsection to read as follows:*

160 **5-501.12 Outdoor Enclosure.**

- 161
162 (A) If used, an outdoor enclosure for refuse, recyclables, and returnables shall
163 be constructed of durable, and cleanable materials with tight-fitting lids,
164 and in a clean and cleanable manner, that does not attract pests.

165
166
167 *Add new subsection to read as follows:*

168 **6-202.15 Outer Openings; Protected.**

- 169
170 (F) Permanently located outdoor beverage bars shall be fully enclosed during
171 non-operating hours with a sturdy, permanent structure capable of
172 withstanding wind, weather, be rodent, bird, insect-proof, and seal out any
173 and all intentional and unintentional sources of contamination and
174 adulteration.

175
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179

180 *Change subsection to read as follows:*

181 **6-303.11 Intensity.**

182

183 The light intensity shall be:

- 184 (A) At least 216 lux (20 foot candles) at a distance of 75 cm (30 inches) above
185 the floor, in walk-in refrigeration units and dry food storage areas and in
186 other areas and rooms during periods of cleaning;

187

188

189 *Change subsection to read as follows:*

190 **6-501.115 Prohibiting Animals.**

191

- 192 (A) Except as specified in (B) and (C) of this section, live animals may not be
193 allowed on the premises of a food establishment, unless allowed by
194 variance pursuant to 8-103.10 through 8-103.12 for outdoor decks.

195

196

197 *Delete following subsection:*

198 **7-202.12 Conditions of Use.**

199

- 200 (A) (2) *Delete*

201

202

203

204 *Change subsections to read as follows:*

205 **8-101.10 Public Health Protection.**

206

- 207 (B) (1) Whether the facilities or equipment are in good repair and capable
208 of being maintained in a sanitary condition and used as intended by the
209 manufacturer;

210

211

212 *Change subsection to read as follows:*

213 **8-103.11 Documentation of Proposed Variance and Justification.**

214

- 215 (C) A HACCP plan if required as specified under 8-201.13(A) that includes the
216 information specified under 8-201.14 as it is relevant to the variance
217 requested, and reviewed by a 3rd party acceptable to the Health
218 Department or Special Process Review if requested.

219

220

221 *Add new subsection to read as follows:*

222 **8-201.11 When Plans Are Required.**

223

- (D) Change of owner ~~or ownership interest.~~

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Delete following subsections:

8-201.12 Contents of Plans and Specifications.

- (B) *Delete*
- (D) *Delete*
- (E) *Delete*

Add new subsection to read as follows:

8-201.14 Contents of a HACCP Plan.

- (F) Verified by a qualified 3rd party reviewer acceptable to the Health Department if requested.

Delete following subsection:

8-404.11 Ceasing Operations and Reporting.

- (B) *Delete*

Add the following as first paragraph of subsection:

Annex 2009, Annex 7, Model forms Guides and Other Aids.

Model forms are adopted as amended by the Portsmouth Health Department.

Section 4.103 Adoption of Specific Parts He-P 2300, as amended:

Specific parts of the N.H. Code of Administrative Rules, Part He-P 2300, Sanitary Production and Distribution of Food ("He-P 2300") published as of the date this Chapter is adopted, are hereby adopted subject to the following amendments, additions and deletions. Any section not referenced is not adopted.

Adopt the following definitions:

He-P 2301 DEFINITIONS

- (a) "Acid foods"
- (b) "Acidified foods"
- (c) "Applicant"
- (d) "Bed and breakfast"
- (f) "Bulk food"
- (g) "Caterer"
- (h) "Change of ownership"

- 270 (i) "Continental breakfast"
- 271 (k) "Corrective Action Plan (CAP)"
- 272 ~~(l) "Critical control point"~~
- 273 ~~(m) "Critical limit"~~
- 274 ~~(q) "Food Code"~~
- 275 ~~(r) "Food establishment"~~
- 276 ~~(s) "Food processing plant"~~
- 277 ~~(u) "Disease outbreak"~~
- 278 ~~(x) "Immediately endangers public health or safety"~~
- 279 ~~(y) "Imminent health hazard"~~
- 280 (ab) "Low acid foods"
- 281 ~~(ac) "Major food allergen"~~
- 282 ~~(af) "Package"~~
- 283 ~~(as) "Sanitization"~~
- 284 (av) "Soup kitchen"
- 285 (aw) "Time/Temperature Control for Safety (TCS) food"

286
287 *Adopt and amend the following definitions to read as follows:*

- 288
- 289 (n) "Department" means the Portsmouth Health Department.
- 290 (ad) "Mobile food unit" means a food service establishment mounted on wheels
- 291 or otherwise designed to be immediately moveable.
- 292
- 293

294 *Adopt the following subsection in its entirety and add new subsection to read as follows:*

295 **He-P 2302.02 Soup Kitchens Exempt from Licensure.**

- 296
- 297 (5) Person-in-charge must attend food safety training to be provided by
- 298 the Department.
- 299

300
301 *Adopt the following subsection:*

302 **He-P 2304.13 (a) Hazard Analysis and Critical Control Point (HACCP) Plan**

303 **Requirements.**

304

305

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316 Adopt the following subsection in its entirety and amend subsections (a), (c)(6), (g) and
317 (i) as follows:

318 **He-P 2305.01 Inspections.**

319
320 (a) For the purpose of determining compliance with this Chapter, the
321 Department or its inspectors, or special agents designated for that purpose,
322 shall have full power and authority at all times to enter and inspect every
323 building, room or other place occupied or used for the production, storage,
324 sale or distribution of food, and all utensils and appurtenances and records
325 relating thereto, including shellfish tags, or other records pertaining to food
326 supplies purchased and distributed by the food establishment. The
327 applicant or licensee shall admit and allow any department representative
328 at any time to enter and inspect the following:

329
330 (c) (1) *Delete*

331
332 (c) (4) *Delete*

333 (c)(6) Occupation of space after construction, renovations or structural alterations
334 or a period of closure that exceeds 90 days; or

335
336 (g) Upon completion of the inspection, the Department shall provide a written
337 or electronic copy of the inspection report. The inspection report shall
338 contain:

339
340 (i) Except for Food Processing Plants, numerical scoring shall be on a 100
341 point scale, with:

342
343 (1) A+ with a score of 95-100 with no critical item violations

344 (2) A with a score of 90-100 and one or more critical item violations

345 (3) B+ with a score of 85-89

346 (4) B with a score of 80-84

347 (5) C+ with a score of 75-79

348 (6) C with a score of 70-74

349 (7) F score below 70 is a failing score.

350 (8) Scoring shall be assigned as Priority Items are valued at 5 points,
351 Priority Foundation items are valued at 3 points and Core items
352 shall be valued as 1 point. The value of the inspection categories
353 shall be that of the highest point item in that category.

354
355
356

357 *Adopt and amend subsection to read as follows:*

358 **He-P 2308.02 Basic Requirements.**

359
360 b (2) A residential model sanitizing dish machine and a one compartment sink:

361
362

363 *Adopting subsection in its entirety and amend to read as follows:*

364 **He-P 2309.01 Application Requirements.**

365
366 (a) Apply as "Processors," Class E on the food service permit
367 application and comply with the License, Application and Terms of
368 License requirements;

369
370

371 **Section 4.104 Temporary Events.**

372
373 Food preparation and handling practices for food establishments are to be in
374 compliance with this Chapter. Event Coordinators must submit completed application to
375 the Department for approval no later than one month prior to the date of the event.

376
377

378 **Section 4.105 License.**

379
380 It shall be unlawful for any person or entity to operate a Food Service
381 Establishment within the City of Portsmouth without obtaining a valid food service
382 license issued by the Department. Only a person or entity who complies with the
383 requirements of this Chapter shall be entitled to receive and retain such a license. A
384 food service license shall be posted in public view. Licenses are not transferable
385 between entities or locations. Any change in ownership or ownership interest shall
386 require a new food service license subject to the provisions of this Chapter.

387
388

389 **Section 4.106 Application.**

390
391 The Health Department may issue a food service license to any Food Service
392 Establishment upon receipt of a written or electronic application. A food service license
393 shall be granted upon the express condition that the Food Service Establishment
394 complies with all the requirements of this Chapter, and the applicant agrees at all times
395 to conduct his operation and maintain his facilities in accordance with the requirements
396 of this Chapter and those regulations promulgated hereunder. The application
397 procedure and issuance shall be in keeping with the policies and procedures of the
398 Department, with the fees approved by City Council through its budgetary processes.

399
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402

403 **Section 4.107 Term of License.**

404
405 Food service licenses shall be issued upon compliance with all of the provisions
406 of this Chapter: All annual licenses expire September 30th. Seasonal licenses are valid
407 from April 15 through October 15 of the calendar year. Temporary licenses are valid for
408 the length of the event.

409
410
411 All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

412
413 This ordinance shall take effect upon passage.

414
415 APPROVED:
416
417
418 _____
419 Jack Blalock, Mayor

420
421 ADOPTED BY COUNCIL:
422
423
424 _____
425 Kelli L. Barnaby, City Clerk

PORTSMOUTH POLICE DEPARTMENT

MEMORANDUM

RECEIVED

OCT 11 2017

CITY MANAGER
PORTSMOUTH, NH

DATE: OCTOBER 10TH, 2017
TO: NANCY COLBERT-PUFF, DEPUTY CITY MANAGER
FROM: BRENNA CAVANAUGH, CHAIR, PORTSMOUTH POLICE COMMISSION
ROBERT M. MERNER, CHIEF OF POLICE
RE: HOMELAND SECURITY LAW ENFORCEMENT TERRORISM PREVENTION ACTIVITIES
GRANT

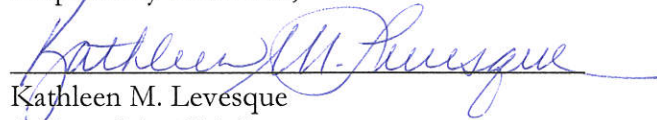
At the October 2nd, 2017 special Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

- 1.) A grant in the amount of \$9,225 from the New Hampshire Department of Safety, Homeland Security and Emergency Management for Special Operations Team Terrorism Prevention Activities training, as per the attached grant document.

We submit the information to you pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at their next meeting.

We respectfully request this item be placed on the October 16th, 2017 city council meeting agenda.

Respectfully submitted,



Kathleen M. Levesque
Office of the Chief

copies: Board of Police Commissioners
Finance Director Judie Belanger

Admin. Mgr. Karen Senecal
Business Asst. Tammie Perez



State of New Hampshire Department of Safety
John J. Barthelmes, Commissioner
Robert L. Quinn, Assistant Commissioner
Richard C. Bailey, Jr., Assistant Commissioner
Homeland Security and Emergency Management
Perry E. Plummer, Director
Jennifer L. Harper, Assistant Director



September 30, 2017

Chief Robert Merner
City of Portsmouth Police
3 Junkins Ave
Portsmouth, New Hampshire 03801

Dear Chief Merner:

The New Hampshire Department of Safety, Homeland Security and Emergency Management has approved your application under the FY 2016 State Homeland Security Law Enforcement Terrorism Prevention Activities (LETPA), Special Operations Team allocation. (CFDA # 97.067).

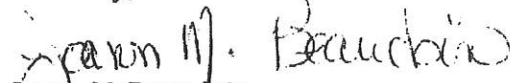
The signature on the documents provided indicates that your Agency understands the grant guidelines and reimbursement policy for grant funds. We have set aside grant funds in the amount of **\$9,225.00** for members of the Seacoast Emergency Response Team (SERT) to attend *Advanced Tactics Course*.

At your earliest convenience please submit to HSEM original documentation to include the grant terms and conditions. Reimbursement will not be provided until the file is complete.

You are encouraged to submit for reimbursement as soon as possible but no later than December 1, 2017.

If you have any questions please feel free to contact me.

Sincerely,


Joann M. Beaudoin
State Training Officer/SAA TPOC
603-223-3638
joann.beaudoin@dos.nh.gov

State of New Hampshire – Department of Safety
2015 Homeland Security Grant Program
STATE HOMELAND SECURITY PROGRAM – LAW ENFORCEMENT
Application



PROJECT APPLICANT

APPLICANT: Portsmouth Police Department

PROGRAM MANAGER/CONTACT (PRIMARY POINT OF CONTACT)

NAME: Robert M. Merner

TITLE: Chief of Police

ADDRESS: Portsmouth Police Department, 3 Junkins Avenue, Portsmouth, NH 03801

TELEPHONE: 603-610-7457

FAX: 603-33-8809

EMAIL: rmerner@cityofportsmouth.com

PROGRAM MANAGER/CONTACT SIGNATURE: _____

Handwritten signature of Robert M. Merner in black ink.

FINANCE OFFICER

NAME: Karen A. Senecal

TITLE: Administrative Manager

ADDRESS: Portsmouth Police Department, 3 Junkins Avenue, Portsmouth, NH 03801

TELEPHONE: 603-610-7416

FAX: 603-427-1510

EMAIL: ksenecal@cityofportsmouth.com

FINANCE OFFICER SIGNATURE: _____

Handwritten signature of Karen A. Senecal in black ink.

AUTHORIZING OFFICIAL (Per RSA 31:95b or RSA 37:6)

NAME: Nancy Colbert Puff

TITLE: Acting City Manager

ADDRESS: City of Portsmouth, 1 Junkins Avenue, Portsmouth, NH 03801

TELEPHONE: 603-610-7297

FAX: 603-427-1526

EMAIL: NColbertPuff@cityofportsmouth.com

CERTIFICATION: I CERTIFY THAT I AM DULY AUTHORIZED UNDER THE STATUTES OF THE STATE OF NH TO APPLY FOR, AUTHORIZE, OR ACCEPT THE HOMELAND SECURITY GRANT FUNDS / EQUIPMENT HEREIN.

AUTHORIZING OFFICIAL SIGNATURE: _____

Handwritten signature of Nancy Colbert Puff in black ink.

AUTHORIZED EQUIPMENT LIST (AEL)

The 2015 AEL aligns with all Core Capabilities identified by DHS. The equipment or planning funds requested on this application must support these capabilities as listed on page 13.

Instructions for completing this section:

1. **Name of Equipment or Planning:** In this column, please list each piece of equipment to be purchased on a separate line.
2. **Quantity:** Please provide the quantity of items requested.
3. **Cost Estimate:** Please provide a cost estimate (total) of the items requested.
4. **AEL Section:** Enter the specific section number of the Authorized Equipment List (AEL) where each piece of equipment is listed. **Attach the RKB equipment page for your item to this application.**
5. ******RKB Compliance****:** http://www.dhs.gov/xabout/laws/gc_1215444247124.shtm You must search the following <https://www.llis.dhs.gov/knowledgebase/> instead of a paper copy AEL. Each equipment item *may* have an associated standard that must be met for grant funding to be awarded. If a standard is applicable, check the box on that line and attach the standard compliance documentation.
6. **Core Capability Supported:** Please enter the name of the Primary Core Capability this piece of equipment supports. The equipment and project can support more than one core capability. (See page 4. You may include a secondary capability from page 13)
7. **Primary Authorized Discipline:** Using the key below, please list each discipline that will be a primary user of the equipment.
8. **Strategy Alignment:** Please indicate which goal (Prevention, Protection, Response or Recovery) this equipment aligns with in accordance with the NH SHSS. The equipment and project can support more than one strategy goal.

KEY: LE - Law Enforcement, EMS - Emergency Medical Service, EMA - Emergency Management, FS - Fire Service, HZ - LAW ENFORCEMENT, PW - Public Works, HC - Health Care.

NOTE:

The 2015 AEL is available for download on the Responder Knowledge Base <https://www.llis.dhs.gov/knowledgebase/>. We suggest you review the AEL in detail prior to filling out this application. Personnel costs are not eligible, except possible backfill or overtime money for first responders and officers to attend DHS approved training courses. General use computers and software not directly related to preparedness and readiness functions, weapons systems and ammunition, construction or renovation of facilities (except target-hardening such as barriers or alarm systems), and licensing fees are not eligible expenses.

Remember, on a limited basis current DHS /FEMA policy allows for the use of FEMA preparedness grant funds for maintenance contracts, warranties, repair or replacement costs, upgrades, and user fees are allowable under all active and future grant awards, unless otherwise noted. This applies to equipment procured now or in the past with Homeland Grant funds specifically.

Routine upkeep (i.e. gasoline, tire replacement, routine oil changes, monthly inspections, grounds and facility maintenance etc.) is the responsibility of the grantee and may not be funded with preparedness grant funding.

Name of Equipment or Planning Activity	Qty.	Cost Estimate	Core Capability Supported	AEL Section	RKB Standard Compliance (Check and Attach)	Primary Authorized Discipline	Mission Area	Strategy Alignment
Seacoast Emergency Response Team Training – OGONTZ Group	1	16,000	Priority 2	N/A	N/A	LE	Prevention/Protection	Interdiction/Disruption
TOTAL								

GRANT NARRATIVE SECTION

Please compose a grant narrative answering all the questions/discussion points below. Please outline your grant narrative as shown for all sections of the grant narrative.

I. Background

- A. Provide a summary description of this project. Describe:
- Its purpose
 - How the specific equipment requested will achieve the goals of your team. (Not to exceed 200 words)
 - Describe the capability gap(s) that this investment is intended to address.

The Seacoast Emergency Response Team (SERT) is a regional unit of officers from 14 seacoast towns. Members are trained in the use of specialized weapons and tactics, and crisis negotiations. Its leaders are experts in the areas of incident command systems and critical incident field operations. The Team is committed to the successful resolution of crisis situations through calculated responses. The safety of the community, victims, officers as well as the suspect is of paramount concern to team operations.

The skills and capabilities of this team are built upon month after month, year to year. The department is requesting a 40-hr training block for 25 SERT tactical officers and command staff. These officers will face dynamic problem solving to simulate real-work situations. Training will cover active shooter response, terrorism, mass casualty events and other complex scenarios as it relates to tactical operations. Planning, logistical support, tactics and the command system relating to the national incident management system (NIMS) will be deployed.

The OGONTZ Group will conduct this training at their facility in northern NH. See sole source provider letter attached.

This is an approved Department of Homeland Security training course.

II. Strategy (see pages 4, 13 and 14)

- A. Explain how the project will support the implementation of the Mission Area(s) NTE 100 words)

The OGONZT Group constantly monitors national and international events and adjusts training to meet the needs of the SERT tactical officers.

SERT's mission areas are Prevention and Protection. Preparedness for these mission areas is paramount. The OGONTZ training, as stated, simulates real-world situations, builds upon officers' skills, capabilities, specialty areas, and provides applicability to the NH/New England area.

- B. Explain how the project will support the Core Capability(ies) (NTE 100 words)

This project supports Core Capability - Priority Two: Building and Sustaining Law Enforcement Terrorism Prevention Capabilities. This capability is supported through constant evaluation of the operators training and best practices as it relates to SERT's tactical response to real world incidents.

- C. Explain how the project will support the achievement of the SHSS goal (NTE 100 words)

SERT augments local law enforcement capabilities in the 14 communities who make up SERT, as well as assist other emergency response teams in the state and New England area, as needed, to protect citizens and infrastructure and mitigate threats to both.

D. In 2015 the DHS Grant Guidance emphasizes a priority of “Whole Community” preparedness. Describe how you will address this. Whole of Community encompasses two key concepts:

1. Ensuring that our response and recovery actions are driven by the actual needs of the entire affected community and the conditions on the ground, including the population demographics and geographic location; and
2. Ensuring that we leverage and rely upon the resources of the entire emergency management team to the greatest extent possible in meeting these needs

SERT training is applied in a multitude of situations. SERT members are asked to consult and participate in live and table top exercises in many areas from schools to ports/bridges, airport, hospitals, large scale public events and so on. Intensive 40-hr training blocks provide SERT’s tactical officers the expertise required to fulfill such requests.

III. Regionalization

A. Describe the geographic and demographic area(s) this project/your team covers. (Not to exceed 100 words)

SERT is comprised of 14 different communities consisting of Portsmouth, Exeter, Hampton, Epping, Newmarket, Brentwood, Newfields, Seabrook, Newington, North Hampton, Rye, Newcastle, Stratham, and Greenland. Conservatively, this represents about 90,000 residents located on New Hampshire’s Seacoast.

Within this geographical area there are both soft and hard terrorist targets to include an airport, a nuclear power plant, popular tourist attractions, two motor vehicle race tracks, theaters, hospitals, retail and commercial developments, and active Air Force and Coast Guard base and a significant number of schools.

B. Explain how you will organize to implement this project over the identified geographic area. (NTE 200 words)

SERT will continue to train monthly on the tactics and skills learned to perfect responses to the teams’ representative towns, citizens, and infrastructure challenges. The OGONTZ Group provides the 40-hr training. This training will result in a large amount of tactical content that is incorporated into a year of monthly training sessions to perfect and apply to the seacoast responsibility area.

The need for dynamic tactical training is both a need and a necessity to all participating SERT communities.

IV. Impact

A. Is this sustaining an existing capability? How?

Yes, the SERT team was formed over a decade ago and has grown to its present size of 14 participating communities. This is a team requiring a significant tactical skill level. By combining resources from 14 communities, the financial and training time required to maintain such a team is manageable. As such, an intensive 40-hr block of training for team members is efficient, cost effective, and provides a skill level unmatched on a local level.

B. Discuss how the implementation of this project will enhance WMD/CBRNE detection, response or decontamination capabilities and/or decrease or mitigate risk. (NTE 250 words)

OGONTZ trains SERT how to respond in “real world” situations. As stated prior, skills taken away from this training will be utilized by members of the team in a multitude of ways to include preparation to mitigate events, preparation to respond to events, and preparation to respond to the aftermath of an event.

C. Describe what the potential Homeland Security risks of not funding this project are. (NTE 100 words)

One of the main reasons SERT was formed was due to the financial burden of supporting an individual tactical team by any city/town alone. Combining manpower resources and funding resources reduced the major impact on an agencies budget. SERT operates on a small budget, comprised of what each can afford. The assistance from the NHDOS Homeland Security grant would provide training that would normally be outside the capabilities of this group. The group does provide training each month/year, but content costs. The training planned with these grant funds would be cut down to a lesser level without the funding requested.

D. Summarize the number of LAW ENFORCEMENT call-outs in the past year.

The team was activated 12 times in 2016 to include high risk apprehension, barricaded subjects, VIP security, and special events. This number is up from the prior year.

V. Funding and Implementation Plan

A. Please attach a project-funding plan as follows:

- a) Provide a brief summary of the planned expenditures
- b) If this investment uses other funding sources, identify the funding source and provide a brief summary of how those funds will be applied.

OGONTZ Training Cost Breakdown:

Lodging	\$2,000 (\$16/per man per day)
Meals:	\$4,250 (\$40/per man per day)
Camp Ogontz User Fee	\$1,500
Cadre Fee	\$8,250 (Two cadre and one logistics support personnel, to include their wages, prep and post work, travel, food, lodging)

Total Training Cost	\$16,000
	↓
	\$6,775 SERT Contribution to training
	→ <u>\$9,225 Grant Request</u>
	\$16,000

B. Provide a timeline, including milestones and dates, for the implementation of this project. Possible areas for inclusion are: stakeholder engagement, planning, major acquisitions/purchases, training, exercises, and process/policy updates. Please provide at least three (3) but no more than ten (10) milestones for this project. Please use the following “template” for the timeline:

Milestone #1: (NTE 25 Words) OGONTZ planned the training building upon past training. Please reference the sole source letter

Start Date: 10/1/17

End Date: 10/5/17

VI. Project Management

- A. Describe the management team roles and responsibilities, governance structures, and subject matter expertise specifically required for this investment.

The Portsmouth Police Department has taken the lead for this project. The department has managed several grant opportunities from the DOS-Homeland Security, most recently the Praetorian exercise which was an active shooter training involving multiple SWAT teams and police departments, Fire, public works, hospital, schools, NH and MA state agencies. It was a major/successful event for training and the grant management was within requirements.

OGONTZ Group conducts training and consults at both the federal and state level and possess active SECRET security clearances.

VII. Training and Certifications

Please see page 3 for NIMS compliance details



National
Multiple Sclerosis
Society
Greater
New England
Chapter



September 27, 2017

Ms. Kelli L. Barnaby, City Clerk
City of Portsmouth
One Junkins Avenue
Portsmouth, NH 03801

Dear Ms. Barnaby,

On behalf of the National Multiple Sclerosis Society, Greater New England Chapter, I would like to extend our deep gratitude for the continuous support Portsmouth has shown throughout the years for the annual Walk MS.

I have begun planning for the 2018 Walk MS Portsmouth. This year's date is set for Saturday, April 14th from 10:00am to 2:00pm. I would like to request permission to host the Walk on this day. 500 participants are expected to take part in this annual event. The Walk is 5 miles, with the Start and Finish at the Little Harbour School. We will be using the same route as last year which I have enclosed.

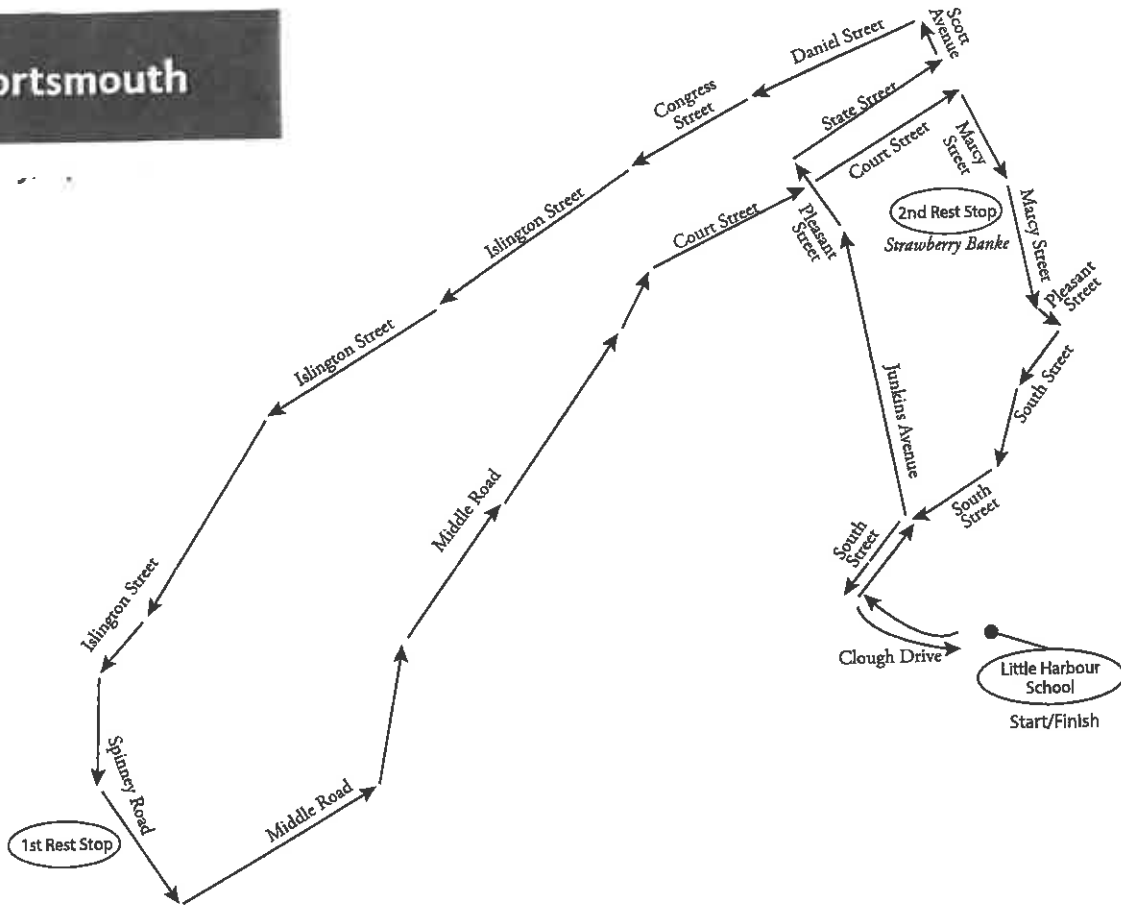
The money raised will be used to advance our support of national research and to support local programming for the nearly 21,000 people within Maine, Massachusetts, Rhode Island, New Hampshire and Vermont who are affected by multiple sclerosis. The Greater New England Chapter prides itself on our many comprehensive local programs that improve the quality of life for people with MS and their families. These programs empower individuals with MS and provide them with the resources to maintain independence.

I thank you in advance for your support and please feel free to contact me at 781.693.5154 with any questions or concerns.

Sincerely,

Emily Christian
Logistics Manager
Emily.christian@nmss.org

Portsmouth

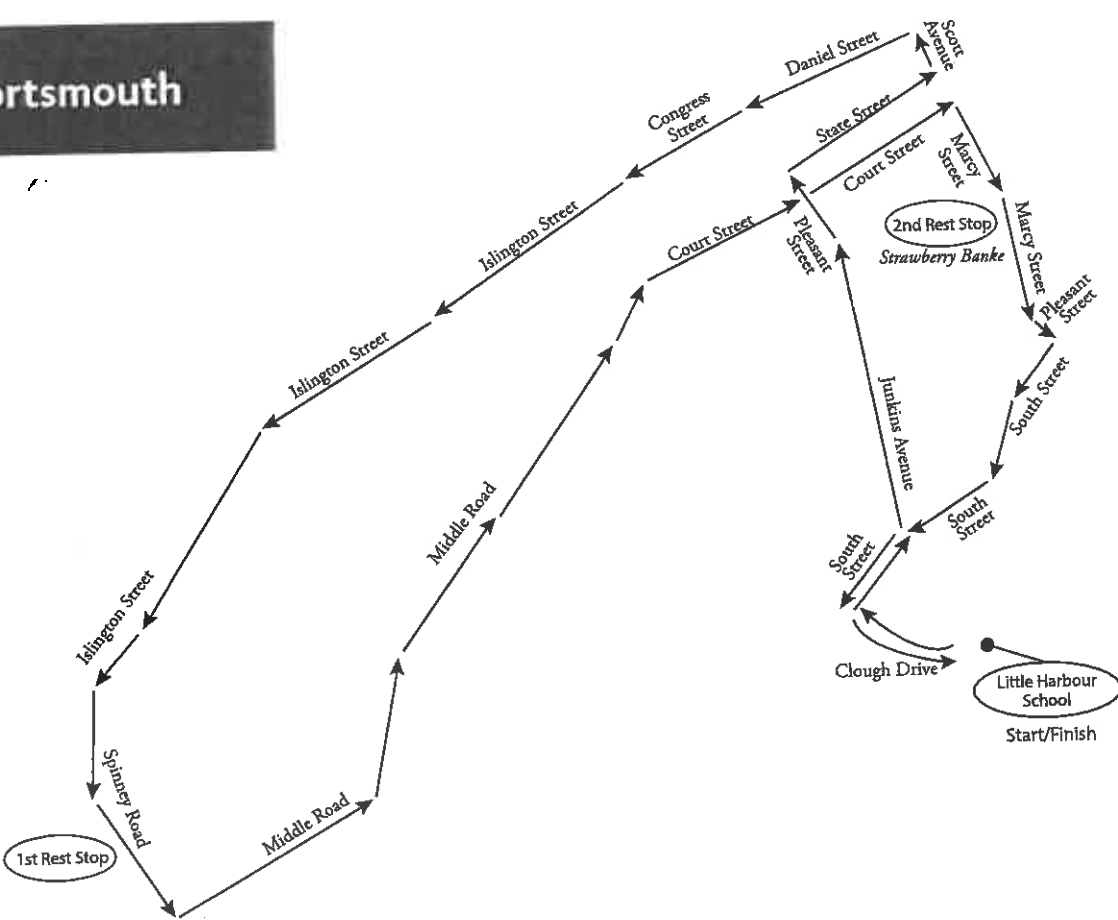


Walk

presented locally by



Portsmouth



Walk

presented locally by



Walk MS Portsmouth

Start/End Point:

Little Harbour School, 50 Clough Drive

1. Portsmouth, N.H. Right onto South Street
2. Left on Junkins Avenue (walk on left side)
3. Left on Pleasant Street (end of Junkins Avenue)
4. Right on State Street
5. Go Left under Bridge to Scott Avenue (walk on left side of street)
6. Scott Avenue turns into Daniel Street
7. Daniels Street turns into Congress
8. Continue straight on Congress
9. Congress turns into Islington Street
10. At the fork go Left onto Spinney Road
11. REST STOP 1 – North Church Parish
12. Right onto Spinney Road
13. Left on Middle Road
14. Left at the fork on Middle Road
15. Left on Middle Street (walk on left)
16. Cross over Middle Street at the crosswalk at Miller Street to walk on the right
17. Right on Court Street (at Flagpole)
18. Cross over Pleasant Street (walk on right side of road)
19. Right on Marcy Street
20. REST STOP 2 – Strawberry Banke
21. Right on Marcy Street
22. Left on Pleasant Street
23. Quick Right to South Street
24. Follow South Street to Clough Drive
25. Left onto Clough Drive to Little Harbour School

Walk MS Portsmouth

Start/End Point:

Little Harbour School, 50 Clough Drive

1. Portsmouth, N.H. Right onto South Street
2. Left on Junkins Avenue (walk on left side)
3. Left on Pleasant Street (end of Junkins Avenue)
4. Right on State Street
5. Go Left under Bridge to Scott Avenue (walk on left side of street)
6. Scott Avenue turns into Daniel Street
7. Daniels Street turns into Congress
8. Continue straight on Congress
9. Congress turns into Islington Street
10. At the fork go Left onto Spinney Road
11. REST STOP 1 – North Church Parish
12. Right onto Spinney Road
13. Left on Middle Road
14. Left at the fork on Middle Road
15. Left on Middle Street (walk on left)
16. Cross over Middle Street at the crosswalk at Miller Street to walk on the right
17. Right on Court Street (at Flagpole)
18. Cross over Pleasant Street (walk on right side of road)
19. Right on Marcy Street
20. REST STOP 2 – Strawberry Banke
21. Right on Marcy Street
22. Left on Pleasant Street
23. Quick Right to South Street
24. Follow South Street to Clough Drive
25. Left onto Clough Drive to Little Harbour School

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Ameriprise Blue Cross Blue Shield of VT Burns & McDonnell Salem Five
 Home Healthsmith LLC Reliant Medical Norton Insurance
 NORTRAX/John Deere DJ Mark Watson Knight Productions

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Ameriprise Blue Cross Blue Shield of VT Burns & McDonnell Salem Five
 Home Healthsmith LLC Reliant Medical Norton Insurance
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THE SALVATION ARMY

FOUNDED IN 1865 BY WILLIAM AND CATHERINE BOOTH

Major DonnaMarie Reed
Commanding Officer
Lieutenant Jamie Crowell
Assistant Corps Officer

GREATER SEACOAST CORPS
15 MIDDLE STREET
PORTSMOUTH, NH 03801
TELEPHONE (603) 436-2606
FAX (603) 436-8426

October 10, 2017

TO: Portsmouth City Council,

SUBJECT: Permission to Solicit Donations at Market Square during Red Kettle Campaign

Dear Council Members:

We are writing to ask permission to place our Red Kettle in the center of Market Square to collect donations for the duration of our Red Kettle Campaign. The dates are November 13 through December 23, 2017.

As you may know we raise funds each year to support the many programs that we offer as well as assistance to individuals and families in the community. Our feeding program alone serves breakfast five mornings each week and serves dinner nightly. We also have a food pantry and social service assistance as funding allows. This Campaign is successful because of the strong partnerships we have developed over the years within this city.

We hope you will grant this permission, and thank you for your continued support!

Sincerely,

Major DonnaMarie Reed

Pastoral Care

Donnamarie_reed@use.salvationarmy.org

Email to: NColbertPuff@cityofportsmouth.com
amsharpe@cityofportsmouth.com

August 7, 2017
737 Woodbury Ave.
Portsmouth NH 0380

City Council
1 Junkins Ave.
Portsmouth 03801

Dear Mayor Blalock and council members,
RE: Restoration of Involuntarily Merged Lots.

737 Woodbury Ave. Assessors map #0220/0016/0000



Letter is dated August 7 as it was my initial submission to Planning. However, the request remains the same. The lot referred to here was merged by municipal action without consent of owner prior to 9/18/2110. My purchase date was July of 2010, and I can certify that no owner in the chain of title voluntarily merged the original two lots to their current single lot status.

In accordance with RSA 67:39-aa, I wish to have these lots restored to their premerger status and that zoning and tax maps be updated to identify premerger boundaries of said parcels as recorded at Rockingham County Reg of Deeds. AND that the lots be reregistered at that time as separate and under my title of S Lynn Raeburn (owner).

I have had Easterly Survey do the official survey and study of my lot. I enclose their mapped findings and additional background on chain of deeded titles back origin owners.

I do hope this can be processed at this time. If any further data is needed please call me at 6033800456. Thank you for your attention to this urgent request.

Sincerely,

Lynn Raeburn (S.)

CITY COUNCIL E-MAILS

October 3, 2017 – October 16, 2017 (noontime)

October 16, 2017 CITY COUNCIL MEETING

Below is the result of your feedback form. It was submitted by Jordan Garrett (jg1146@wildcats.unh.edu) on Monday, October 2, 2017 at 15:23:05

address: 11 Barberry Lane Portsmouth NH

comments: Hello,

My name is Jordan Garrett and I am a Portsmouth High School graduate and am currently a geography student at the University of New Hampshire. I am writing today to ask the council to support the offshore wind resolution. Doing this would align with Portsmouth's goal of becoming an eco-municipality, would benefit our economy, and would show other communities that this is the proper step to take if we wish to protect our environment for future generations. Considering that Portsmouth may be underwater in the future due to melting icecaps (and therefore fossil fuels) switching to renewable energies is a step Portsmouth should take seriously. I want to see our city continue be an enriching place to live and grow up and ask that the council passes this resolution.

Sincerely,

Jordan Garrett

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by David Hudlin (dhudlin@hotmail.com) on Monday, October 2, 2017 at 22:25:34

address: 260 Miller Ave

comments: Dear Council,

While I applaud and appreciate the fact that you held a working session on 10/2, it doesn't address the immediate concerns around the accuracy and validity of the 2017 assessment. It was apparent from listening to a portion of the working session that Mr. Traub does not have his finger on the pulse of the Portsmouth market and the dynamics that are unique to our market. He's not working with investors, tenants, landlords. He's not transacting sales and leases. He doesn't know the properties.

The CBRE market analysis clearly indicates that the market has strengthened since the 2015 assessment. All the key indicators that drive market value have improved and are the strongest they've been since 2011. Most importantly, they've all improved since 2015.

The 2015 assessment resulted in a 17-18% increase in assessments. Question: How is it possible that since 2015 the annual rate of appreciation has decelerated to 3% per year in a market that has continued to improve?

The residential 2017 assessment increased in line with the market indicators. Why hasn't commercial done the same? Could it be that the assessment doesn't actually reflect market value? When was the last time that an entire market base has realized an overall tax reduction? I venture to say never. Never has there been such a disparity between appreciation rates for the two tax bases.

Also, I asked many weeks ago about the fact that the Downtown properties increased at 6.5%, the same as the overall commercial market. How is that possible? This is prime real estate. I spoke to the CBRE analyst - they said they were surprised to hear that.

Mr. Traub needs to stand before the taxpayers and answer these questions. It's not enough for the Assessor to say she has confidence in him. In my job it's not acceptable for me to simply hand management a budget or a forecast and say "trust me, I'm the expert". I'm expected to explain my methods and assumptions and be prepared to answer questions. We should accept nothing less from Mr. Traub.

I've done all I can to raise the issue and present you with information and data. We're relying on you to represent taxpayer's interests and insure accuracy and fairness. If you don't feel, after digesting this information, that they are 100% accurate, we need to put a hold on the revaluation until we are. As Ms. Lentz said in the Herald article a week ago, "We don't get income data from owners so there is a possibility that assessments are understated". At the same time she stated "The DOR will approve the assessment - they won't find anything wrong". These statements are contradictory. They're either accurate or inaccurate, they can't be both.

Thank you

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Walter Hamilton (walter.f.hamilton@gmail.com) on Tuesday, October 3, 2017 at 14:21:06

address: 47 Mariette Dr

comments:

The City of Portsmouth needs a real audit of commercial property assessments, not a peer review. It should hire an accountant to list each commercial property that has been sold since 2000, what the properties were assessed at prior to their sale and after the sale.

At Monday's hearing on commercial property assessments was the assertion that such property is taxed and assessed at 100% of market value. Clearly it is not. The Hilton Garden Inn was not.

The Gary's Beverage property was not. Even after the City agreed to buy the property for \$5.1 million the City assessed it at \$4 million, up from \$2.6 million.

The Meredith Village Bank paid \$1,275,000 for 1.12 acres at 2839 Lafayette Rd. which the City had assessed at \$562,000. The Bank tore down the old building and spent an estimated \$1 million on the new one yet the City now assesses the property at \$1,038,500. The City claims the building has depreciated by 55%. It assesses the building plus parking lot at \$503,200. How does a new building depreciate by half before the bank opened? Clearly neither assessment has anything to do with "market value." Market Value is what something can be sold for. The land was essentially sold for \$1,275,000 plus the cost of demolishing the prior building.

Walmart bought 3.71 acres in 2005 for \$4,250,000. It is listed as 2460 Lafayette Rd. #A. 12 years later the City assesses it at \$1,369,500. Again the assessment has nothing to do with the sales price.

It is one thing to get assessments wrong for a property that has not sold, but I believe it is either incompetent or criminal to have assessments that have no relation to actual sale prices. The City Council should pay for a real audit of commercial properties sold since 2000 with comparisons of assessments before and after the sales. If they do not show near correlation the Assessor and the contractor should be replaced.

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by David Hudlin (dhudlin@hotmail.com) on Tuesday, October 3, 2017 at 19:11:48

address: 260 Miller Ave

comments: Dear Council,

As a follow up to my email from yesterday, I'm asking that we ensure that the following questions are asked of Mr. Traub and/or the DOR.

1. Did Mr. Traub apply the exact same methodology in his 2017 assessment as he did in 2015? If the answer is yes, which it should be, then the following should be asked:

1. What factors in the 2017 assessment changed compared to the 2015 assessment resulting in a declining annual rate of appreciation?

- a. Vacancy rate assumptions
- b. Rent per sqft assumptions
- c. Investor confidence factor
- d. Income
- e. Comparable sales

According to the CBRE report, all of these factors have continued to strengthen since 2015. In order for the appreciation rate to decline so significantly since 2015, some or all of these factors in his model have had to worsen since his last assessment.

2. Explain the rationale as to why they've changed.

3. Explain how they are weighted and which factors influence values compared to others.

4. Most importantly - Why have these factors changed negatively in a strengthening market?

We need to understand what's driving the declining rate of appreciation and why it doesn't align with the Market data. He needs to bridge that gap and explain why his 2015 results differed so much compared to 2017, when the market has continued to improve.

Thank you

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by John Murtha (murthalandscap@comcast.net) on Wednesday, October 4, 2017 at 04:35:25

address: 545 ocean road

comments: Everyone should stand for our pledge what the NFL is doing is silly and childish it's not a protest. It's petulant children kicking their feet on the ground. I think you guys have lost your way it's up to you to govern our city not get caught up in national media silliness. You have more important local issues you supposed to deal with like the recent reevaluation you dumped on the local property owners. Maybe their should be a conversation about fiscal responsibility. A resolution to stick to the budget watch spending you know the things you were elected to do. To ban wagon on this NFL thing is abosolutely ridiculous a bunch of over paid children crying about equality in a country they became millionaires playing a game it seems surreal to me. They should be the first to stand at attention when our pledge plays because of the opportunities they've bennefitted from. Maybe the resolution should be to hold the NFL accountable for covering up the brain trauma injuries their players are suffering from. This council has lost its course you all need to pull in your aspirations of national political dreams and put your heads down and go to work for our community. The community you were elected to govern not protesting another's freedom of speech.

includeInRecords: on

Below is the result of your feedback form. It was submitted by Matthew Bogart (mhbogart@gmail.com) on Monday, October 9, 2017 at 08:20:16

address: 415 Grant Avenue

comments: I'll be at the 10/16 meeting. If the following is true please be prepared to explain in depth how this is even fathomable.

Commercial properties have increased 6%, or an average of 3%/year. This has resulted in the average commercial property realizing a 3% REDUCTION in their tax bills?

What this means is that the city operating budget increased 2.8% or approx. 2.4M, HOWEVER, residential taxpayers are now asked to generate \$4.4M in additional tax revenue, to offset the almost \$2M REDUCTION in commercial tax revenue.

I was set to be silent on this matter and accept my increase but not any longer. Especially if companies like Liberty Mutual, Portsmouth Hospital and Service Credit Union's taxes will decrease?

I can not wait to hear an explanation from Steve Traub. All people want is fairness and equity in the distribution of taxes. I'll hope the meeting 10/16 will help me understand the validity of all this.

Matthew H. Bogart

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by David Hudlin (dhudlin@hotmail.com) on Friday, October 13, 2017 at 15:26:10

address: 260 Miller ave

comments: Dear Council,

I am following up from the 10/2 Council meeting to, once again, present questions that we have as yet not been provided answers. I had provided you a copy of the 2017 CBRE analysis for the NH Seacoast and Portsmouth Commercial market. As outlined in my 10/2 public comments to the Council, this data doesn't align with Mr. Traub's commercial assessment/state of the market. The CBRE 2016 data and 2017 outlook indicates a market that continues to be strong, with declining vacancy rates, increased rents per sq.ft., tight inventory and higher sales prices in both the Commercial office and Industrial space. Questions:

1. How do we know that the data and assumptions used in Mr. Traub's model represent the Portsmouth Commercial Market? How are his factors for vacancy rates, rent per sq.ft., investor confidence etc being derived? What source(s) is he using? How is location factored? His assessment of the state of the Portsmouth Commercial market doesn't align with data that I've reviewed in any publications.
2. How is it possible, in a market that has strengthened since 2015, that the average annual rate of appreciation is only 3%? His model uses factors such as vacancy rates, rent per sq/ft, location, investor confidence, sales. All of these factors have continued to improve, yet the rate of appreciation in commercial assessments has decelerated since 2015.
3. How can a 3% annual rate of appreciation represent a healthy market? What would the appreciation rate be in a slow market? This number doesn't make sense.
4. In Town Properties: I presented property data to you 2 months ago. I subtotaled the downtown properties. These properties realized a 6.6% increase in assessments. This is the same as the overall city percent increase. How is it possible that these prime/premier locations increased at the same rate as the overall city? Location should be driving these assessments higher, as they do with residential property.

5. Large Commercial Accounts: I looked at 6 of the largest commercial properties, all of which are receiving significant tax reductions. They are Liberty Mutual, Service credit union, Portsmouth Regional Hospital, Northeast rehab, Sig Sauer, 1465 Woodbury Shopping center. These properties in aggregate increased 1.6%. I looked at the 2015 assessment, and they increased 2.1% vs. 2014. In aggregate these properties have increased 4.9% since 2014. HOW IS THIS POSSIBLE? Service credit Union has increased 0% since 2014. Northeast Rehab -5.6% since 2014.

We need to understand why the factors in his model, that drive value, have changed in a negative way since the 2015 assessment, resulting in a decelerating rate of annual appreciation in a market that has continued to strengthen during this period of time.

Request: The City conduct a Commercial assessment forum, which includes Mr. Traub, to allow taxpayers to ask questions and to be educated on the process and assumptions. We need to have Mr. Traub reconcile his data to that of published data such as CBRE.

Thank you,
David Hudlin

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Beth S. Margeson (bmargeson@myfairpoint.net) on Monday, October 16, 2017 at 07:50:48

address: 24 Marcy Street

comments: Dear Councilors,

I read the interview with Councilor Denton about the PPAF license agreement and write to provide some information.

On May 3, 2017, John Bohenko and Ben Anderson entered into a Letter Agreement, which sets forth, among other things, in Section 1, B., found on page 1:

"Parameters for the 2018 Event & Performance Schedule will be provided to the PPAF in September 2017 (generated in coordination with the Prescott Park Policy Advisory Committee); no commitments should be made to any act or organization for the 2018 season, which would prevent the organization from complying with the schedule parameters."

The link to the document is:

<http://files.cityofportsmouth.com/prescottpark/pppac/Fully%20Executed%20Letter%20Agreement%20signed%20by%20City%20Manager%205-3-2017%20-%206-21-2017.pdf>

On October 3, 2017, the PPAC met and decided on the scheduling parameters for the 2018 season.

Further, the 2012 Operating Agreement, under Section 21. Term on page 5 of the Appendix, which underlies the Letter Agreement, has an automatic renewal clause, which renews the Agreement every year.

The PPAF was able, using just the 2012 Operating Agreement, to book acts for the 2017 season, before the May 3, 2017 Letter Agreement was executed. The PPAF announced its concert series on May 2, 2017, obviously the day before the Letter Agreement was signed. Further, the May 3, 2017 Letter Agreement does not state that a 2018 Licensing Agreement has to be in place before signing acts.

Therefore, the PPAF has the legal authority and the scheduling parameters from the PPAC to go ahead and book acts, even without the 2018 License Agreement in place.

Thank you.

includeInRecords: on

Below is the result of your feedback form. It was submitted by John Werner (jwernernjit@gmail.com) on Monday, October 16, 2017 at 09:19:54

address: 8 Pearson Place, Kittery

comments: Just read today's Herald article detailing the interview with Josh Denton. Do not jeopardize the 2018 season of the Festival. We relocated first to Portsmouth in July 2015 and after attempting to purchase a home there made a decision to purchase a home in Kittery in May 2016. Housing in Portsmouth was too expensive and the associated expenses such as property taxes and possible HOA fees were more than we wanted to allocate out of our personal budget. My wife and I are both retirees.

We researched many different destinations to relocate to and picked Portsmouth as the winner. One of the most important reasons on our list was that it is a high vitality city with cultural, community and social activities that are hard to match in other US small cities. We tell everyone we love "our city - Portsmouth". Other than related housing costs we spend most of our money in Portsmouth - restaurants, cultural events, retail shopping, etc. Our three children are all grown and live in other States so we do not need to have them add their education expenses to the city school budget.

We constantly attempt to recruit our retired friends living in other areas of the USA to relocate to the Portsmouth area. Without the Festival, we would not have relocated here, that is the bottom line. We would have taken our money and our community involvement (we serve on three area community support organizations).

So do the right thing and move forward in granting this license. Thanks to Josh for this article!

includeInRecords: on

Engage: Submit

Below is the result of your feedback form. It was submitted by Kelly Shaw (kelly.shaw@unh.edu) on Monday, October 16, 2017 at 09:51:45

address: 892 Banfield Road

comments: Hi all - Shouldn't Josh be recusing himself from any type of vote on Prescott Park Festival considering that his girlfriend has a financial interest in getting licensed for the 2018 season. She is the production manager.

Isn't the City Manager the one to speak to this? I am not that well versed, however, this seems like a conflict of interest.

thanks Kelly Shaw

includeInRecords: on

Engage: Submit

**HOEFLE
PHOENIX
GORMLEY &
ROBERTS, P.A.**

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October 11, 2017

Hand Delivered

City Council
City of Portsmouth
1 Junkins Avenue
Portsmouth, NH 03801

Re: Comment to Proposed Gateway Mixed-Use Zoning Amendments
and Request to Extend Proposed District to Farm Lane

Dear Mayor Blalock and Members of the Council:

On behalf of New England Marine & Industrial, Inc. ("NEMI"), owner of 200 Spaulding Turnpike (City Tax Map 237, Lot 56), I write to provide comment on the proposed Gateway Mixed-Use Zoning District ("Gateway District") and to request that the proposed zone be extended down Spaulding Turnpike to Farm Lane.

The proposal presently before the Council amends all of the area currently zoned as Central Business B ("CBB") located along Spaulding Turnpike between Gosling Road and Echo Avenue. Excluded from this area is an approximately 150 foot strip zoned CBB running parallel to Spaulding Turnpike from Echo Avenue to Rockingham Avenue. NEMI believes the Gateway District should continue beyond the existing proposed area. We therefore respectfully request that the area currently zoned CBB along Spaulding Turnpike between Echo Avenue and Farm Lane be included in the Gateway Zone.¹

Extending the Gateway District to the south of Echo Avenue, over the current CBB area, to Farm Lane, is a logical continuation of the Gateway Zone. Both the areas located to the north and south of Echo Avenue are currently zoned CBB with frontage on Spaulding Turnpike and with the SRB zoning district to the rear. Continuing the Gateway District makes greater planning sense and is consistent with the need to promote mixed uses and diverse housing opportunities in the area. Moreover, it places the NEMI property on equal footing with the other similarly situated properties immediately to the north.

¹ NEMI is not proposing any change to the residentially zoned (SRB) portion of the area.

As the Council is no doubt aware, the majority of the NEMI property is undeveloped despite numerous attempts. This includes several commercial and residential development proposals. The mixed-use purposes of the Gateway Zone are fully consistent with the NEMI and surrounding Spaulding Turnpike properties. It will also promote appropriate development of this long dormant property. Given the clear similarity between the CBB zoned area to the north and to the south of Echo Avenue, it is only fair and reasonable to extend the southern boundary of the Gateway Zone over the existing CBB district to Farm Lane.

Thank you for your thoughtful consideration of NEMI's request. We look forward to discussing this with the Council during the Public Comment Period.

Very truly yours,



Kevin M. Baum

KMB/dmw

cc: New England Marine & Industrial, Inc.
Juliet Walker, Planning Director
Daniel C. Hoefle, Esq.



October 11, 2017

PROMOTE. PROTECT. EDUCATE.

Honorable Mayor Blalock
Portsmouth City Council
1 Junkins Ave.
Portsmouth, NH 03801

Dear Mayor Blalock,

I am writing to you today in regards to the proposed adoption of Chapter 4, Articles I-V of the ordinances of the City of Portsmouth – commonly referred to as the adoption of the 2009 FDA Food Code with proposed amendments.

Over the last couple of months I have attended City Council Meetings and participated in a work session on this topic and I feel that we can wholeheartedly support this effort with some small changes in the language of the proposed amendments to the 2009 FDA Food Code which I have enclosed for your reference. I have taken the liberty of striking through language that we would like to see amended in the proposal and offered modified language in bold in the sections we feel either go too far, are not needed or do not go far enough. I have also included explanations for our suggested changes in blue.

I would also like to quickly mention our proposed change to the appeals process. Our proposal is closely modeled on the existing appeals process for the Portsmouth Fire Department and is almost word for word from their ordinance. If you recall when I testified before the Council in September, I mentioned that an appeals process that is designed to sit outside of the regulatory structure gives business owners some assurance that an independent third party review will be impartial and fair.

During the course of this process it appears that there is a great deal of frustration felt by business owners in Portsmouth in how industry interacts with various inspection departments within the City. So I wonder if this might be a good time for the City Council to undertake an independent, third party review of all rules and regulations within City ordinances. I would suggest specifically looking at: 1.) Whether all rules and regulations that are being enforced have been formally adopted by the City Council, 2.) If there are regulations that have not been adopted, seek recommended action for the City Council to take, and 3.) How clear and transparent is the process for the adoption of rules and regulations and how engaged is industry in that process.

I hope that you will adopt the 2009 FDA Food Code with the language changes I have proposed as I think it strikes the right balance between the concerns of industry business owners while protecting public safety.

Thank you for your consideration.

Sincerely,


Mike Somers,
President and CEO

New Hampshire Lodging & Restaurant Association

ORDINANCE #

THE CITY OF PORTSMOUTH ORDAINS:

That Chapter 4, Articles I-V of the ordinances of the City of Portsmouth be stricken in its entirety and replaced with the following:

**CHAPTER 4
ARTICLE I FOOD LICENSING AND REGULATIONS**

Section 4.101 Adoption of the FDA 2009 Food Code

That a certain document, three copies of which are on file in the office of the City Clerk of the City of Portsmouth, New Hampshire being marked and designated as the Food Code, 2009 Recommendations of the United States Public Health Service/Food and Drug Administration and Annexes "FDA Food Code" as published by the U.S. Department of Health and Human Services, Public Health Services, Food and Drug Administration be, and is hereby adopted, subject to the following amendments, additions and deletions.¹

If specific provisions of the FDA Food Code are not referenced below, the text remains as written.

Section 4.102: Amendments, Additions and Deletions to Food Code

Change subsection to read as follows:

1-201.10 Statement of Application and Listing of Terms.

"Temporary food establishment" means a food establishment that operates for a period of no more than 3 consecutive days in conjunction with a single event or celebration.

Add sentence at the end of paragraph to read as follows:

1-201.10 Food Establishment.

~~(2) (B) These facilities must be in compliance with Portsmouth Health Department's Rules and Regulations.~~

(2) (B) these facilities must be in compliance with Portsmouth health department's rules and regulations, to the extent those rules and regulations have been passed by the council.

COMMENTS: New Hampshire RSA 147:1 authorizes municipal health officers to make regulations relating to the public health only when approved by elected officials. That is because they have the defacto effect of law. There is no indication that the current regulations adopted by the health department have been adopted by the city Council.

¹ For a copy of the FDA Food Code, 2009 go to <https://www.fda.gov/food/guidanceregulation/retailfoodprotection/foodcode/ucm2019396.htm>. foodcode2009

Delete following subsections:

1-201.10 Food Establishment.

(3) (e) – (g) *Delete*

Change subsection to read as follows:

3-301.11 Preventing Contamination from Hands.

(B) Except when washing fruits and vegetables as specified under 3-302.15 Food Employees may not contact exposed, READY-TO-EAT FOOD with their bare hands and shall use suitable UTENSILS such as deli tissue, spatulas, tongs, single-use gloves, or dispensing EQUIPMENT.

(D) *Delete*

Delete following subsection in its entirety:

3-305.13 Vended Potentially Hazardous Food (Time/Temperature Control for Safety Food), Original Container.

Delete following subsection:

3-306.12 Condiments Protection.

(B) *Delete*

Delete following subsection:

3-801.11 Pasteurized Foods, Prohibited Re-Service, and Prohibited Food.

(D) *Delete*

Delete following subsection:

4.204.14 (A) (B) Vending Machines, Vending Stage Closure.

Delete following subsection:

4-204.19 Can Openers on Vending Machines.

Delete following subsection:

4-204.111 Vending Machines, Automatic Shutoff.

Add new subsection to read as follows:

4-301.16 Food Prep Sink.

A Food Prep sink that meets the requirements specified in 4-205.10, 5-202.13

and 5-402.11 shall be provided for washing/thawing of foods, and drawing of potable water, to be used for no other purposes.

Delete following subsections:

4-301.12 Manual Warewashing, Sink Compartment Requirements.

(C)(5) *Delete*

(C)(6) *Delete*

(D) *Delete*

Add new subsection to read as follows:

4-302.12 Food Temperature Measuring Devices.

- (A) Digital food temperature measuring devices shall be provided and readily accessible for use in ensuring attainment in maintenance of food temperatures as specified under Chapter 3.

Add new subsection to read as follows:

4-302.13 Temperature Measuring Devices, Manual Warewashing.

- (B) In hot water mechanical WAREWASHING operations, an irreversible registering temperature indicator shall be provided and readily accessible for measuring the UTENSIL surface temperature.

Change subsection to read as follows:

4-501.16 Warewashing Sinks, Use Limitation.

- (A) A warewashing sink may not be used for handwashing as specified under §2-301.15, and drawing potable water, wash produce, or thaw foods.

Delete following subsections:

4-603.16 Rinsing Procedures.

(C) *Delete*

(D) *Delete*

(E) *Delete*

Change subsection to read as follows:

5-104.12 Alternative Water Supply.

Water meeting the requirements specified under Subparts 5-101, 5-102, and 5-103 shall be made available for a mobile facility, for a temporary food establishment without a permanent water supply, and for a food establishment with a two hour interruption of its water supply through:

Change subsections to read as follows:

5-203.11 Handwashing Sinks.

A handwashing sink shall be located within 20 unobstructed feet:

- (A) To allow convenient use by employees in food preparation, food dispensing, and warewashing areas; and
- (B) In toilet rooms.

Change subsection to read as follows:

5-501.12 Outdoor Enclosure.

- (A) If used, an outdoor enclosure for refuse, recyclables, and returnables shall be constructed of durable, and cleanable materials with tight-fitting lids, and in a clean and cleanable manner, that does not attract pests.

Add new subsection to read as follows:

6-202.15 Outer Openings; Protected.

- ~~(F) Permanently located outdoor beverage bars shall be fully enclosed during non-operating hours with a sturdy, permanent structure capable of withstanding wind, weather, be rodent, bird, insect proof, and seal out any and all intentional and unintentional sources of contamination and adulteration.~~

COMMENT: Portsmouth is the ONLY JURISDICTION in the State of New Hampshire that is seeking to prohibit this common practice, without epidemiological evidence to support its claim. The 2009 FDA Food Code does not require the enclosure of outdoor beverage bars. New Hampshire law does not require the enclosure of outdoor beverage bars. This is being proposed as a new section to the Portsmouth health code because it does not currently exist as a requirement under Portsmouth, state or federal law. None of the other 14 self-regulating cities and towns in New Hampshire has a requirement for enclosure of outdoor bars. The preamble to the federal 2009 food code recognizes alternatives that accomplish the goal of safety: "Alternatives that offer an equivalent level of public health protection to ensure that food at retail and foodservice is safe are recognized in this model." Additionally, requiring enclosure of outdoor bars conflicts with city laws. Current Portsmouth zoning laws do not allow single-story structures and there is no guarantee that a variance would be allowed for a single story structure. The cost of enclosing outdoor beverage bars would be significant and possibly prohibitive if the structure is built to International Building Code rather than seasonal awnings.

Change subsection to read as follows:

6-303.11 Intensity.

The light intensity shall be:

- (A) At least 216 lux (20 foot candles) at a distance of 75 cm (30 inches) above the floor, in walk-in refrigeration units and dry food storage areas and in other areas and rooms during periods of cleaning;

Change subsection to read as follows:

6-501.115 Prohibiting Animals.

- (A) ~~Except as specified in (B) and (C) of this section, live animals may not be allowed on the premises of a food establishment, unless allowed by variance pursuant to 8-103.10 through 8-103.12 for outdoor decks.~~
- (A) ***Animals may be allowed on outdoor decks in Portsmouth at the discretion of the restaurant owner, so long as they are leashed, kept at the table with the owner, not fed human food, not touched by restaurant staff, and kept under control.***

COMMENT: Nationally and in the State of New Hampshire, dogs are trending on outdoor decks to create a more family friendly environment (more than 60% of Portsmouth households own a dog). Allowing dogs also assists with dogs not being left in cars or tied to street posts. Currently, some Portsmouth restaurants allow dogs on outdoor decks, and we firmly believe the practice should continue without added paperwork and cost that will be associated with a variance process.

Delete following subsection:

7-202.12 Conditions of Use.

- (A) (2) *Delete*

Change subsections to read as follows:

8-101.10 Public Health Protection.

- (B) (1) Whether the facilities or equipment are in good repair and capable of being maintained in a sanitary condition and used as intended by the manufacturer;

Change subsection to read as follows:

8-103.11 Documentation of Proposed Variance and Justification.

- (C) A HACCP plan if required as specified under 8-201.13(A) that includes the information specified under 8-201.14 as it is relevant to the variance requested, and reviewed by a 3rd party acceptable to the Health Department or Special Process Review if requested.

Add new subsection to read as follows:

8-201.11 When Plans Are Required.

~~(D) Change of owner or ownership interest.~~

(D) Change of controlling ownership interest. The change in ownership interest shall not apply to transfers to trusts or between family members.

COMMENT: Federal and state food codes, and all of the self-regulating cities and towns in New Hampshire, define "change of ownership" as a change in controlling ownership. Under them, the food code capital improvements do not apply unless a restaurant sells, or controlling interest changes. He-P 2301.01 provides: "(h) "Change of ownership" means any time a controlling interest in a sole proprietorship, joint venture, partnership, corporation, limited liability company, or any other kind of entity is transferred to another sole proprietor, joint venture, partnership, corporation, limited liability company or any other kind of entity." Under the current Portsmouth ordinance, there is no mention of change in ownership at all. That has worked well for hundreds of years. Families, if they want to bring family members into the restaurant business as owners, should not have to bear the significant expense of capital improvements triggered by the health code. Additionally, it is very common to transfer ownership interests of corporations or real estate into trusts. Such an estate-planning transfer should not trigger the possible significant cost of health code compliance.

Delete following subsections:

8-201.12 Contents of Plans and Specifications.

(B) *Delete*

(D) *Delete*

(E) *Delete*

Add new subsection to read as follows:

8-201.14 Contents of a HACCP Plan.

(F) Verified by a qualified 3rd party reviewer acceptable to the Health Department if requested.

Delete following subsection:

8-404.11 Ceasing Operations and Reporting.

(B) *Delete*

Add the following as first paragraph of subsection:

Annex 2009, Annex 7, Model forms Guides and Other Aids.

Model forms are adopted as amended by the Portsmouth Health Department.

Section 4.103 Adoption of Specific Parts He-P 2300, as amended:

Specific parts of the N.H. Code of Administrative Rules, Part He-P 2300, Sanitary Production and Distribution of Food ("He-P 2300") published as of the date this Chapter is adopted, are hereby adopted subject to the following amendments, additions and deletions. Any section not referenced is not adopted.

Adopt the following definitions:

He-P 2301 DEFINITIONS

- (a) "Acid foods"
- (b) "Acidified foods"
- (c) "Applicant"
- (d) "Bed and breakfast"
- (f) "Bulk food"
- (g) "Caterer"
- (h) "Change of ownership"

- (i) "Continental breakfast"
- (k) "Corrective Action Plan (CAP)"
- (l) "Critical control point"
- (m) "Critical limit"
- (q) "Food Code"
- (r) "Food establishment"
- (s) "Food processing plant"
- (u) "Disease outbreak"
- (x) "Immediately endangers public health or safety"
- (y) "Imminent health hazard"
- (ab) "Low acid foods"
- (ac) "Major food allergen"
- (af) "Package"
- (as) "Sanitization"
- (av) "Soup kitchen"
- (aw) "Time/Temperature Control for Safety (TCS) food"

Adopt and amend the following definitions to read as follows:

- (n) "Department" means the Portsmouth Health Department.
- (ad) "Mobile food unit" means a food service establishment mounted on wheels or otherwise designed to be immediately moveable.

Adopt the following subsection in its entirety and add new subsection to read as follows:

He-P 2302.02 Soup Kitchens Exempt from Licensure.

- (5) Person-in-charge must attend food safety training to be provided by the Department.

Adopt the following subsection:

He-P 2304.13 (a) Hazard Analysis and Critical Control Point (HACCP) Plan Requirements.

Adopt the following subsection in its entirety and amend subsections (a), (c)(6), (g) and (i) as follows:

He-P 2305.01 Inspections.

- (a) For the purpose of determining compliance with this Chapter, the Department or its inspectors, or special agents designated for that purpose, shall have full power and authority at all times to enter and inspect every building, room or other place occupied or used for the production, storage, sale or distribution of food, and all utensils and appurtenances and records relating thereto, including shellfish tags, or other records pertaining to food supplies purchased and distributed by the food establishment. The applicant or licensee shall admit and allow any department representative at any time to enter and inspect the following:
 - (c) (1) *Delete*
 - (c) (4) *Delete*
 - (c)(6) Occupation of space after construction, renovations or structural alterations or a period of closure that exceeds 90 days; or
 - (g) Upon completion of the inspection, the Department shall provide a written or electronic copy of the inspection report. The inspection report shall contain:
 - (i) Except for Food Processing Plants, numerical scoring shall be on a 100 point scale, with:
 - (1) A+ with a score of 95-100 with no critical item violations
 - (2) A with a score of 90-100 and one or more critical item violations

- (3) B+ with a score of 85-89
- (4) B with a score of 80-84
- (5) C+ with a score of 75-79
- (6) C with a score of 70-74
- (7) F score below 70 is a failing score.
- (8) Scoring shall be assigned as Priority Items are valued at 5 points, Priority Foundation items are valued at 3 points and Core items shall be valued as 1 point. The value of the inspection categories shall be that of the highest point item in that category.

Adopt and amend subsection to read as follows:

He-P 2308.02 Basic Requirements.

- b (2) A residential model sanitizing dish machine and a one compartment sink:

Adopting subsection in its entirety and amend to read as follows:

He-P 2309.01 Application Requirements.

- (a) Apply as "Processors," Class E on the food service permit application and comply with the License, Application and Terms of License requirements;

Section 4.104 Temporary Events.

Food preparation and handling practices for food establishments are to be in compliance with this Chapter. Event Coordinators must submit completed application to the Department for approval no later than one month prior to the date of the event.

Section 4.105 License.

It shall be unlawful for any person or entity to operate a Food Service Establishment within the City of Portsmouth without obtaining a valid food service license issued by the Department. Only a person or entity who complies with the requirements of this Chapter shall be entitled to receive and retain such a license. A food service license shall be posted in public view. Licenses are not transferable between entities or locations. Any change in ~~ownership~~ **controlling** ownership interest shall require a new food service license subject to the provisions of this Chapter.

COMMENT: the purpose of the addition of the last sentence is to clarify that a new license is required when there is a change in controlling interest.

Section 4.106 Application.

The Health Department may issue a food service license to any Food Service Establishment upon receipt of a written or electronic application. A food service license shall be granted upon the express condition that the Food Service Establishment complies with all the requirements of this Chapter, and the applicant agrees at all times to conduct his operation and maintain his facilities in accordance with the requirements of this Chapter and those regulations promulgated hereunder. The application procedure and issuance shall be in keeping with the policies and procedures of the Department, with the fees approved by City Council through its budgetary processes. **Regulations referred to herein shall only be those regulations approved by the Portsmouth city Council.**

COMMENT: this makes the ordinance compliant with RSA 147:1 as noted above. This is mandatory state law.

Section 4.107 Term of License.

Food service licenses shall be issued upon compliance with all of the provisions of this Chapter: All annual licenses expire September 30th. Seasonal licenses are valid from April 15 through October 15 of the calendar year. Temporary licenses are valid for the length of the event.

The following is a proposed NEW section:

Section 4.108 Appeals Procedure.

The "Health Code Board of Appeals" is hereby adopted as the appellate procedure for anyone who disagrees with a decision of the Health Department.

COMMENT: The proposal by the Health Department has no appellate procedure unique to Portsmouth. The 2009 Food Code appellate procedure is for the Health Officer to appoint a hearing officer and then the Health Officer will present her case to the hearing officer she has just appointed. Businesses need an independent option short of going to Court.

All ordinances or parts of ordinances inconsistent herewith are hereby deleted.

This ordinance shall take effect upon passage.

APPROVED:

Jack Blalock, Mayor

ADOPTED BY COUNCIL:

Kelli L. Barnaby, City Clerk

h:\ferin\health\revise code\chapter 4 – food licensing ordinance

HEALTH CODE

BOARD OF APPEALS

The provisions contained in this ordinance become mandatory once passed by the city Council on _____, 2017.

101.1 Application. The application for appeal shall be filed on a form approved by the city Council within 20 days after the notice was served.

101.2 Membership of Board. The board of appeals shall consist of persons appointed by the city Council as follows:

1. One for five years; one for four years; one for three years; one for two years; and one for one year.
2. Thereafter, each new member shall serve for five years or until a successor has been appointed.

The health officer shall not be a member of said board.

101.2.1 Alternate members. The city Council shall appoint two alternate members who shall be called by the board chairperson to hear appeals during the absence or disqualification of a member. Alternate members shall possess the qualifications required for board membership and shall be appointed for five years, or until a successor has been appointed.

101.2.2 Qualifications. The board of appeals shall consist of five individuals, one from each of the following professions or disciplines:

1. Medical doctor.
2. Current restaurateur.
3. Former restaurateur.
4. Current member of the city Council.
5. Building contractor.

101.2.3 Rules and procedures. The board is authorized to establish policies and procedures necessary to carry out its duties.

101.2.4 Chairperson. The board shall annually select one of its members to serve as chairperson.

101.2.5 Disqualification of member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.

101.2.6 Secretary. The city Council shall designate a qualified clerk to serve as secretary to the board. The secretary shall maintain a detailed record of all proceedings in the office of the city clerk.

101.2.7 Compensation of members. Compensation of members shall be determined by the city Council.

101.3 Notice of meeting. The board shall meet upon notice from the chairperson, within 10 days of the filing of an appeal or at stated periodic meetings.

101.3.1 Open hearing. All hearings before the board shall be open to the public. The appellant, the appellant's representative, the health official and any person whose interests are affected shall be given an opportunity to be heard.

101.3.2 Procedure. The board shall adopt and make available to the public through the secretary procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.

101.3.3 Postponed hearing. When five members are not present to hear an appeal, either the appellant or the appellant's representative shall have the right to request a postponement of the hearing.

101.4 Board decision. The board shall modify or reverse the decision of the official by a concurring vote of a majority of its members.

101.4.1 Resolution. The decision of the board shall be by resolution. Certified copies shall be furnished to the appellant and to the health official.

101.4.2 Administration. The health official shall take immediate action in accordance with the decision of the board.

101.4.3 Appeal. The appellant may appeal a decision of the board to the Superior Court.

**CITY OF PORTSMOUTH
PORTSMOUTH, NH 03801**

Office of the City Manager

Date: October 12, 2017
To: Honorable Mayor Jack Blalock and City Council Members
From: Nancy Colbert Puff, Acting City Manager *NCp*
Re: Acting City Manager's Comments on October 16, 2017 City Council Agenda

6:30 p.m. – Non-Public Session in accordance with RSA 91-A:2,I (a) regarding strategy or negotiations with respect to collective bargaining – Firefighters Association of Portsmouth, New Hampshire Local #1313 and The Portsmouth Professional Fire Officers Association

For details on this matter, please refer to the confidential envelope inserted in the inside pocket of your binder.

Presentation:

1. **Revaluation Process.** At Council's request, Stephan Hamilton, Director of the Municipal and Property Division of the NH Department of Revenue Administration (DRA), will briefly present the DRA's role in the revaluation process, what is encompassed in their review of the revaluation, and be available to answer any questions Council may have.

Acceptance of Grants and Donations:

1. **Acceptance of Donations Re: USS New Hampshire.** The USS New Hampshire SSN778 returned to the Portsmouth Naval Shipyard earlier this year. Mayor Blalock and the City Council appointed the Portsmouth Host Welcoming Committee for the USS New Hampshire. The Committee is comprised of Mayor Jack Blalock; Committee Chair Stephanie Seacord; Deputy City Manager Nancy Colbert Puff; Public Information Officer

Brenna Woodman; Portsmouth Chamber Collaborative President Valerie Rochon and former Mayor Robert Lister. The Welcoming Committee will host a 9th Anniversary Party for the USS New Hampshire and her full crew on October 25th to make their stay in Portsmouth a memorable one. Through the generosity of sponsors, the Welcoming Committee has received the following donations for City Council acceptance:

- Sean Mahoney \$500.00
- Piscataqua Savings Bank \$500.00
- The Propeller Club of the United States Port of Portsmouth \$500.00
- Teledyne Instruments \$500.00

The City of Portsmouth is the fiscal agent.

I recommend the City Council move to accept and approve the donations for the USS New Hampshire, as presented. Action on this matter should take place under Section VIII of the Agenda.

2. **Acceptance of Police Department Grant.** Attached under Section VIII of the Agenda is a memorandum, dated October 10, 2017, from Kathleen M. Levesque, Executive Assistant, Office of the Police Chief; at the October 2, 2017 special Police Commission meeting, the Board of Police Commissioners approved and accepted the following grant:

- a. A grant in the amount of \$9,225 from the New Hampshire Department of Safety, Homeland Security and Emergency Management for Special Operations Team Terrorism Prevention Activities training, as per the attached grant document.

The Police Commission submits the information to the City Council pursuant to City Policy Memorandum #94-36, for the City Council's consideration and approval at this evening's City Council meeting.

I recommend the City Council move to accept and approve the grant to the Portsmouth Police Department, as presented. Action on this matter should take place under Section VIII of the Agenda.

Items Which Require Action Under Other Sections of the Agenda:

1. First Reading of Proposed Ordinances and Resolutions:

- 1.1 **First Reading Re: Zoning Ordinance Amendments – Off-Street Parking.** As a result of the October 2nd City Council meeting, I am bringing back for first reading the attached proposed Zoning Ordinance Amendments to Off-Street Parking. Attached is a memorandum from Planning Director Juliet Walker requesting first reading and outlining the proposed zoning ordinance amendments to off-street parking.

At its September 21, 2017 meeting, the Planning Board voted to recommend that the City Council enact the proposed amendments to Articles 8, 11 and 15 regarding off-street parking regulations.

I recommend the City Council move to schedule a public hearing and second reading on the proposed Zoning Ordinance Amendments to the off-street parking regulations at the November 20, 2017 City Council meeting, as presented. Action on this matter should take place under Section VII of the Agenda.

- 1.2 **First Reading Re: Gateway Mixed Use District Zoning Amendments.** As a result of the October 2nd City Council meeting, I am bringing back for first reading the [attached](#) proposed Ordinance to Gateway Mixed Use District Zoning Amendments. [Attached is a memorandum](#) from Planning Director Juliet Walker requesting first reading and outlining the proposed Gateway Mixed Use District Zoning Amendments.

At its September 21, 2017 meeting, the Planning Board voted to recommend that the City Council enact the proposed amendments to Articles 4, 5A, and 7 and to adopt a new Article 5B Gateway Mixed Use Zoning Districts (as amended based on discussion by Planning Board) to City Council for approval.

I recommend the City Council move to schedule a public hearing and second reading on the proposed Ordinance to the Gateway Mixed Use District Zoning Amendments at the November 20, 2017 City Council meeting, as presented. Action on this matter should take place under Section VII of the Agenda.

- 1.3 **First Reading to Amend Chapter 12 by Adopting the 2009 International Building Code and 2009 International Residential Code to Replace the Existing 2006 Versions and to Amend Chapter 15 by Adopting the 2009 International Plumbing and Mechanical Codes to Replace the Existing 2006 Version. This also includes local amendments to the 2014 National Electrical Code.** As a result of the October 2nd City Council meeting, I am bringing back for first reading the [attached](#) aforementioned proposed Ordinance.

Chapter 12 (International Building Code, 2006 & the International Residential Code, 2006), Chapter 15 (International Plumbing Code, 2006 & International Mechanical Code, 2006), and Chapters 12 and 5 (which reference the National Electric Code, and the International Energy Conservation Code), need to be updated to conform with the 2009 adopted state building code, and in addition we recommend adopting the Existing Building Code (also part of the state building code but not reflected in our current ordinances).

As with the existing ordinances, the [attached](#) includes local amendments that are tailored to City. We also propose amending the 2014 Electrical Code to prohibit NM cable (trade name Romex) from commercial installations, to prohibit service entrance cable (SER) in commercial installations and to require GFCI protection for certain residential installations (including, for example, in kitchens, bathrooms, garages and basements), to better protect the public health and safety.

If the Council votes to schedule a second reading, the City plans to host a public information session on these code updates before the public hearing. We have planned this session to take place on Monday, October 31st at 9:00 a.m. in Conference Room A. Prior to that informational meeting, the City will post on the Inspection's webpage the proposed amendments and code information.

I request authorization to bring back Building, Plumbing, Mechanical and Electrical code updates to the City Council for a public hearing and second reading at the November 20, 2017 City Council meeting. Action on this matter should take place under Section VII of the Agenda.

- 1.4 **First Reading to Amend Chapter 5, Fire Department and Prevention Regulation which includes Adoption of 2015 International Fire Code to Replace the Existing 2006 International Fire Code.** As a result of the October 2nd City Council meeting, I am bringing back for first reading the [attached](#) aforementioned proposed Ordinance.

Chapter 5, Fire Department and Prevention Regulations, Articles I, 4, 5, 7 and 8 have been updated to delete obsolete sections of the ordinance and amended to reflect current operations of the Fire Department. For example, we no longer have call firemen (Article 1), there is no longer a petroleum inspector or petroleum district (Article 4) and the municipal fire alarm system is being retired (Article 5). Our current ordinance (Article 9) adopts the 2006 International Fire Code and the amendment to Article 9 would adopt the 2015 International Fire Code and formally adopt the State Fire Code (Saf-C 6000). The proposed amendments to Article 9 reflect the updates from the 2006 to the 2015 International Fire Code. The amendment also modifies sections of the 2015 International Fire Code to reflect the State's requirements regarding smoke alarms and carbon monoxide detection. Article 9 has also been amended to address our current practices regarding permitting processes, defining "no burn permit" areas in the City, providing additional guidance regarding the installations of sprinkler system and adds a new section on solar panels to give our community clear guidelines regarding this popular source of energy for homeowners and businesses. [See attached.](#)

If the Council votes to schedule a second reading, the City plans to host a public information session on these code updates before the public hearing. We have planned this session to take place on Monday, October 31st at 9:00 a.m. in Conference Room A. Prior to that informational meeting, the City will post on the Inspection's and Fire webpages the proposed amendments and code information.

I request authorization to bring back for public hearing and second reading the updates to the, Fire Department and Prevention Regulation at the November 20, 2017 City Council meeting. Action on this matter should take place under Section VII of the Agenda.

2. **Second Reading of Proposed Ordinances and Resolutions:**

- 2.1 **Second Reading of Proposed Ordinance Amendments to Chapter 4 Pertaining to the City's Food Licensing and Regulations by striking Articles I-V in its entirety and replaced with new language (Postponed from September 5, 2017 City Council Meeting).** At the September 5, 2017 City Council meeting, the Council postponed second reading of the Food Licensing and Regulation Ordinance in order for the City to schedule an Informational Meeting with the public to respond to questions raised during the public comment session regarding the definition of change of ownership and the appeals process in the proposed ordinance. The Informational Meeting was held on September 25, 2017. Health Officer Kim McNamara will give a presentation to the Council regarding the issues discussed at the meeting, proposed amendments to the ordinance in response to public comment at the meeting and a report back on the appeals process that will include a comparison between the appeals process in the proposed ordinance and other self-inspecting communities.

[Attached is an annotated version of the ordinance](#) redlining the proposed changes to the ordinance from first reading and in response to public comment.

In the event the City Council proceeds with second reading of the Food Licensing and Regulations Ordinance, I recommend the following motion be adopted:

I recommend the City Council move to accept all the amendments to the Food Licensing and Regulations Ordinance as set forth in the attached ordinance and further pass second reading and schedule third and final reading at the City Council meeting of November 20, 2017. Action on this matter should take place under Section VII of the Agenda.

Consent Agenda:

1. **Acceptance of Donation Re: Plaque in Memory of Roger Chapdelaine.** The City of Portsmouth has received a request and a check in the amount of \$360.00 from Bradley Lown for a plaque to be placed on a bench at the southwest tennis courts closest to the McMaster bench at the South Mill Pond complex with the following inscription:

- In honor of Roger Chapdelaine – Men's Doubles Tennis Commissioner

I recommend the City Council move to accept the donation for a plaque in memory of Roger Chapdelaine, as presented.

Acting City Manager's Items Which Require Action:

1. **Commercial Revaluation – Request for Peer Review.** In response to City Council's request, we have solicited a proposal from David Cornell, MAI, CAE an experienced appraisal consultant who is qualified to perform a review of the revaluation. His fee is \$8,875 for an evaluation of the commercial revaluation work, and the same price for the same review of the residential revaluation, for a total of \$17,750. This work could be completed by November 13th.

After consulting with the DRA regarding the scope of work such a review should involve, we recommend that scope be focused on reviewing the revaluation methodology and conclusions on a broad basis – in other words, a spot “sampling” is not a typical approach to reviewing mass appraisal. In addition, if City Council is interested in pursuing this review, we recommend it be performed for the entire revaluation, and not a single component, to ensure equal treatment and to obtain a complete picture of the entire process.

City Council may consider moving to direct the Acting City Manager to conduct a review of the revaluation and to bring back the review to Council sometime in November.

Informational Items:

1. **Events Listing.** For your information, [attached is a copy of the Events Listing](#) updated after the last City Council meeting on October 2, 2017. In addition, this can be found on the City's website.
2. **Update Re: Recycling Center Swap Shop.** As you will recall, the City Council referred a request to establish a swap shop at the recycling center to the City Manager for a report back with a recommendation. The swap shop will be part of the new recycling facility at the Department of Public Works. Selection of the design consultant is pending interviews, and City staff anticipates to have the design completed by next year with funding identified in 2020 for construction.
3. **Report Back Re: Homestead Exemption.** At the September 18, 2017 City Council meeting, Assistant Mayor Splaine requested an inquiry regarding a Homestead Exemption. [Attached is a memorandum](#) from City Attorney Robert Sullivan regarding this matter.

Event Listing by Date

Starting Date: 10/ 2/2017

Ending Date: 7/31/2018

Start End	Type Description	Location	Requestor	Vote Date
10/ 8/2017 10/ 8/2017	ROAD RACE This is the Memorial Bridge 5K event co-hosted by Seacoast Community School and Prescott Park Arts Festival.	Prescott Park	Prescott Park Arts Festival	10/ 2/2017
10/13/2017 10/15/2017	FILM EXPO Amber Day is the contact for this event. (603) 534-0905	Chestnut Street	New Hampshire Film Festival	6/ 5/2017
10/14/2017 10/14/2017	FESTIVAL Amber Day is the contact for this event.	Vaughn Mall	NH Film Festival	9/ 5/2017
10/31/2017 10/31/2017	PARADE Abigail Wiggin is the contact for this event.	Starting at Peirce Island - thru downtown - Ending	Portsmouth Halloween Committee	6/ 5/2017
11/12/2017 11/12/2017	RACE Jay Diener is the contact for this event. This event begins at 8:30 a.m.	Portsmouth High School - Start and Finish	Seacoast Half Marathon	3/20/2017
12/ 2/2017 12/ 2/2017	PARADE Brinn Sullivan is the contact for this event. Tel. (603) 610-4433	800 Islington Street to Market Square	City of Portsmouth - Holiday P	/ /
12/10/2017 12/10/2017	RACE Thomas M. Bringle, Director of Development is the contact for this event. Tel. (603) 724-6080 or tbringle@arthritis.org	Little Harbour School	Arthritis Foundation	1/23/2017
12/31/2017 12/31/2017	CELEBRATIC Barbara Massar is the contact for this event.	Market Square	Pro Portsmouth - First Night	8/21/2017
4/14/2018 4/14/2018	ROAD RACE Nick Diana is the contact for this event. This event begins and ends at New Castle Great Island Commons. The start is 9:00 a.m.	Starts and Ends at New Castle Commons	Nick Diana	6/19/2017
5/ 6/2018 5/ 6/2018	RIDE Contact: Melissa Walden, Associate of Development 207-624-0306 Cycle the Seacoast - First riders leaving Redhook Brewery at 7:00 a.m. and the last rider will be in around 3:00 p.m.		American Lung Association	8/21/2017
6/ 9/2018 6/ 9/2018	FESTIVAL Barbara Massar is the contact for this event. This event begins at 9:00 a.m. to 4:00 p.m.	Market Square	Market Square Day - Pro Portsm	8/21/2017
6/ 9/2018 6/ 9/2018	ROAD RACE Barbara Massar is the contact for this event. The road race starts at 9:00 a.m. in Market Square	Starts in Market Square	Market Square Road Race - Pro	8/21/2017

Event Listing by Date

Starting Date: 10/ 2/2017

Ending Date: 7/31/2018

Start End	Type Description	Location	Requestor	Vote Date
6/16/2018 6/16/2018	RACE Kaity Stanton, Special Events Manager is the contact for this event. Raindate: June 17, 2018	Pleasant Street	Big Brothers Big Sisters of NH	9/18/2017
6/23/2018 6/23/2018	ROAD RACE Contact: Stephanie Puls, Development Coordinator, Special Events spulis@komennewengland.org (774)-512-0403 This event begins and ends at Great Bay Community College	Great Bay Community College	Susan G. Komen New Hampshire R	10/ 2/2017
6/30/2018 6/30/2018	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/ 7/2018 7/ 7/2018	FESTIVAL Barbara Massar is the contact for this event. This event is part of the Summer in Street Series. It begins at 5:00 to 9:30 p.m.	Downtown - Pleasant Street	Pro Portsmouth - Summer in the	8/21/2017
7/14/2018 7/14/2018	MUSIC Barbara Massar, Executive Director is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Pleasant Street - Summer in the Street Music Serie	Pro Portsmouth	8/21/2017
7/21/2018 7/21/2018	MUSIC Barbara Massar is the contact for this event. The event begins at 5:00 p.,m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Street Music Ser	8/21/2017
7/28/2018 7/28/2018	MUSIC Barbara Massar is the contact for this event. This event begins at 5:00 p.m. to 9:30 p.m.	Market Square - Pleasant Street	Summer in the Streets Music Se	8/21/2017

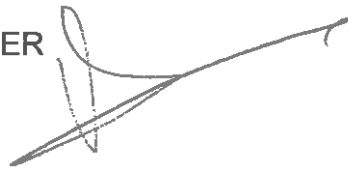
**CITY OF PORTSMOUTH
LEGAL DEPARTMENT
MEMORANDUM**

DATE: October 10, 2017

TO: NANCY COLBERT PUFF, ACTING CITY MANAGER

FROM: ROBERT P. SULLIVAN, CITY ATTORNEY

RE: INQUIRY OF ASSISTANT MAYOR SPLAINE REGARDING HOMESTEAD EXEMPTION



At the City Council meeting of September 18, 2017, Assistant Mayor Splaine propounded an inquiry regarding the availability to the City of a homestead exemption. Subsequent to the meeting I spoke with the Assistant Mayor concerning his question. During our discussion he refined his request, seeking a memorandum which would define the homestead exemption and explain why the adoption of such an exemption is not currently an option available to the City Council in Portsmouth. This memorandum will address those concerns.

1. **What is a homestead exemption?**

The type of homestead exemption which is the subject of Assistant Mayor Splaine's inquiry is a tax exemption. This is to be distinguished from a type of homestead exemption discussed briefly by Councilor Lown at the September 18, 2017 meeting in which the homes of people subject to attachment and levy of civil judgments are offered some protection. In the tax context, the most straightforward type of homestead exemption would be a law which provided a homeowner with protection against taxation for some stated amount of property value. For example, a simple homestead exemption law might say that no homeowner is taxed on the first \$25,000.00 of assessed valuation of the home. All taxation therefore, would commence at \$25,000.00 as though that were the first dollar of assessed valuation of the home. This type of homestead exemption does not exist in the State of New Hampshire.

2. **Is the adoption of a homestead exemption available to the City, and if not, why not?**

The field of municipal taxation of real estate is pervasively regulated by the State of New Hampshire. All of the laws regarding assessment and taxation of real estate are state statutes, not local ordinances. See generally Revised Statutes Annotated, Title V, Chapters 71 – 90. The important point to be made on review of all of these statutes is that there is no state homestead tax exemption.

Moreover, Assistant Mayor Splaine seeks an answer to the question of why the City could not itself adopt such an exemption. The answer is that, "as with towns cities may enact ordinances only if enabling legislation exists authorizing them to do so", Loughlin, 14 New Hampshire Practice Series: Local Government Law, Section 894 (2011). Just as the New Hampshire legislature has not created a homestead exemption, neither has the legislature adopted enabling legislation which would allow any city or town to do so on its own. Thus, it is entirely beyond the ability of the City of Portsmouth to create or apply a homestead exemption in any amount.



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

*Instructions: Please print or type and complete all information.
Please submit resume' along with this application.*

Committee: HDC Initial applicant

Name: Cyrus Beer Telephone: 617-276-6488

Could you be contacted at work? YES NO If so, telephone# 617-276-6488

Street address: 64 Mt. Vernon St.

Mailing address (if different): _____

Email address (for clerk's office communication): cyrusbeer1@gmail.com

How long have you been a resident of Portsmouth? 4 years

Occupational background:

Software Engineer - Carpenter

Please list experience you have in respect to this Board/Commission:

I was a professional carpenter / builder
specializing in renovations of old houses
in Boston for 6 years.

OVER
➔

Have you contacted the chair of the Board/Commission to determine the time commitment involved? YES/NO

Would you be able to commit to attending all meetings? YES/NO

Reasons for wishing to serve: I love traditional architecture and the character of Portsmouth, and I would like to help preserve it.

Please list any organizations, groups, or other committees you are involved in:

Slow Food Seacoast - board member

Please list two character references not related to you or city staff members: (Portsmouth references preferred)

1) Eric Spear Mt. Vernon St. 603-828-2521
Name, address, telephone number

2) Adam Ruedig Highland St 646-270-5947
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This application is for consideration and does not mean you will necessarily be appointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature: [Signature] Date: 11/30/16

If you do not receive the appointment you are requesting, would you be interested in serving on another board or commission? Yes No

Cyrus Beer

linkedin.com/in/cyrusbeer

64 Mt. Vernon St. Portsmouth, NH 03801

617.276.6488

cyrusbeer1@gmail.com

Expertise

Development - Angular, Sails.js, Java Spring, Ruby on Rails, Play! Framework, JQuery, Database design and development.

Consulting - 10 + years experience consulting with The Princeton Review, Staples, Blue Cross, MFS, Old Mutual Asset Managers among others.

Business - Ran my own business. Worked for several startups.

Professional Experience

2015-Current Independent Contractor

Cyrus Beer & Assoc.

Helped Cantina Consulting enhance an investment portal for Putnam Investments in Java Spring and Backbone. Principal architect and front end developer for a start-up building cloud based reporting solutions for Higher Education. Angular, d3, Sails.js

2012-2015 Senior Consultant / Technical Architect

Ayantek

Tech lead on SavingStar ReSTful API connector project built with Ruby on Rails and RabbitMQ
Tech lead on student portal redesign for The Princeton Review using Spring, Angular, RabbitMQ, MySQL

2010-2012 Web Developer

MGH

Developed an admin site for a patient portal in the Play! Framework.
Contributed to the development of a patient portal in J2EE and JQuery.

2009 - 2010 Technical Consultant

Cantina Consulting

One of two primary developers of the Ruby on Rails site <http://www.jewishboston.com>.
Developed an application to upload song recordings into Brightcove's data repository using Grails.

1998 - 2003 Consultant

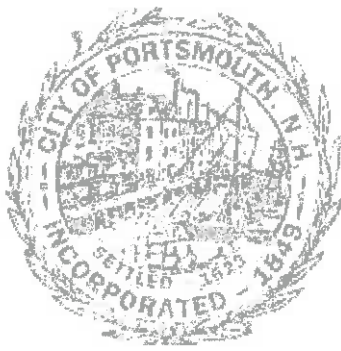
Molecular Inc.

Worked with clients ranging from Blue Cross Blue Shields of MA to Staples to MFS.
Developed web sites in asp, .net, atg dynamo
Tech lead of the Old Mutual Asset Managers intranet and internet web site.

Education

1996 BA Environment Studies
1996 Engineering

University of Colorado at Boulder
Brown University



CITY OF PORTSMOUTH, N.H. BOARDS AND COMMISSIONS

APPOINTMENT APPLICATION

Instructions: Please print or type and complete all information
Please submit resume' along with this application



Committee: Economic Development

Renewing applicant
By _____

Name: Dana S. Levenson Telephone: 603-498-9261

Could you be contacted at work? YES/NO - If so, telephone# _____

Street address: 6 Currier Cove, Portsmouth, NH 03801

Mailing address (if different): _____

Email address (for clerk's office communication): dslevenson@aol.com

How long have you been a resident of Portsmouth? 58 years

Occupational background:

President - Artisan Apparel Group, a 35 specialty retail store group.

Director - TD Bank since 1995 (or its predecessor banks)

Would you be able to commit to attending all meetings? YES/NO (Some might have to be by phone)

Reasons for wishing to continue serving: I am particularly interested in continuing to serve so I can be a voice in the planning for the redevelopment of The McIntyre Block. Additionally, I view both the 400th city anniversary and the execution of the Prescott Park master plan as



having important economic development implications. I am a firm believer that we need a balance in our downtown of residential, commercial, and retail to insure long term economic vitality. We are at the point where incentives, zoning, planning might need to address that residential is beginning to become over weighted.

Lastly, I feel we need to continue to support our historical, cultural, and arts resources, all of which add to the economic vitality of our community.

Please list any organizations, groups, or other committees you are involved in:


- Portsmouth Rotary
- Trustee of The Trust Funds, Portsmouth
- Mayor's Blue Ribbon Prescott Park Master Plan committee
- Former Library Trustee
- Temple Israel

Please list two character references not related to you or city staff members:
(Portsmouth references preferred)

- 1) David Allen, Union St, Portsmouth 603-817-2571
Name, address, telephone number
- 2) Bill Schefer South St, Portsmouth 603-828-8605
Name, address, telephone number

BY SUBMITTING THIS APPLICATION YOU UNDERSTAND THAT:

1. This reappointment application is for consideration and does not mean you will necessarily be reappointed to this Board/Commission; and
2. The Mayor will review your application, may contact you, check your references, and determine any potential conflict of interests; and
3. This application may be forwarded to the City Council for consideration at the Mayor's discretion; and
4. If this application is forwarded to the City Council, they may consider the application and vote on it at the next scheduled meeting.
5. Application will be kept on file for one year from date of receipt.

Signature:  Date: 10/9/17

CITY CLERK INFORMATION ONLY:

New Term Expiration Date: 10-1-2021

Annual Number of Meetings: 10 Number of Meetings Absent: 3

Date of Original Appointment: 10/2/2000

Please submit application to: City Clerk's Office, 1 Junkins Avenue, Portsmouth, NH 03801

ACTION ITEMS

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – October 5, 2017
City Hall – Eileen Dondero Foley Council Chambers

MEMBERS PRESENT: Brad Lown, Chairman
Nancy Colbert Puff, Acting City Manager
Peter Rice, Director of Public Works
James Heinz, Deputy Fire Chief
Frank Warchol, Police Captain
Members: Ted Gray, Harold Whitehouse, Ronald Cypher,
Shari Donnermeyer and Mary Lou McElwain

CITY STAFF PRESENT: Eric Eby, Parking and Transportation Engineer
Juliet Walker, Planning Director
Benjamin Fletcher, Parking Director

Action Items requiring an immediate ordinance during the next Council meeting:
None

Temporary Action Items requiring an ordinance during the annual omnibus:
None

1. Accepted and placed on file meeting minutes from September 7, 2017.
2. Accepted and placed on file financial report (totals through August 31, 2017).
3. Public Comment. Seven Speakers: Charles McMahon, Dave Cosgrove, David Palumbo, David Calkins, Pam Mower, Jane Begala and Cindy Fessenden.
4. Presentation: Complete Streets Guidelines, by Juliet Walker, Planning Director.
5. (VII.A.) **Action Item:** Request to eliminate access to Echo Avenue from Spaulding Turnpike – **VOTED to have staff work with neighborhood, to determine desirability and report back with next steps in process.**
6. (VII.B.) **Action Item:** Request to allow parking at end of Dearborn Street – **On a roll call 5-3, motion failed to allow parking on west side of Dearborn Street south of Dearborn Lane.** Public Comment. Three Speakers: Michael Stasiuk, Susan Regan and Michael Brandzel.

7. (VII.C.) **Action Item:** Request to renew Portwalk Place valet licenses – **VOTED to renew valet licenses for Marriott Residence Inn and Hampton Inn.**
8. (VIII.A.) **Action Item:** Request for crosswalk on Grafton Drive at Sherburne Road – **VOTED to have City staff work with PDA to implement pedestrian crossing at intersection of Grafton Drive and Sherburne Road.**
9. (VIII.B.) **Action Item:** Request for crosswalk on Woodbury Ave at Edmond Ave – **VOTED to deny the request for a crosswalk on Woodbury Avenue at Edmond Avenue due to the lack of pedestrians.**
10. (VIII.C.) **Action Item:** Request to move Zagster bike share station to on-street space near 77 State Street – **VOTED to deny the request to move Zagster bike share station to on-street parking space near 77 State Street.**
11. Public Comment. Six Speakers: Ron Cypher, Michael Stasiuk, Michael Brandzel, Susan Regan, Jane Begala and Cindy Fessenden.
12. (X.A.) Crosswalk requests on state roads, Lafayette Road at Robert Avenue, and Ocean Road at Suzanne Drive – No action required by the Committee.
13. (X.B.) Quarterly bicycle and pedestrian accident report – No action required by the Committee.
14. Adjournment – At 9:41 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee

MEETING MINUTES

PARKING and TRAFFIC SAFETY COMMITTEE MEETING

8:00 A.M. – October 5, 2017
City Hall – Eileen Dondero Foley Council Chambers

I. CALL TO ORDER:

Chairman Lown called the meeting to order at 8:00 a.m.

II. ROLL CALL:

Members Present:

Chairman, Brad Lown
Acting City Manager, Nancy Colbert Puff
Public Works Director, Peter Rice
Deputy Fire Chief, James Heinz
Police Captain, Frank Warchol
Member, Ted Gray
Member, Harold Whitehouse
Member, Ronald Cypher
Member, Shari Donnermeyer
Alternate Member, Mary Lou McElwain

Staff Advisors Present:

Parking and Transportation Engineer, Eric Eby
Planning Director, Juliet Walker
Parking Director, Benjamin Fletcher

III. ACCEPTANCE OF THE MINUTES:

Harold Whitehouse moved to accept the meeting minutes of September 7, 2017.
Seconded by Ron Cypher. **Motion passed 9-0.**

IV. FINANCIAL REPORT:

Shari Donnermeyer moved to accept the financial report dated August 31, 2017. Seconded by Ron Cypher. **Motion passed 9-0.**

Committee members thanked City staff for including the category definitions listed on the financial report. Mary Lou McElwain stated she would email Parking Director Fletcher with questions and discuss any issues with the Committee at the November 2nd meeting.

Harold Whitehouse asked about informational items including: jurisdiction and annual reports for private parking lots and veterans with approved license plates parking for free in private parking lots.

V. PUBLIC COMMENT:

Charles McMahon spoke to action item VII.A. [Request to eliminate access to Echo Avenue from Spaulding Turnpike]. He spoke to safety concerns due to the narrow roadway, no sidewalks, excessive vehicle speeds and drivers using Echo Avenue as a cut through to Woodbury Avenue. He proposed implementing a pilot program that would eliminate access to Echo Avenue from the Spaulding Turnpike.

Dave Cosgrove agreed with Mr. McMahon's safety concerns and supported the pilot program proposal. He spoke to safety concerns for the residents at Betty's Dream.

David Palumbo also agreed with Mr. McMahon's concerns. He previously requested the Echo Avenue sign be removed from the Spaulding Turnpike. The New Hampshire Department of Transportation (NHDOT) denied the request. He supported changing Echo Avenue to a dead-end street.

David Calkins spoke to action item VII.A. [Request to eliminate access to Echo Avenue from Spaulding Turnpike]. He stated traffic volumes are not excessive. The excessive speeding is problematic. He recommended speed bumps to calm traffic and make the roadway safer for the residents.

Pam Mower spoke to action item VII.A. [Request to eliminate access to Echo Avenue from Spaulding Turnpike]. She also spoke to safety concerns for residents of Betty's Dream and the neighborhood.

Jane Begala spoke in support of action item VIII.A. [Request for crosswalk on Grafton Drive at Sherburne Road]. She collected signatures from neighbors in support of the crosswalk. She requested a pedestrian activated crosswalk with flashing lights similar to the one on Sagamore Avenue. She spoke at length about sections in the Bicycle and Pedestrian Plan 2014 regarding implementation, walkability and connectivity. She also addressed the Capital Improvement Plan and allocating funds for improvements.

Cindy Fessenden spoke in support of action item VIII.A. [Request for crosswalk on Grafton Drive at Sherburne Road]. She supported the statements made by Ms. Begala. She requested a crosswalk at the intersection of Grafton Drive and the C&J Bus driveway, and improvements to the crosswalk at Borthwick Avenue and Greenland Road.

VI. PRESENTATION:

A. Complete Streets Guidelines. Juliet Walker, Planning Director, presented the Complete Streets Design Guidelines to the Committee. "Complete Streets" means streets that are designed and operated to enable safe access for all users, so that pedestrians, bicyclists, motorists, and public transportation users of all ages and abilities are able to safely move along and across a street. Juliet Walker stated the guidelines were developed in collaboration between the Planning Department, Department of Public Works and the Fire Department. The report is available on the City's Transportation webpage. <https://www.cityofportsmouth.com/publicworks/transportation/complete-streets-program>

VII. NEW BUSINESS:

A. Request to eliminate access to Echo Avenue from Spaulding Turnpike, by Charles McMahan. Eric Eby stated that residents had voiced their concerns about pedestrian safety and traffic. He stated he would be working with other City Departments, the neighborhood and NHDOT to determine what could be done. He will report back to the Committee regarding a final recommendation at a future date.

Harold Whitehouse moved to have staff work with neighborhood, to determine desirability and report back with next steps in process. Seconded by Shari Donnermeyer.

Eric Eby clarified the city right-of-way begins at the roundabout on Echo Avenue. He stated NHDOT was agreeable to eliminating the exit from Spaulding Turnpike to Echo Avenue.

Vote 9-0, to have staff work with neighborhood, to determine desirability and report back with next steps in process.

B. Request to allow parking at end of Dearborn Street, by Michael Stasiuk.

Public Works Director Rice moved to suspend the rules to allow for public comment. **Vote 9-0, to suspend rules to allow for public comment.**

Michael Stasiuk stated the space is at 41 Dearborn Street. It is located between a telephone pole and a flushing hydrant. He resides at 31 Dearborn Street and is the landlord of 41 Dearborn Street. He provided background on the parking issue and stated the City designated the space as handicapped parking for the former owner. A handicap parking sign was located on the telephone pole. He spoke about the parking challenges due to neighbor disputes. He requested the Committee move to allow parking in the space in front of 41 Dearborn Street.

Public Works Director Rice stated the issue was technical. The focus of the discussion should center on the feasibility of the parking space configuration.

The Committee conducted an on-site visit on Tuesday, October 3, 2017. Eric Eby stated the space had been measured and he would recommend creating a parking space in front of 41 Dearborn Street. He stated a vehicle exited the neighbor's driveway from across the street while some of the Committee members were at the site. There were no issues.

There was brief discussion among the Committee members about adding an additional parking space, but it would involve moving the utility pole, fence and flushing hydrant, which would require funding that is not available at this time. Environmental regulations could also be a concern.

Shari Donnermeyer moved to allow parking on west side of Dearborn Street south of Dearborn Lane. Seconded by Acting City Manager, Nancy Colbert Puff.

Harold Whitehouse asked Deputy Fire Chief Heinz for his opinion regarding safety. Deputy Fire Chief Heinz stated he would vote against the motion because the Fire Department favors wider streets and space to maneuver equipment.

Harold Whitehouse moved to suspend the rules to allow for public comment. **Vote 8-0, to suspend rules to allow for public comment.** Chairman Lown left the meeting prior to vote.

Susan Regan spoke about exiting her driveway onto Dearborn Street and the hardship a parking space in front of 41 Dearborn Street would cause her and her tenants. She expressed concern about the narrow roadway, the existing problematic parking issues and snow plowing. She asked the Committee to review photographs she had taken, which illustrated her concerns.

Acting City Manager, Nancy Colbert Puff, reminded the Committee that the issue was to determine the feasibility of approving one parking space at the designated location. She asked Eric Eby to comment on snow plowing. Mr. Eby stated snow is removed by a front-end loader because of the width of the right-of-way. Snow plows are not used on Dearborn Street or Dearborn Lane.

Michael Brandzel spoke against the proposed parking space because it would narrow the roadway and cause a hardship for Ms. Regan. He proposed two scenarios as a compromise in the interim. He stated any temporary agreement should be approved by Ms. Regan and Mr. Stasiuk until a permanent resolution is made.

Public Works Director Rice thanked Mr. Brandzel for his suggestions. He stated staff reviewed the available space. It met the criteria needed to create a parking space. He stated there are many areas in the City where space is limited. Dearborn Street is not an exception.

Harold Whitehouse stated he would vote against the motion due to safety issues. Mr. Whitehouse called for a roll call vote.

On a roll call 5-3, motion failed to allow parking on west side of Dearborn Street south of Dearborn Lane. Ted Gray, Harold Whitehouse, Ronald Cypher, Deputy Fire Chief Heinz and Police Captain Warchol voted opposed. Shari Donnermeyer, Acting City Manager, Nancy Colbert Puff and Public Works Director Rice voted to approve.

C. Request to renew Portwalk Place valet licenses. Eric Eby stated there were three designated spaces to be used for valet services for the Marriott Residence Inn and three spaces for the Hampton Inn. Staff recommended renewing the valet license agreements for another year.

Public Works Director Rice moved to renew the valet licenses for Marriott Residence Inn and Hampton Inn. Seconded by Acting City Manager Colbert Puff.

Harold Whitehouse discussed valet operations being offered from 11:30 a.m. to 2:00 p.m. Eric Eby stated the licenses allow for valet services at designated parking spaces. Public Works Director Rice stated staff would investigate concerns regarding unlicensed valet operations.

Mary Lou McElwain referenced Section 2, Use, on page 1 of the License Agreement attached in the packet. She asked for clarification on storing parked vehicles in designated municipal spaces. Public Works Director Rice stated a Joint Municipal Agreement was made with the developer of Portwalk Place who worked with the City to create a public parking lot on Vaughan Street. The Vaughan Street Lot is what is being referred to as the designated area for storing parked vehicles.

Vote 8-0, to renew valet licenses for Marriott Residence Inn and Hampton Inn.

VIII. OLD BUSINESS:

A. Request for crosswalk on Grafton Drive at Sherburne Road. Eric Eby stated he had collected data on vehicle speed, sight lines and volumes. He recommended a High Intensity Activated Crosswalk (HAWK) signal in order to make the crosswalk safe. A picture of the HAWK signal is shown on page 29 of the packet. The signal is dark until activated by pedestrians. Eric Eby stated the City would need to work with Pease Development Authority (PDA). The city is responsible for maintaining the roadways, including pavement, pavement markings and signs. The PDA is responsible for infrastructure costs, including traffic signals.

Shari Donnermeyer moved to have City staff work with PDA to implement pedestrian crossing at intersection of Grafton Drive and Sherburne Road. Seconded by Harold Whitehouse.

Mr. Whitehouse asked if staff would be attending the next PDA meeting. Public Works Director Rice stated City staff would be working with the PDA. He stated the crosswalk would be presented to the PDA technical staff as the first step in the process. Acting City Manager, Nancy Colbert Puff, assured the Committee this matter would be addressed with the PDA in a timely manner.

Vote 8-0, to have City staff work with PDA to implement pedestrian crossing at intersection of Grafton Drive and Sherburne Road.

B. Request for crosswalk on Woodbury Ave at Edmond Ave. Eric Eby stated he collected traffic data on both school days and non-school days. The video data showed that pedestrians were primarily crossing only when a school bus was present. The school bus stopped traffic in both directions to allow students to cross on Woodbury Avenue safely. Based on the data collected, staff does not recommend the installation of a crosswalk at this location.

Ron Cypher moved to deny the request for a crosswalk on Woodbury Avenue at Edmond Avenue due to the lack of pedestrians. Seconded by Harold Whitehouse.

Vote 8-0, to deny the request for a crosswalk on Woodbury Avenue at Edmond Avenue due to the lack of pedestrians.

C. Request to move Zagster bike share station to on-street space near 77 State Street. Eric Eby stated this location is the most highly used station in the City. It is located in the Memorial Bridge Parking Lot. City staff carefully selected bike share station locations that would not impact on-street parking. He stated the limited sight lines for vehicles exiting the garage at 77 State Street were similar at many driveways and side streets that have adjacent on-street parking spaces. He stated the situation was not unique. It does not present any greater safety concerns than other locations in the downtown. City staff recommended that the Zagster bike station remain in its current location.

Shari Donnermeyer moved to deny the request to move Zagster bike share station to on-street parking space near 77 State Street. Seconded by Harold Whitehouse. Mr. Whitehouse stated he viewed the area and did not observe any issues.

Vote 8-0, to deny the request to move Zagster bike share station to on-street parking space near 77 State Street.

IX. PUBLIC COMMENT:

Ron Cypher asked the Committee if there was anything they could do to assist a resident of Spinnaker Point Condominiums who is a Vietnam Veteran, and denied a handicap parking space two times on the property. Public Works Director stated the issue is a private property matter and not in the purview of the Committee.

Michael Stasiuk spoke to the failed motion under action item VII.A. [Request to allow parking at end of Dearborn Street]. He requested the ordinance be amended that prohibits parking on the right side of Dearborn Street and the No Parking sign located on the telephone pole be removed. He spoke to safety issues with the current parking configuration.

Michael Brandzel asked for guidance regarding who he could meet with to discuss alternatives regarding parking on Dearborn Street. He discussed several scenarios presently occurring. Public Works Director Rice stated the appropriate use of the roadway would be investigated since it had been presented to the Committee and City staff. Mr. Brandzel stated he would request a meeting with City staff to follow-up on proposed alternatives.

Susan Regan spoke against a parking space at 41 Dearborn Street and the one in front of her residence. She stated the roadway is too narrow.

Jane Begala thanked the Committee for voting in favor of the crosswalk at Grafton Drive and Sherburne Road. She asked that consideration be made for a similar crosswalk at Borthwick Avenue. She spoke to the concept of neighborhood and how it relates to her area.

Cindy Fessenden asked if she needed to make a formal request for the additional crosswalks. Public Works Director Rice stated she could make a formal request, but also encouraged her to participate in the City's Capital Improvement Plan (CIP) process to secure funding.

Harold Whitehouse requested speakers with topics outside the purview of the PTS Committee be directed to the appropriate City department or committee.

X. INFORMATIONAL:

A. Crosswalk requests on state roads, Lafayette Road at Robert Avenue, and Ocean Road at Suzanne Drive. – Eric Eby stated the City does not have jurisdiction and cannot approve or deny the requests because they fall under the jurisdiction of NHDOT. City staff received information on the proper process to follow when requesting a crosswalk across a state roadway. Mr. Eby stated he is working with the NHDOT and would report back at a future date on the progress of these requests. No action is required by the Committee.

B. Quarterly bicycle and pedestrian accident report. – Police Captain Warchol spoke to the two bicycle and three pedestrian accidents that occurred during the quarter (06/21/17 to 09/20/17).

XI. MISCELLANEOUS:

Public Works Director Rice proposed the PTS monthly meetings be moved to Conference Room A. The Committee concurred. Meetings will continue to be televised and available on the City's website.

Mary Lou McElwain requested a report back at the November meeting on Zagster bike use and satellite parking use.

Harold Whitehouse asked Police Captain Warchol about the excessive noise of motorcycles. Police Captain Warchol stated an operational plan to address the issue is under review.

XII. ADJOURNMENT – at 9:41 a.m., **VOTED** to adjourn.

Respectfully submitted by:

Amy Chastain
Secretary to the Committee