



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

September 23<sup>rd</sup>, 2013

To: Chief Steve Woitkun,  
Danville Fire Dept.  
206 Main St.  
Danville, NH 03819

Fr: Fire Investigator Eric Berube  
NH Office of the State Fire Marshal  
33 Hazen Dr.  
Concord, NH 03305

RE: Residential Sprinklers in Danville Town Ordinance

Dear Chief Woitkun,

Per your request, I spoke with Fire Marshal J. William Degnan regarding the enforceability of your town ordinance requiring newly constructed one and two family dwellings to include fire protection features, to include (but not be limited to) residential sprinkler systems. Marshal Degnan stated that any town ordinances that were enacted prior to the statutory ban on residential sprinklers that became law in 2011 are fully enforceable, and it is his understanding that it was not the intent of the legislature to discontinue the enforcement of these ordinances. The intent of the legislature was to prevent additional ordinances from being enacted.

Marshal Degnan advised me that the new language of House Bill 278 does not place any additional restrictions on residential sprinklers, and actually reverses some of the language preventing the enforcement of residential sprinkler requirements. Prior to this bill, builders could volunteer to add sprinklers as an additional feature in order to obtain code variances and exceptions, such as additional lots in a subdivision. If, after gaining approval based upon the addition of sprinklers, the builder failed to install the sprinklers, the law prevented the enforcement of the sprinkler requirement. The new bill, which has now been signed into law, allows such agreements to be made. Once made and agreed upon, the requirement of residential sprinklers can now be enforced by the authority having jurisdiction.

Marshal Degnan also made me aware that there is a law banning the enforcement of pre-existing ordinances requiring residential sprinklers, but it is limited to manufactured housing situated in manufactured housing parks only.



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Please regard this letter as official recognition from the NH Office of the State Fire Marshal that your town ordinance requiring residential sprinkler systems is and should be fully enforceable by statute. Nothing in House Bill 278 or the current laws prohibits the enforcement of town ordinances enacted prior to 2011. Also note that this letter is not offered as a legal opinion, and reflects only the position of the Office of the State Fire Marshal.

Yours in Fire Safety,

Eric Berube  
Fire Investigator  
NH Office of the State Fire Marshal  
(603) 223-4289