

TITLE XII

PUBLIC SAFETY AND WELFARE

CHAPTER 153

STATE BOARD OF FIRE CONTROL

Section 153:14

153:14 Fire Safety Measures. –

I. For cities, towns, village districts and precincts not having local laws and ordinances, and those cities, towns, village districts and precincts whose existent laws and ordinances do not afford the necessary fire safety measures, the state fire marshal shall make and promulgate reasonable rules and regulations for the keeping, storage, use, manufacture, sale, handling, transportation or other disposition of highly flammable materials and rubbish, flammable fluids or compounds, tablets, and may prescribe the materials and construction of receptacles and buildings to be used for any of the said purposes. These rules shall apply to the construction or remodeling of buildings and plants for flammable liquids and shall apply to new installation of and replacement of equipment for flammable liquids. These rules shall also apply to existing buildings, plants or equipment, which were not previously but are hereafter used for flammable liquids, but shall not apply to existing buildings, plants, structures or equipment now used for flammable liquids unless the state fire marshal shall determine the conditions constitute a fire hazard. These rules shall be adopted in conformity with the procedure set forth in RSA 153:5 and shall be subject to judicial review as provided in RSA 153:6. Any city, town, village district and precinct may adopt the rules and regulations of the state fire marshal by reference thereto, as a part of its local laws and ordinances.

II. The state fire marshal, the state fire marshal's authorized officers, or fire chief upon complaint or whenever the state fire marshal, such authorized officers, or fire chief shall deem it necessary, may inspect all buildings, excluding single family dwellings and multi-unit dwellings containing 2 units, and premises within their jurisdiction and, if consent for such inspection is denied or unobtainable, may obtain an administrative inspection warrant under RSA 595-B. Whenever any of the said officers shall find any condition that such officer deems to be hazardous to life or property, the officer shall order the hazardous condition to be removed or remedied by written order. If such order requires a structural change or alteration, it shall be approved by the state fire marshal or fire chief before it is effective. Such order shall be complied with by the owner of such premises or buildings within the time limit specified in such order, provided, however, that any such owner, who is aggrieved by any such order, may, within 14 days after the service of such order as hereinafter provided, file a petition with the superior court, praying for a review of such order. It shall be the duty of such court to hear the same at the first convenient day, and to make such order in the premises as right and justice may require.

III. Service of orders issued under paragraph II shall be made by the appropriate law enforcement authority if the residence of the owner is within the state, and by an officer authorized to serve legal process, if without the state. An attested copy of such order shall also be contemporaneously served upon the tenant or occupant of the property, if any, in like manner. If the owner is not a resident of this state and his residence is unknown, the state fire marshal may institute proceedings in equity in the superior court to enforce its order and service thereof shall be made upon the tenant or occupant of the property, if any, and in such further manner as the court may order. In such case the court shall render such final decree on the state fire marshal's order as justice may require.

IV. The state fire marshal is hereby authorized and directed to promulgate and adopt a model code for the installation and operation of solid fuel heating appliances. Said code may be adopted by any city or town pursuant to RSA 47:28 or RSA 31:117.