

1 RESOLUTION – SELECTBOARD, TOWN OF HAVEHILL, NH  
2 December 30, 2013  
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4 A RESOLUTION BY THE SELECTBOARD, TOWN OF  
5 HAVERHILL, SETTING THE BUILDING PERMIT FEE  
6 SCHEDULE AND ESTABLISHING THE LIFE SAFETY  
7 CODE AND FIRE CODE INSPECTION AND  
8 COMPLIANCE PROCESS FOR ALL COMMERCIAL,  
9 INDUSTRIAL, AND INSTITUTIONAL BUILDINGS  
10 AND MULTI UNIT DWELLINGS WITH MORE THAN  
11 TWO UNITS.  
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14 BACKGROUND AND FINDINGS:  
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16 In working toward the Board’s goal to improve fire safety in buildings, the Selectboard  
17 appointed a task force in 2008 comprised of local fire chiefs and emergency response  
18 personnel. The Selectboard adopted the above titled resolution in October 2008. On May  
19 26, 2009, and based upon task force findings and recommendations, the Haverhill  
20 Selectboard, the Precinct and Fire District Commissioners, and Fire Chiefs entered into a  
21 life safety code inspection and enforcement agreement for the Town of Haverhill. In  
22 June, 2010 the Haverhill Selectboard, following consultation with Commissioners and  
23 Fire Chiefs, directed the Town Manager to stop all inspections and activities conducted  
24 by the Town Life Safety and Fire Codes Inspector and to inform the Fire Chiefs of this  
25 action. The Selectboard further finds:  
26

- 27 1. The citizens of the Town of Haverhill at the annual town meeting in 1984, by ballot  
28 adopted the Life Safety Code, NFPA Doc. No. 101, 1976 Edition, as amended, and  
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- 30 2. The local fire chiefs are authorized by state law to enforce the State Fire Code and are  
31 authorized by town meeting to enforce the Life Safety Code, and  
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- 33 3. In 2008, the local fire chiefs representing Haverhill Corner, North Haverhill and  
34 Woodsville, recommended the immediate enforcement of the Life Safety Code and the  
35 State Fire Code in order to be proactive and to reduce the threat of loss of life and  
36 property due to fire and other unsafe conditions, and

1 4. The fire chief and duly authorized subordinates or designees shall have authority to  
2 inspect all buildings, structures, or other places in the fire chief's district or under the fire  
3 chief's jurisdiction, (RSA 154:2) and standards, including definitions, established by the  
4 most recent edition of the Life Safety Code, NFPA Doc. No. 101, shall take precedence  
5 over all standards in the state building code relative to egress and to the extent that there  
6 is any conflict between the state building code and the state fire code, the state fire code  
7 shall take precedence per RSA 155-A:2, and

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9 6. Through the Town of Haverhill Building Permit Ordinance, approved in 1991 and  
10 amended in 2008, the municipality establishes a fee schedule to defray the costs of fire  
11 chiefs or their designees to administer, implement, and enforce the New Hampshire Life  
12 Safety Code and any local amendments for the purpose of protecting public health, safety  
13 and welfare, and

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15 7. In any building or structure, other than a single or two family dwelling, whether the  
16 building or structure necessitates a physical alteration or not, a change from one  
17 occupancy classification to another, or from one occupancy sub-classification to another  
18 sub-classification of the same occupancy, shall be permitted by the fire chief or his  
19 designee only if such structure, building, or portion thereof conforms with the  
20 requirements of the Life Safety Code applying to the new construction or renovation for  
21 the proposed new use (Life Safety Code Handbook, Section 1-6.3), and

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23 8. Due to the fact that the Town of Haverhill "has not adopted an enforcement  
24 mechanism under RSA 674:51, the contractor of the building, building component, or  
25 structure shall notify the state fire marshal concerning the type of construction BEFORE  
26 construction begins excluding one and two family dwellings" (RSA155-A:2.VII), and

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28 9 Through enactment of this resolution, the Selectmen of the Town of Haverhill  
29 recommend and urge the fire chief(s) and designee(s) to focus initial inspections toward:  
30 (1) multi unit dwellings with more than two units where a person(s) live(s) permanently,  
31 day and night and (2) those places such as day care facilities, foster families, and places

1 of assembly, and (3) new commercial, industrial and institutional structures and  
2 buildings, and

3  
4 10. The local fire chief or designee must approve all plans prior to initiating construction  
5 and inspect and approve all new construction, modernization, and renovation of all  
6 commercial, industrial and institutional buildings and multi unit dwellings with more than  
7 two units for compliance with New Hampshire Fire and Life Safety Codes prior to  
8 occupancy.

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10 Definitions:

11 a.) Commercial – A business engaged in the exchange or buying and selling of  
12 commodities or services on a large scale involving transportation or exchange of  
13 information or services from place to place.

14 b.) Industrial –A department or branch of a craft, art, business, or manufacture  
15 engaged in industrial production or service.

16 c.) Institutional - An established society, association, corporation especially of a  
17 public character.

18 d.) Dwelling – Any building or portion thereof which contains living facilities,  
19 including provisions for sleeping, eating, cooking, and sanitation.

20 e.) Change of Use– Is defined in accordance with the National Fire Protection  
21 Association and Life Safety and Fire Codes, Edition 2009, Chapter 6 of both codes.  
22 Use categories include: 1.) Assembly 2.) Education 3.) Day-Care Facility 4.)  
23 Ambulatory Health Care Facility 5.) Detention/ Correctional Facilities 6.) Hotel 7.)  
24 Apartment Building 8.) Lodging or Rooming Houses 9.) Residential Board and Care  
25 Facilities 10.) Business 11.) Industrial 12.) Mercantile 13.) Storage 14.)Health Care  
26 Facility 15.) One and Two Family Dwelling 16.) Residential 17.) Multiple  
27 Occupancies 18.) Mixed Occupancies.

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29 11. The local fire chief, designee or health officer has the authority to order occupants to  
30 vacate a building, structure, or other premises if the chief or designee determines, based  
31 on reasonable information and belief, that the condition of such premises constitute a

1 clear and imminent danger to the life or safety of occupants or other persons and that  
2 protection of life or safety requires vacating the premises. Such an order shall be subject  
3 to the procedures of RSA 147:16-a (RSA 154:21-a).

4  
5 12. That no new construction or existing building shall be occupied in whole or in part in  
6 violation of the provisions of the Life Safety Code (Life Safety Code Handbook, Chapter  
7 1: Administration, Section 1-6, 1994 as amended). The local fire chief or designee upon  
8 determining compliance with the Life Safety Code shall issue a certificate of compliance.  
9 The certificate of compliance also pertains to all persons constructing, repairing or  
10 modifying electrical wiring systems, heating devices, oil burning equipment, or other  
11 systems, equipment, or requirements as identified in RSA 153:5, NFPA 101. This  
12 section of the Resolution, Section 2, applies to commercial, industrial and institutional  
13 buildings and multi unit dwellings with more than two units. A certificate of compliance  
14 shall not be issued unless the local fire chief or designee has inspected and approved all  
15 new construction, including additions, garages and other improvements as noted on the  
16 building permit application form for compliance with State of New Hampshire Fire  
17 Codes, which include the installation of hard-wired smoke detection systems in  
18 accordance with NFPA Life Safety Codes and the installation of all new oil-fired  
19 furnaces in compliance with NH RSA 153:5. This requirement is only applicable to all  
20 commercial, industrial and institutional buildings and multi unit dwellings with more than  
21 two units. Certificate of compliance will expire at five (5) years or upon change of use.  
22 It shall be the property owner's responsibility to maintain a certificate of compliance.

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24 12. The certificate of compliance issued by the local fire chief or designee will not be  
25 issued until the property owner satisfactorily meets directives of the fire chief or his  
26 designee and the property owner/ builder properly displays the 911 Address assigned by  
27 the Town pursuant to the Town 911 Addressing Ordinance. The 911 requirements apply  
28 to all structures including single-unit dwellings.

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30 13. If any building is deemed by the local fire chief to be dangerous to the property of  
31 others, by reason of decay, want of repair or otherwise, he may give written notice to the

1 owner, developer, or agent, the same to be served personally or by registered mail, to  
2 repair or alter the same, which shall contain a particular account of the repairs or  
3 alterations to be made. If the owner does not reside in the town like notice may be served  
4 on the occupant, if any. (RSA 154:20)

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6 14. If the repairs or alterations are not made within 5 days notice as provided in RSA  
7 154:20, unless upon application to the local fire chief or designee and an extension has  
8 been granted for reasonable cause, the owner or occupant so notified may be guilty of a  
9 violation for each day's neglect, and shall be liable to the owner of any building or  
10 property consumed by fire, communicated from such dangerous building, for damages  
11 suffered by the owner. (RSA 154:21)

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13 15. It shall be the responsibility of the local Fire Chief to identify and appoint a designee,  
14 if necessary, to inspect for compliance of life safety and fire code requirements addressed  
15 in this resolution.

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17 16. The Selectboard is authorized, by the Building Permit Ordinance, to update the  
18 building permit inspection fee schedule as necessary, and

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20 17. The Life Safety Code and the State Fire Code should be comprehensively and  
21 systematically enforced through local fire safety inspections of all commercial, industrial,  
22 and institutional buildings and multi unit dwellings with more than two dwelling units.

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24 NOW THEREFORE,

25 The Town of Haverhill shall not approve a building permit until the local fire chief or  
26 designee has signed the Building Permit Application identifying that the applicant,  
27 owner, contractor, or builder has, where applicable, met and complied with the Fire and  
28 Life Safety Codes.

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30 There shall be no fee for initial life safety and fire code inspection by the local fire chief  
31 or designee for improvements other than new construction for commercial, industrial and

1 institutional/ assembly buildings and multi unit dwellings with more than two units.  
2 Upon the local fire chief or designee identifying life safety or fire code deficiencies  
3 requiring correction, the owner, developer or agent must obtain and complete a Town of  
4 Haverhill Building Permit Application to address said deficiencies. The local fire chief  
5 shall set, amend, etc., an inspection schedule for old buildings that are commercial,  
6 industrial, institutional, or multi unit dwellings with more than two units. Non  
7 compliance with communication or written direction from the local fire chief or designee  
8 will be addressed in accordance with RSA 154:21 (Neglect Penalty) and may be followed  
9 with order to vacate (RSA 154:21a). The Fire Chief, Designee or health officer may seek  
10 other means to meet compliance. "Any person who is found guilty of criminal mischief  
11 under section RSA 634 because such person is a tenant, or guest of such tenant, in a  
12 rental dwelling who has destroyed, disconnected, or otherwise rendered inoperable any  
13 smoke detector in the rental dwelling, or who has attempted the same in a rental dwelling,  
14 shall be guilty of a misdemeanor." (RSA 634:2.IV)

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16 State building code (RSA 155-A:2) provides that a contractor of a building, building  
17 component or structure, is responsible for meeting the minimum requirements of the  
18 State Building Code and Fire Codes, and the municipality is not liable for any failure on  
19 the part of a contractor/builder to comply with the provisions of the State Building Code.  
20 This includes the construction, design, structure, maintenance, and use of all buildings or  
21 structures to be erected and the alteration, renovation, rehabilitation, repair, maintenance,  
22 removal or demolition of all buildings and structures previously erected and governed by  
23 these provisions. The signed Building Application submitted by an applicant shall  
24 include the statement that, "The contractor/builder certifies that he/she is aware of and  
25 will comply with the State Building Code and Fire Codes as related to the property and  
26 proposed use."

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28 Each Building Permit Application must be accompanied by a check based upon the  
29 Building Permit Fee Schedule and payable to the Town of Haverhill. The Town of  
30 Haverhill shall compensate the fire chief or designee for inspections as approved by the  
31 Selectboard.

1 The Haverhill Selectboard hereby adopts the attached updated Haverhill Building Permit  
2 Application Fee Schedule that includes fees for life safety code and fire code inspection  
3 for compliance regarding all commercial, industrial, and institutional buildings and multi  
4 unit dwellings with more than two units.

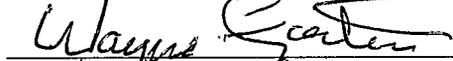
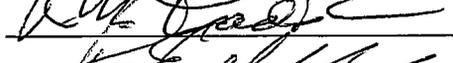
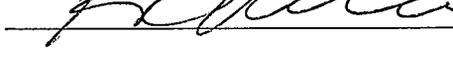
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6 Further, the Haverhill Selectboard adopts this resolution with the intent of supporting fire  
7 chiefs, their subordinates, designees and health officer with a consistent inspection  
8 process that better serves life, safety and fire needs throughout Haverhill.

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10 This resolution and the attached building permit application to include the building  
11 permit application fee schedule shall be implemented immediately upon Selectboard  
12 approval.

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14 This resolution may be amended by the Selectboard as required, and the Building Permit  
15 Application Fee Schedule is considered an addendum and part of this resolution.

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18 Haverhill Selectboard

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25 First Adopted October, 2008  
26 Rescinded June, 2010  
27 Second Adoption with Changes December 30, 2013