

## **CHAPTER 13 - FIRE PREVENTION CODE**

### **13.1 SHORT TITLE**

- A. This Ordinance shall be known and may be cited as the “Fire Prevention Code for the Town of Freeport, Maine.”
- B. Purpose - The purpose of this chapter is to prescribe minimum regulations governing life safety and hazardous condition to life and property from fire or explosion.
- C. Applicability - The provisions of this Ordinance shall apply to all properties, buildings, and structures within the Town of Freeport.
- D. Authority. This Ordinance is adopted pursuant to the following state law provisions: 25 M.R.S. § 2361; 25 M.R.S. § 2465; and 30-A M.R.S § 3003.

### **13.2 ADMINISTRATION AND ENFORCEMENT**

- A. This Ordinance shall be administered and enforced by the Town of Freeport Fire Chief and/or the Town of Freeport Codes Enforcement Officer, or any designee of the Fire Chief.
- B. Pursuant to 25 M.R.S §2361, the Fire Chief or Codes Enforcement Officer shall have the authority to enforce any of the state laws or adopted state rules of the State Fire Marshal’s Office.
- C. The Fire Chief or Codes Enforcement Officer may prohibit the continued occupancy of any structure or portion of a structure, and may post such structure against occupancy, if the Fire Chief or Codes Enforcement Officer determines that such occupancy presents an immediate life-threatening situation. If the Fire Chief or Codes Enforcement Officer prohibits continued occupancy of the structure, no further occupancy shall occur until the situation identified as life threatening has been corrected in a manner that removes the threat, as determined by the Fire Chief or Codes Enforcement Officer.

### **13.3 ADOPTION OF NFPA 1 FIRE CODE BY REFERENCE**

- A. That a certain document, one (1) copies of which are on file in the office of the Town of Freeport Town Clerk, marked and designated as the NFPA Fire Code 1 - 2006 Edition as published by the National Fire Protection Association, as adopted and amended by the State of Maine and further amended by section 13.3.B, be and is hereby adopted as the Fire Code of the Town of Freeport.
- B. The Fire Code adopted by section 13.3.A shall be revised as follows:
  - 1. Section 1.10 shall be deleted in its entirety.
  - 2. In addition to the requirements of section 18.2.3.4, “fire department access roads” shall comply with the requirements of the Town of Freeport Subdivision Ordinance.
  - 3. Permits required under Section 1.12. “Permits and Approvals” shall only pertain to structures/buildings other than single- and two-family dwellings.
  - 4. Definitions.
    - a) “Authority having jurisdiction” as used in the Fire Code, shall mean the Fire Chief or the Codes Enforcement Officer of the Town of Freeport, or his or her duly authorized representative.

- b) Wherever the word “municipality” or “Town” or “city” is used in the Fire Code, it shall be held to mean the Town of Freeport.
- C. All buildings, structures, or dwellings subject to this article may be inspected by the Fire Chief or the Codes Enforcement Officer or his or her duly authorized representative.

#### **13.4 ADOPTION OF NFPA LIFE SAFETY 101 BY REFERENCE**

- A. That a certain document, one (1) copies of which are on file in the office of the Town of Freeport Town Clerk, marked and designated as the Life Safety Code 101 - 2009 Edition including Appendices A and B as published by the National Fire Protection Association, as adopted and amended by the State of Maine and amended by section 13.4.B, be and is hereby adopted as the Life Safety Code of the Town of Freeport for control of buildings and structures as herein provided.
- B. The Life Safety Code adopted by section 13.4.A shall be additionally modified with the following:
  - 1. Provisions of the Life Safety Code shall not apply to one- and two-family dwellings existing prior to the adoption of this section, unless the dwellings are being used for a purpose which requires a State of Maine license.
  - 2. Definitions.
    - a) “Authority having jurisdiction” as used in the Life Safety Code, shall mean the Fire Chief or the Codes Enforcement Officer of the Town of Freeport, or his or her duly authorized representative.
    - b) Wherever the word “municipality” or “Town” or “city” is used in the Life Safety Code, it shall be held to mean the Town of Freeport.
- C. All buildings, structures, or dwellings subject to this article may be inspected by the Fire Chief or the Codes Enforcement Officer or his or her duly authorized representative.

#### **13.5 WATER SUPPLIES**

- A. Water Supply for Residential Developments that require Site Plan or Subdivision Review from The Project Review Board, pursuant to Chapter 21 Art VI § 602, Town of Freeport Zoning Ordinance & Chapter 25, Town of Freeport Subdivision Ordinance:
  - 1. The Fire Chief shall review all proposed residential developments consisting of three (3) or more dwelling units or single building developments with three (3) or more dwelling units and shall specify a suitable water supply for firefighting purposes. The water supply must be of suitable capacity to provide a sufficient fire flow for the largest proposed structure within the development. A sufficient water supply must be located within two thousand six hundred and fifty (2,640) feet (1/2 mile) of all dwellings within the development, as measured along the traveled roadways that can be used by firefighting apparatus. In areas where water supplies are not available for firefighting purposes, the applicant shall provide an adequate water supply in accordance with the National Fire

Prevention Association Standards (NFPA) 1141 and 1142, as may be amended from time to time. The provision of a water supply in accordance with the National Fire Prevention Association Standards (NFPA) 1141 and 1142 may be waived if all one and two-family dwellings within the development are equipped with an automatic fire sprinkler system in accordance with NFPA 13D – 2016 Edition Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes as published by the National Fire Protection Association, as adopted and amended by the State of Maine and further amended in section 13.8 of this Ordinance.

2. The developer or property owner installing a water supply facility located on privately owned property to satisfy the water supply requirement set forth in this section as a condition of development must provide the Town with an easement for access to and use of the water source. The easement shall be subject to the review and approval of the Fire Chief. The easement must provide acceptable access over all private property between the closest Town road and the water source.

B. Maintenance of Water Sources for Residential Developments that require Site Plan or Subdivision Review from The Project Review Board, pursuant to Chapter 21 Art VI § 602, Town of Freeport Zoning Ordinance & Chapter 25, Town of Freeport Subdivision Ordinance:

1. Maintenance of water sources required under this Ordinance and that is located on private property, including private streets, shall be the responsibility of the property owner. Required maintenance shall include snow removal and the cutting of brush and grass so that the water source is readily visible and accessible at all times.
2. If the water source includes tanks, the property owner shall be responsible for the initial filling of any tanks that may be used, for the maintenance of the tanks and for maintaining the required water level in the tanks. In the event that the Fire Department utilizes the tanks, it will be responsible for refilling them after such use.

### **13.6 Fire Hydrant**

- A. All fire hydrants, whether owned or leased by the Town or privately owned, shall be maintained in proper operating condition at all times. Owners of private hydrants shall be responsible for all required maintenance including, but not limited to, removing accumulations of snow/ice from the hydrant and ensuring adequate access to the hydrant by the Town of Freeport Fire Department.
- B. No person or persons shall obstruct or permit to be obstructed by any means any fire hydrant located within the Town of Freeport. Any person or persons causing snow to obstruct a fire hydrant shall immediately clear said fire hydrant. Failure to do so shall result in clearing of the fire hydrant by the Town of Freeport Fire Department at the cost of the property owner. The cost of such violation shall be included on a fee schedule established by order of the Town Council.

### **13.7 ALARM SYSTEMS**

This section establishes requirements for alarm system installation and monitoring.

- A. Any building other than one and two family dwellings, that are required to have a sprinkler system shall have a supervised alarm, detection, and notification system that complies with NFPA 72 - 2007 Edition as published by the National Fire Protection Association, as adopted and amended by the State of Maine. This shall be a fully addressable system.
- B. If said building is required under this section to have an alarm system, the alarm system shall be monitored.
- C. At no time shall anyone other than a certified technician or fire department representative deactivate or restore an alarm for any reason.
- D. In the event an alarm system installed under this section malfunctions or is rendered inoperable, it shall be repaired and returned to operation within fourteen (14) calendar days. Any non-functioning alarm system shall cause notification to the Freeport Fire Department. Failure to remedy a non-functioning alarm system shall result in a suspension or revocation of the certificate of occupancy until such time that the corrections have been made and approved by the Fire Chief.
- E. The Fire Chief reserves the right to grant an extension of time when extenuating circumstances beyond the control of the occupant have been outlined and brought forth by the occupant and a correction date has been accepted by the Fire Chief before the expiration of the fourteen (14) calendar day time period set forth herein. This extension of time is intended to be used only for rare occasions and will only be granted for substantiated reasons.
- F. All buildings, structures, or dwellings subject to this article may be inspected annually for fire alarm code and ordinance compliance by the Fire Chief or Codes Enforcement Officer or his or her duly authorized representative.

### **13.8 FIRE SUPPRESSION**

- A. This article shall govern the installation and maintenance of sprinkler systems in buildings and structures subject to this article.
- B. For purposes of this article, an approved automatic sprinkler system shall mean a system installed in accordance with the National Fire Protection Association (NFPA) Standard 13, NFPA 13R or NFPA 13D – 2016 Edition as published by the National Fire Protection Association, as adopted and amended by the State of Maine and in accordance with the provisions of this article and approved by the State Fire Marshal's Office, and shall be further subject to the Fire Chief's approval.
- C. All automatic sprinkler systems shall be an approved system listed by Underwriters Laboratories (UL) or Factory Mutual (FM) fire insurance underwriters, an approved Maine Life Safety Sprinkler System, or otherwise deemed acceptable by the Fire Chief.
- D. Any structure requiring the installation of an NFPA Standard 13 or 13R System shall have a fire department connection. The location and type of fire department connection

shall be approved by the Fire Chief. The fire department connection shall be identified by a sign, plaque, or plate identifying it as a "Fire Department Sprinkler Connection."

- E. The property owner shall keep the fire department connection clear of any obstructions and maintained in good, serviceable condition at all times.
- F. All systems required to be installed under this article shall be reviewed and approved by the Fire Chief in accordance with this article.
- G. No certificate of occupancy shall be issued until the automatic sprinkler system has been properly installed and tested by a State of Maine licensed installer and approved by the Fire Chief.
- H. All automatic sprinkler systems installed under this article shall be required to comply with the following:
  - 1. Installation, extension, modification, or alteration shall be done by a State of Maine licensed installer.
  - 2. Plans for the installation of any system containing ten (10) or more sprinkler heads, or the modification of an existing sprinkler system containing ten (10) or more additional sprinkler heads, shall be approved by the State Fire Marshall's office and the Fire Chief.
  - 3. When required by NFPA 13 or 13R, a tamper switch alarm at the system shut off which shall be monitored by the fire alarm and which shall transmit as an "alarm" and not as a "trouble" or "supervisory" shall be required.
  - 4. Any building other than a one and two family dwelling that is required to be sprinkled by this article shall have an NFPA 72 compliant supervised alarm system installed, as set forth in Section 13.7 of this chapter.
  - 5. An outside water flow alarm shall be installed on all NFPA 13 and 13R sprinkler systems.
  - 6. Property owner shall maintain all sprinkler and standpipe systems and component parts in accordance with NFPA 25 "Standard for Inspection Testing and Maintenance of Water Based Fire Protections Systems— 2014 Edition". It shall be unlawful to tamper with any system under this article, except that this shall not prohibit necessary testing, repairs, alterations, or additions, provided that the testing, repairs, alterations or additions are done in such a way as to avoid the creation of a safety hazard. The office of Fire Chief shall be notified before such testing, repairs, alterations, or additions are conducted.
- I. Automatic sprinklers and standpipes may be shut down subject to the following conditions:
  - 1. A letter stating that the sprinkler system and and/or standpipe has/have been shut down and rendered inoperable has been provided to the Fire Chief.
  - 2. The building remains unoccupied during the shutdown, except for the property owner or their representative to conduct occasional walk-through inspections.
  - 3. A licensed sprinkler contractor or inspector has properly shut down the sprinkler system.

4. The system is reactivated only by an installer or technician licensed by the State of Maine.
  5. The approval of the Maine State Fire Marshal and the approval of the property's insurance carrier shall be provided in writing before any decision regarding shutdown of the system shall be rendered.
- J. Any building having more than one sprinkler riser shall have the risers separately zoned and wired to a local fire alarm panel to provide zone identification upon activation.
  - K. The fire alarm panel shall be located as near as possible to the main exit door. There shall also be a building map located at the fire alarm panel showing each zone of the building.
  - L. Any structure containing an automatic sprinkler system shall be required to be tested in accordance with NFPA 25 "Standard for Inspection Testing and Maintenance of Water Based Fire Protections Systems– 2014 edition". A written copy of all test reports shall be forwarded to office of the Fire Chief.

#### **13.8.1 THIRD PARTY REVIEW**

- A. Due to the complexity of certain projects, buildings, or developments, the Fire Chief may require third party review of the plans prior to approval. All costs associated with third party review under this section shall be the sole responsibility of the applicant, developer, or property owner.

#### **13.9 BUILDING PERMIT AND CONSTRUCTION PLAN REVIEW**

- A. The Fire Chief or his/her designee shall conduct a plan review under the provisions of Fire and Life Safety Codes and Zoning Ordinance of the Town of Freeport for any public building that requires a building permit or for a change of use and for any non-residential structures including but not limited to structures that require site plan approval, subdivision approval, building permit, occupancy inspection or for a change of use.
- B. The Fire Chief or his/her designee shall review all road accesses in subdivisions and site plans and to review fire prevention measures and general layout of all developments of dwellings, boarding houses, dormitories, hotels, motels, multifamily dwellings, (including, but not limited to, town houses, condominiums, and any other building that houses three (3) or more dwelling units).
- C. The Freeport Fire Chief or his/her designee shall review all required site plans and sprinkler plans; however, all sprinkler system plans shall primarily be subject to approval by the State Fire Marshal's Office.
- D. The Codes Enforcement Officer shall be responsible for maintaining all applications and approvals. The Fire Prevention Code shall comply with 25 M.R.S. § 2448 and the Fire Chief or Codes Enforcement Officer shall be responsible for the permit application process pursuant to 25 M.R.S. § 2448.

#### **13.10 KNOX BOX PROGRAM**

- A. Any building that shall be equipped with a fire alarm system that reports, by whatever means, to the Town of Freeport Fire Department, shall be further equipped with a Knox Box which shall hold a key or keys that will provide for access to the building and ALL

portions thereof, for emergency purposes only. The Fire Chief shall serve as the administrator for the Knox Box Program, as defined by the Knox Company. The number, make, model and location of the box(es) shall be determined by the Fire Chief or his/her designee. Except that if a land or building owner appoints a personal representative that can within fifteen minutes provide access to the entire property at the discretion of the Fire Chief.

### **13.11 VIOLATIONS AND PENALTIES**

- A. Any violation of this Ordinance shall be subject to enforcement as provided in 30-A M.R.S. § 4452.
- B. Any person, firm or corporation, being the owner or occupant of, having control of, or the use of, any building or premises, or part thereof, who violates any of the provisions of this chapter shall be subject to the laws and liability of 30-A M.R.S. § 4452.
- C. The Fire Chief or Codes Enforcement Officer is authorized to, in writing, suspend or revoke a certificate of occupancy issued under provisions of the Town of Freeport Zoning Ordinance (Chapter 21 Art VI § 601.F) wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any of the provisions of this Ordinance.

### **13.12 BOARD OF APPEALS**

- A. The Board of Appeals shall act and hear appeals of orders, decisions, or determinations made by the Fire Chief or Codes Enforcement Officer related to permit applications or interpretation of the Fire Prevention Code. All appeals shall follow the requirements and procedures of the Town of Freeport Zoning Ordinance (Chapter 21 Art VI § 601.G).