

Public Safety Committee
Council Chambers
November 19, 2014
7:00 PM

MEMBERS PRESENT

Councilor David Walker, Chairman
Councilor Jake Collins
Councilor Robert Gates
Councilor Donald Hamann
Councilor Peter Lachapelle

OTHERS PRESENT

Councilor James Gray
Michael Bezanson, PE City Engineer
Scott Dumas, Deputy Chief P.D.
Daniel Fitzpatrick, City Manager
Norm Sanborn Jr. Chief F.D.
Peter Cutrer, Deputy Chief F.D.
Sandra Averill, 97 Maple St.
Laurie David, 94 Maple St.
Miranda Avery, 103 Maple Street
James Reynolds, 13 Harvard Street
Hal Jordan, President YMCA
Julie Costella, District Vice President, YMCA

Minutes

Councilor Walker brought the meeting to order at 7:00 PM.

1 Public Input

Recognizing that there were residents of Maple Street present to discuss their concerns with the "no parking" signs on both sides of Maple Street, Councilor Walker summarized the issue. Sandra Averill of 97 Maple Street stated that she was not happy about the "no parking" signs placed on both sides of the street. She is okay with one side of the street being no parking, but not both. She stated that the poles will be in the way for the snow plows. She stated that no one from the City conducted a survey of the residents of Maple Street to see what they thought of the parking situation. She stated that three residents on Maple Street consistently use the street for parking; and, that not all properties have sufficient off-street capacity for all vehicles. James Reynolds of 13 Harvard Street said that vehicles will begin to be parked on Harvard Street, since Maple Street now has no parking both sides. Laurie David of 94 Maple Street said she has a lot of people in her household and parking is an issue for them. She agrees with no parking on one side of the street but not both sides. Miranda Avery of 103 Maple Street said she is happy with some of the changes, but does not think that both sides should be no parking. She said some of the children walking to school have to walk in the streets during the winter. She said they have 5 cars at their residence, so they have to be creative with their parking. She said that Maple Street should be one way with one side parking. Councilor Walker stated that there were three requests for "no parking" signs. Councilor Lachapelle stated we should keep this in committee to see if

Maple Street should be made a one way street with parking only on one side. Ms. Averill asked what the City's notification process was. Councilor Walker stated that there isn't one.

Councilor Lachapelle made a motion to remove "no parking" signs right hand side of Maple Street, leave the "no parking" signs on the left hand side of the street to be consistent with the other signs on Maple Street. The motion was seconded by Councilor Gates. Unanimous voice vote carried the motion.

2. YMCA Signage Request

This item was moved up on the agenda, as there were people present to discuss this request. Hal Jordan, President/CEO of The Granite YMCA, was present to discuss the need for directional signage on Ten Rod Road. The YMCA of Strafford County facility is now located at 35 Industrial Way, however some GPS devices have given patrons incorrect directions. There is no signage at Ten Rod Road or at Industrial Way to direct patrons where to go. Some people think they are still located on Lowell Street in Rochester. Councilor Gates asked if the YMCA could be included on the large sign at Industrial Way with all the other business names. Mr. Jordan said no because they only lease. Councilor Lachapelle said they should be able to put their name on the sign, since they pay rent. Mr. Fitzpatrick, the City Manager, said they were working on that situation. Councilor Walker said he would like to know more about why the YMCA believes they could not be included on the large Industrial Way sign. Mr. Fitzpatrick said he would get the information for him. Julie Costella, District Vice President of The Granite YMCA, said she could not find the Industrial Way facility the first time she drove there. Councilor Walker said the placement of the sign by exit 14 may be a jurisdictional issue between the State and the City. Ms. Costella said that it didn't have to be right at the exit sign. Councilor Walker asked Mr. Bezanson to check the limits of the State's jurisdiction in this area. This issue was kept in committee pending further information regarding jurisdiction boundaries.

3. Sprinklers

Councilor Walker summarized the issue. Mr. Fitzpatrick said this request originally came from the Buildings and Grounds Department. The vendor that the City hired to perform annual fire sprinkler system inspections was not actually completing the work that they were certifying was completed and that they were being paid to complete. Mr. Fitzpatrick defined this as "theft of services". This is a city-wide issue. Deputy Chief Peter Cutrer of the Rochester Fire Department was present to discuss this matter. He proposed changes to the Fire Safety Measures Ordinance. The proposal includes the addition of a "Certificate of Fitness" program and regulation of fire alarms. This will insure that the companies that do the work have to meet certain criteria and that the Fire Department will have some leverage if the work is not done correctly. Deputy Chief Cutrer described a few specific incidents that he has recently experienced in the City, which left him with no leverage and further created a safety issue. Mr. Cutrer gave examples of the importance of the work being done right, which included loss of life. If the ordinance is changed, the City would adopt the National Fire Protection Association (NFPA) Fire Code Section 1.13 Certificates of Fitness. This is not a new idea, as surrounding towns have adopted Section 1.13. Councilor Gates questioned what would stop companies from hiring someone without a Certificate of Fitness. Mr. Cutrer said he would send out a letter to the

vendors he has in the database which would cover probably 99%. Deputy Chief Dumas of the police department said there would have to be permitting. **Councilor Hamann made a motion to endorse sending this request to The Code and Ordinance Committee. The motion was seconded by Councilor Gates. Unanimous voice vote carried the motion.** Councilor Hamann asked if this would be done through the new code software. Mr. Cutrer said it will probably be migrated in from the software that is currently being used. **(See attachments)**

4. Academy Street-Wrong Way Signage

Councilor Walker summarized the issue. There is currently a "One Way" sign placed on Academy Street; however, it is covered by a small tree. Councilor Walker asked Mr. Bezanson to have DPW trim back the tree.

5. New Soccer Field Parking Concerns (update)

Councilor Walker summarized the issue. Mr. Bezanson said he did not have any new information at this time. This was kept in committee until next month. There is currently no outdoor activity going on at the soccer field.

6. Others

Contractors

Councilor Gates said it is good that letters will be sent to contractors regarding any changes in the Fire Safety Measures Ordinance. He stated that a letter should be sent to the companies in Rochester, as well. Mr. Fitzpatrick suggested that there could be a handout with the building permits.

Route 11 Park

Councilor Collins said someone took action because the State was putting boulders at the entrance of the park. Councilor Walker said a letter was sent to the State asking them to look into it.

Union Street Parking Lot

Councilor Collins said the entrance/exit from the parking lot appears to be very awkward, and might be addressed by swapping the location of the entrance and exit lanes. Councilor Walker said that if they are changed it could be a problem.

Crossing Guard Safety

Councilor Hamann said there is some concern with vehicles not stopping for the crossing guards especially on Maple Street. Deputy Chief Dumas said they take their lead from the crossing guards.

Dry Hill Road

Councilor Gates said he spoke to one of his neighbors. The neighbor said they have seen the young lady speeding up and down the road again. Deputy Chief Dumas will follow up with this.

Fifth Street Sign

Councilor Gray said the street sign on the Western Avenue end is missing. Mr. Bezanson will have this taken care of.

Councilor Gates made a motion to adjourn the meeting, seconded by Councilor Collins. The motion passed and the meeting adjourned at 8:19 PM.

Respectfully submitted by

Laura Miller

Secretary II, DPW

1.13 Certificates of Fitness.

1.13.1 Authorization. The AHJ shall have the authority to require certificates of fitness and collect fees for individuals or companies performing activities related to fire or life safety within the jurisdiction such as the following:

- (1) Use of explosive materials
- (2) Blasting or demolition operations
- (3) Fireworks displays
- (4) Inspection, servicing, or recharging of portable fire extinguishers
- (5) Installation, servicing, or recharging of fixed fire extinguishing systems
- (6) Installation or servicing of fire alarm or fire communication systems
- (7) Servicing of gas- or oil-burning heating systems
- (8) Chimney sweep operations
- (9) Installation, inspection, or servicing of range-hood systems

1.13.2 Where certificates of fitness are required, the AHJ shall be responsible for their issuance.

1.13.3 All applications for a certificate of fitness shall be filed with the AHJ on forms provided by the AHJ.

1.13.4 Every individual or company applying for a certificate of fitness shall furnish evidence to the AHJ of familiarity with the codes and standards for which the certificate of fitness is issued.

1.13.5 Investigation of Applicant.

1.13.5.1 The AHJ shall investigate every application for a certificate of fitness.

1.13.5.2 The investigation shall include an examination of the applicant's experience and training in the field of the certificate of fitness for which application has been made.

1.13.5.3 When the AHJ determines that an applicant is not fit to receive the certificate of fitness because of the applicant's inability to comply with the provisions of this *Code*, the AHJ shall refuse to issue the certificate of fitness.

1.13.5.4 If the refusal is based on the applicant's inability to pass an examination given to determine competency, the applicant shall not be permitted to apply again for the certificate of fitness within a 10-day period following the examination.

1.13.6 Certificates of fitness shall not be transferable.

1.13.7 Certificates of fitness shall be issued for the period of time as indicated on the certificate of fitness as determined by the AHJ, but such period of time shall not exceed 3 years.

1.13.8 Applications for renewal of a certificate of fitness shall be filed in the same manner as an application for an original certificate.

1.13.9 Each individual or company holding a certificate of fitness shall notify the AHJ in writing of any address change within 10 days after such change.

1.13.10 A certificate of fitness shall be in the form of an identification card. The card shall contain the following information:

- (1) Purpose for which the certificate of fitness is issued
- (2) Date of expiration
- (3) Information necessary to easily identify the individual to whom the certificate of fitness is issued

(4) Signature of the individual to whom the certificate of fitness is issued

(5) Name and signature of the AHJ or a designated representative

(6) Statement printed thereon in bold type the following:
THIS CERTIFICATE IS NOT AN ENDORSEMENT OF THIS INDIVIDUAL OR COMPANY BY THE AUTHORITY HAVING JURISDICTION.

1.13.11 Any individual or company to whom a certificate of fitness has been granted shall, upon request, produce and show proper identification and the certificate of fitness to anyone for whom that individual seeks to render services or to the AHJ.

1.13.12 Revocation or Suspension of Permits.

1.13.12.1 The AHJ shall be permitted to revoke or suspend a certificate of fitness issued if any violation of this *Code* is found upon inspection or where any false statements or misrepresentations are submitted in the application on which the approval was based.

1.13.12.2 Revocation or suspension shall be constituted when the certificate holder is duly notified by the AHJ.

1.13.12.3 Failure on the part of an individual to give such notification of a change of address required by 1.13.9 shall constitute grounds for revocation of the certificate of fitness.

1.14 Plan Review.

1.14.1 Where required by the AHJ for new construction, modification, or rehabilitation, construction documents and shop drawings shall be submitted, reviewed, and approved prior to the start of such work as provided in Section 1.14.

1.14.2 The applicant shall be responsible to ensure that the following conditions are met:

- (1) The construction documents include all of the fire protection requirements.
- (2) The shop drawings are correct and in compliance with the applicable codes and standards.
- (3) The contractor maintains an approved set of construction documents on site.

1.14.3 It shall be the responsibility of the AHJ to promulgate rules that cover the following:

- (1) Criteria to meet the requirements of Section 1.14
- (2) Review of documents and construction documents within established time frames for the purpose of acceptance or providing reasons for nonacceptance

1.14.4 Review and approval by the AHJ shall not relieve the applicant of the responsibility of compliance with this *Code*.

1.14.5 When required by the AHJ, revised construction documents or shop drawings shall be prepared and submitted for review and approval to illustrate corrections or modifications necessitated by field conditions or other revisions to approved plans.

1.15 Technical Assistance.

1.15.1 The AHJ shall be permitted to require a review by an approved independent third party with expertise in the matter to be reviewed at the submitter's expense.

1.15.2 The independent reviewer shall provide an evaluation and recommend necessary changes of the proposed design, operation, process, or new technology to the AHJ.



CHAPTER 23
FIRE SAFETY MEASURES

SECTION ANALYSIS

- 23.1 Fire Safety Rules and Regulations
- 23.2 Smoke Detector Wiring
- 23.3 Enforcement Officer
- 23.4 Control of Outdoor Fires
- 23.5 Knox Box Installations
- 23.6 Public Safety Amplification System Required in Large Facilities
- 23.7 Administration and Enforcement
- 23.8 Means of Escape
- 23.9 Fire Department Access
- 23.10 Control of Fire Hazards
- 23.11 Penalty
- 23.12 Sprinkler Requirements for Certain Single-family Dwelling Units
- 23.13 Prohibition and Regulation of Fireworks
- 23.14 Certificate of Fitness Program
- 23.15 Regulation of Fire Alarms

23.1 Fire Safety Rules and Regulations.

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

23.2 Smoke Detector Wiring.

[1]

When installing 120 volt, hard-wired smoke detectors in any type occupancy, the smoke detector shall be wired to a lighting circuit.

23.3 Enforcement Officer.

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

23.4 Control of Outdoor Fires.

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

23.5 Knox Box Installations.

For purposes of rapid entry in cases of emergencies or required access to buildings after hours, any new construction on the following type occupancies occurring after the date of the adoption of this ordinance will require a KNOX BOX to be installed on such premises:

2/8/2000

1. Assembly
2. Educational
3. Mercantile
4. Business
5. Industrial
6. Apartment Complex

The Fire Chief shall have authority to require any other type of building, not listed above, to install a KNOX BOX to meet rapid entry requirements, if in his discretion public safety considerations require such installation.

23.6 Public Safety Amplification System Required in Large Facilities

[5]

The purpose of this system is to provide minimum standards to insure a reasonable degree of reliability for emergency services communications from within certain buildings and structures within the City to and from emergency communications centers. It is the responsibility of the emergency service provider to get the signal to and from the building site.

(a) Applicability

The provisions of this article shall apply to:

- (1) New buildings greater than fifty thousand (50,000) square feet;
- (2) Existing buildings over fifty thousand (50,000) square feet when modifications, alterations or repairs exceed fifty percent (50%) of the value of the existing building(s) and are made within any twelve (12) month period or the usable floor area is expanded or enlarged by more than fifty percent (50%); and
- (3) All sublevels, regardless of the occupancy, over ten thousand (10,000) square feet.

(b) Radio coverage

- (1) Except as otherwise provided in this article, no person shall erect, construct or modify any building or structure or any part thereof, or cause the same to be done, which fails to support adequate radio coverage for firefighters and police officers.
- (2) The City's fire department with consideration of the appropriate police, fire and emergency medical department services shall determine the frequency range or ranges that must be supported.

1/2/2007

- (3) For the purposes of this section, adequate radio coverage shall constitute a successful communications test between the equipment in the building and the communications center for all appropriate emergency service providers for the building.

(c) Inbound into the Building

- (1) A minimum average in-building field strength of 2.25 micro-volts (-100 dbm) for analog and five (5) micro-volts (-93 dbm) for digital systems throughout eighty-five percent (85%) of the area of each floor of the building when transmitted from

the City's police dispatch center and the appropriate emergency service dispatch centers which are providing fire and emergency medical protection services to the building.

- (2) If the field strength outside the building where the receive antenna system for the in-building system is located is less than (-100 dbm) for analog, or (-93 dbm) for digital systems, then the minimum required in-building field strength shall equal the field strength being delivered to the receive antenna of the building.

- (3) As used in this article, eighty-five percent (85%) coverage or reliability means the radio will transmit eighty-five percent (85%) of the time at the field strength and levels as defined in this article.

(d) Outbound from the Building

A minimum average signal strength of 112 micro-volts (-6 dbm) for analog and five (5) micro-volts (+1 dbm) for digital systems as received by the City's Police dispatch center and the appropriate emergency service dispatch centers, which are providing fire and emergency medical protection services to the building.

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

(e) Enhanced amplifications systems

- (1) Where buildings and structures are required to provide amenities to achieve adequate signal strength, they shall be equipped with any of the following to achieve the required adequate radio coverage; radiating cable system(s), internal multiple antenna system(s) with an acceptable frequency range and an amplification system(s) as needed, voting receiver system(s) as needed, or any other City approved system(s).
- (2) If any part of the installed system or systems contains an electrically powered component, the system shall be capable of operation on an independent battery or

1/2/2007

generator system for a period of at least eight (8) hours without external power input or maintenance. The battery system shall automatically charge in the presence of external power.

- (3) Amplification equipment must have adequate environmental controls to meet the heating, ventilation, cooling and humidity requirements of the equipment that will be utilized to meet the requirements of this code. The area where the amplification equipment is located almost must be free of hazardous materials such as fuels, asbestos, etc.

All communications equipment, including amplification systems, cable and antenna systems shall be grounded with a single point ground system of five (5) ohms or less. The

ground system must include an internal tie point within three (3) feet of the amplification equipment. System transient suppression for the telephone circuits, ac power, radio frequency (RF) cabling and grounding protection are required as needed.

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

- (A) A blueprint showing the location of the amplification equipment and associated antenna systems which includes a view showing building access to the equipment; and
- (B) Schematic drawings of the electrical, backup power, antenna system and any other associated equipment relative to the amplification equipment including panel locations and labeling.

(f) Testing procedures – Method to Conducts Tests

- (1) Tests shall be made using frequencies close to the frequencies used by the Police and appropriate emergency services. If testing is done on the actual frequencies, then this testing must be coordinated within the City's Fire Department. All testing must be done on frequencies authorized by the FCC. A valid FCC license will be required if testing is done on frequencies different from the Police, Fire or emergency medical frequencies.

(g) Measurements Shall be Made Using the Following Guidelines

- (1) With a service monitor using a unity gain antenna on a small ground plane;
- (2) Measurements shall be made with the antenna held in a vertical position at three (3) to four (4) feet above the floor;
- (3) A calibrated service monitor (with a factory calibration dated within twenty-four (24) months may be used to do the test);
- (4) The telecommunications unit representative for the City may also make simultaneous measurements to verify that the equipment is making accurate measurements. A variance of 3 db between the instruments will be allowed; and 1/2/2007
- (5) If measurements in one location are varying, then average measurements must be used.
 - (A) All testing shall be done in the presence of a Fire Department representative at no expense to the City or appropriate emergency services department.
 - (B) Signal strength, both inbound and outbound as defined above, shall be measured on each and every floor above and below ground including stairwells, basements, penthouse facilities and parking areas of the structure. The structure shall be divided into fifty (50) foot grids and the measurements shall be taken at the center of each grid.

(h) Annual Tests

Annual tests will be conducted by the City's telecommunications unit or appropriate emergency services department. If communications appear to have degraded or if the tests fail to demonstrate adequate system performance, the owner of the building or structure is required to remedy the problem and restore the system in a manner consistent with the original approval criteria. The re-testing will be done at no expense to the City or the appropriate emergency services departments as required in the original testing procedures.

(i) Field Testing

Police and Fire personnel, after providing reasonable notice to the owner or his/her representative, shall have the right to enter onto the property to conduct field testing to be certain the required level of radio coverage is present. Certificates of Occupancy may be denied for new and existing buildings for failure to comply with these requirements.

23.7 Administration and Enforcement.

[2]

The authority having jurisdiction for the administration and enforcement of this chapter shall be Fire Prevention of the City of Rochester. The fee schedule under this chapter shall be as follows:

Tank Removal	\$25.00	
Blasting	\$25.00	
Incident Report	\$5.00	
Fire Marshal's Investigation Report	\$25.00	
Photographs (Fire Scene)	\$15.00	
CD Photos (Fire Scene)	\$15.00	
Fire Alarm System Plan Review	\$1.00 per device or \$50.00 minimum	1/2/2007
Sprinkler System Plan Review	\$1.00 per device or \$50.00 minimum	
Commercial Hood Fire Suppression	\$1.00 per device or \$50.00 minimum	
Clean Agent Initial Inspection	\$1.00 per device or \$50.00 minimum Free of Charge	
Re-Inspections (Sprinkler Systems, Fire Alarm Systems, Commercial Hood Fire Suppression, Clean Agent)	\$50.00 per person with \$100.00 minimum	
Fine	\$100.00 <u>175.00</u> (working without a permit <u>or</u>	
<u>license)</u>		
<u>Certificate of Fitness</u>	<u>\$25.00 per year, per restriction</u>	
<u>False Alarm, Fire alarm activation</u>	<u>\$175 after 2 consecutive, per calendar year</u>	

23.8 Means of Escape.

[3]

All factories, hotels, tenement houses, public halls, schoolhouses and other buildings used as places of public resort in the City shall be provided with ample means of escape in case of a fire and adequate facilities for entrance and exits on all occasions; and be so erected as not to endanger the health and safety of persons who occupy them.

23.9

Fire Department Access

[4]

Before construction on commercial buildings, a residential street or a private street with two (2) or more duplexes or single-family dwellings may begin, Fire Department access roads shall be designed and maintained to support the imposed loads of fire apparatus and shall be provided with a surface suitable for all-weather driving capabilities.

23.10

Control of Fire Hazards

[4]

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

23.11

Penalty

[3]

Any person, persons, firm, corporation or partnership who shall violate any provision of Chapter 23 shall be guilty of a violation punishable by a fine of not less than one hundred dollars (\$100) or not more than five hundred dollars (\$500). Each day that the violation continues to exist shall constitute a separate offense.

23.12 Sprinkler Requirements for Certain Single-family Dwelling Units.

[6]

In addition to sprinkler requirements for structures under the provisions of the applicable N.F.P.A. (National Fire Protection Association) Code and/or any other applicable law or regulation all newly constructed duplexes, triplexes and single-family dwelling unit combination structures that are attached to each other, shall be sprinkled in accordance with National Fire Protection Association (N.F.P.A.) Code standards as contained in the New Hampshire State Fire Code.

23.13 Prohibition and Regulation of Fireworks. [7][8][9]

- A. In accordance with the provisions of RSA 160-C, it shall be illegal for any person, firm, partnership or corporation to offer for sale, expose for sale, sell at retail, purchase, possess, use, explode or display any permissible fireworks within the City of Rochester, except as specifically provided for in this ordinance.
- B. As used in this ordinance:
 - i. "Display" means the use, explosion, activation, ignition, discharge, firing or any other activity which is intended to cause or which causes a firework to do what it was manufactured to do.
 - ii. "Permissible fireworks" means those consumers firework devices defined as

“permissible fireworks” in RSA 160-C, as the same currently exists or as, from time to time, hereinafter amended.

- iii. “Fire Chief” means the Fire Chief of the City of Rochester or his/her designee.
- iv. “Police Chief” means the Police Chief of the City of Rochester or his/her designee.

C. Subject to, and in accordance with the provisions of Chapter 160-C of the New Hampshire Revised Statutes Annotated it shall be lawful to possess and/or display permissible fireworks upon compliance with the following requirements:

- i. A person who is 21 years of age or older may display permissible fireworks on private property with the written consent of the owner or in the owner’s presence, subject to the provisions of this ordinance and RSA Chapter 160-C, and any other applicable ordinance regulation or statute.
- “ii No display of permissible fireworks shall be permitted within the City except between the hours of 6 PM and 11 PM on Saturdays in the months of June and July and between the hours of 6 PM and 10 PM on Saturdays between the months of August through May. Permissible fireworks shall be permitted on the following holidays; Labor Day, Fourth of July (including the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds), on New Year’s Eve (December 31st), provided, however, that on New Year’s Eve such display shall be permitted to occur between the hours of 6 PM on December 31st and 1:00 AM on January 1st.
- iii The display of permissible fireworks shall be of such a character, and so located and conducted, that it shall not be hazardous to property or endanger any person. In accordance with the provisions of RSA Chapter 160-C no permissible fireworks shall be permitted on public property and must be at least 50 feet from nearby buildings, nearby trees, electrical and telephone lines or other overhead obstructions, and the location of any nearby storage of flammable or combustible liquids or gases.
- iv No permissible fireworks may be used, discharged, exploded, or displayed during periods of very high or extreme fire danger as determined by the Fire Chief or the NH Division of Forests and Lands.
- v. Permissible fireworks may be used, discharged, exploded, or displayed in a manner such that any all discharge debris shall remain within the property lines of the lot on which the display originates.
- vi. Anyone using permissible fireworks shall be responsible for removing any debris accumulated due to the discharge of fireworks that fall onto the public way, public property, and any private property twenty-four hours. Anyone failing to remove such debris shall be financially responsible for its clean up.

- vii. Display of permissible fireworks shall be permitted on public property the evening of July 3rd beginning at 6PM, including from such time until midnight on any rain date established for the annual city-wide fireworks display held at the Rochester Fairgrounds, provided that such display shall be authorized in a duly issued Block Party Application/Permit from the City's Licensing Board covering the public property on which the display is to occur."

[11]A violation of this ordinance shall be subject to the penalties provided for in Chapter 23, Section 23.11, Penalty, of the City of Rochester General Ordinance.

- D. This ordinance shall be construed consistently with NH Code of Administrative Rules Saf c 2600, as made applicable by state statute and as adopted by reference in Section 23.1, of the General Ordinances of the City of Rochester, and is not meant to repeal any section thereof. Nothing in this ordinance shall be interpreted so as to conflict with the provisions of Chapters 160-B or 160-C of the New Hampshire Revised Statutes Annotated, as currently written, or as from time to time hereafter amended. If any section, subsection, sentence, clause, phrase or portion of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such provision shall be deemed a separate, distinct independent provision and such holding shall not affect the validity of the remaining portions thereof.11-9-10
- E. The Police Chief or Fire Chief may suspend the use of permissible fireworks for any of the following reasons:
- i. Unfavorable weather conditions, including but not limited to, lightning storms or high wind conditions exceeding 20 miles per hour or higher.
 - ii. If any person under the age of 21 possesses, uses, discharges or explodes, used, discharged or exploded any permissible firework device.
 - iii. If any person who is using, discharging, exploding, or displaying the permissible fireworks appears to be under the influence of alcohol or drugs;
 - iv. If, in the opinion of the Police Chief or Fire Chief, the use, discharge, exploding, or display of permissible fireworks would create a threat to public safety.
- F. The Police Chief and/or Fire Chief are authorized to seize, take, remove or cause to be removed, at the expense of the owner, all firework devices that are being discharged in violation of this ordinance."

23.14 Certificate of Fitness Program

In accordance with NFPA 1:2009 1.13, The Rochester Fire Department enacts the applicable section of the currently adopted version of NFPA I for the Certificate of Fitness Program. The Fire Chief or his designee shall promulgate administrative rules for the management of the Certificate of Fitness program.

23.14 Regulation of Fire Alarms

The Fire Chief or his designee shall promulgate administrative rules for the management of

the installation and maintenance of Fire Alarms.

- [1] Amended 2/8/2000
- [2] Amended 3/7/2006
- [3] Amended 6/6/2006
- [4] Amended 6/6/2006
- [5] Amended 1/2/2007
- [6] Amended 3/6/2007
- [7] New Section Added 3/4/08
- [8] Amended 11/9/10
- [9] Amended 4/2/2013 Replaced Chapter 23.13
- [10] Replaced [ii] 6/6/2013
- [11] New Section added on 6/4/2013
- [12] New Section added on 11/19/2014
- [13] New Section added on 11/19/2014

11/9/10