

EXHIBIT 70

Proposal to: Adopt the 2009 International Mechanical Code with the “existing” New Hampshire State amendments which were previously adopted with the 2006 International Mechanical Code :
(Amendments existing in 2006 are underlined.)

1) Amend Section 101.1 as follows:

101.1 Title. These regulations shall be known as the *Mechanical Code* of ~~[NAME OF JURISDICTION]~~ the State of New Hampshire hereinafter referred to as "this code."

2) Amend Section 101.2 as follows:

101.2 Scope. This code shall regulate the design, installation, maintenance, alteration and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. This code shall also regulate those mechanical systems, system components, equipment and appliances specifically addressed herein. ~~The installation of fuel gas distribution piping and equipment, fuel gas fired appliances and fuel gas fired appliance venting systems shall be regulated by the International Fuel Gas Code.~~ Fuel gas systems shall comply with the New Hampshire Fire Code (NFPA 54).

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not having more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

3) Amend Section 106.5.2 as follows:

106.5.2 Fee schedule. The fees for mechanical work shall be as ~~indicated in the following schedule~~ determined by local jurisdiction.

~~[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]~~

4) Delete Section 106.5.3 as follows:

106.5.3 Fee refunds. The code official shall authorize the refunding of fees as follows:

- ~~1. The full amount of any fee paid hereunder which was erroneously paid or collected.~~
- ~~2. Not more than [SPECIFY PERCENTAGE] percent of the permit fee paid when no work has been done under a permit issued in accordance with this code.~~
- ~~3. Not more than [SPECIFY PERCENTAGE] percent of the plan review fee paid when an application for a permit for which a plan review fee has been paid is withdrawn or canceled before any plan review effort has been expended.~~

The code official shall not authorize the refunding of any fee paid except upon written application filed by the original permittee not later than 180 days after the date of fee payment.

5) Amend Section 108.4 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, install, alter or repair mechanical work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be ~~guilty of a [SPECIFY OFFENSE] punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense~~ subject to the penalty provisions prescribed by RSA 155-A:8. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

6) Amend Section 108.5 as follows:

108.5 Stop work orders. Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous or unsafe manner, such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work on the system after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be ~~liable for a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars~~ subject to the penalty provisions prescribed by RSA 155-A:8.

7) Amend Section 607.5.4 as follows:

[B] 607.5.4 Corridors/smoke barriers. A listed smoke damper designed to resist the passage of smoke shall be provided at each point a duct or air transfer opening penetrates a smoke barrier wall or a corridor enclosure required to have smoke and draft control doors in accordance with the *International Building Code*. Smoke dampers and smoke damper actuation methods shall comply with Section 607.5.4.1.

Exceptions:

1. Smoke dampers are not required in corridor penetrations where the building is equipped throughout with an approved smoke control system in accordance with Section 513 and smoke dampers are not necessary for the operation and control of the system.
2. Smoke dampers are not required in smoke barrier penetrations where the openings in ducts are limited to a single smoke compartment and the ducts are constructed of steel.
3. Smoke dampers are not required in corridor penetrations where the duct is constructed of steel not less than 0.019 inch (0.48 mm) in thickness and there are no openings serving the corridor.
4. Fire and smoke dampers shall not be installed in laboratory fume hood exhaust systems.
5. Fire and smoke dampers shall not be installed in hazardous exhaust systems.

8) Amend Section 607.5.5 as follows:

607.5.5 Shaft enclosures. Shaft enclosures that are permitted to be penetrated by ducts and air transfer openings shall be protected with *approved* fire and smoke dampers installed in accordance with their listing.

Exceptions:

1. Fire dampers are not required at penetrations of shafts where:
 - 1.1. Steel exhaust subducts extend at least 22 inches (559 mm) vertically in exhaust shafts provided that there is a continuous airflow upward to the outdoors; or
 - 1.2. Penetrations are tested in accordance with ASTM E 119 or UL 263 as part of the fire-resistance-rated assembly; or
 - 1.3. Ducts are used as part of an *approved* smoke control system in accordance with Section 909 of the *International Building Code*, and where the fire damper will interfere with the operation of the smoke control system; or
 - 1.4. The penetrations are in parking garage exhaust or supply shafts that are separated from other building shafts by not less than 2-hour fire-resistance-rated construction.
2. In Group B and R occupancies equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 of the *International Building Code*, smoke dampers are not required at penetrations of shafts where kitchen, clothes dryer, bathroom and toilet room exhaust openings with steel exhaust subducts, having a minimum thickness of 0.0187 inch (0.4712 mm) (No. 26 gage), extend at least 22 inches (559 mm) vertically and the exhaust fan at the upper terminus is powered continuously in accordance with the provisions of Section 909.11 of the *International Building Code*, and maintains airflow upward to the outdoors.
3. Smoke dampers are not required at penetrations of exhaust or supply shafts in parking garages that are separated from other building shafts by not less than 2-hour fire-resistance-rated construction.
4. Smoke dampers are not required at penetrations of shafts where ducts are used as part of an *approved* mechanical smoke control system designed in accordance with Section 909 of the *International Building Code* and where the smoke damper will interfere with the operation of the smoke control system.
5. Fire dampers and combination fire/smoke dampers are not required in kitchen and clothes dryer exhaust systems installed in accordance with this code.
6. Fire and smoke dampers shall not be installed in laboratory fume hood exhaust systems.
7. Fire and smoke dampers shall not be installed in hazardous exhaust systems.