

2021 PROPOSED ZONING ORDINANCE & FIRE PREVENTION CODE AMENDMENTS

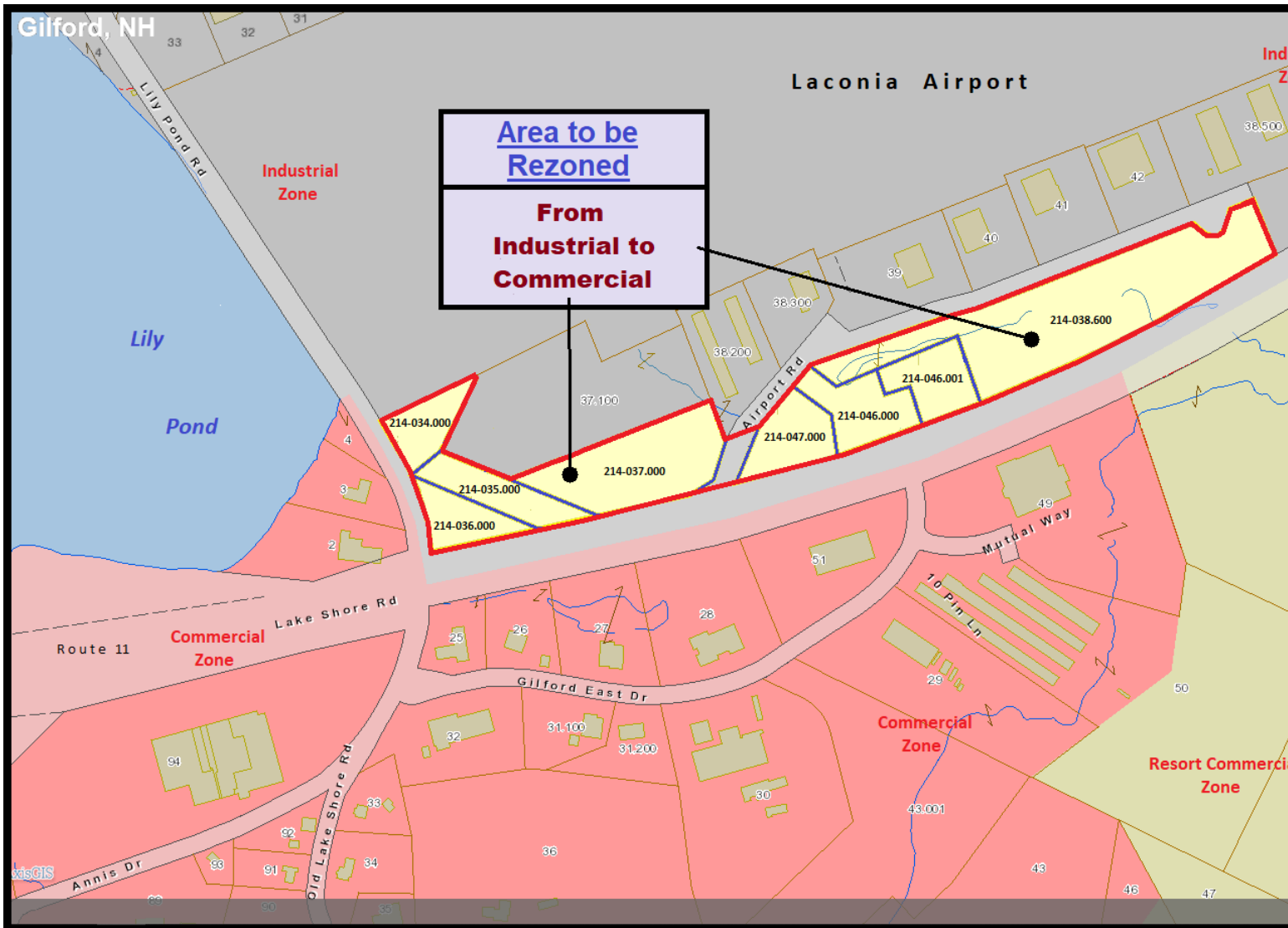
Amendment #1. Are you in favor of the adoption of Amendment Number 1 as proposed by the Gilford Planning Board for the Gilford Zoning Ordinance as follows?

Amend the Official Zoning Map of the Town of Gilford and Section 2.5, Rezoning, of the Gilford Zoning Ordinance, by changing the zoning of land located generally on the north side of Lake Shore Road/Route 11 from Lily Pond Road eastward to the end of Airport Road, from the Industrial (I) Zone to the Commercial (C) Zone. The area encompasses approximately 12.85 acres (excluding roads) and includes Tax Map & Lot #214-034.000, #214-035.000, #214-036.000, #214.037.000, #214-038.600, #214-046.000, #214-046.001, and #214-047.000. (An official copy of the entire proposal is on file at the Town Clerk's Office and on display at the meeting place on the date of the Town Meetings and may be viewed at www.gilfordnh.org.)

Amendment #2. Are you in favor of the adoption of amendments to the Gilford Fire Prevention Code as proposed by the Gilford Board of Fire Engineers and recommended by the Gilford Planning Board as follows?

Amend the Fire Prevention Code for the Town of Gilford to enforce the State Fire Code and adopt additional provisions thereto for the construction and maintenance of all commercial/multifamily buildings and structures. (An official copy of the entire proposal is on file at the Town Clerk's Office and on display at the meeting place on the date of the Town Meetings and may be viewed at www.gilfordnh.org.)

AMENDMENT #1



PROPOSED REZONING OF LAND

The area to be rezoned is located generally on the north side of Lake Shore Road/Route 11 from Lily Pond Road eastward to the end of Airport Road.

The rezone area includes Tax Map & Lot #214-034.000, #214-035.000, #214-036.000, #214-037.000, #214-038.600, #214-046.000, #214-046.001, and #214-047.000, which lots are highlighted above in yellow.

Encompassing approximately 12.85 acres, not including roads.

FINAL FORM FOR TOWN MEETING MARCH 9, 2021

ORDINANCE

GILFORD, NEW HAMPSHIRE

AN ORDINANCE TO AMEND THE FIRE PREVENTION CODE FOR THE TOWN OF GILFORD TO ENFORCE THE STATE FIRE CODE AND ADOPT ADDITIONAL PROVISIONS THERETO FOR THE CONSTRUCTION ~~REMODELING~~ AND MAINTENANCE OF ALL COMMERCIAL/MULTIFAMILY BUILDINGS AND STRUCTURES.

See notes below re: remodeling.

Section 1 AUTHORITY

1.01 This Ordinance is adopted pursuant to the authority granted under RSA 674:51; RSA 675:2-4; RSA 154:2 II, RSA 154:2 III and RSA 154:18.

1.02 REPEAL OF PREVIOUS FIRE CODE

This Ordinance shall supersede and replace the Ordinance known as the Fire Prevention Code as adopted on March 9, 2010. Portions of previously adopted ordinance are contained within this Code and remain in effect as originally adopted.

Section 2 GENERAL PROVISIONS

2.01 TITLE

These regulations as set forth herein shall be known as the Fire Prevention Code of the Town of Gilford and are herein referred to as such or as “this code”.

2.02 PURPOSE

The purpose and intent of this code is to prescribe minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises.

2.03 This code is intended to insure minimum levels of fire safety protection to life and property. The provisions of the code should not be considered maximum limits of desirable or necessary fire protection, nor is this code intended to guarantee sufficient fire safety protection for any building or occupancy. This code does not take precedence over any other code or requirement, whether state, local or federal, which may be more stringent.

Section 3 ADOPTED CODES AND STANDARDS

3.01 Town of Gilford hereby adopts the New Hampshire State Fire Code (SAF-C 6000). ~~and by reference the following National Fire Protection Association (NFPA) codes as adopted and amended within the State Fire Code.~~

- ~~* NFPA 1 Uniform Fire Code~~
- ~~* NFPA 101 Life Safety Code~~
- ~~* NFPA 70 National Electric Code~~
- ~~* NFPA 72 National Fire Alarm Code~~
- ~~* NFPA 13, 13D* & R* Sprinkler Codes.~~

~~* Additional codes referenced in these publications shall be considered as adopted by the Town of Gilford and enforceable.~~

The above listed codes are referenced in the State Fire Code.

3.02 The State Fire Code will be administered and enforced by the Gilford Fire Chief or designee under the direction of the Gilford Fire Chief and authority as delegated by the NH State Fire Marshal.

~~Note: For future use, in the event the State of New Hampshire amends, repeals or adds additional codes, the respective code listed above would be automatically superseded upon the effective date of the amendment or repeal. Any new code adopted by the State would become part of this code.~~

This note is no longer needed.

Section 4 GENERAL CONDITIONS

4.01 DEFINITIONS

AHJ (authority having jurisdiction): This shall be the Gilford Fire Chief or his/her designee.

APPLICANT: Applicant means a person who files an application for a permit to install equipment regulated by the Town of Gilford.

FIRE ALARM SYSTEM: A fire alarm system is a combination of devices that provides the general fire alarm needs of the protected premises to include automatic detection, occupant and fire department notification in accordance with NFPA 72 National Fire Alarm and Signaling Code.

NFPA code reference not previously given.

LRMFA: Lakes Region Mutual Fire Aid.

NFPA: National Fire Protection Association.

NFPA not previously listed.

~~MULTI-FAMILY RESIDENCE: Residential occupancies containing more than two dwelling units where the occupants are primarily permanent in nature including but not limited to: Apartment Buildings; Lodging or Rooming Houses; Condominiums; Convents; Dormitories; Fraternities and Sororities; Monasteries; Row Houses and Townhouses~~

~~NEW CONSTRUCTION: Shall refer to any structure or expansion of an existing of structure to be or is being built. Also for the purpose of this ordinance whenever there is a change in the occupancy use group of an existing premise the structure shall be considered new construction for the purpose of code and ordinance requirements.~~

Multi-Family Residence and New Construction are defined by Building and Life Safety Codes.

PUBLIC WATER SUPPLY: For the purposes of this Ordinance; a water supply, which has been granted a franchise to operate in the Town of Gilford by the State of New Hampshire Public Utilities Commission.

~~RADIO MASTER BOX: A radio master box is a wireless fire alarm box that can also be operated by one or more fire alarm systems used to send an alarm to the LRMFA communications center.~~

~~RADIO MASTER BOX SYSTEM: A radio master box system shall be that system designated and maintained by LRMFA for the direct connection of a building, structure or facility fire alarm system to the mutual aid communications center operated by LRMFA.~~

The radio master box system is no longer in service.

~~RENOVATIONS: Shall refer to any modifications made to an existing structure that are structural, non-structural and cosmetic. For the purpose of this ordinance renovations in existing structures are cumulative and once the accumulated are of renovations equals or exceeds 50% of the structure area the entire building must be brought into compliance with adopted codes and ordinances to the same level as a new structure.~~

This is defined in NFPA 1 1.3.6.3 Repairs, renovations, alterations, reconstruction, change of occupancy, and additions to buildings shall conform to this Code, NFPA 101, and the building code.

The '50%' rule has never been in building or life safety codes, in fact in NH it was mentioned in an energy RSA, possibly from the 1970's, which has since been repealed. The 50% 'rule' grew legs w/inspectors and Towns for reasons unknown and was not appropriately applied for many years.

TOWN: Town shall refer to the Town of Gilford.

4.02 Where terms are not specifically defined in this ordinance; their meaning shall be derived from adopted codes. Where the terms are not defined under any adopted code their meaning shall be their ordinarily accepted meanings within the context they are used.

4.03 REQUIRED PLANS

4.03.1 All new or replacement life safety system designs must be reviewed and approved prior to the start of installation. These systems include fire alarm, sprinkler, commercial ventilation control and fire protection of commercial cooking. The plan submissions must include, but not limited to, the following:

Equipment cut sheets.
Hydraulic calculations (where applicable)
Plans depicting equipment layout

This will better explain which 'systems' are being discussed.

4.03.2 When in the opinion of the AHJ the submitted plans do not readily verify code or local ordinance compliance, the ~~Gilford Fire Department~~ AHJ reserves the right to require the plans to be reviewed and certified by a NH licensed Fire Protection Engineer.

Decisions are made by the AHJ, not the department.

Section 5 INSPECTIONS

5.01 The AHJ is authorized to inspect, at all reasonable times, any building or premises for the purpose of:

- Verifying code and ordinance compliance
- Place of assembly inspections
- Complaint investigations
- Fire prevention inspections

5.02 All non-residential occupancies shall at the time of a change of ownership or tenancy; notify the fire department of said change and arrange for a life safety inspection.

Section 6 DEPARTMENT FIRE CODE HANDBOOK

The Gilford Fire Chief or his designee shall create and maintain a document known as the “The Town of Gilford Fire Code Handbook”. This document shall contain and outline the fire department policies for permits, inspections, codes being used. Other items as needed to provide the adequate information for design and operational requirements for fire safety prevention will also be included.

Section 7 EMERGENCY LIGHTING, EXIT SIGNS, FIRE EXTINGUISHERS, AND FIRE ALARM SYSTEMS

7.01 EMERGENCY LIGHTING

Whereas not specified by the adopted codes, all new nonresidential construction and renovations shall have emergency lighting in exits, exit discharges and in all restrooms.

7.02 EXIT SIGNS

Whereas not specified by the adopted codes, all new nonresidential construction and renovations shall have exit signs in exit paths.

7.03 FIRE EXTINGUISHERS

7.03.1 Whereas not specified by the adopted codes, all new nonresidential construction and renovations shall have fire extinguishers at all exits and access to the extinguisher not to exceed a travel distance of seventy-five feet (75’).

7.03.2 Fire extinguishers shall be a minimum of five (5) pound ABC or as specified by the Gilford Fire Department.

7.03.3 All fire extinguishers required by the preceding sections or by any of the adopted codes must be serviced and maintained per NFPA 10 Standard for Portable Fire Extinguishers or the appropriate governing NFPA standard.

This will clarify that annual maintenance and testing is required.

~~7.04 SMOKE DETECTORS~~

It was voted to make a town ordinance that at least one smoke detector powered by the house electrical service or battery service shall be installed in an approved manner in every dwelling unit. When activated the detector shall initiate an alarm which is audible in the sleeping rooms.

[Adopted: Town Meeting March 9, 1983 original language to be retained]

RSA 153:10-a, Life Safety and Building Codes now address smoke and carbon monoxide alarms.

7.04 FIRE ALARM SYSTEMS

7.04.1 Whereas not specified by the adopted codes, all new nonresidential construction ~~and renovations or additions~~ of structures shall install an approved fire alarm system. If the building addition is not separated from the original building by a fire rated wall system, the entire building shall have an approved fire alarm system installed.

See the note above re: renovations.

7.04.2 All fire alarm systems required by codes and town ordinances shall be in accordance with NFPA 72 National Fire Alarm and Signaling Code. ~~provide for automatic emergency forces notification.~~

This will notify the installer the required system must be in accordance with NFPA 72.

7.04.3 All existing fire alarm systems must be maintained in a manner consistent with their original approval and acceptance.

~~7.05.4 All Fire alarm systems shall be zoned to the effect of separation from early warning devices, i.e. heat and smoke, and alerting devices, i.e. pulls stations and horn strobes. There shall be a separation of zoning between floors.~~

System design is addressed in NFPA 72.

~~7.05.5 All fire alarm systems required by this code and referenced codes after the date of adoption of this shall transmit a notification of alarm signal to the LRMFA communications center.~~

Required in NFPA 72.

~~7.05.5.1 Fire Alarm systems in operation prior to the adoption date of this code may continue to use the existing means of alarm transmission. In the event the alarm system is modified or the means of transmission must be replaced; a radio alarm box must be installed.~~

This system is no longer in service.

~~7.05.5.2 The signal shall be transmitted by means of the City of Laconia municipal fire alarm system or a radio alarm box that complies with the specifications of the LRMFA.~~

This system is limited and not able to report all alarm signals.

~~7.05.5.3 The property owner or party responsible for the fire alarm system and the alarm installer shall comply with all regulations and requirements of the LRMFA pertaining to radio alarm boxes.~~

This system is no longer in service.

~~7.05.5.4 All fees for connection and monitoring shall be the responsibility of the property owner or occupant.~~

This was in reference to the radio box or Laconia Municipal system.

7.05 FINES FOR FALSE ALARM NOTIFICATIONS

7.05.1 The Fire Chief / Police Chief shall assess fines when personnel and equipment are dispatched to a structure for alarm system notifications being received due to system malfunctions or repeated inadvertent triggering of initiation devices. The fines to be assessed for false alarms within any 12-month period are as follows:

- Third Alarm \$100.00
- Fourth Alarm \$150.00
- Fifth Alarm \$200.00
- Sixth alarm \$250.00
- Subsequent Alarms \$500.00

7.05.2 If in the opinion of the Fire Chief / Police Chief the automatic initiation and subsequent dispatch of personnel and equipment is due to blatant disregard for the protection of alarm system integrity and the lack of prudent precautions to prevent inadvertent device initiation. Then the fine shall be a minimum of \$500.00 for each and every event.

7.05.3 The alarm system owner or occupant of a building serviced by an alarm will be notified of a false alarm either in person by responding emergency personnel, written notice, or regular mail. If the fine has not been received within thirty days of notice and there is no appeal pending on the validity of the alarm, the Fire Chief / Police Chief may initiate a reduced response policy; the enforcement of penalties or a disconnect process that may require the building to be vacated.

7.05.4 The Fire Chief / Police Chief have the right to waive any or all false alarm assessments if determined to be in the best interest of the Town of Gilford.

Section 8 FIRE SUPPRESSION SYSTEMS

This section of the ordinance is only applicable to those structures where suppression systems are not required by any adopted code.

~~8.01 MULTI UNIT RESIDENTIAL SPRINKLER SYSTEMS~~

~~8.01.1 After the date of adoption of this Ordinance, no new building used or designed for permanent or temporary human residence, of more than four units or greater than two stories in height of attached wood frame units, shall be permitted to be constructed unless furnished with a sprinkler system installed in accordance with standards set forth in the current adopted Fire Prevention and Building Code and NFPA Standard 13, or 13R Residential Sprinkler System.~~

~~8.01.2 For the purpose of this Section, "new" shall refer to either the erection of new structures or the re-erection of existing structures that have been destroyed or damaged to such an extent as to be unsuitable or unsafe for human residence, or elevating, relocating, or remodeling of fifty percent (50 %) or more of an existing building.~~

NFPA 101 defines apartment buildings as 3 or more dwelling units with independent cooking and bathroom facilities. Sprinklers are required. Lodging or Rooming Houses (B&B, etc) also require sprinkler protection in NFPA 101.

8.01 NON-RESIDENTIAL SPRINKLER/SUPPRESSION SYSTEMS

8.01.1 After the date of adoption of this Ordinance, in locations where a public water supply presently exists, all new construction, nonresidential structures of three (3) or more stories and/or totaling at least twelve thousand square feet (12,000 s.f.) shall have automatic sprinkler protection in accordance with NFPA 13 Standard for the Installation of Sprinkler Systems. ~~be fully sprinklered.~~

This will clarify the sprinkler system must be in accordance with NFPA 13.

8.01.2 After the date of adoption of this Ordinance, in locations where a public water supply does not exist, all new construction of nonresidential structures shall have an automatic fire sprinkler system as required by the adopted codes.

~~8.02.2 For the purpose of this Section, “new construction” shall refer to erection of new structures, re-erection of existing structures destroyed or damaged to such an extent as to be unsuitable or unsafe for occupancy, or where cumulative remodeling is equal to or greater than fifty percent (50 %) of the existing building.~~

See comment above re: 50% rule above.

8.01.3 In those cases where additions to existing structures bring the total gross square footage of the entire structure to or above the 12,000 s.f. threshold, both the new construction and the pre-existing area shall be sprinklered.

8.02 AUTOMOTIVE FUELING FACILITIES

All motor vehicle fuel dispensing facilities shall be protected by a fully automatic suppression system, complying with NFPA 17 Standard for Dry Chemical Extinguishing Systems, located at the dispensing location.

Full title of NFPA 17.

8.03 SPRINKLER/SUPPRESSION SYSTEM MAINTENANCE

All systems required by the preceding sections or by any of the adopted codes must be serviced and maintained ~~per NFPA 25 or the~~ by their appropriate governing NFPA standard. Documentation of the maintenance must be submitted to ~~the Gilford Fire Department~~ Gilford Fire-Rescue on an annual basis.

Not restricted to NFPA 25, updates our agency name.

Section 9 FIRE DEPARTMENT ACCESS

9.01 LOCK BOXES

9.01.1 All buildings and structures of assembly, mercantile, business, educational, storage, health care, industrial and multi-family residential (whether existing on the date of adoption of this ordinance or which may exist in the future) having a monitored fire alarm system shall have a key depository lock box installed and paid for by the property owner. Type/Style of lock box and location to be approved by the Fire Chief or designee.

9.01.2 The installation, required keys and list of emergency contacts shall be in place prior to occupancy. The owner shall notify the Fire Department whenever locks, keys and or emergency contacts are to be changed.

9.03 GATED ACCESS TO GATED COMMUNITIES AND PRIVATE PROPERTY

9.03.1 The Fire Department shall have the authority to require fire department access to Gated Communities and Individual Properties through the use of an approved device or system.

9.03.2 The owner or occupant of a structure or area with the required fire department access shall notify the fire department whenever the required access is modified in such a manner as to prevent fire department access.

Section 10 REQUIRED PERMITS & FEES

10.01 PERMITS & FEES

Fees are charged for some permits and associated inspections in accordance with the fee schedule as adopted by the Board of Selectmen with an effective date of January 1, 2009. The Board of Selectmen has the authority to revise the fee schedule after a duly noticed public hearing has been held. The fee schedule is contained in Appendix A.

10.02 REQUIRED PERMITS

Permits shall be required by the Town of Gilford to ensure the minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the installation of heating equipment and appliances; storage, handling or use of flammable and combustible substances; use and storage of explosive materials or devices. These permits are in addition to any required by Federal, State law or other local ordinances and regulations. A list of permits required by the Town of Gilford is located in Appendix A.

~~Section 11 OUTDOOR COOKING and RECREATIONAL DEVICES~~

~~11.01 The use of any, charcoal, gas, wood or other open flame cooking grill, barbecue grill, hibachi, chimenea, electric grill, or other similar devices shall be prohibited within the Town of Gilford as follows:~~

~~a) on or within ten (10) feet of an exterior wall, means of egress and any combustible balcony, deck, porch, patio or similar projection of any multiple family residential structure.~~

Already included in NFPA 1 and State Fire Code.

Section 11 MOBILE COOKING OPERATIONS

11.01 FARMER'S MARKET, TENTS AND SIMILAR SITUATIONS

11.01.1 All cooking equipment that does not create grease laden vapors shall have a minimum of (1) 5 pound or 2A10BC minimum rated multi-purpose dry chemical extinguishers readily accessible to the operator.

11.01.2 All Cooking equipment that creates grease laden vapors shall have a minimum of (1) 6 liter Class K fire extinguisher.

11.02 MOBILE OR TEMPORARY COOKING OPERATIONS

Mobile or temporary concessions such as trucks, buses or trailers shall be required to have an inspection and operational permit issued by Gilford Fire-Rescue to operate in the Town of Gilford. The permit to operate shall be valid for one (1) year from the date of approved inspection unless sooner revoked.

New section 11, addresses mobile cooking operations and requires a permit to operate food trucks or concessions.

Section 12 PENALTIES

Where violation penalties are not called out in a specific section of this ordinance; the fines, penalties, and remedies for violations of this chapter shall be the same as for violations of title LXIV, as stated in RSA 676:15 and 676:17.

Section 13 SEVERABILITY

If any section, provision, or part of this Ordinance should be held invalid for any reason whatsoever, such decision shall not affect the remaining portions, which shall remain in full force and effect; and, to this end, the provisions of this Ordinance are severable.

Section 14 APPEALS OF DECISION

Any person that is aggrieved by the enforcement of this Code has the right to appeal the decision and notice of violation. The appeal process shall be as follows:

14.01 APPEAL OF ADOPTED NFPA CODE

Appeal of a decision resulting from enforcement of an adopted NFPA code shall be made to the NH State Fire Marshal. The process shall follow that which is established in the NH State Fire Code (Saf-C 6000).

14.02 APPEAL OF NON NFPA CODE PORTIONS

Appeal of the portions of this Code that are not related to the adopted NFPA Codes shall be made to the Gilford Zoning Board of Adjustment. The process for this appeal is established by the Department of Planning and Land Use.

Section 15 EFFECTIVE DATE

This ordinance shall become effective upon passage as voted on March 9, 2021.



TOWN OF GILFORD

Recreation Center of New Hampshire

DEPARTMENT OF PLANNING & LAND USE

RE: Acknowledgement of Receipt – 2021 Gilford Zoning Ordinance Amendment, 2021 Gilford Fire Prevention Code Amendment, and Related Ballot Questions

By signing below, I acknowledge receipt at the Town Clerk's office from John Ayer, Director of Planning and Land Use, of the 2021 Gilford Zoning Ordinance Amendment and Fire Prevention Code Amendment in their final form as recommended by the Gilford Planning Board at its meetings of December 21, 2020 (proposed Fire Prevention Code amendment) and January 11, 2021 (proposed rezoning), and a copy of the ballot questions pertaining to the amendments.

Signed,

Sandra Beland
GILFORD TOWN CLERK'S OFFICE
Deputy

1-12-2021
DATE

BUILDING • CODE ENFORCEMENT • CONSERVATION • HISTORIC PRESERVATION • PLANNING • ZONING

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