

Readopt with amendment Saf-C 6000, effective 12-23-11 (Doc. #10058), to read as follows:

## CHAPTER Saf-C 6000 FIRE AND LIFE SAFETY RULES

Statutory Authority: RSA 153:5; RSA 153:8-a; RSA 153:10-a, III; RSA 153:10-b, VI; RSA 153:14, IV; and RSA 158:28, III.

### PART Saf-C 6001 APPLICABILITY

Saf-C 6001.01 Scope. These rules implement specific statutory authority of the department of safety and the state fire marshal to regulate various areas pertaining to fire and life safety. These rules are not part of the state fire code, defined and adopted in RSA 153:1, VI-a or amendments to the state fire code pursuant to RSA 153:5, I which are exempt from RSA 541-A and published in the Saf-Fmo administrative rules.

### PART Saf-C 6002 DEFINITIONS

Saf-C 6002.01 “ANSI” means the American National Standards Institute.

Saf-C 6002.02 “Automatic fire warning device” means “automatic fire warning device” as defined in RSA 153:1, I.

Saf-C 6002.03 “Authority having jurisdiction” as used in any code adopted by reference means the state fire marshal or the local fire official, as provided for by law.

Saf-C 6002.04 “Commissioner” means the commissioner of the New Hampshire department of safety.

Saf-C 6002.05 “Code official” as used in any code adopted by reference means the state fire marshal or the local fire official, as provided for by law.

Saf-C 6002.06 “Cultural properties” means buildings, structures or sites, or portions thereof, that are culturally significant, or that house culturally significant collections. Such properties include but are not limited to museums, libraries, historic structures, and places of worship.

Saf-C 6002.07 “Exception” means the inapplicability of a specific rule to a specific set of circumstances.

Saf-C 6002.08 “Local fire official” means the fire chief of the applicable jurisdiction, or designee.

Saf-C 6002.09 “Multi-unit dwelling” means “multi-unit dwelling” as defined in RSA 153:1, VI.

Saf-C 6002.10 “NFPA” means the National Fire Protection Association.

Saf-C 6002.11 “State fire code” means “New Hampshire Fire Code” or “state fire code” as defined in RSA 153:1, VI-a, namely, “the adoption by reference of the Life Safety Code 2015 edition and the Uniform Fire Code NFPA 1, 2015 edition, as published by the National Fire Protection Association and as amended by the state board of fire control and ratified by the general court pursuant to RSA 153:5. The provisions of any other national code, model code, or standard referred to within a code listed in this definition shall be included in the state fire code unless amended in accordance with RSA 153:5.”

Saf-C 6002.12 “State fire marshal” means the state fire marshal of the state of New Hampshire.

Saf-C 6002.13 “State fire marshal’s office” means the state fire marshal, fire marshal’s deputies, fire investigators, fire inspectors, or authorized agents.

Saf-C .16 “Unvented space heater” means a heating device either wick, wickless or potburner, which uses gas, oil, or kerosene oil as fuel, and is either stationary or portable, and its products of combustion are not directly conducted to the outside of the building via a chimney connector pipe. The term includes “vent free”.

Saf-C 6002.14 “Rental unit” means “rental unit” as defined in RSA 153:1, IX-a.

Saf-C 6002.15 “Variance” means an alternative to strict code compliance.

#### PART Saf-C 6003 DESCRIPTION OF FIRE MARSHAL’S OFFICE

Saf-C 6003.01 State Fire Marshal. The state fire marshal shall be responsible for:

- (a) The enforcement of all applicable state laws pursuant to RSA 153:4-a; and
- (b) Ensuring that the following functions shall be performed by the appropriate personnel in the state fire marshal’s office:
  - (1) The approval or denial, and the granting of exemptions from fire safety regulations promulgated by any state agency to the extent authorized by RSA 153:4-a, I;
  - (2) The certification of private firefighting units pursuant to RSA 153:4-a, I;
  - (3) The provision of assistance to counties, cities, towns, village districts, and precincts in supervising and enforcing local ordinances relative to:
    - a. The prevention of fires;
    - b. The storage, sale, and use of combustibles;
    - c. The installation and maintenance of fire alarm and fire extinguishing equipment;
    - d. The construction, maintenance, and regulation of fire escapes;
    - e. The means and adequacy of exits from places of assembly;
    - f. The investigation of the cause of fires; and
    - g. The storage and handling of flammable liquids and gases;
  - (4) The coordination of the activities of the state fire marshal’s office with those of other state and local agencies and officials responsible for developing or enforcing fire safety regulations pursuant to RSA 153:4-a, II;
  - (5) The provision of assistance, advice, and counsel to officials responsible for the enforcement of fire safety regulations and assist them in the organization and efficient operation of fire departments pursuant to RSA 153:4-a, II;
  - (6) The coordination of state services during an accident involving the transportation of hazardous material;

- (7) The assumption of the duties of the fire officer-in-charge at an accident involving the transportation of hazardous material when requested by the fire officer-in-charge or if in the best interest of public safety pursuant to RSA 153:4-a, III;
- (8) The granting of exemptions and variances to rules he or she deems necessary for the protection from fire and fire hazards and for the general welfare of property and people within the state;
- (9) The approval or denial of all plans for construction or revision of all state buildings and properties as to compliance with fire safety measures pursuant to RSA 153:8-a, I(a);
- (10) The enforcement and granting of exemptions to the life safety code, NFPA 101, as authorized by RSA 153:4-a, RSA 153:5 and RSA 153:8-a, I(c);
- (11) The enforcement of the provisions of RSA 153:10-a relative to automatic fire warning devices, including the authorization pursuant to RSA 153:10-a, V to those seeking to issue citations for violations of fire safety rules adopted under RSA 153:10-a and RSA 153:10-b, who comply with the provisions of Saf-C 1100;
- (12) The implementation and enforcement of the provisions of RSA 153:10-b relative to fire protection and warning devices in health care facilities;
- (13) The investigation of fires of suspicious origin and arrest and prosecution of those responsible pursuant to RSA 153:11;
- (14) Notification to insurance companies believed to have an interest in fire loss property, as an insurer pursuant to RSA 153:13-a, III;
- (15) The inspection of all buildings or premises and requiring the correction of fire hazardous conditions pursuant to RSA 153:14, II;
- (16) The regulation of the sale of dangerously flammable fabrics pursuant to RSA 153:14-a;
- (17) The approval or denial of the types of plastic containers as specified in the state fire code designed for the storage of flammable liquids offered for sale in this state pursuant to RSA 153:16-a;
- (18) The investigation of complaints alleging that local ordinances relating to fire safety measures are not being fully complied with and the enforcement of ordinances when such complaints are substantiated pursuant to RSA 153:17;
- (19) The conducting of hearings pursuant to Saf-C 200 into the causes, circumstances, and origin of a fire, building collapse or carbon monoxide release pursuant to RSA 153:18;
- (20) The investigation of any fire, building collapse, or carbon monoxide release pursuant to RSA 153:18, whenever the authority having jurisdiction determines that it lacks the resources or expertise to investigate the fire or incident, and the fire marshal concurs;
- (21) At the request of any fire chief, the entering into and inspection of any building or premises, to the extent authorized by RSA 153:21, for the purpose of determining the existence of any violations of RSA 153, rules adopted by the commissioner, or local law or ordinances relating to fire protection;

- (22) The storage and maintenance of all records of all fires occurring in the state and of all facts concerning those fires pursuant to RSA 153:22;
- (23) Upon request, the provision of assistance in coordinating the service of fire departments giving mutual aid in the extinguishment of fires pursuant to RSA 154:30;
- (24) If petitioned, call the first organizational meeting of a newly forming mutual aid system pursuant to RSA 154:30-a and 154:30-b;
- (25) The rendering of advice, recommendations, and assistance to any district fire mutual aid system pursuant to RSA 154:30-c, III;
- (26) The performance of periodic safety inspections of all occupied public buildings owned by the state pursuant to RSA 153:8-a, I(d);
- (27) The inspection of all New Hampshire youth development center facilities to ensure compliance with fire safety rules as set forth in RSA 621:8;
- (28) Establish a program to promote fire safety education and reduce fire loss by encouraging fire-safe practices throughout the state pursuant to RSA 153:10-c;
- (29) The regulation of liquid propane gas pipeline safety, except propane gas pipelines regulated by the public utilities commission;
- (30) The investigation of the cause of all fires with death resulting;
- (31) The investigation of the cause of all structural building collapses with death resulting;
- (32) The investigation of the cause of all incidents involving the release of carbon monoxide, other than from a motor vehicle, with death resulting;
- (33) The investigation of the cause of structural building collapses;
- (34) The investigation of the cause of incidents involving the release of carbon monoxide, other than from a motor vehicle;
- (35) The administration of the voluntary heating certification program pursuant to RSA 153:16-b;
- (36) The administration of the voluntary fire equipment certification program pursuant to RSA 153:5-a;
- (37) Assistance and support to the mechanical licensing board in administering and enforcing the mechanical licensing program, including the rules of the board under subtitle Saf-Mec, pursuant to RSA 153:27-38;
- (38) The administration of the modular building program pursuant to RSA 205-C;
- (39) The performance of building code enforcement for communities without a local building code enforcement mechanism pursuant to RSA 155-A;
- (40) The administration of the lightning rod licensing program pursuant to RSA 323;
- (41) The administration of the permissible fireworks program pursuant to RSA 160-C;

(42) The administration of the licensing and permit requirements associated with the display of pyrotechnics before a proximate audience pursuant to RSA 153:5-c; and

(43) The performance of such other functions as necessary to comply with RSA 153 or any other applicable statutes.

Saf-C 6003.02 Scope of Duties. Nothing contained in Saf-C 6003.01 shall be construed as altering any duty imposed by applicable state law.

Saf-C 6003.03 Deputy Fire Marshals.

(a) Deputy fire marshals, under the direction of the state fire marshal, shall supervise:

(1) The inspection of buildings; and

(2) The investigation of fires and enforcement of state statutes, local ordinances and administrative rules dealing with fire prevention.

(b) In the absence of the state fire marshal, the assistant director of the division of fire safety, or other individual designated by the commissioner, shall assume responsibility for all activities and all duties assigned to the state fire marshal's office by statute.

Saf-C 6003.04 Fire Investigators and Fire Inspectors.

(a) Fire investigators and fire inspectors, under the direction of the state fire marshal and under the supervision of the deputy fire marshals, shall:

(1) Investigate fires, structural building collapses, and incidents involving the release of carbon monoxide, other than from a motor vehicle, in accordance with procedures established by the state fire marshal;

(2) Inspect state-owned buildings and other buildings in accordance with procedures established by the state fire marshal;

(3) Assist local fire officials in the promulgation and enforcement of local fire codes;

(4) Review architectural and engineering plans and specifications for compliance with the state fire code; and

(5) Perform such other duties as directed by the state fire marshal or deputy fire marshals.

PART Saf-C 6004 AVAILABILITY OF CODES INCORPORATED BY REFERENCE

Saf-C 6004.01 NFPA Codes and Standards. Copies of NFPA codes and standards incorporated by reference in these rules shall be available for research at the office of the state fire marshal and may be purchased through the National Fire Protection Association, Inc., One Batterymarch Park, Quincy, Massachusetts, 02269 or www.nfpa.org, as further described in Appendix B.

PART Saf-C 6005 LOCAL ORDINANCES, VARIANCES, AND EXCEPTIONS

Saf-C 6005.01 Applicability of Local Ordinances. The state fire marshal shall determine whether any local law or ordinances and their application and enforcement provide an equivalent or greater degree of safety than that provided under the provisions of the fire code, and if not, the state fire code shall apply.

Saf-C 6005.02 Review of Ordinance Applicability Determination. Any person aggrieved by a determination from the state fire marshal pursuant to Saf-C 6005.01 above shall be entitled to a hearing in accordance with Saf-C 6006.01.

Saf-C 6005.03 Availability of Variances or Exceptions. The state fire marshal shall grant variances or exceptions to the state fire code to the extent that such action shall provide a degree of safety substantially equivalent to that provided under the provisions for which the exception or variance is granted.

Saf-C 6005.04 Requests for Variances or Exceptions.

(a) Any person requesting a variance or exception pursuant to this part shall submit a completed, dated, and signed form DSFS 129, "Request for Variances or Exceptions Pursuant to NH Code of Administrative Rules Saf-C 6005.04" (rev. 5/20) and submitting it to:

State Fire Marshal  
Department of Safety  
Division of Fire Safety  
James H. Hayes Building  
33 Hazen Drive  
Concord, NH 03305

(b) The applicant shall forward the local fire department a copy of form DSFS 129.

Saf-C 6005.05 Consideration of Variances or Exceptions.

(a) The state fire marshal shall:

- (1) Consider all applications filed pursuant to Saf-C 6005.04, and
- (2) Render a decision as to the disposition of the application, based upon the information provided.

(b) The state fire marshal's decision shall be forwarded to the applicant in writing, and include:

- (1) When the variance or exception is granted:
  - a. The extent of the variance or exception, which shall cite the code or rule provision(s), involved;
  - b. Any limitations placed on the variance or exception;
  - c. The effective date or termination date, if applicable; and
  - d. Address or other identification of the structure(s) involved;
- (2) When the variance or exception is denied:
  - a. Statement of the variance or exception requested which shall cite the code or rule provision(s) involved;
  - b. Reason for the denial of the variance or exception; and

c. Any other information the state fire marshal deems necessary; and

(3) Signature of the state fire marshal.

(c) When an application is granted in part and denied in part, the decision shall conform to the provisions of this section relevant to each type of action.

(d) Any person aggrieved by a denial of an application for a variance or exception, may within 20 days following written notice, apply for a hearing with the state building code review board, pursuant to Bcr 200.

#### PART Saf-C 6006 HEARINGS

Saf-C 6006.01 Use of Department Procedures. Unless otherwise provided herein, all hearings conducted by the state fire marshal's office shall be in accordance with Saf-C 200.

#### PART Saf-C 6007 FIRE INCIDENT REPORTING

Saf-C 6007.01 New Hampshire Fire Incident Reporting System (NHFIRS).

(a) All incidents that are required to be reported pursuant to RSA 153:11 shall be reported by the appropriate fire chief using the New Hampshire fire incident reporting system (NHFIRS) record pursuant to Saf-C 6007.02(b) below.

(b) Incident data shall be electronically submitted to the state fire marshal's office no later than the 15<sup>th</sup> of the month for incidents occurring in the previous month. For example, all incidents occurring in the month of January are due no later than February 15<sup>th</sup>.

(c) All incident data reported electronically to the state fire marshal's office shall be submitted in the format as described in Saf-C 6007.02(b) below.

(d) Any fire department that does not have any reportable incidents in a given month shall notify the state fire marshal's office of that fact via first-class mail to the address in Saf-C 6005.04(a), via e-mail to [NHFIRS@dos.nh.gov](mailto:NHFIRS@dos.nh.gov), or via telephone at (603) 223-4289.

Saf-C 6007.02 Required Data Elements.

(a) Third party software used to submit data pursuant to NHFIRS shall be listed by the United States Fire Administration on its web site: [https://www.usfa.fema.gov/data/nfirs/vendors/active\\_vendors.html](https://www.usfa.fema.gov/data/nfirs/vendors/active_vendors.html).

(b) All incident data submitted shall contain all the data elements identified in the NHFIRS Version 5.0 Design Documentation Manual published by the United States Fire Administration and found on its web site: [https://www.usfa.fema.gov/downloads/pdf/nfirs/NFIRS\\_Spec\\_2015.pdf](https://www.usfa.fema.gov/downloads/pdf/nfirs/NFIRS_Spec_2015.pdf), available as noted in Appendix B, and comply with its specifications.

#### PART Saf-C 6008 ENGINEERING PLAN REVIEW

Saf-C 6008.01 Engineering Plan Review. Any of the following entities or projects requiring review of engineering plans by the state fire marshal's office for compliance with the state fire code or the state building code, or both, shall request such review by completing and submitting form DSFS 107, "Plan Review Submission Request" (rev. 7/20):

- (a) Publicly-funded school facilities per Ed 321.13;
- (b) School building aid projects per Ed 321.23(t); and
- (c) Healthcare facilities per RSA 151:6, IV.

Saf-C 6008.02 Application Supporting Materials. In addition to completing and submitting the application form in Saf-C 6008.01 above, an applicant shall also submit the following materials:

- (a) Building Plans, to consist of the following:
  - (1) Plans shall meet the submittal documents requirement per the State Building Code, IBC Section 107; and
  - (2) Letter from the NH licensed architect or engineer responsible for the design stating that the design satisfies the requirements of the Americans with Disabilities Act and the NH Barrier Free Design Code pursuant to Abfd 300; and
- (b) Automatic sprinkler plans, if an automatic sprinkler system is required by the state fire code or state building code, to consist of the following: working plans shall be submitted in accordance with NFPA 13 Chapter 23.
- (c) Fire alarm plans, if a fire alarm system is required by the state fire code or state building code, to consist of the following: fire alarm plans and documentation shall be submitted in accordance with NFPA 72 Chapter 7.

#### PART Saf-C 6009 UNVENTED SPACE HEATERS

##### Saf-C 6009.01 Compliance Required.

- (a) All persons testing, selling, purchasing, installing, or using unvented space heaters or storing fuel for such heaters shall comply with all applicable provisions of RSA 158:28 and this section.
- (b) No person shall install or use in any building which is used in whole or in part for human habitation an unvented space heater that uses fuel other than kerosene, propane, or natural gas with the exception of flameless catalyst type heaters.
- (c) No person shall install or use an unvented space heater as the primary source of residential heat.
- (d) No person shall install or use any fuel fired unvented space heaters in educational, day care, health care, residential board and care, ambulatory health care, detention and correctional, lodging and rooming, apartments, hotels, and dormitory occupancies.
- (e) No person shall install or use any natural or propane gas unvented space heaters in educational, day care, health care, detention, and correctional occupancies.
- (f) All persons installing or using an unvented space heater shall install at least one carbon monoxide detector in accordance with RSA 153:10-a and Saf-C 6010.
- (g) All unvented space heaters shall be installed and used in accordance with the manufacturer's installation instructions, and the state fire code.



Saf-C 6009.02 Testing Criteria. No unvented space heater shall be offered for sale in New Hampshire unless it has been listed by a nationally recognized laboratory whose testing criteria, at a minimum, meet Underwriters' Laboratory Standard 647, "Standard for Unvented Kerosene-Fired Room Heaters and Portable Heaters", Edition 2, April 16, 2010, or ANSI Z21.11.2, "Gas Fired Room Heaters", 2013 edition, both available as noted in Appendix B.

Saf-C 6009.03 Laboratory Approval. No laboratory engaged in the testing of unvented space heaters shall be approved by the state fire marshal unless the laboratory's testing and approval criteria, at a minimum, conforms with Underwriters' Laboratory Standard 647, "Standard for Unvented Kerosene-Fired Room Heaters and Portable Heaters", Edition 2, April 16, 2010, or ANSI Z21.11.2, "Gas Fired Room Heaters", 2013 edition, both available as noted in Appendix B.

Saf-C 6009.04 Fuel.

(a) No fuel type other than that specifically identified and listed by the manufacturer shall be used in any unvented space heater.

(b) Under no circumstances shall any type of fuel additive be used in an unvented space heater.

(c) All fuel used in kerosene heaters shall be certified as being K-1 fuel.

(d) The following shall apply to unvented space heaters:

(1) All unvented space heater fuel shall be stored in proper containers approved for the storage of flammable liquids;

(2) No unvented space heater shall be filled with fuel in any manner other than that directed by the manufacturer when "filled" means the process of pouring, injecting, or otherwise introducing fuel into an unvented space heater; and

(3) In no event shall a person pour fuel into an unvented kerosene space heater while inside an occupied structure or while said heater is hot.

(e) All propane, natural gas, and kerosene unvented space heaters shall be securely fastened to the wall or floor to prevent accidental tipping.

## PART Saf-C 6010 AUTOMATIC FIRE DETECTION AND WARNING DEVICES AND CARBON MONOXIDE DETECTION EQUIPMENT

Saf-C 6010.01 Maintenance of Devices Required.

(a) The owner of a single-family dwelling, multi-unit dwelling, or rental unit shall be responsible for maintaining all automatic fire detection and warning equipment and carbon monoxide alarms or detectors in good working order.

(b) No person, tenant, or occupant of a multi-unit dwelling or rental unit shall remove any battery from an automatic fire detection and warning equipment or carbon monoxide alarm or detector, disconnect the primary power to an automatic fire detection and warning equipment or carbon monoxide alarm or detector, or tamper with or otherwise render inoperable any automatic fire detection and warning equipment or carbon monoxide alarm or detector.

(c) Any person found to have violated the provisions of (b) above shall be subject to the following penalties, or any other applicable penalty as provided by law:

- (1) The penalties of RSA 153:10-a and RSA 153:24; or
- (2) The penalties of RSA 634:2, IX, if applicable per the provisions of that law.

## PART Saf-C 6011 CERTIFICATION OF PRIVATE FIREFIGHTING UNITS

### Saf-C 6011.01 Purpose and Scope.

(a) The purpose of this part is to assure the public safety by establishing minimum certification requirements for private firefighting units.

(b) All private firefighting units required to be certified pursuant to RSA 154 shall comply with the requirements of this part.

Saf-C 6011.02 Definition of Officer. “Officer”, for the purposes of this part, means any person who is assigned any of the following ranks or titles:

- (a) Director;
- (b) Executive director;
- (c) Fire chief;
- (d) Assistant fire chief;
- (e) Deputy fire chief;
- (f) Commissioner;
- (g) Fire engineer;
- (h) Fireward;
- (i) President;
- (j) Vice-president;
- (k) Secretary;
- (l) Treasurer; or
- (m) General manager.

Saf-C 6011.03 Felony Conviction of an Officer or Owner of a Private Firefighting Unit. No person who has been convicted of a felony shall serve as an officer of a private firefighting unit or hold any ownership interest of 10 percent or more in a private firefighting unit.

### Saf-C 6011.04 Application for Certification.

(a) A private firefighting unit shall apply to the state fire marshal for certification by completing and submitting form DSFS 108, “Application for Certification as a Private Firefighting Unit” (rev. 7/20).

(b) By signing the form, the applicant, if an individual, or by the officers of the applicant, if a corporation or an association, shall certify to the following:

(1) That the information on the form is true and correct to the best of the individual's knowledge and belief, subject to the penalty for making unsworn false statements under RSA 641:3;

(2) That the applicant has conducted a criminal record check and that no officers of the private firefighting unit and no person who possesses an ownership interest of 10 percent or more in the private firefighting unit has been convicted of a felony; and

(3) That the private firefighting unit is a legal corporation capable of transacting business under the laws of the State of New Hampshire.

(c) The applicant shall attach to the application the following:

(1) A list of every person who possesses an ownership interest of 10 percent or more in the private firefighting unit, the applicant, and every person who is an officer of the private firefighting unit, including the following information:

- a. Name, and title if applicable;
- b. Residence address;
- c. Place and date of birth;
- d. Number of shares of stock held in the firefighting unit, if applicable; and
- e. How shares of stock, in d. above, were obtained;

(2) A copy of any proposed bid specifications or contract with any city, town, or village district with which the applicant intends to contract or has contracted; and

(3) Proof that the private firefighting unit is a legal corporation capable of transacting business under the laws of the state of New Hampshire, including:

- a. A copy of the certificate of good standing issued by the secretary of state; and
- b. If applicable, a copy of the trade name certificate issued by the secretary of state.

(d) An applicant shall submit to the state fire marshal a proof of insurance certificate for a commercial general liability policy, including broad form coverage with basic limits and excess limits in amounts agreed upon between the applicant and the governing body of the city, town or village district. The policy shall include professional liability and errors and omissions coverage for all applicant employees, including volunteer and call members. The city, town, or village district shall be named as an additional insured party if required by the city, town, or village district.

(e) An applicant shall submit to the state fire marshal a proof of insurance certificate for workers' compensation coverage for all applicant employees, including volunteer and call members. The workers' compensation coverage shall conform to New Hampshire laws and rules.

(f) For the purposes of (d) and (e) above, an insurance binder from an insurance company shall be acceptable only if obtaining the required insurance is contingent upon the applicant being awarded a contract for firefighting services.

(g) By signing the form, an applicant shall agree to:

- (1) Require all full-time firefighters hired by the private firefighting unit to comply with the Fire 700 educational and training requirements of the fire standards and training commission, unless higher standards are required by a contract;
- (2) Meet all applicable requirements for emergency medical services set forth in New Hampshire law and rules;
- (3) Require that, if new motorized fire apparatus is purchased, leased, or otherwise acquired by the private firefighting unit, the fire apparatus shall meet or exceed the requirements of NFPA 1901, "Standard for Automotive Fire Apparatus", 2016 edition, available as noted in Appendix B;
- (4) Require that all motorized fire and rescue apparatus be maintained in accordance with the manufacturer's recommendations;
- (5) Require that, if buildings and structures are erected, leased, or supplied by the private firefighting unit, they shall conform to applicable federal, state, and local fire, safety, sanitary and zoning laws, ordinances, codes, or standards;
- (6) Conduct an in-service training and education program in accordance with the standards set forth by the New Hampshire fire standards and training commission for all fire personnel employed by the private firefighting unit;
- (7) Disclose to the board of selectmen, town manager, village district commission, mayor, or city manager and update annually a detailed plan showing how the applicant would continue to provide fire services in the event of a job action or strike;
- (8) Comply with all statutes, laws, rules, regulations, and orders of federal, state, county, or municipal authorities which impose any duties or obligations on the applicant;
- (9) Participate in and abide by the provisions of any mutual aid agreement, which the governing body of the town, city, or village district has entered into;
- (10) Cause every fire within its area of operation to be investigated and determine and record, if possible, the cause and origin of each fire;
- (11) Report findings of evidence of illegal actions or actual personal injury or death of a person or persons to the state fire marshal when conducting an investigation in accordance with (g)(10) above;
- (12) Take adequate steps to determine that all fire apparatus, vehicles, and ambulances shall at all times be operated in compliance with the applicable state motor vehicle laws pertaining to emergency vehicles;
- (13) Perform annual testing of all hose, ladders, fire, and ambulance apparatus with the results of the tests recorded and maintained as permanent records;
- (14) Employ no person to fulfill the contract with the city, town, or village district, known to the private firefighting unit or that could have been determined through reasonable diligence, who has been convicted of arson, burglary, or its equivalent under New Hampshire criminal law;
- (15) Coordinate with the state fire marshal or his or her authorized agents to enter any premises under the private firefighting unit's control during regular business hours by appointment

during the term of the contract for the purpose of examining records, apparatus, personnel, or facilities if deemed necessary to determine ongoing compliance with the agreement;

(16) Disclose to the city, town, or village district, upon request, the criminal and motor vehicle records and training records of all employees engaged in firefighting or ambulance duties within the city, town or village district prior to employment, to the extent necessary under New Hampshire laws;

(17) Behave in all respects in the same manner as a public fire department with regard to the authority of the state fire marshal and the duty to cooperate with the state fire marshal regarding:

- a. Fire investigations;
- b. Fire incident reporting;
- c. Fire inspections;
- d. Hazardous materials emergencies; and
- e. All other matters within the purview of the state fire marshal;

(18) Maintain and submit to the city, town, village district, or state, as appropriate, all reporting logs and forms and other records required by the city, town, village district, or state;

(19) Not assign or transfer the private firefighting unit's contract with the city, town, or village district without prior written consent from the city, town, or village district and the state fire marshal;

(20) Conduct a fire prevention campaign to the nature and extent specified in the contract with the governing body of the city, town, or village district; and

(21) Maintain and make available to the public, upon request, the following official records:

- a. Emergency dispatch center logs;
- b. Records of fire safety inspections;
- c. Fire and other emergency incident reports; and
- d. Fire investigation reports, unless it involves:
  1. Arson fire;
  2. Part of an ongoing criminal investigation; or
  3. A juvenile.

Saf-C 6011.05 Notification of Decision.

(a) In accordance with RSA 541-A:29, after reviewing all the information submitted by the applicant, pursuant to Saf-C 6011.04, the state fire marshal shall:

(1) Certify the private firefighting unit, if it has complied with all requirements in this part; and

(2) Notify in writing the applicant and the governing body of the city, town, or village district with which the applicant intends to contract, of his or her decision.

Saf-C 6011.06 Annual Update of Application. Any certified private firefighting unit shall maintain the conditions of certification and file an update of the information required in Saf-C 6011.04 to the state fire marshal on an annual basis.

Saf-C 6011.07 Administrative Action Against a Certification.

(a) To ensure uniform compliance with these rules by all private firefighting units and to ensure that such units provide dependable, effective protection for the communities they serve, for any of the reasons set forth in (b) below, the state fire marshal shall, after notice and hearing, take any of the following administrative action(s), depending upon the circumstances of each case, ranging from most severe to least severe:

- (1) Revocation of private firefighting unit's certification;
- (2) Suspension of private firefighting unit's certification;
- (3) Issuance of a warning letter; or
- (4) Issuance of an order to comply with these rules.

(b) Pursuant to (a) above, the following reasons shall subject a private firefighting unit to administrative action(s):

- (1) Failure to comply with any of the provisions of these rules;
- (2) Failure to abide by the provisions of the agreement executed pursuant to Saf-C 6011.04(g);
- (3) Failure to abide by the provisions of the contract with the city, town, or village district as evidenced by a formal complaint of the governing body of the city, town, or village district;
- (4) Providing false or misleading information as part of the certification process;
- (5) Conviction of the proprietor, partners, corporation, its officers or partners, or associates of arson, bribery, or any felony;
- (6) Filing a petition for bankruptcy or reorganization;
- (7) Making an assignment for the benefit of creditors;
- (8) Consenting to the appointment of a receiver or trustee; or
- (9) Defaulting in discharging any obligation for the payment of money owed to the city, town, or village district or the state or a third party.

(c) For the purposes of (a) above, the severity of the administrative action(s) taken against a private firefighting unit shall correlate with the factors set forth below:

- (1) The seriousness of the private firefighting unit's actions;
- (2) The private firefighting unit's history of compliance with Saf-C 6011 or any other order by the state fire marshal;

- (3) The degree of purposefulness on behalf of the private firefighting unit in carrying out any of the actions stated in (b) above; and
- (4) Any other factor which indicates a disregard on behalf of the private firefighting unit for its responsibility to public safety and its ability to carry forth its responsibility pursuant to these rules.

## PART Saf-C 6012 LIGHTNING ROD DEALERS AND SALESPEOPLE

### Saf-C 6012.01 Compliance.

- (a) All lightning rod salespeople, dealers, manufacturers, and agents shall comply with the requirements of RSA 323 and Saf-C 6012.
- (b) All persons designing, installing, testing, modifying, repairing, or maintaining lightning protection equipment shall comply with the requirements of NFPA 780, "Standard for the Installation of Lightning Protection Devices", 2014 edition, available as noted in Appendix B.

### Saf-C 6012.02 Application for Dealer's License.

- (a) Any applicant requesting a license pursuant to RSA 323:1 shall make application to the state fire marshal on form DSFS 71, "Application for Lightning Rod Dealer License", (rev. 7/20).
- (b) An applicant shall sign and date the form, before a notary public or justice of the peace, and in doing so, shall certify to the following:

"I have read the law regulating the sale and installation of lightning rods and understand its provisions and hereby agree to comply with RSA Chapter 323, the State Fire Code, and Saf-C 6012, relating to the sale and installation of lightning rods."
- (c) By signing the form, the applicant shall stipulate the following:

"By signing this form, I stipulate that legal process affecting me, as dealer, or my agent shall, if served upon the Commissioner of Safety, have the same effect as if personally served upon me or my agent within this State."
- (d) The applicant shall submit documentation of a surety bond in the amount of \$5,000 pursuant to RSA 323:2, I, naming the department of safety as obligee, to guarantee that all materials so used have the approval of a testing laboratory recognized by the state of New Hampshire.

- (e) The applicant shall submit an application of \$50 with the application, per RSA 323:3.

### Saf-C 6012.03 Application for Agent's License.

- (a) A licensed lightning rod dealer who has appointed an agent(s) to sell or install lightning rods shall request a license for said agent(s) by making application to the state fire marshal on form DSFS 72, "Application for Agents License to Sell or Install Lightning Rods", (rev. 7/20).
- (b) An applicant shall sign and date the form, before a notary public or justice of the peace, and in doing so, shall certify to the following:

“I have read the law regulating the sale and installation of lightning rods and understand its provisions and hereby agree to comply with RSA Chapter 323, the State Fire Code, and Saf-C 6012, relating to the sale and installation of lightning rods.”

(c) The applicant shall submit an application fee of \$10 with the application, per RSA 323:4.

#### APPENDIX

RULE	STATUTE
Saf-C 6001.01	RSA 153:1, VI-a; RSA 153:4-a; RSA 153:5, IV; RSA 153:5, V; RSA 153:8-a, I(b)
Saf-C 6002.01-6002.03	RSA 541-A:7
Saf-C 6002.04	RSA 153:1, I
Saf-C 6002.05-6002.10	RSA 541-A:7
Saf-C 6002.11	RSA 153:1, VI
Saf-C 6002.12-6002.15	RSA 541-A:7; RSA 153:1, VI-a
Saf-C 6002.16	RSA 158:28, I
Saf-C 6002.17	RSA 153:1, IX-a
Saf-C 6002.18 & 6002.19	RSA 541-A:7
Saf-C 6003.01 & 6003.02	RSA 21-P:12; RSA 153:4-a
Saf-C 6003.03	RSA 153:8
Saf-C 6003.04	RSA 21-P:4, V and VIII; RSA 153:8
Saf-C 6004.01	RSA 541-A:16, I(a)
Saf-C 6005.01-6005.04	RSA 153:8-a, I(c)
Saf-C 6006.01	RSA 541-A:16, I(b)(2)
Saf-C 6007.01 & 6007.02	RSA 153:11
Saf-C 6008.01-6008.05	RSA 153:4-a
Saf-C 6009.01	RSA 151:6, IV; RSA 153:4-a; RSA 153:8-a, I(a)
Saf-C 6010.01-6010.04	RSA 158:28
Saf-C 6011.01	RSA 153:10-a; RSA 153:10-b
Saf-C 6012.01-6012.07	RSA 153:4-a, I; RSA 154:1-c
Saf-C 6013.01 – 6013.02	RSA 323:1
Saf-C 6013.03	RSA 323:4



## APPENDIX B

Rule	Title	Obtain at:
Saf-C 6007.02(b)	United State Fire Administration (USFA) National Fire Incident Reporting System (NFIRS) Version 5.0 Design Documentation Manual, 2015 Edition.	Web Site: <a href="https://www.usfa.fema.gov/downloads/pdf/nfirs/NFIRS_Spec_2015.pdf">https://www.usfa.fema.gov/downloads/pdf/nfirs/NFIRS_Spec_2015.pdf</a> Cost: Free
Saf-C 6010.02 and Saf-C 6010.03	Underwriter's Laboratory (UL) 647 "Standard for Unvented Kerosene-Fired Room Heaters and Portable Heaters", Edition 2, April 16, 2010	Underwriter's Laboratories 1285 Walt Whitman Road Melville, NY 11747 Telephone Orders: (631) 271-6200 Web site: <a href="http://www.ul.com">www.ul.com</a> Cost: (1) Hardcover - \$502.00 (2) Online subscriptions are available at <a href="http://www.ul.com/catalog/stdscatframe.html">www.ul.com/catalog/stdscatframe.html</a>  Codes and standards may also be viewed at the Office of the State Fire Marshal
Saf-C 6010.02 and Saf-C 6010.03	American National Standards Institute (ANSI) Z 21.11.2 "Gas Fired Room Heaters", 2013 Edition	American National Standards Institute 1899 L Street, NW, 11th Floor Washington, DC 20036 Telephone Orders: 1-202-293-8020 Web site: <a href="http://www.ansi.com">www.ansi.com</a> Cost: (1) PDF - \$510.00 (2) Online subscriptions are available at <a href="http://www.ansi.org">www.ansi.org</a>  Codes and standards may also be viewed at the Office of the State Fire Marshal
Saf-C 6011.04(f)(3)	National Fire Protection Association (NFPA) 1901 "Standard for Automotive Fire Apparatus", 2016 Edition	National Fire Protection Association One Batterymarch Park Quincy, MA 02269 Telephone Orders: 1-202-293-8020 Web site: <a href="http://www.nfpa.com">www.nfpa.com</a> Cost: (1) Softcover or PDF (non-members) - \$79.50 (2) Online subscriptions are available at <a href="http://www.nfpacodesonline.org">www.nfpacodesonline.org</a> (3) Some codes can be viewed at <a href="http://www.nfoa.org/aboutthecodes/listofcodesandstandards.asp">www.nfoa.org/aboutthecodes/listofcodesandstandards.asp</a>  Codes and standards may also be viewed at the Office of the State Fire Marshal

<p>Saf-C 6012.01(b)</p>	<p>National Fire Protection Association (NFPA) 780 “Standard for the Installation of Lightning Protection Devices”, 2014 edition</p>	<p>National Fire Protection Association          One Batterymarch Park          Quincy, MA 02269          Telephone Orders: 1-202-293-8020          Web site: <a href="http://www.nfpa.com">www.nfpa.com</a>          Cost: (1) Softcover or PDF (non-members) - \$65.50          (2) Online subscriptions are available at <a href="http://www.nfpacodesonline.org">www.nfpacodesonline.org</a>          (3) Some codes can be viewed at <a href="http://www.nfoa.org/aboutthecodes/listofcodesandstandards.asp">www.nfoa.org/aboutthecodes/listofcodesandstandards.asp</a>           Codes and standards may also be viewed at the Office of the State Fire Marshal</p>
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