

## EXHIBIT 65

### Proposal to Adopt the 2009 International Plumbing Code with the following amendments:

(New Amendments are shown in Underlined Bold Italics, Amendments existing in 2006 are underlined. Exhibits 59, 60, 61, 62, 63, and 64 "New Amendment Proposals IPC 2009" describe the reason for the proposed amendment. )

#### **1) Amend Section 101.1 as follows:**

**101.1 Title.** These regulations shall be known as the *International Plumbing 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.** The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. ~~The installation of fuel gas distribution piping and equipment, fuel gas fired water heaters, and water heater venting systems shall be regulated by the International Fuel Gas Code.~~ Fuel gas systems shall comply with the New Hampshire Fire Code (NFPA 54). Provisions in the appendices shall not apply unless specifically adopted.

**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 104.2 as follows:**

**104.2 Rule-making authority.** The code official shall have authority as necessary in the interest of public health, safety and general welfare to adopt and promulgate written rules and regulations to interpret and implement the provisions of this code to secure the intent thereof and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural or fire performance requirements specifically provided for in this code, or of violating accepted engineering practice involving public safety."

#### **4) Amend Section 106.6.2 as follows:**

**106.6.2 Fee schedule.** The fees for all plumbing work shall be as indicated by administrative rules Plu 306.01 and/or as determined by the local jurisdiction in the following schedule.

~~[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]~~

**5) Delete Section 106.6.3 as follows:**

~~106.6.3 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.~~

**6) 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 plumbing 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 law.\* Each day that a violation continues after due notice has been served shall be deemed a separate offense.

*\* See Exhibit 59 New Amendment Proposal IPC 2009 – 108.4*

**7) Amend Section 108.5 as follows:**

**108.5 Stop work orders.** Upon notice from the code official that plumbing system 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 law.\*

*\* See Exhibit 59 New Amendment Proposal IPC 2009 – 108.5*

**8) Amend Section 301.3 as follows:**

**301.3 Connections to the sanitary drainage system.** All plumbing fixtures, drains, appurtenances and appliances used to receive or discharge liquid wastes or sewage shall be directly connected to the sanitary drainage system of the building or premises, in accordance with the requirements of this code. This section shall not be construed to prevent the indirect waste systems required by Chapter 8.

Exception: Bathtubs, showers, lavatories, clothes washers and laundry trays shall not be required to discharge to the sanitary drainage system where such fixtures discharge to an approved gray water system for flushing of water closets and urinals or for subsurface landscape irrigation, provided that all irrigation use is first approved by the State of NH DES.\*

\* See Exhibit 60 New Amendment Proposal IPC 2009 – 301.3

**9) Amend Section 305.6.1 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 finished grade ~~be a minimum~~ [NUMBER] inches (mm) below finished grade at the point of septic tank connection. Building sewers that connect to public sewers shall be a minimum depth of [NUMBER] 48 inches (1219 mm) below grade or adequately insulated to afford the same protection whenever a condition arises that the 48 inches (1219 mm) cannot be attained.

**10) Amend Section 403.2 as follows:**

**403.2 Separate facilities.** Where plumbing fixtures are required, separate facilities shall be provided for each sex.

**Exceptions:**

1. Separate facilities shall not be required for dwelling units and sleeping rooms.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or less.

Separate facilities shall not be required in assembly occupancies that serve food with a total occupant load, including both employees and customers, of 24 or less.

**11) Amend Section 403.1.1, 403.1.2, 403.2, 403.4 as follows pending adoption of the subject of these sections in the IBC 2009 by the NHBCRB:**

**403.1.1 Fixture calculations.** To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with Table 403.1. Fractional numbers resulting from applying the fixture ratios of Table 403.1 shall be rounded up to the next whole number. For calculations involving multiple *occupancies*, such fractional numbers for each *occupancy* shall first be summed and then rounded up to the next whole number.

**Exceptions:**

1. The total occupant load shall not be required to be divided in half where *approved* statistical data indicates a distribution of the sexes of other than 50 percent of each sex.
2. The code official may consider non-simultaneous occupancy of assembly spaces in educational occupancies when determining the required fixture count.

(Non-simultaneous occupancy in educational facilities means the daytime student occupancy does not overlap with the evening or weekend assembly occupancy, public gatherings in a gym or auditorium, for example.)\*

**403.1.2 Family or assisted-use toilet and bath fixtures.**

Fixtures located within family or assisted-use toilet and bathing rooms required by Section 1109.2.1 of the *International Building Code* are permitted to be included in the number of required fixtures for either the male or female occupants in assembly and business\* and mercantile occupancies.

**403.2 Separate facilities.** Where plumbing fixtures are required, separate facilities shall be provided for each sex.

**Exceptions:**

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less.
3. Separate facilities shall not be required in mercantile occupancies in which the maximum occupant load is 50 or less.
4. Separate employee facilities shall not be required in occupancies in which 15 or less people are employed.
5. Separate facilities shall not be required in assembly occupancies that serve food with a total occupant load, including both employees and customers of less than 25.
6. Separate facilities shall not be required in business occupancies with single user facilities. (Single user facility is defined as a toilet room designed for use by one person at a time.) \*

**403.4 Signage.** Required public facilities shall be designated by a legible sign for each sex, or where allowed by this code, for either sex\*. Signs shall be readily visible and located near the entrance to each toilet facility.

*\* Note that the IPC/IMC 2009 Review Sub-committee supports (not unanimously) the proposals made by Barbara Chalmers and the IBC 2009 Review committee.*

**12) Add Section 404.1.1 as follows:**

**404.1.1 Where required.** Accessible plumbing facilities and fixtures shall be provided in accordance with the International Building Code and State of New Hampshire ABFD Standards.

**13) Amend Section 419.1 as follows:**

**419.1 Approval.** Urinals shall conform to ANSI Z124.9, ASME A112.19.19\*, CSA B45.1, or CSA B45.5. Urinals shall conform to the water consumption requirements of Section 604.4. Water supplied urinals shall conform to the hydraulic performance requirements of ASME A112.19.6, CSA B45.1 or CSA B45.5. If a no-water urinal is installed, the drainage and water supply system shall be sized and installed as if a water supplied urinal were in place.

*\* Typo corrected by this committee.*

**14) Amend Section 501.2 as follows:**

**501.2 Water heater as space heater.** Where a combination potable water heating and space heating system requires water for space heating at temperatures higher than 140°F (60°C), a master thermostatic mixing valve complying with ASSE 1017 shall be provided to limit the water supplied to the potable hot water distribution system to a temperature of 140°F (60°C) 130°F (55°C) or less. The potability of the water shall be maintained throughout the system.

**15) Amend Section 501.6 as follows:**

**506.1 Water temperature control in piping from tankless heaters.** The temperature of water from tankless water heaters *intended for faucets for domestic or personal hygiene use*\* shall be a maximum of 130 degrees (55 degrees C) F 140 (60 degrees C) when intended for domestic uses. A tempering device conforming to ASSE 1017 shall be installed to control the water temperature.\* This provision shall not supersede the requirement for protective shower valves in accordance with Section 424.4.

\* See Exhibit 61 New Amendment Proposal IPC 2009 – 501.6 .

**16) Amend Section 501.8 as follows:**

**501.8 Temperature controls.** All hot water supply systems shall be equipped with automatic temperature controls capable of adjustments from the lowest to the highest acceptable temperature settings for the intended temperature operating range. The temperature of water supplied to faucets for domestic or personal hygiene use shall be limited to a maximum of 130 degrees F ( 55 degrees C). \*

\* See Exhibit 61 New Amendment Proposal IPC 2009 – 501.8

**17) Amend Section 605.22.2 as follows:**

**605.22.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A purple primer that conforms to ASTM F 656 shall be applied. Solvent cement ~~not purple in color and~~ conforming to ASTM D 2564 or CSA CAN/CSA-B137.3 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM 2855. Solvent-cement joints shall be permitted above or below ground.

**18) Amend Section 607.1 as follows:**

**607.1 Where required.** In residential occupancies, hot water not to exceed 130 degrees F (55 degrees C) shall be supplied to all plumbing fixtures and equipment utilized for bathing, washing, culinary purposes, cleansing, laundry or building maintenance. In nonresidential occupancies, hot water not to exceed 130 degrees F (55 degrees C) shall be supplied for culinary purposes, cleansing, laundry or building maintenance purposes. In nonresidential occupancies, hot water or tempered water shall be supplied for bathing and washing purposes. Tempered water shall be supplied through a water temperature limiting device that conforms to ASSE 1070 and shall limit

the tempered water to a maximum of 110 degrees F (43 degrees C). This provision shall not supercede the requirement for protective shower valves in accordance with Section 424.3.

**19) Amend Section 701.2 as follows:**

**701.2 Sewer required.** Every building in which plumbing fixtures are installed and all premises having drainage piping shall be connected to a public sewer, where available, or an approved private sewage disposal system in accordance with ~~the *International Private Sewage Disposal Code*~~ RSA 485-A:29-44.

**20) Amend Section 705.8.2 as follows:**

**Section 705.8.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A ~~purple~~ primer that conforms to ASTM F 656 shall be applied. Solvent cement ~~not purple in color~~ and conforming to ASTM D 2564 or CSA CAN/CSA-B137.3, CSA CAN/CSA-B181.2 or CSA CAN/CSA-B182 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM 2855. Solvent-cement joints shall be permitted above or below ground.

**21) Amend Section 705.14.2 as follows:**

**Section 705.14.2 Solvent cementing.** Joint surfaces shall be clean and free from moisture. A ~~purple~~ primer that conforms to ASTM F 656 shall be applied. Solvent cement ~~not purple in color~~ and conforming to ASTM D 2564 or CSA CAN/CSA-B137.3, CSA CAN/CSA-B181.2 or CSA CAN/CSA-B182 shall be applied to all joint surfaces. The joint shall be made while the cement is wet and shall be in accordance with ASTM 2855. Solvent-cement joints shall be permitted above or below ground.

**22) Amend Section 904.1 as follows:**

**Section 904.1 Roof extension.** All open pipes that extend through a roof shall be terminated at least ~~[NUMBER]~~ 12 inches (305 mm) above the roof, except that where a roof is to be used for any purpose other than weather protection, the vent extensions shall be run at least 7 feet (2134 mm) above the roof.

**23) Adopt Appendix C in its entirety per 101.2:**

**APPENDIX C - Grey Water Recycling Systems** \*

\* See Exhibit 60 New Amendment Proposal IPC 2009 – 301.3 and Appendix C

**24) Adopt Appendix B in its entirety per 101.2:**

**APPENDIX B - Rates of Rainfall for Various Cities** \*

\* See Exhibit 62 New Amendment Proposal IPC 2009 – Appendix B

**25) Adopt Appendix F in its entirety per 101.2:**

**Appendix F – Structural Safety**\*

*\* See Exhibit 63 New Amendment Proposal IPC 2009 –Appendix F*

**26) Adopt Appendix G in its entirety per 101.2:**

**Appendix G – Vacuum Drainage Systems**\*

*\* See Exhibit 64 New Amendment Proposal IPC 2009 –Appendix G*