

TOWN OF AUBURN

SPECIAL EVENTS AND FIRE WATCH ORDINANCE

Section 1: **PURPOSE**

The purpose of this Ordinance is to establish safe and reasonable standards for the protection of life and property in special event situations within the Town of Auburn that compromise the safety of the community.

Section 2: **AUTHORITY**

The authority for the Auburn Board of Selectmen to regulate Special Events and Fire Watch activity is contained in RSA 153:5, V, RSA 154:2, RSA 154:18, and RSA 155-A:3, V.

Section 3: **AUTHORITY HAVING JURISDICTION (AHJ)**

The NFPA 1 National Fire Code, 2009 edition, Chapter 3 – Definitions, Paragraph 3.2.2 defines Authority Having Jurisdiction (AHJ) as “an organization, office or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation or a procedure.”

Section 4: **FIRE WATCH**

Where required by the Auburn Fire Chief or the Authority Having Jurisdiction (AHJ) for building demolition, and/or when there are situations that compromise the safety of the community, the Auburn Fire Chief or AHJ shall require on-site personnel designated solely for fire watch purposes.

Situations that compromise the safety of the community include but are not limited to:

1. The loss of a required fire alarm or fire sprinkler system;
2. Occupant load increase; and/or
3. The nature of the performance, exhibition, display, contest or activity.

The required on-site personnel shall be qualified fire personnel and shall be appointed by the Fire Chief and/or the AHJ. Any costs associated with providing said Fire Watch shall be the responsibility of the owner, agent or lessee of the property where the Fire Watch will take place.

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Section 5: **LEVEL OF COVERAGE**

The level of coverage shall be based on the State of New Hampshire Fire Watch Guidelines, however, circumstances may warrant modifications at the discretion of the Fire Chief or AHJ.

The minimum coverage shall be one qualified fire personnel for a minimum of three (3) hours.

Section 6: **PERMIT REQUIRED**

As indicated in Section 4 of this Ordinance, a Special Events Permit shall be required for situations that compromise the safety of the community including, but not limited, to:

1. The loss of a required fire alarm or fire sprinkler system;
2. Occupant load increase; and/or
3. The nature of the performance, exhibition, display, contest or activity.

An application for a Special Events Permit may be obtained at either the Auburn Fire Department (55 Eaton Hill Road), or at the Auburn Town Hall (47 Chester Road).

There shall be no fee charged for a Special Events Permit. However, if a Fire Watch is required by the Auburn Fire Chief or AHJ, the permit applicant shall be required to pay the Town of Auburn for the Fire Watch coverage required by the Auburn Fire Chief or the AHJ.

Section 7: **NON-COMPETE OR RELIQUISHMENT OF OTHER REQUIREMENTS**

Nothing in the Town of Auburn Special Events and Fire Watch Ordinance is intended to alter and/or replace the conditions or requirements of other regulatory agencies or authorities who may also have jurisdiction over a specific function or event. This would include, but not be limited to, a Special Event Liquor License issued by the NH Liquor Commission, or permits issued by the NH State Fire Marshall.

Section 8: **ENFORCEMENT**

The Auburn Fire Chief or the Authority Having Jurisdiction (AHJ), or his or her duly appointed agents, are hereby authorized to cite, summons and prosecute in the District or Superior Court or any other court having jurisdiction thereof, any person, firm or

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corporation deemed to be in violation of the provisions of the Town of Auburn Special Events and Fire Watch Ordinance.

Section 9: **PENALTIES**

Any organization, office or individual(s) who willfully violates this Ordinance shall be guilty of a violation, punishable by a fine not exceeding Five Hundred (\$500.00) dollars per day for the first offense; Seven Hundred and Fifty (\$750.00) dollars per day for the second offense, and One Thousand (\$1,000.00) dollars per day for the third or greater offense. Violators may be assessed additional fines for each day the violation continues.

Section 10: **APPEAL PROCESS**

Any organization, office or individual(s) aggrieved by an administrative decision of the Auburn Fire Chief or AHJ to require a level of Fire Watch under this Ordinance may appeal such decision to the Board of Selectmen within 15 days of the decision. The appealing party must demonstrate to the Board of Selectmen why the Auburn Fire Chief's or AHJ's determination should not be followed, and how all safety concerns and requirements would be met without the Fire Watch, or with a lower level Fire Watch, in order to ensure the safety of all those who may be involved with the special event.

Section 11: **SEVERABILITY**

If any provision of this Ordinance is declared invalid or unconstitutional, it shall not be held to invalidate, or impair the validity, force or effect of any other provision of this Ordinance, and all provisions not declared invalid or unconstitutional will continue in effect.

Section 12: **SUPERCESSION**

Upon the vote of the Board of Selectmen, this Ordinance shall take effect thirty (30) days after passage which is June 15, 2016, and shall supersede all previous rules, regulations, customs and/or past practices that may have been in use on the effective date.

Section 13: **AMENDMENT PROCEDURE**

This Ordinance may be amended and changed from time to time as conditions require and as deemed appropriate by the Board of Selectmen.

Any proposed amendments shall be presented to the Board of Selectmen for action. However, any amendment(s) must be the subject of at least one public meeting of the

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Board of Selectmen that shall be noticed at least fourteen (14) days prior to the public meeting.

Adopted on the 16th day of May, 2016

Edward G. Gannon
Chief, Auburn Fire Department

James F. Headd

Richard W. Eaton

Dale W. Phillips
AUBURN BOARD OF SELECTMEN

Received and recorded this _____ day of _____, 2016

Kathleen A. Sylvia, Town Clerk