Readopt with amendment Saf-C 8101 and Saf-C 8102, effective 10-26-16 (Document #12022), to read as follows:

CHAPTER Saf-C 8100 STATE BUILDING PERMIT SYSTEM

PART Saf-C 8101 PURPOSE AND SCOPE

Saf-C 8101.01 Purpose. The purpose of these rules is to establish the procedures for the issuance of building permits by the state fire marshal and to establish, for municipalities that do not have a building inspector or other enforcement mechanism as described in RSA 155-A:4, fees to defray the cost of the state fire marshal of issuing building permits in accordance with the state building code pursuant to RSA 155-A:2, III, RSA 155-A:2, IV and RSA 155-A:7, I.

Saf-C 8101.02 Scope.

(a) The state building permit system shall apply to the construction and renovation of all buildings and structures, except one- and two-family dwellings, for those municipalities that have not elected to enact a local ordinance or otherwise adopt procedures for the enforcement of the state building code pursuant to RSA ~~674:51~~155-A, as well as all buildings and structures owned by the State, the community college system of New Hampshire and the university system. Any municipality falling under this provision, when requesting in writing that the department act as their building official, shall state in writing that the municipality has not enacted any local ordinances or adopted any enforcement mechanisms for the state building code.

(b) Any municipality enacting a local ordinance or adopting an enforcement mechanism for enforcing the provisions of the state building code shall conform to the provisions of RSA ~~674:51, III~~RSA 155-A:3, VII.

(c) Pursuant to the authority granted per RSA 155-A:2, III and IV, the state fire marshal shall issue permits pursuant to these rules. Separate permits shall be required for electrical, photovoltaic and energy storage systems, plumbing, fuel-gas, mechanical and fire protection work in addition to the building permit.

(d) Pursuant to the authority granted per RSA 155-A:2, IV, in the event that a project requires specialized knowledge, requires services from another state agency, or due to staffing limitations, the state fire marshal shall contract and/or authorize a local enforcement agency or other qualified third party agency to act on its behalf for the review of plans, issuance of building permits, inspections, and issuance of certificates of occupancy.

(e) Any municipality which issues a building permit or otherwise grants permission to a builder to construct or renovate any structure within their jurisdiction shall, for the purposes of this section, be deemed to meet the provisions of Saf-C 8101.02(b) above and shall assume the sole responsibility of the enforcement provisions as set forth in RSA 155-A:7.

PART Saf-C 8102 DEFINITIONS

Saf-C 8102.01 Statutory Definitions. For the purposes of this chapter, the definitions outlined in RSA 153:1 shall apply.

Saf-C 8102.02 “Building permit” means a document issued by the state or by a local municipality, other than a zoning permit or land use permit, granting permission to a building owner or builder to construct or renovate a building, building component or structure within the state. The term includes land use permit.

Saf-C 8102.03 “Certificate of occupancy” means a document issued by a local municipality or the state, upon the satisfactory completion of required inspections, granting permission to occupy the building for its intended use.

Saf-C 8102.04 “Gross Square Footage” means the total area encompassing the scope of the construction work as measured from the outside perimeter of the exterior walls, including balconies, porches and decks but excluding unfinished attics, crawl spaces and unoccupied, unfinished below grade spaces.

Saf-C 8102.05 “Municipality” or “municipal” means “municipality” or “municipal” as defined in RSA 155-A:XI. ~~672:10, namely “includes and relates to cities, towns, village districts, and counties in which there are located unincorporated towns or unorganized places.”~~

Saf-C 8102.06 “Qualified third party agency” means a non-governmental agency that has been deemed qualified by the state fire marshal’s office to perform plan review, issue building permits, perform inspections or issue certificates of occupancy on behalf of the agency.

Saf-C 8102.07 “Re-inspection” means any inspection necessitated by failure of a regular inspection, incremental or otherwise.

Saf-C 8102.08 “State owned buildings” means buildings owned by the state, the community college system of New Hampshire, and the university system.

Saf-C 8102.09 “Zoning permit” means a permit issued by a local municipality pursuant to the applicable provisions of RSA 674:16 through 674:23. The term includes land use permit.

Readopt with amendment Saf-C 8103.01 and Saf-C 8103.02, effective 10-26-16 (Document #12022) and combine the sections so that Saf-C 8103.01 reads as follows:

PART Saf-C 8103 PERMIT APPLICATION

Saf-C 8103.01 Application Procedure.

(a) For the purposes of this section, the state fire marshal shall issue permits for applicable construction projects in accordance with the state building code adopted pursuant to RSA 155-A.

(b) Permit applications shall be made by the ~~property owner~~ applicant on form DSFM 106 “State Building Permit Application” as revised ~~(rev. 8/16~~ 10/26) and filed with the state fire marshal.

(c) Permit applications shall be filed no less than 30 days prior to the intended start date of the construction.

(d) Applicants shall sign DSFM 106. By signing the application, the signatory is certifying, subject to the penalties of unsworn falsification pursuant to RSA 641:3, that all statements made on the application are true to the best of their knowledge and that the signatory is responsible to ensure that all construction work will be completed in accordance with all federal, state and local laws and ordinances, including local zoning ordinances as applicable and the state building code, and that they further authorize employees and or agents of the state fire marshal’s office to enter the property for purposes of inspections.

~~Saf-C 8103.02 Form DSFM-106 "State Building Permit Application."~~

~~(a) An applicant shall submit the following on form DSFM-106 "State Building Permit Application":~~

~~(1) Address and map/block/lot/unit designation and map/block/lot/unit designation of the property;~~

~~(2) Name, title, address, telephone number and email address of the applicant;~~

~~(3) Permit type sought;~~

~~(4) The use and occupancy for existing and/or proposed work;~~

~~(5) Identification of the type of work to be covered by permit for which application is made;~~

~~(6) The square footage of the building area;~~

~~(7) 8Brief description of the work;~~

~~(8) Contact information for all design professionals; and~~

~~(99) A certification that states, "I hereby certify, subject to the penalties of unsworn falsification pursuant to RSA 641:3, that all statements made on this application are true to the best of my knowledge and that I am responsible to ensure that all construction work will be completed in accordance with all Federal, State and local laws and ordinances, including local Zoning Ordinances as applicable and the State of NH Building Code, and that I further authorize employees and or agents of the NH Fire Marshal's Office to enter this property for purposes of inspections."~~

~~(b)~~ (e) The applicant shall submit the following supporting documentation with the application:

(1) Construction documents and required supporting documentation in accordance with the state building code adopted pursuant to RSA 155-A; and

(2) Written approval from municipal planning ~~and/~~or zoning boards as warranted.

~~(c) The applicant shall print his or her name and title, sign and date the form.~~

Readopt with amendment and renumber Saf-C 8103.03, effective 10-26-16 (Document #12022), as Saf-C 8103.02, to read as follows:

Saf-C 8103.0~~3~~2 Action on Application. The state fire marshal or designee shall examine or cause to be examined applications for permits. If the application, construction documents or supporting documents do not conform to the requirements of statutes, rules, or state and local adopted building codes, the state fire marshal or designee shall deny the application in writing within 30 days of receiving an application, stating the reasons therefor. If the state fire marshal or designee approves the application, the permit shall be issued as soon as practicable.

Readopt with amendment Saf-C 8104, effective 10-26-16 (Document #12022), to read as follows:

PART Saf-C 8104 INSPECTIONS AND CERTIFICATE OF OCCUPANCY

Saf-C 8104.01 Required Inspections. Required inspections for work performed under the scope of the issued building permits shall be requested by the permit holder and performed by the state fire marshal or designee at the appropriate times during the course of construction and prior to concealing any of the work.

Saf-C 8104.02 Noncompliance. If inspected work in place is found to be not in compliance with applicable state building codes at the time of inspection, the inspector shall issue a written order to the permit holder to correct the non-compliant work. The corrected work shall be subject to a re-inspection to verify compliance, and the permit holder shall be subject to a re-inspection fee.

Saf-C 8104.03 Issuance of Certificates of Occupancy. Upon completion of the work, inspections for compliance with state and local codes by the state fire marshal or designee and receipt of required documentation, a certificate of occupancy shall be issued.

Readopt with amendment Saf-C 8105.01 and Saf-C 8105.02, effective 10-26-16 (Document #12022), to read as follows:

PART Saf-C 8105 FEES

Saf-C 8105.01 Fees.

(a) Pursuant to RSA 155-A:2, III and for the purposes of this section, the state fire marshal shall collect fees calculated on the basis of the total contracted cost of the construction or renovation, including the cost of the materials, labor and equipment used, installed or being installed, whether or not such materials and equipment are provided by the person or persons installing such materials and equipment, per gross square foot or per device as specified in this section.

(b) New commercial construction fees shall be as follows:

(1) The building permit fee shall be $.30 per gross square foot with a minimum fee of $100.00;

(2) Electrical permit, photovoltaic and energy storage system permit, plumbing permit, fuel-gas permit, and mechanical permit fees shall be calculated for each permit as follows, but shall be not less than $~~75~~100.00:

a. The first $.01 to $100,000.00 of the total contracted cost shall be multiplied by 1.2%;

b. The next $100,000.01 to $300,000.00 of the total contracted cost shall be multiplied by 0.5%, with the resultant number added to the sum calculated in accordance with (2)a. above; and

c. The next $300,000.01 and higher of the total contracted cost shall be multiplied by 0.3%, with the resultant number added to the sums calculated in accordance with (2)b. above; and

(3) ~~The fire protection system permit fee shall be $1.00 per device with minimum fee of $35.00; and~~

~~(~~4~~)~~ The re-inspection fee shall be:

a. For building permits ~~and fire protection system permits~~, $100 per re-inspection; and

b. For electrical permits, photovoltaic and energy storage system permit, ~~,~~plumbing permits, fuel-gas permits, and mechanical permits, 10% of the fee calculated in accordance with (b)(2) above, provided that the fee shall not be less than $100.00 nor more than $500.00.

(c) Commercial renovation fees shall be as follows:

(1) The building permit fee shall be $.15 per gross square foot with a minimum fee of $~~50~~100.00;

(2) Electrical permit, photovoltaic and energy storage system permit, plumbing permit, fuel-gas permit, and mechanical permit fees shall be calculated as follows, but shall be not less than ~~$75~~100.00:

a. The first $.01 to $100,000.00 of the total contracted cost shall be multiplied by 1.2%;

b. The next $100,000.01 to $300,000.00 of the total contracted cost shall be multiplied by 0.5%, with the resultant number added to the sum calculated in accordance with (2)a. above; and

c. The next $300,000.01 and higher of the total contracted cost shall be multiplied by 0.3%, with the resultant number added to the sums calculated in accordance with (2)b. above;

(3) The re-roof permit shall be $200.00;

(4) The demolition permit fee shall be $200.00;

~~(3) The fire protection system permit fee shall be $1.00 per device with minimum fee of $35.00; and~~

(5) The re-inspection fee shall be:

a. For building permits ~~and fire protection system permits~~, $100 per re-inspection; and

b. For electrical permits, photovoltaic and energy storage system permit, plumbing permits, fuel-gas permits, and mechanical permits, 10% of the fee calculated in accordance with (b)(2) above, provided that the fee shall not be less than $100.00 nor more than $500.00.

(d) Fire protection system fees shall be as follows:

(1) The fire protection system permit fee shall be $1.00 per device with minimum fee of $100.00;

(2) The fire alarm system permit fee shall be $1.00 per device with minimum fee of $100.00;

(3) The fire sprinkler system permit fee shall be $1.00 per device with minimum fee of $100.00;

(4) The fire suppression system permit fee shall be $1.00 per device with minimum fee of $100.00; and

(5) The re-inspection fee for fire protection system permits shall be $100 per re-inspection.

(e) Fees for temporary tent structures shall be $100.00 per tent.

(f) Fees for hot work operations shall be $100.00.

(g~~d~~) Fees for other structures and uses shall be as follows:

(1) The building permit fee shall be $1.00 per gross square foot with a minimum fee of $~~35~~100.00; and

(2) The re-inspection fee shall be $100 per re-inspection.

(h) Permit fees for conducting work without a permit shall be double the calculated fee.

Saf-C 8105.02 Third Party Inspection Agents. Pursuant to the authority granted per RSA 155-A:2, IV, in the event that a project requires specialized knowledge, requires services from another state agency, or due to staffing limitations, the state fire marshal shall engage a qualified third party agency to act on its behalf. If services are provided by such third party, the state fire marshal shall require the building permit applicant to pay directly to such third party all fees specific to such third party services in accordance with the inspection fees outlined in Saf-C 8105.01.

Repeal Saf-C 8105.03, effective 10-26-16 (Document #12022), as follows:

~~Saf-C 8105.03 Allocation of Plumbing and Mechanical Fees. Any permit and re-inspection fees pertaining to plumbing and mechanical permits issued under these rules and collected by the state fire marshal shall be deposited into the general fund pursuant to RSA 153:28, II.~~

APPENDIX

RULE	**STATUTES IMPLEMENTED**
Saf-C 8101.01 and Saf-C 8101.02	RSA 155-A:2, III and IV; RSA 155-A:7, I
Saf-C 8102.01-Saf-C 8102.09	RSA 153:1
Saf-C 8103.01 and Saf-C 8103.02 (Saf-C 8103.03 renumbered as Saf-C 8103.02)	RSA 155-A:2, III and IV
Saf-C 8104.01-Saf-C 8104.03	RSA 155-A:2, III and IV
Saf-C 8105.01 and Saf-C 8105.02	RSA 155-A:2, III, IV
Saf-C 8105.03 (repeal)	