



STATE OF NEW HAMPSHIRE DEPARTMENT OF SAFETY  
John J. Barthelmes, Commissioner



**Division of Fire Safety**  
**OFFICE OF THE STATE FIRE MARSHAL**  
J. William Degnan, State Fire Marshal

Office: 110 Smokey Bear Blvd, Concord, NH  
Mailing Address: 33 Hazen Drive, Concord, NH 03305  
603-223-4289, FAX 603-223-4294

## **FIRE & LIFE SAFETY INSPECTION REPORT**

**Date of Inspection:** March 29, 2017

**Inspection #:** 2170183

**Occupancy:** Warner Town Hall  
5 East Main St.  
Warner, NH 03278

**Owner:** Mr. Jim Bingham, Town Administrator  
Town of Warner, NH  
administrator@warner.nh.us

Dear Mr. Bingham,

This report details the findings of the inspection conducted on March 29, 2017. The building was inspected for compliance with the minimum standard for existing buildings in ***NFPA 101, Life Safety Code, 2015 edition, and NFPA 1, Uniform Fire Code, 2009 edition*** as well as others. The building was inspected for fire and life safety concerns. Other problems with the building may need to be addressed that are outside the scope of this inspection. This report reflects the violations that I observed at the time of the inspection. Other violations may exist that were not observed at the time of the inspection.

This letter will serve to identify the violations that must be addressed to meet the minimum standards of the code to allow for the building to be occupied. The building is classified as non-separated, mixed occupancy (Existing Assembly and Existing Business) ordinary construction (Type III) as defined by NFPA 101 Life Safety Code, chapter 13 and chapter 39.

**NFPA 101 ch. 3.3.190.10 *Mixed Occupancy.*** A multiple occupancy where the occupancies are intermingled. (SAF-FUN).

**NFPA 101 ch. 3.3.190.2\* *Assembly Occupancy.*** An occupancy (1) used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses; or (2) used as a special amusement building, regardless of occupant load. (SAF-AXM).



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**NFPA 101 ch. 3.3.190.3\* Business Occupancy.** An occupancy used for the transaction of business other than mercantile. (SAF-MER).

**NFPA 101 ch. 6.1.14.3.2\*** The building shall comply with the most restrictive requirements of the occupancies involved, unless separate safeguards are approved.

*In this case, the Existing Assembly Occupancy has the most restrictive requirements of the two.*

### Violations

**NFPA 10 ch. 7.3.1.1.1 Fire Extinguisher Maintenance Frequency.** Fire extinguishers shall be subjected to maintenance at intervals of not more than 1 year, at the time of hydrostatic test, or when specifically indicated by an inspection or electronic notification.

*Replace expired fire extinguishers.*

**NFPA 10 ch. 7.2.1.2\* Inspection Frequency** Fire extinguishers shall be inspected either manually or by means of an electronic monitoring device/system at a minimum of 30-day intervals.

*Establish a protocol to have staff inspect the fire extinguishers on a monthly basis.*

**NFPA 10 ch 6.1.3.1 Fire extinguishers** shall be conspicuously located where they are readily accessible and immediately available in the event of fire.  
*Make sure that all fire extinguishers are readily accessible and not obstructed.*

**NFPA 72 National Fire Alarm code A 7.5.1** Visible notification appliances used in the public mode must be located and must be of a type, size, intensity, and number so that the operating effect of the appliance is seen by the intended viewers regardless of the viewer's orientation.

*Contact your fire alarm company and have them perform an evaluation as to the adequacy of visual strobe and audible device coverage and add devices as necessary.*

**NFPA 101 ch. 39.3.2.1\* Protection from Hazards.** Hazardous areas including, but not limited to, areas used for general storage, boiler or furnace rooms, and maintenance shops that include woodworking and painting areas shall be protected in accordance with Section [8.7](#).

*Separate the boiler room from the remainder of the building with a fire barrier*



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*that has a 1-hour fire resistance rating or protect the area with an automatic extinguishing system.*

**NFPA 1 ch. 10.19.5.1 Equipment Rooms.** Combustible material shall not be stored in boiler rooms, mechanical rooms, or electrical equipment rooms. *Remove the storage in the boiler room. Only materials and supplies for the operation and maintenance of this particular equipment are permitted.*

**NFPA 1 ch 11.1.2 Electrical Fire Safety.** All electrical appliances, fixtures, equipment, or wiring shall be installed and maintained in accordance with NFPA 70, National Electrical Code. *Fix any open wiring throughout the building.*

**NFPA 101 ch. 13.7.9.3.1 Occupant Load Posting.** Every room constituting an assembly occupancy and not having fixed seats shall have the occupant load of the room posted in a conspicuous place near the main exit from the room. *Coordinate with the Warner Fire Chief for him to calculate the occupant load and have an occupant load sign posted for the theatre with an assembly permit.*

**NFPA 54 ch. 9.2.2 Clearance to Combustible Materials.** Appliances and their vent connectors shall be installed with clearances from combustible material so their operation does not create a hazard to persons or property. Minimum clearances between combustible walls and the back and sides of various conventional types of appliances and their vent connectors are specified in Chapters [10](#) and [12](#). (Reference can also be made to [NFPA 211](#), Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.) *Remove curtains in close proximity to the hanging electric heater in the theatre unless the curtains can be shown to be fire retardant per NFPA 101: 10.3.1.*

**NFPA 101 ch. 13.2.2.2.3 Doors.** Any door in a required means of egress from an area having an occupant load of 100 or more persons shall be permitted to be provided with a latch or lock only if the latch or lock is panic hardware or fire exit hardware complying with [7.2.1.7](#), unless otherwise permitted by one of the following:

- (1)

This requirement shall not apply to delayed-egress locks as permitted in [13.2.2.2.5](#).

- (2)

This requirement shall not apply to access-controlled egress doors as permitted in [13.2.2.2.6](#).

*Install panic hardware on all exit doors in theatre area, including mezzanine, and*



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*exit doors leading to the outside of the building.*

**13.1.6 Minimum Construction Requirements.** Assembly occupancies shall be limited to the building construction types specified in [Table 13.1.6](#), based on the number of stories in height as defined in [4.6.3](#), unless otherwise permitted by the following (see [8.2.1](#)):

- (1)

This requirement shall not apply to outdoor grandstands of Type I or Type II construction.

- (2)

This requirement shall not apply to outdoor grandstands of Type III, Type IV, or Type V construction that meet the requirements of [13.4.9](#).

- (3)

This requirement shall not apply to grandstands of noncombustible construction supported by the floor in a building meeting the construction requirements of [Table 13.1.6](#).

- (4)

This requirement shall not apply to assembly occupancies within mall buildings in accordance with [37.4.4](#).

*The assembly space in the basement (below grade level) cannot be used for meetings and other such activities unless the building is protected by an approved automatic sprinkler system. Please see Table 13.1.6 attached to this report.*

**NFPA 101 ch. 7.2.2.5.3.2 Usable Space.** Enclosed, usable space shall be permitted under stairs, provided that both of the following criteria are met:

- (1)

The space shall be separated from the stair enclosure by the same fire resistance as the exit enclosure.

- (2)

Entrance to the enclosed, usable space shall not be from within the stair enclosure. (See also [7.1.3.2.3](#).)

*Remove all combustible materials in the stairwells.*

**NFPA 96 ch. 10.1.2 Cooking Equipment.** Cooking equipment that produces grease-laden vapors and that might be a source of ignition of grease in the hood, grease removal device, or duct shall be protected by fire-extinguishing equipment.

*Install an approved fire suppression system in the commercial stove in the kitchen or remove it so that it cannot be used.*

**NFPA 101 ch. 10.3.1\* Contents and Furnishings.** Where required by the



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applicable provisions of this *Code*, draperies, curtains, and other similar loosely hanging furnishings and decorations shall meet the flame propagation performance criteria contained in Test Method 1 or Test Method 2, as appropriate, of [NFPA 701](#), *Standard Methods of Fire Tests for Flame Propagation of Textiles and Films*.

*Please provide documentation that all the curtains and drapes in the theatre are flame retardant. If this cannot be done, they must be removed.*

**NFPA 101 ch. 13.3.1 Protection of Vertical Openings.** Any vertical opening shall be enclosed or protected in accordance with Section [8.6](#), unless otherwise permitted by one of the following:

- (1)\*

Stairs or ramps shall be permitted to be unenclosed between balconies or mezzanines and main assembly areas located below, provided that the balcony or mezzanine is open to the main assembly area.

- (2)

Exit access stairs from lighting and access catwalks, galleries, and gridirons shall not be required to be enclosed.

- (3)

Assembly occupancies protected by an approved, supervised automatic sprinkler system in accordance with Section [9.7](#) shall be permitted to have unprotected vertical openings between any two adjacent floors, provided that such openings are separated from unprotected vertical openings serving other floors by a barrier complying with [8.6.5](#).

- (4)

Assembly occupancies protected by an approved, supervised automatic sprinkler system in accordance with Section [9.7](#) shall be permitted to have convenience stair openings in accordance with [8.6.9.2](#).

- (5)

Use of the following alternative materials shall be permitted where assemblies constructed of such materials are in good repair and free of any condition that would diminish their original fire resistance characteristics:

- (a)

Existing wood lath and plaster

- (b)

Existing 1/2 in. (13 mm) gypsum wallboard

- (c)

Existing installations of 1/4 in. (6.3 mm) thick wired glass that are, or are rendered, inoperative and fixed in the closed position

- (d)

Other existing materials having similar fire resistance capabilities



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*Enclose stair wells leading from basement to the first and second floors with 1-hour fire resistance rating.*

**NFPA 72 ch. 10.6.5.4 Circuit Breaker Lock.** Where a circuit breaker is the disconnecting means, a listed breaker locking device shall be installed.  
*Install breaker locking device in electrical panel for fire alarm circuit breaker.*

**NFPA 70 ch. 110.26. Working Space.** Requires 36" clearance in front of and 30" to the side of electric panels.  
*Maintain the required clearance in front of the electrical panel as described above.*

**NFPA 101 : 7.10.5.1. Illumination of Signs.** Every sign required by [7.10.1.2](#), [7.10.1.5](#), or [7.10.8.1](#), other than where operations or processes require low lighting levels, shall be suitably illuminated by a reliable light source. Externally and internally illuminated signs shall be legible in both the normal and emergency lighting mode.  
*Install illuminated exit signs throughout the building.*

**NFPA 101 ch. 7.10.1.5.1 Exit Access.** Access to exits shall be marked by approved, readily visible signs in all cases where the exit or way to reach the exit is not readily apparent to the occupants.  
*Install "Exit" signs to all exit doors throughout the building. Also, install directional exit signs leading to the exit in areas where the path of egress is not apparent.*

**NFPA 101 ch. 7.10.2.1. Directional Signs.** A sign complying with 7.10.3 with a directional indicator showing the direction of travel shall be placed in every location where the direction of travel is not apparent.  
*Install directional exit signs as needed.*

**NFPA 101 ch. 7.8.1.1. Illumination of Means of Egress. 7.8.1.1\*** Illumination of means of egress shall be provided in accordance with Section [7.8](#) for every building and structure where required in Chapters [11](#) through [43](#). For the purposes of this requirement, exit access shall include only designated stairs, aisles, corridors, ramps, escalators, and passageways leading to an exit. For the purposes of this requirement, exit discharge shall include only designated stairs, aisles, corridors, ramps, escalators, walkways, and exit passageways leading to a public way.  
*Illuminate all exit areas on the interior and exterior of the exit.*



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**NFPA 101 ch. 7.9.2.1 Performance of System.** Emergency illumination shall be provided for a minimum of 1 1/2 hours in the event of failure of normal lighting. *Install new batteries in the emergency backup lights where needed.*

**NFPA 101 ch. 13.3.5.1 Extinguishing Requirements.** Where the occupant load exceeds 100, the following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with [9.7.1.1\(1\)](#):

- (1)  
Dance halls
- (2)  
Discotheques
- (3)  
Nightclubs
- (4)

Assembly occupancies with festival seating

*It was stated that dances are held in the theatre. During this type of activity, the theatre is considered a dance hall and is required to have an automatic sprinkler system protecting the building. These dances must stop until a sprinkler system is installed.*

All buildings shall comply with the minimum requirements of the New Hampshire State Fire Code (RSA 153:5), (NH Code of Administrative Rules, Saf-C-6000). Adopted codes include NFPA 1, **Uniform Fire Code 2009 ed.**, NFPA 101, **Life Safety Code 2015 ed.**, and many others. This report reflects an inspection under one or more chapters of NFPA 101, NFPA 1 and possibly others. A copy of the New Hampshire State Fire Code is available for review, with prior notice, on normal business days from 8:15 a.m. to 4:15 p.m., at the Office of the State Fire Marshal.

**NH RSA 153:24 Penalty for Violation of Regulations:**

Whoever shall violate any rule or regulation of the state fire marshal issued pursuant to RSA 153:5 or RSA 153:14 I, shall be guilty of a violation if a natural person, or guilty of a misdemeanor if any other person. Each offense shall constitute a separate violation. All penalties, fees, or forfeitures collected under the provisions of this chapter shall be paid into the treasury of the state.

If you believe that compliance with a stated code or rule provision item imposes an unreasonable hardship, you may apply for a variance from, or an exception



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to, the stated code or rule provision item, in writing, to the State Fire Marshal, in accordance with Saf-C 6006.03. Any alternative method of achieving compliance must provide protection which is equal to or exceeds the stated code or rule provision protection.

## ***APPEALS OF APPLICATION OF THE STATE FIRE CODE FROM A NOTICE OF VIOLATION***

### ***Exceptions or Variances***

RSA 153:4-a I allows the State Fire Marshal to grant variances or exceptions to the State Fire Code.

( <http://www.gencourt.state.nh.us/rsa/html/XII/153/153-4-a.htm> )

Saf-C 6005.01 The title “Exceptions and Variances” provides the guidance and requirements for action by the State Fire Marshal to ensure the request provides a degree of safety substantially equivalent to the code section cited.

( [http://www.gencourt.state.nh.us/rules/state\\_agencies/saf-c6000.html](http://www.gencourt.state.nh.us/rules/state_agencies/saf-c6000.html) )

Saf-C 6005.03 provides the format for application to the State Fire Marshal for a variance or exception.

( [http://www.gencourt.state.nh.us/rules/state\\_agencies/saf-c6000.html](http://www.gencourt.state.nh.us/rules/state_agencies/saf-c6000.html) )

### ***Appeals of decisions of the State Fire Marshal***

Any person aggrieved by the decision of the State Fire Marshal as provided above shall be entitled to a hearing with the Building Code review Board rules pursuant RSA 155-A:11 and conducted in

accordance to Bcr 200.

( [http://www.gencourt.state.nh.us/rules/state\\_agencies/bcr200.html](http://www.gencourt.state.nh.us/rules/state_agencies/bcr200.html) )

( <http://www.gencourt.state.nh.us/rsa/html/XII/155-A/155-A-11.htm> )

Any person aggrieved by the decision of the Building Code Review





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Board shall be entitled to a hearing in Superior Court pursuant to RSA 155-A:12

( <http://www.gencourt.state.nh.us/rsa/html/XII/155-A/155-A-12.htm> )  
( [http://www.gencourt.state.nh.us/rules/state\\_agencies/bcr200.html](http://www.gencourt.state.nh.us/rules/state_agencies/bcr200.html) ).

I ask that you provide me with a corrective action plan detailing the timeframe for completion of the repairs. Repairs that do not require planning and major expense should be completed as soon as possible. **I ask that you submit your plan of action to me no later than June 3, 2017.** Thank you.

Sincerely,

A handwritten signature in blue ink, appearing to read "Adam Fanjoy", enclosed in a rectangular box.

Investigator Adam Fanjoy  
Bureau of Investigations  
NH State Fire Marshal's Office  
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cc: Chief Edward Raymond, Warner Fire Department