

CHAPTER 317

FIRE SPRINKLER ORDINANCE

Town of Yarmouth, Maine

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CHAPTER 317

FIRE SPRINKLER ORDINANCE
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CHAPTER 317
FIRE SPRINKLER ORDINANCE
Of the Town of Yarmouth, Maine

1. Introduction

1.1 Title

1.1.1 This ordinance shall be known as the Fire Sprinkler Ordinance of the Town of Yarmouth, Maine.

1.1.2 That the existing CHAPTER 317 entitled “Sprinkler Ordinance of the Town of Yarmouth, Maine” is hereby repealed and replaced with this ordinance.

1.1.3 All fire sprinkler systems that were required under the previous CHAPTER 317 entitled “Sprinkler Ordinance of the Town of Yarmouth, Maine” shall be considered required under this ordinance.

1.2 Purpose

1.2.1 The purpose of this Ordinance is to establish appropriate regulations for the installation, maintenance, and operation of fire sprinkler systems for the increased protection of individuals in buildings served by such systems and firefighters called to enter such buildings in an emergency condition.

1.3 Definitions

1.3.1 Unless otherwise expressly stated, definitions of terms used in this ordinance shall be consistent with meanings listed in the Maine Uniform Energy and Building Code or applicable standards published by the National Fire Protection Association, whichever combination creates the strictest definition.

1.3.2 Floor Area. Floor area shall be the gross floor areas between outside building walls or gross floor areas between outside building walls and approved masonry parapeted fire walls.

1.3.3 MUBEC. Maine Uniform Building and Energy Code.

1.3.4 NFPA. National Fire Protection Association. Publication editions are as referenced and amended by any Town Ordinance.

1.3.5 NFPA 13. Standards for The Installation of Sprinkler Systems, published by the National Fire Protection Association. Edition as determined by this ordinance.

1.3.6 NFPA 13D. Standards for The Installation of Sprinkler System in One and Two-Family Dwellings and Manufactured Homes, published by the National Fire Protection Association. Edition as determined by this ordinance.

1.3.7 NFPA 13R. Standards for the Installation of Sprinkler Systems in Low-Rise Residential, published by the National Fire Protection Association. Edition as determined by this ordinance.

1.3.8 NFPA 25. Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, published by the National Fire Protection Association. Edition as determined by this ordinance.

1.3.9 NFPA 101. Life Safety Code, Published by the National Fire Protection Association. Edition and amendments as determined in Chapter 319.

1.3.10 Occupancy. The purpose for which a building or other structure, or part thereof, is used or intended to be used. Occupancy types are as defined in NFPA 101.

1.3.11 Stories in Height. The story count starting with the lowest level and ending with the highest story. The lowest level does not include basement levels that are completely surrounded on all sides by grade and are not utilized as habitable space.

1.3.12 Story. The portion of a building located between the upper surface of a floor and the upper surface of the floor or roof next above.

1.3.13 Town. Town of Yarmouth.

1.3.14 Water District. The organization with controlling stake or ownership rights to the water system and all its appurtenances supplying water to a fire sprinkler system.

1.3.15 Yarmouth Fire Rescue. The fire department of the Town of Yarmouth.

2. Referenced Codes

2.1 NFPA 13 Standards For The Installation of Sprinkler Systems

2.1.1 NFPA 13, Standards For The Installation of Sprinkler Systems, 2019 edition, and documents adopted by Chapter 2, one (1) copy of which are on file and are open to inspection by the public in the Town Clerk’s Office of the Town of Yarmouth in accordance with Title 30-A M.R.S. §3003, are hereby adopted and incorporated into this ordinance as fully as if set out at length herein, and from the date on which this ordinance is amended, the provisions thereof shall be controlling within the limits of the Town of Yarmouth.

2.1.2 Additions, Insertions, and Changes. That the 2019 edition of NFPA 13, Standards For The Installation of Sprinkler Systems, is amended and changed in the following respects:

2.1.2.1 Generally, delete all instances of “Authority Having Jurisdiction” and replace each instance with “Fire Chief or their designee(s)”.

2.2 NFPA 13D Standards For The Installation of Sprinkler Systems

2.2.1 NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2019 edition, and documents adopted by Chapter 2, one (1) copy of which are on file and are open to inspection by the public in the Town Clerk’s Office of the Town of Yarmouth in accordance with Title 30-A M.R.S. §3003, are hereby adopted and incorporated into this ordinance as fully as if set out at length herein, and from the date on which this ordinance is amended, the provisions thereof shall be controlling within the limits of the Town of Yarmouth.

2.2.2 Additions, Insertions, and Changes. That the 2019 edition of NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, is amended and changed in the following respects:

2.2.2.1 Generally, delete all instances of “Authority Having Jurisdiction” and replace each instance with “Fire Chief or their designee(s)”.

2.3 NFPA 13R Standards For The Installation of Sprinkler Systems

2.3.1 NFPA 13R, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, 2019 edition, and documents adopted by Chapter 2, one (1) copy of which are on file and are open to inspection by the public in the Town Clerk’s Office of the Town of Yarmouth in accordance with Title 30-A M.R.S. §3003, are hereby adopted and incorporated into this ordinance as fully as if set out at length herein, and from the date on which this ordinance is amended, the provisions thereof shall be controlling within the limits of the Town of Yarmouth.

2.3.2 Additions, Insertions, and Changes. That the 2019 edition of NFPA 13R, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, is amended and changed in the following respects:

2.3.2.1 Generally, delete all instances of “Authority Having Jurisdiction” and replace each instance with “Fire Chief or their designee(s)”.

2.4 NFPA 25 Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems

2.4.1 NFPA 25, Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2020 edition, and documents adopted by Chapter 2, one (1) copy of which are on file and are open to inspection by the public in the Town Clerk’s Office of the Town of Yarmouth in accordance with Title 30-A M.R.S. §3003, are hereby adopted and incorporated into this ordinance as fully as if set out at length herein, and from the date on which this ordinance is amended, the provisions thereof shall be controlling within the limits of the Town of Yarmouth.

2.4.2 Additions, Insertions, and Changes. That the 2020 edition of NFPA 25, Standard for the

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Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, is amended and changed in the following respects:

2.4.2.1 Generally, delete all instances of "Authority Having Jurisdiction" and replace each instance with "Fire Chief or their designee(s)".

3. General System Requirements

3.1 Substitutions

3.1.1 Substitutions. Automatic sprinkler equipment meeting the requirements of NFPA 13D or NFPA 13R or variations may be installed with permission from the Fire Chief or their designee(s) for residential occupancies when permissible by applicable life safety and building codes.

3.2 Where Installation Required

3.2.1 Where Required. Automatic sprinkler equipment meeting the requirements of NFPA 13 shall be installed in all instances in the buildings and structures listed in 3.2.1.1 to 3.2.1.5. Installation standard substitutions shall be permitted in accordance with 3.1.1.

3.2.1.1 New Buildings. All new buildings and accessory buildings or structures meeting any of the following criteria:

1. Four-thousand (4,000) square feet in floor area
2. Three (3) or more stories in height
3. Thirty-five (35) or more feet in height
4. Multiple family dwellings consisting of three (3) or more units or hotel, motel, inn and/or lodging units.
5. Restaurants containing seating for forty (40) persons or more regardless of height or area.
6. One- and Two-Family dwellings, and detached accessory dwelling units where the building permit for such project is issued after December 31, 2021.

3.2.1.2 Existing Buildings. All additions to existing buildings or structures along with the existing buildings or structures must be sprinkled when the cumulative area of the entire building,

including the addition(s), equals or exceeds 4,000 square feet in area.

Exception 1: If the cumulative area or volume of any addition or additions approved and constructed after April 19, 2001 is less than 25% of the building area or volume existing on or before April 19, 2001 a sprinkler system shall not be required per the requirements of this ordinance.

Exception 2: Existing One-Family Dwellings, existing One-Family Dwellings with an attached accessory dwelling unit, and existing Two-Family Dwellings shall only be required by 3.2.1.2 be sprinklered when fifty percent (50%) or more of the interior wall finish material is removed as part of the addition project. For the purposes of this section an addition project includes all building work performed in a five (5) year period.

3.2.1.3 Change of Use. Any change of occupancy use type in a building shall require a fire sprinkler system to be installed if the building meets the criteria found in 3.2.1.1 for a new building.

3.2.1.4 Increase in Seating. Any increase in the amount of seating in existing restaurants in excess of 39 seats.

3.2.1.5 Renovations. Existing One-Family Dwellings, Existing One-Family Dwellings with an attached accessory dwelling unit, and Existing Two-Family dwellings shall be required to be sprinklered when fifty percent (50%) or more of the interior wall finish material in the dwelling(s) is removed as part of a renovation project. For the purposes of this section a renovation project includes all building work performed in a five (5) year period.

3.3 Removal

3.3.1 Removal Prohibited. No person shall remove a fire sprinkler system, unless permitted by 3.3.2, without the written approval of the Fire Chief. The reconfiguration of a fire sprinkler system during a renovation or addition to a building shall not be considered a removal if at the end of the construction project the building is fully-sprinklered. Removing any portion of the system or its accessories shall be considered a removal.

3.3.2 Removal Permitted. The Fire Chief shall be permitted to allow the removal of fire sprinkler systems when a building or structure is being demolished or reduced in size. If such building is being reduced in size the sprinkler system in the remaining areas shall not be eliminated or reduced in any manner.

3.3.3 Existing Systems. All fire sprinkler systems existing on or before the adoption of this ordinance shall be considered required and shall only be removed in accordance with 3.3.1 and 3.3.2.

3.3.4 Un-authorized removal. The unauthorized removal of a fire sprinkler system in accordance with 3.3.1 shall be punishable by fine(s) described in 4.1.

3.4 Maintenance

3.4.1 System Maintenance. The owner, tenant, or lessee of every building or structure shall be responsible for the care and maintenance of all fire protection systems, including equipment and devices, to ensure the safety and welfare of the occupants and firefighting staff called to such building or structure. Fire sprinkler systems shall be maintained, tested and inspected in accordance with NFPA 25 as adopted by this ordinance.

3.4.2 Failure to Maintain. Failure to maintain a sprinkler system in accordance with 3.4.1 shall be considered a deficiency under Chapter 319 Fire Prevention and Life Safety Ordinance.

3.4.4 Backflow Preventers. All back-flow preventers shall be maintained in accordance with applicable plumbing standards, NFPA 25, and any Water District standards.

3.4.5 Connections. All connections to the Water District system shall be maintained in accordance with NFPA 25, any Yarmouth Water District standards.

3.4.6 Deficiencies to be corrected. Any deficiency noted on an inspection or maintenance report shall be corrected by the responsible party per 3.4.1.

3.5 Features

3.5.1 Supervision. All automatic sprinkler systems, other than in one and two-family dwellings, shall be supervised by a monitored fire alarm control unit, or alternate method as approved by the Fire Chief or their designee(s).

3.5.1.1 Fire Alarm Control Unit. The fire alarm control unit required by section 3.5.1 shall meet the requirements of the Fire Chief or their designee(s) for an existing fire sprinkler system and any Chapter 403 Alarm Systems Ordinance requirements for a new fire sprinkler system.

3.5.1.2 Control Valves. All sprinkler control valves shall be supervised by the monitored fire alarm control unit required by section 3.5.1. A control valve shall include, but not be limited to, tamper switches, gate valves, ball valves and post indicator valves. A control valve activation shall cause a supervisory signal at the fire alarm control unit to be generated

3.5.1.3 Water Flow Switches. All water flow switches shall be supervised by the monitored fire alarm control unit required by section 3.5.1. A water flow switch activation shall cause a fire alarm signal at the fire alarm control unit to be generated.

3.5.1.4 Low Pressure Switches. All low-pressure switches shall be supervised by the monitored fire alarm control unit required by section 3.5.1. A low-pressure activation shall cause a supervisory signal at the fire alarm control unit to be generated

3.5.1.5 Low Temperature. All fire sprinkler riser rooms and water tanks shall be supervised for temperature by the monitored fire alarm control unit required by section 3.5.1. The temperature of the room shall not be allowed to drop below 40 degrees Fahrenheit without causing a supervisory signal at the fire alarm control unit to be generated. This requirement shall apply only to new installations and expansions of existing systems.

3.5.2 Prohibited Connections. No auxiliary connection shall be made to fire sprinkler systems for sill cocks, house service, irrigation, or other house outlet purpose.

Exception: Municipal connections to fire sprinkler systems for the explicit purpose of refilling the water tanks of mobile fire apparatus

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shall be permitted when such system is engineered for the purpose. Such connections shall be approved by the Fire Chief or their designee(s).

3.5.3 Fire Department Connection. Each fire sprinkler system, other than systems installed to meet the requirements of NFPA 13D, shall be supplied with a 5" Storz Fire Department connection. Such connection and location shall be approved by the Fire Chief or their designee(s).

3.5.4 Back Flow Preventer. Each fire sprinkler system connected to a water system shall be supplied with a testable back-flow preventer valve of the proper diameter and configuration. All back-flow preventers connected to the Water District water system shall meet the specifications and requirements of the Water District.

3.5.5 Water District. Fire sprinkler system connections to the Water District system shall be performed in accordance with NFPA 13, 13D, or 13R. All connections shall meet the specifications and requirements of the Water District.

3.5.6 Electrical Bonding. All fire sprinkler piping shall be electrically bonded in accordance with the requirements of the electrical code of the Town of Yarmouth, ME and any other applicable standards, rules, and regulations of the State of Maine. For purposes of applying the electrical code, piping shall be considered "likely to be energized".

3.5.7 Door Labeling. If the fire sprinkler riser is installed in a locked room, door(s) leading to the location of the fire sprinkler riser shall be marked as "Fire Sprinkler" in red letters, letters shall be a minimum three (3) inches in height. Where approved by the Fire Chief the requirement to mark such doors shall be waived or amended.

3.5.8 Shop and As-Built Drawings. The requirements for shop drawings and as-built drawings shall be determined by the Fire Chief or their designee(s). When such additional requirements are issued, they shall be published and a current copy, available for public inspection, kept at the Office of the Town Clerk. A copy of the as-built drawings shall be kept on the premises. If a fire alarm document box is

present, the as-built drawings shall be stored in such box.

3.6 Permits and Inspections

3.6.1 Permit Required. All automatic fire sprinkler systems, whether required by this ordinance or not, installed or modified shall have an installation permit filed and approved by Yarmouth Fire Rescue. All the associated permit costs and fees shall be paid in accordance with CHAPTER 401 Fees and Permits ordinance. The Fire Chief shall design and implement a permit application and applicants shall complete the permit application in full, documentation for the proposed system shall comply with the requirements of this ordinance, and the application shall be completed to the satisfaction of the Fire Chief or their designee(s) for a permit to be issued.

3.6.2 Inspection Required. Upon the completion of the installation or modification of any automatic fire sprinkler system, an inspection of such system by Yarmouth Fire Rescue shall be performed to determine compliance with the requirements of this ordinance.

3.6.3 Certificate of Occupancy. A Certificate of Occupancy where required by CHAPTER 301 Building Code shall only be issued upon passing such inspection. Any deficiencies noted during the inspection shall be corrected before a certificate of occupancy is issued.

3.6.4 Expiration. If work does not commence within six (6) months of issuance of the permit, such permit shall expire.

4. Administration

4.1 Fines

4.1.1 Un-authorized Removal of fire sprinkler system (per day uncorrected)
\$250.00

4.2 Penalties and Violations

4.2.1 Other Violations. Violations of this ordinance that do not have a directly associated fine may be processed as a deficiency under Chapter 319 Fire Prevention and Life Safety

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Ordinance and with any additional requirements of this ordinance.

4.3 Ordinance

4.3.1 Authority to Enforce. It shall be the duty and responsibility of the Chief of the Yarmouth Fire Rescue or their designee(s) to enforce the provisions of this Ordinance.

4.3.2 Severability. That if any section, subsection, sentence, clause, or phrase of this ordinance is, for any reason, held to be invalid or unconstitutional, such decision shall not affect the validity or constitutionality of the remaining portions of this ordinance. The Town of Yarmouth hereby declares that it would have passed this ordinance, and each section, subsection, clause, or phrase hereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses, and phrases be declared unconstitutional.

4.3.3 Effective Date. That this ordinance and the rules, regulations, provisions, requirements, orders, and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.

4.4 Appeals and Waivers

4.4.1 Any person aggrieved by an error of a Town Official in the application, or interpretation of this Ordinance may appeal to the General Board of Appeals pursuant to the provisions in this Ordinance and the procedures outlined in Chapter 203, General Board of Appeals Ordinance. Any order, requirement, decision, or determination made, or failure to act, in the enforcement of this Ordinance is not appealable to the General Board of Appeals but may be appealed directly to Superior Court.

4.4.2 Installation of sprinkler systems only required by this ordinance may be waived for buildings not intended to be accessible to the general public when the Town Council, after consultation with the Fire Chief and Code Enforcement Officer, finds that the location of the building, the type of construction, the proposed use, or some combination thereof, make installation of a sprinkler system unnecessary to

protect the safety of the building occupants, the firefighting staff of the Town, and property contained within the building, the building itself and any nearby buildings.

1. Any waiver granted pursuant to this Section, shall expire if the use of the building or occupancy classification is changed.
2. Any building where such waiver is granted shall have a commercial fire alarm system installed with complete detection and notification and shall additionally meet the requirements of CHAPTER 403 Alarm Systems Ordinance requirements for new commercial fire alarm systems. This system shall be considered required and must be maintained in working order.

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