



AN ORDINANCE:

Amending Chapter 130 Fire Prevention of the Code of Ordinances

Sections 130-3 Required Plans, 130-9 Fire Alarm Systems, and
130-14 Locations without Public Water Supply

WHEREAS, The Bedford Town Council has authority over the Town of Bedford Fire Prevention Ordinances; and

WHEREAS, the proposed changes to the Code of the Town of Bedford would significantly increase the usability of these documents; and

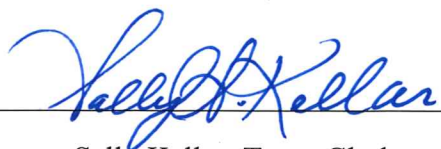
WHEREAS, these standards are essential to health, safety and welfare of the public;

NOW, THEREFORE, THE TOWN OF BEDFORD ORDAINS that the Bedford Town Council has voted to amend Town of Bedford Ordinance as follows with new items shown in underline and items to be deleted shown in ~~strikethrough~~ in the attached document:

Effective upon passage by Town Council.

ADOPTED: JUNE 28, 2023
Date

APPROVED: 
William Carter, Town Council Chair

ATTEST: 
Sally Kellar, Town Clerk

Chapter 130

Fire Prevention

[**HISTORY: Adopted by the Town of Bedford 10-10-2007; amended in its entirety 11-6-2019 by Ord. No. 2019-03. Subsequent amendments noted where applicable.**]

GENERAL REFERENCES

Alarm systems — See Ch. 64.

Building construction — See Ch. 92.

Numbering of buildings — See Ch. 97.

Article I

General Provisions

§ 130-1 Adoption of codes.

A. The Town of Bedford hereby adopts the following National Fire Protection Association (NFPA) codes for the purpose of fire safety, firefighting and fire prevention:

Code	Edition
NFPA 1 Uniform Fire Code	(see Bedford Fire Code Handbook)
NFPA 101 Life Safety Code	(see Bedford Fire Code Handbook)

B. The Bedford Fire Codes shall be equivalent to or offer a greater degree of life safety than the codes required by the New Hampshire State Fire Code-Saf-C 6000.

§ 130-2 Definitions.

A. As used in this chapter, the following terms shall have the meanings indicated:

AHJ (AUTHORITY HAVING JURISDICTION)

The Bedford Fire Chief or his/her designee.

CUMULATIVE RENOVATIONS

Refers to any internal modifications made to an existing structure that are structural or nonstructural. For the purpose of this definition, the floor area affected by each renovation shall be cumulative, with subsequent and prior renovations used to determine the total percentage of the structure being renovated.

FALSE ALARM

An alarm signal eliciting a response by fire personnel when a situation requiring a response does not in fact exist, but does not include an alarm caused by violent conditions of nature or other extraordinary circumstances not reasonably subject to control by the alarm business operator or alarm user.

FLOOR AREA

Floor area shall be determined by outside finished wall/foundation surface to outside finished wall/foundation surface measurements.

NEW CONSTRUCTION

Refers to any construction of a new structure, expansion of an existing structure, or where cumulative renovations are equal to or greater than 50% of the floor area of an existing structure. Also, for the purpose of this chapter, whenever there is a change in the occupancy use group of an existing premises, the structure shall be considered new construction for the purpose of code and ordinance requirements.

PUBLIC WATER SUPPLY

A water supply which has been granted a franchise to operate in the Town of Bedford by the State of New Hampshire Public Utilities Commission.

STRUCTURE

That which is built or constructed having a contiguous footprint on or imposed upon the ground.

- B. Where terms are not specifically defined in this chapter, their meanings shall be derived from adopted codes. Where the terms are not defined under any adopted code, their meanings shall be their ordinarily accepted meanings within the context in which they are used.

§ 130-3 Required plans.

- A. All new or replacement life safety system designs must be reviewed and approved prior to the start of installation. The plan submissions must include, but are not limited to, the following:
- (1) Equipment cut sheets.
 - (2) Hydraulic calculations (where applicable).
 - (3) Battery calculations (where applicable).
 - (4) Plans depicting equipment layout.
 - (5) ~~Two~~ One sets of stamped ~~plans or an~~ electronic plans set by an appropriate design professional.
 - (6) Design professional's qualifications.
 - (7) Completed application for plan examination form.
- B. When in the opinion of the AHJ the submitted plans do not readily verify code or local

ordinance compliance, the Bedford Fire Department reserves the right to require the plans to be reviewed and certified by a New Hampshire-licensed fire protection engineer.

§ 130-4 Inspections.

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

- (1) Verifying code and ordinance compliance.
- (2) Place of assembly inspections.
- (3) Complaint investigations.
- (4) Fire prevention inspections.

B. All nonresidential occupancies shall, at the time of a change of ownership or tenancy, notify the Fire Department of said change and arrange for a life safety inspection.

§ 130-5 Department Fire Code Handbook.

The Bedford Fire Chief or his designee shall create and maintain a document known as the "Town of Bedford Fire Code Handbook." This document shall contain and outline the Fire Department policies and procedures for permits, inspections, fees, code editions being used and other items as needed to provide adequate information for design and operational requirements for fire prevention. The Town Council authorizes the Town Manager to approve editorial changes to the Fire Code Handbook.

Article II

Emergency Lighting, Exit Signs and Fire Extinguishers

§ 130-6 Emergency lighting.

If not specified by the adopted codes, all new nonresidential construction, renovations, and live/work units shall have emergency lighting in exits, exit discharges, and in all restrooms.

§ 130-7 Exit signs.

If not specified by the adopted codes, all new nonresidential construction, renovations, and live/work units shall have exit signs in exit paths and at exits.

§ 130-8 Fire extinguishers.

A. Fire extinguishers shall have a minimum rating of 2-A:40-B:C.

B. If not specified by the adopted codes, all new nonresidential construction, renovations, and live/work units shall have fire extinguishers at all exits, and access to extinguishers shall not exceed a travel distance of 75 feet.

Article III Fire Alarm Systems

§ 130-9 Fire alarm systems.

- A. If not specified or otherwise required by the adopted codes, all new nonresidential construction greater than or equal to 1,000 square feet in floor area, cumulative renovations of structures, or creation of live/work units shall install an approved fire alarm system.
- B. All fire alarm systems required by codes and Town ordinances shall provide for automatic emergency forces notification.
- C. All existing fire alarm systems must be maintained in a manner consistent with their original approval and acceptance.
- D. All new and replacement fire alarm systems with 10 or more initiation devices shall be of the addressable type.
- E. ~~If not~~ Where specified by the adopted codes, ~~all new~~ construction with complete sprinkler protection shall ~~require the~~ be allowed to omit the installation of early-warning devices, i.e., heat, smoke, or beam detectors throughout the code areas except as specified by State Fire Code. ~~In addition to the locations specified within the adopted codes, the Town of Bedford requires devices to meet the manufacturer's spacing requirements or a maximum spacing of 30 feet in all code areas.~~
- F. Fire Alarm System Requirements.
 - (1) The Fire Alarm shall be separate from non-life-safety monitoring systems.
 - (2) When the silence alarm feature is activated, visual strobes shall continue while audio will silence.
 - (3) The fire drill feature shall be programmed into FACP for the owner's use.
 - (4) Trouble signals and supervisory notification shall report to the owner. Alarms shall report to the Bedford Fire Department through a central monitoring system. The monitoring company shall call (603)472-5160 ext. 0 to report alarms.
 - (5) FACP, annunciator, and pull stations shall be keyed to a Cat-30 Key.
 - (6) Red lens strobe/beacon shall be located above the Knox-Box[®] in the area of the annunciator/FACP (additional strobes may be required when the strobe is not readily visible from the street).
 - (7) Heat detectors shall be installed in all restrooms, breakrooms, and kitchenettes. Heat

detectors in restrooms may be omitted in sprinklered buildings.

- (8) 120V single-station smoke alarms shall be installed in breakrooms and kitchenettes (these devices shall not be connected to the fire alarm system).
- (9) Elevators shall be programmed to recall to the primary floor upon activation of any initiation devices except for the device in the elevator lobby of the primary floor, which shall initiate a recall to the secondary floor.
- (10) Activation of a single-duct smoke detector shall initiate a supervisory alarm and shut down the affected HVAC unit; activation of two or more duct detectors shall initiate an alarm and building evacuation.
- (11) Activation of a single-system carbon monoxide alarm shall initiate an alarm; activation of two or more system carbon monoxide alarms shall initiate an alarm and building evacuation.

(12) New elevators shall be wired to automatically reset after restoration of the fire alarm system.

§ 130-10 Fines for false alarm notifications.

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

- (1) Third alarm: \$100.
- (2) Fourth alarm: \$200.
- (3) Fifth alarm: \$300.
- (4) Sixth alarm: \$400.
- (5) Subsequent alarms: \$500.

B. If, in the opinion of the Fire Chief, the automatic initiation and subsequent dispatch of personnel and equipment is due to blatant disregard for the protection of alarm system integrity and the lack of prudent precautions to prevent inadvertent device initiation, then the fine shall be the maximum fine amount from § **130-10A** for each and every event.

C. The Fire Chief shall assess a \$500 fine for each false alarm caused by construction (grinding, sanding, painting, welding, woodworking, etc.) or fire alarm/sprinkler system

testing and maintenance. Fines shall be billed to the permit holder or owner of record. A stop-work order may be imposed until all fees have been paid.

- D. The Fire Chief has the right to waive any or all false alarm assessments if determined to be in the best interest of the Town of Bedford.

Article IV Fire Suppression Sprinkler Systems

§ 130-11 **Applicability.**

This article is only applicable to those structures where suppression systems are not required by any other adopted code.

§ 130-12 **Residential systems.**

After the date of adoption of this chapter, in locations where a public water supply presently exists, no new-construction building used or designed for permanent or temporary human residence, of three or more stories and/or six or more attached wood-frame units, other than a single-family dwelling, shall be permitted to be constructed unless furnished with a sprinkler system installed in accordance with standards set forth in the current adopted Fire Prevention and Building Code and NFPA Standard 13, 13D, or 13R.

§ 130-13 **Nonresidential systems.**

- A. After the date of adoption of this chapter, in locations where a public water supply presently exists, all new construction of nonresidential structures of three or more stories and/or totaling at least 12,000 square feet of floor area shall be fully sprinklered.
- B. "New construction" shall refer to construction of new structures, reconstruction of existing structures destroyed or damaged to such an extent as to be unsuitable or unsafe for occupancy, or where cumulative remodeling is equal to or greater than 50% of the existing building.
- C. In those cases where additions to existing structures bring the total gross square footage of the entire structure to or above the threshold of 12,000 square feet, both the new construction and the preexisting area shall be sprinklered.
- D. All motor vehicle fuel-dispensing facilities shall be protected by a fully automatic suppression system, complying with NFPA 17, located at the dispensing location.

§ 130-14 **Locations without public water supply.**

- A. In locations where a public water supply ~~is~~ exists within 1,000 ~~linear~~ feet by existing roadway of the property line, and the occupancy type requires sprinklers per State Fire Code or local ordinance; waterlines shall be extended to provide for fire protection of new construction. ~~the owner of the property shall be responsible for extending the waterline to provide fire sprinkler protection for new construction.~~

- B. ~~After the date of adoption of this chapter~~ In those locations where a public water supply does not exist within 1,000 ~~linear~~ feet by existing roadway of the property line, and the occupancy type requires sprinklers per State Fire Code or local ordinance; new construction that does not have an existing sprinkler system, started after this date shall be required to provide sprinkler systems retroactively, i.e., within ~~one year of the time~~ a timeframe approved by the AHJ ~~that~~ once water becomes available.

§ 130-15 Sprinkler systems.

A. Requirements.

- (1) Four-inch Storz connection provided for the FDC.
- (2) Electric bell located above the FDC.
- (3) Locks (if provided) shall be Knox-Box[®] exterior-rated padlocks.
- (4) Direct access via an exterior door to the sprinkler room or an exterior PIV shall be provided.

B. NFPA 13D systems.

- (1) Flow alarm shall activate the smoke alarms.
- (2) Flow alarm shall activate the exterior electric bell.

§ 130-16 System maintenance; documentation.

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

Article V Fire Department Access

§ 130-17 Lock (Knox) boxes.

A. Requirements.

- (1) All buildings and structures of assembly, mercantile, business, educational, storage, health care, industrial and multifamily residential with common exits (whether existing on the date of adoption of this chapter or which may exist in the future) and/or have a monitored fire alarm system shall have a key depository lock box installed and paid for by the property owner. The type/style of Knox-Box[®] and the location shall be approved by the Fire Chief or designee.
- (2) "New construction" shall refer to either the construction of new structures or the

reconstruction of existing structures destroyed or damaged to such an extent as to be unsuitable or unsafe for human residence, elevating, relocating, or where cumulative remodeling is equal to or greater than 50% of the area of the existing building.

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

§ 130-18 Fire lanes.

- A. Parking in or obstructing fire lanes. It shall be unlawful to park a motor vehicle on or otherwise obstruct fire lanes at any time.
- B. Marking of fire lanes on private property. The Chief of the Fire Department or his designee shall approve the marking of fire lanes on private property devoted to public use.
- C. Violations and penalties. Anyone who violates the provisions of § **130-18** shall be fined not more than \$25, and any vehicle parking in violation of § **130-18** may be towed by the Chief of Police or Chief of the Fire Department or their agents or by independent contractors engaged by the Fire Chief or Police Chief or their agents. Any vehicles so towed shall be stored and released to the owner only upon payment of the cost of towing.

§ 130-19 Gated access to private property.

- A. Access to gated communities and individual properties. The Fire Department shall have the authority to require Fire Department access to gated private property through the use of an approved device or system. Two separate means of opening an automated gate by emergency personnel are required.
- B. Access maintenance. The owner or occupant of a structure or area with the required Fire Department access shall notify the Fire Department whenever the required access is modified in such a manner as to prevent Fire Department access.

§ 130-20 (Reserved)

Article VI

Emergency First Responder Radio Coverage Standards in Building(s)

§ 130-21 Applicability.

All new construction and renovations (excluding one- and two-family dwellings) shall comply with all sections/parts of Bedford Police Department Standard Operating Procedure (SOP) Section 50.1.7 Land Mobile Radio Network Radio Coverage in Buildings that requires approved radio coverage for first responders within the building based upon the existing signal levels as per Section 50.1.7. Nothing in this article shall require improvement of the existing public safety communication systems operated by the Town of Bedford.

§ 130-22 Waivers.

Buildings having sufficient levels of radio coverage to satisfy the requirements of SOP Section 50.1.7 may request a waiver as per SOP 50.1.7 if a radio survey as described in Section 50.1.7 was submitted and signed by a qualified and/or licensed communications/radio vendor. (Building must be substantially completed with all walls, windows, roof, interior partitions completed prior to the survey). Buildings and structures that cannot support the required level of Bedford Public Safety Communications radio coverage as per SOP Section 50.1.7 shall be equipped with a distributed antenna system and FCC-certified signal boosters, or systems otherwise approved by the Town of Bedford in order to achieve the required adequate radio coverage.

§ 130-23 Violations and penalties.

Failure to comply with any section of this article including interruption or degradation to Bedford Public Safety Communications shall result in immediate decommissioning of the BDA, and the permit for said site shall be rescinded by the Town and notice provided in writing to the owner or representative within five business days of the order. In the event a BDA permit is rescinded, the BDA site is decommissioned or an order is issued by the Town to cease operation, the owner shall have 30 days from the date of the order issued by the Town to comply with all sections of this article. Failure to return to compliance within 30 days of the date of the order shall result in action by the Town such as but not limited to revocation of the certificate of occupancy for the building.

Article VII
Oil-Burner Permits

§ 130-24 Fee.

The Fire Chief or his duly authorized agent is authorized to charge a fee of \$25 for issuing oil-burner permits pursuant to Chapter 251, Laws of 1947, amended. Permits are to be secured through the Bedford Building Department.

Article VIII
Installation of Wood- and Gas-Burning Devices

§ 130-25 Label on devices required.

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

§ 130-26 Permits and inspections.

Permits and inspections are required for the installation of new or replacement gas-fired devices. The permits and inspections are to be secured through the Bedford Building Department.

§ 130-27 Installation requirements.

The installation of all wood-and gas-burning units must comply with the manufacturer's installation directions and/or NFPA 54, 52 and 211.

Article IX

Outdoor Cooking and Recreational Devices

§ 130-28 Outdoor cooking and recreational devices.

The use of any charcoal, gas, wood or other open-flame cooking grill, barbecue grill, hibachi, chimenea, or other similar device, with the exception of devices listed for indoor use, shall be prohibited within the Town of Bedford:

- A. On or within 10 feet of any combustible balcony, deck, porch, patio or similar projection of any structure; or
- B. Within four feet of an exterior wall or nearest exterior projection, means of egress of any multiunit residential structure.

§ 130-29 Multiunit residential structures.

As used in this article, the following terms shall have the meanings indicated:

MULTIUNIT RESIDENTIAL STRUCTURE

Residential occupancies containing more than two dwelling units where the occupants are primarily permanent in nature, including but not limited to:

- A. Apartment buildings.
- B. Lodging or rooming houses.
- C. Condominiums.
- D. Convents.
- E. Dormitories.
- F. Fraternities and sororities.
- G. Monasteries.
- H. Row houses.
- I. Townhouses.
- J. Hotels.
- K. Motels.

Hazardous Materials

§ 130-30 Purpose.

The purpose of the article is not to impose upon the Town, or any of its officers and agents, an obligation to secure or remove any hazardous material from the Town once safe containment of the material is made or any obligation imposed by state or federal law is satisfied and specifically that nothing in the article shall be deemed to permit the possession, storage, or use of hazardous materials except in conformance with all federal, state and local laws.

§ 130-31 Jurisdiction.

This article shall apply to all incidents involving hazardous waste or hazardous materials within the boundaries of the Town of Bedford and to all persons who may possess such materials found within the Town except as prevailing state or federal laws or regulations may take precedence and control over any such incident or person. (See RSA 146-A and RSA 265:115-118 for examples of such prevailing state law at the time this article is adopted.)

§ 130-32 Definitions.

As used in this article, the following terms shall have the meanings indicated:

HAZARDOUS MATERIALS

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

PERSON

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

USER

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

§ 130-33 Duty to report.

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

§ 130-34 Response by Fire and Police Departments.

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

§ 130-35 Accident reporting, cleanup and restoration of site.

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

§ 130-36 Cleanup costs.

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

§ 130-37 Intentional discharge or release prohibited.

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

§ 130-38 Violations and penalties.

- A. Any person, firm, or corporation found violating any of the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall pay a civil fine of not more than \$500 for each offense.
- B. Each twenty-four-hour period that an accident is not reported shall constitute a separate offense.
- C. Any penalties assessed shall inure to such uses as the Town of Bedford may direct, pursuant to RSA 31:39, III. The penalties that may be assessed pursuant to this section shall be deemed separate from and in addition to any costs that may be recovered by the Town of Bedford pursuant to § **130-41**.

§ 130-39 Use of cleanup costs and civil fines.

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

Article XI
Enforcement

§ 130-40 Enforcement; assessment of costs.

The Chief of the Bedford Police Department shall be responsible for enforcing this chapter, and

the Town Manager shall be responsible for the assessment and collection of costs.

§ 130-41 Violations and penalties.

Where violation penalties are not called out in a specific section of this chapter, the fines, penalties, and remedies for violations of this chapter shall be the same as for violations of Title LXIV, as stated in RSA 676:15 and 676:17. Notwithstanding any rental or lease agreements, the property owner of record shall be considered the responsible party.

§ 130-42 Appeals.

- A. As required by RSA 154:2(b), appeals of the decision by the Fire Chief relating to the application of local ordinances and the New Hampshire State Fire Code may be made to the local board of appeals as outlined by RSA 674:34. The appeal shall be based upon: the application of the codes or ordinances do not apply, the codes have been incorrectly interpreted, or an equally good or better form of construction is being proposed.
- B. The appeals board is not empowered to waive any code requirement. Request for exceptions or variance to the New Hampshire State Fire Code must be made to the New Hampshire State Fire Marshal as outlined in Saf-C 6005:03.