

CHAPTER 319

FIRE PREVENTION AND LIFE SAFETY ORDINANCE

Town of Yarmouth, Maine

xx/xx/2021

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FIRE PREVENTION AND LIFE SAFETY ORDINANCE
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**CHAPTER 319
FIRE PREVENTION AND LIFE
SAFETY ORDINANCE
Of the Town of Yarmouth, Maine**

1. Introduction

1.1 Title

1.1.1 This ordinance shall be known and may be cited as the “Fire Prevention and Life Safety Ordinance of the Town of Yarmouth, Maine.”

1.2 Purpose

1.2.1 The purpose of this Ordinance is to establish a system to ensure the safety of the community through fire code inspection and enforcement.

1.3 Definitions

1.3.1 **Deficiency.** A deficiency shall be a deviation from compliance with the provisions of Chapter 317 Fire Sprinkler Ordinance, Chapter 319 Fire Prevention and Life Safety Ordinance or Chapter 403 Alarm Systems Ordinance without the approval of the Fire Chief or their designee(s).

1.3.2 **Fire Escape.** An exterior staircase, constructed of wood or metal, or other apparatus used as a means of egress.

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

1.3.34 **NFPA 1.** Fire Code, Published by the National Fire Protection Association. Edition and amendments as determined in this ordinance.

1.3.45 **NFPA 101.** Life Safety Code, Published by the National Fire Protection Association. Edition and amendments as determined in this ordinance.

1.3.56 **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.

1.3.67 **Responsible Person.** The tenant, lessee, or owner of the structure where an inspection is being conducted.

1.3.78 **Town.** Town of Yarmouth.

1.3.89 **Yarmouth Fire Rescue.** The fire department of the Town of Yarmouth.

2. Referenced Codes

2.1 NFPA 1 Fire Code

2.1.1 NFPA 1, Fire Code, 2018 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 2018 edition of NFPA 1, Fire Code, is amended and changed in the following respects:

2.1.2.1 Delete NFPA 1 Section 1.10 and its following sub-sections and replace with: 1.10 All appeals shall be to the Town of Yarmouth General Board of Appeals.

2.1.2.2 Delete NFPA 1 Section 1.16.4 and its following sub-sections and replace with: 1.16.4 See ordinance for penalties.

2.1.2.3 Modify NFPA 1 Section 2.2 ... NFPA 13, Standard for the Installation of Sprinkler Systems, 2016 edition as referenced and amended in Chapter 317. ...

2.1.2.4 Modify NFPA 1 Section 2.2 ... NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, 2016 edition as referenced and amended in Chapter 317. ...

2.1.2.5 Modify NFPA 1 Section 2.2 ... NFPA 13R, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, 2016

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edition as referenced and amended in Chapter 317. ...

2.1.2.6 Modify NFPA 1 Section 2.2 ... NFPA 70, National Electric Code, ~~2017~~ edition as referenced and amended in Chapter 311. ...

2.1.2.7 Modify NFPA 1 Section 2.2 ... NFPA 72, National Fire Alarm and Signaling Code, ~~2016~~ edition as referenced and amended in Chapter 403. ...

2.1.2.8 Modify NFPA 1 Section 2.2 ... NFPA 101, Life Safety Code, 2018 edition as referenced and amended by this ordinance. ...

2.1.2.9 Modify NFPA 1 Section 2.2 ... NFPA 170, Standard for Fire Safety and Emergency Symbols, ~~2015~~ 2018 edition. ...

2.1.2.10 Modify NFPA 1 Section 13.3.2.20.1 to read: All new one- and two-family dwellings shall be protected throughout by an approved automatic sprinkler system in accordance with 13.3.2.20.2 when the building permit for such dwelling is issued after December 31, 2021.

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

2.2 NFPA 101 Life Safety Code

2.2.1 NFPA 101, Life Safety Code, 2018 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 2018 edition of NFPA 101, Life Safety Code, is amended and changed in the following respects:

2.2.2.1 Modify NFPA 101 Section 2.2 ... NFPA 13, Standard for the Installation of Sprinkler

Systems, ~~2016~~ edition as referenced and amended in Chapter 317. ...

2.2.2.2 Modify NFPA 101 Section 2.2 ... NFPA 13D, Standard for the Installation of Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes, ~~2016~~ edition as referenced and amended in Chapter 317. ...

2.2.2.3 Modify NFPA 101 Section 2.2 ... NFPA 13R, Standard for the Installation of Sprinkler Systems in Low-Rise Residential Occupancies, ~~2016~~ edition as referenced and amended in Chapter 317. ...

2.2.2.4 Modify NFPA 101 Section 2.2 ... NFPA 70, National Electric Code, ~~2017~~ edition as referenced and amended in Chapter 311. ...

2.2.2.5 Modify NFPA 101 Section 2.2 ... NFPA 72, National Fire Alarm and Signaling Code, ~~2016~~ edition as referenced and amended in Chapter 403. ...

2.2.2.6 Modify NFPA 101 Section 2.2 ... NFPA 170, Standard for Fire Safety and Emergency Symbols, ~~2015~~ 2018 edition. ...

2.2.2.7 Delete NFPA 101 9.6.3.5.1 with no replacement.

2.2.2.8 Add section 15.3.4.4 to NFPA 101 with the following: Carbon Monoxide Detection Systems. Existing educational occupancies shall comply with the requirements for carbon monoxide detection systems as required by 14.3.4.4 when the existing fire alarm system is modified, expanded or replaced.

2.2.2.9 Modify NFPA 101 Section 24.3.5.1 to read as follows: All new one- and two-family dwellings shall be protected throughout by an approved automatic sprinkler system in accordance with 24.3.5.2 when the building permit for such dwelling is issued after December 31, 2021.

2.2.2.10 Modify NFPA 101 Section 30.3.4.1.1 to read as follows: Apartment buildings shall be provided with a fire alarm system in accordance with Section 9.6, except as modified by 30.3.4.2 through 30.3.4.5.

2.2.2.11 Delete NFPA 101 30.3.4.1.2 with no replacement.

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2.2.2.12 Modify NFPA 101 Section 31.3.4.1.1 to read as follows: Apartment buildings four or more stories in height or with more than 11 dwelling units shall be provided with a fire alarm system in accordance with Section 9.6, except as modified by 31.3.4.2 through 31.3.4.5.

2.2.2.13 Delete NFPA 101 31.3.4.1.2 with no replacement.

2.2.2.14 Generally, delete all instances of “Authority Having Jurisdiction” and “AHJ” in NFPA 101 and replace each instance with “Fire Chief or their designee(s)”.

2.3 NFPA 855 Standard for the Installation of Stationary Energy Storage Systems

2.3.1 NFPA 855, Standard for the Installation of Stationary Energy Storage 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.

2.3.2 Additions, Insertions, and Changes. That the 2020 edition of NFPA 855 Standard for the Installation of Stationary Energy Storage Systems, is amended and changed in the following respects:

2.3.2.1 Modify NFPA 855 Section 2.2 ... NFPA 1, Fire Code, 2018 edition as referenced and amended by this ordinance. ...

2.3.2.2 Modify NFPA 855 Section 2.2 ... NFPA 70, National Electric Code, 2017 edition as referenced and amended in Chapter 311. ...

3. Inspections

3.1 Fire Safety Inspections

3.1.1 When Required. All structures or buildings shall be inspected for fire safety in the minimum

intervals established by Table 3.1.1 unless excluded by 3.1.1.1 or 3.1.1.2.

| Building containing the Occupancy Type¹ | Inspection Interval |
|--|----------------------------|
| Apartment Buildings with a Fire Sprinkler or Fire Alarm System | 12 Months |
| Board and Care Facilities | 12 Months |
| Business | 12 Months |
| Hotels, Dormitories, or Rooming and Lodging Houses | 12 Months |
| Mercantile | 12 Months |
| Places of Assembly | 12 Months |
| Educational (K-12) ² | 12 Months |
| Town Owned Buildings ³ | 12 Months |
| Healthcare | 3 Months |
| Detention and Correctional | 3 Months |
| Industrial | 12 Months |
| Storage ⁴ | 12 Months |

1. Occupancy types are in accordance with NFPA 101.
2. Includes town owned and privately-owned buildings and structures for K-12 education.
3. Town Owned Buildings and Structures do not include educational occupancies or housing.
4. When the pre-dominant occupancy is Storage.

3.1.1.1 Single-Family Dwellings and Two-Family Dwellings are not subject to the requirement of 3.1.1.

3.1.1.2 Sheds and accessory buildings or structures not exceeding two-hundred (200) square feet in gross floor area as determined in accordance with the definition found in CHAPTER 317 Fire Sprinkler Ordinance are not subject to the requirement of 3.1.1.

Exception: When accessory to industrial occupancies or when such structure contains hazardous materials or explosives such buildings or structures will be subject to the requirements of 3.1.1.

3.1.2 Scope of Inspection. Buildings and structures subject to inspection shall be inspected to the requirements of this ordinance, Chapter 317 and Chapter 403.

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3.1.3 Audit. Nothing in Section 3.1 shall be construed to limit the amount of inspections per year that may be performed by the fire chief or their designee(s) or limit the occupancies which are subject to inspection, except as provided by 3.1.1.1.

3.1.4 Inspector. The Fire Chief or their designee(s) shall be the inspectors.

3.2 Fire Escape Inspections

3.2.1 When Required. Every 10 years all building owners or their representative(s) shall submit an inspection report detailing the condition of all wood framed or metal exterior stairs and or fire escape(s) attached or connected to a building to the Town Fire Chief or their designee(s). The report shall be completed by a professional engineer licensed in the State of Maine.

Exception 1: Single-Family dwellings shall not be subject to this requirement.

~~**Exception 2:** Stairs with less than four rises.~~

3.2.2 Corrections. Any deficiency noted upon an inspection report generated in accordance with 3.2.1 shall be corrected within a timeline established by the Fire Chief and or their designee(s).

3.2.3 Audit. The Fire Chief and or their designee(s) may request an inspection to be performed in accordance with the requirements of 3.2.1 when it is believed that ~~an exterior stair and or~~ fire escape(s) may be structurally compromised and or the structural condition cannot be ascertained by field inspection.

3.2.4 Additional Guidelines. The Fire Chief or their designee(s) shall be authorized to institute additional guidelines as they deem desirable for determining the inspection and report procedures and usage of fire escape(s) ~~and exterior stairs.~~ If such additional guidelines are issued, they shall be published and a current copy, available for public inspection, kept at the Office of the Town Clerk.

3.2.5 Effective Date. Section 3.2 shall become effective January 1, 2024.

3.3 Record Keeping

3.3.1 The fire chief and their designee(s) shall keep all records pertaining to inspections pursuant to Title 25 MRS §2400. Such records shall be available for public examination during normal business hours.

3.4 Right to Enter Buildings

3.4.1 For the purposes of enforcing this ordinance, Chapter 317, and Chapter 403 the Fire Chief or their designee(s) shall be permitted at all reasonable hours to enter any building or structure for the purposes of conducting an inspection pursuant to this ordinance, delivering notices of deficiencies, investigating complaints and posting notices.

4. Fire and Life Safety Protection Features

4.1 Fire Department Key Boxes

4.1.1 Where Required. No later than December 31, 2021, all structures, except one and two-family dwellings, shall have a key box when any one or more of the following criteria are met:

1. A fire sprinkler system exists in said structure
2. A fire alarm system exists in said structure
3. The structure constitutes a unique hazard as determined by the fire chief

4.1.2 Box Type. Fire department key boxes shall be of a type and design approved by the fire chief.

4.1.3 Mounting Location. Fire department key boxes shall be located as approved by the fire chief or their duly authorized designee.

4.1.4 Stickers. All exterior doors and entryways shall have a red sticker no smaller than 1" x 1" indicating that there is a fire department key box on the premise. This sticker shall serve to notify emergency personnel that there is an established fire department key box system on site. The sticker shall be of a type approved by the fire chief.

4.1.5 Keys. Keys provided by the structure owner and or their designee shall be of the correct type to open any door, locked opening, and fire alarm

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control units in the structure. The structure owner and or their designee shall be responsible for keeping keys up to date. Electronic keys shall be permitted when the fire department key box is adequately shielded from weather and approved by the fire chief and or their designee(s). The number of key or sets of keys required shall be determined by the fire chief or their designee.

4.1.6 Installation and Maintenance. The fire chief shall have the authority to establish additional installation and maintenance regulations for such key boxes. Enforcement of such procedures shall be through the fire chief and or their designee(s). Such regulations shall be on file for public examination during normal business hours at the Town Clerk's Office Town of Yarmouth, Maine.

4.2 Automatic External Defibrillators (AEDs)

4.2.1 Where required. The following structures and occupancy types shall have an automatic external defibrillator (AED) when any of the following criteria are met:

1. New buildings or structures with a calculated occupant load of two-hundred (200) or more.
2. Any expansion of a building or structure which increases the calculated occupant load to two-hundred (200) or more.

4.2.2 Specifications. All required automatic external defibrillators shall meet the following requirements of 4.2.2.1 to 4.2.2.5

4.2.2.1 Listing. AEDs shall be listed by a nationally recognized testing laboratory (NRTL).

4.2.2.2 Cabinet. All new AEDs shall be housed in a cabinet with a tamper alarm.

4.2.2.3 Instructions. A copy of the manufacturer's instructions shall be kept in the automatic external defibrillator cabinet

4.2.2.4 Signage. Signage shall be provided above the cabinet and at the main entry door to the building.

4.2.2.5 Location. Located in a central prominent area of the structure. The fire chief or their designee(s) shall be permitted to require re-

location of the AED, the cabinet supplied and any signage.

4.2.3 Installation and Maintenance. The fire chief shall have the authority to establish additional written installation and maintenance regulations for such AEDs. Enforcement of such procedures shall be through the fire chief or their designee(s). AEDs shall be maintained in accordance with manufacturer's instructions. Such regulations shall be on file for public examination during normal business hours at the Town Clerk's Office Town of Yarmouth, Maine.

4.3 Fire Sprinkler Systems

4.3.1 Fire sprinkler systems shall be installed, tested, inspected, and maintained in accordance with Chapter 317 and the codes adopted by this ordinance.

4.4 Fire Alarm Systems

4.4.1 Fire alarm systems shall be installed, tested, inspected, and maintained in accordance with Chapter 403 and the codes adopted by this ordinance.

4.5 Occupant Load Placards

4.5.1 Placard Required. All assembly occupancies, new or existing, shall have a permanently posted occupant load placard.

4.5.2 Multiple Placards. When the construction of an assembly occupancy provides multiple entrances, the Fire Chief or their designee(s) shall be permitted to require multiple placards.

4.5.3 Design of Placard. The design, size, color, material, text and other characteristics of the occupant load placard shall be determined by the Fire Chief or their designee(s).

4.5.4 Calculated Occupant Load. Occupant load calculations shall be approved by the Fire Chief or their designee(s). Calculations shall be performed in accordance with NFPA 101.

5. Reserved

6. Administration

6.1 Conflicts

6.1.1 That any ordinances or parts of ordinances in conflict herewith are analyzed to determine the stricter provision. The strictest combination of provisions shall prevail.

6.2 Severability.

6.2.1 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.

6.3 Effective Date.

6.3.1 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.

6.4 Deficiencies

6.4.1 Notices of Deficiency. Upon discovery of a deficiency in any person's structure or building during an inspection, the fire chief or their designee(s) shall issue a notice of deficiency to the owner of the structure or building. Notices of Deficiency shall be issued in the manner described by 6.4.1.1 to 6.4.1.4.

6.4.1.1 First Notice. A person found not to follow the requirements of this ordinance shall be issued a first notice of deficiency and be ordered to correct such deficiency noted in a time period established by such order.

6.4.1.2 Second Notice. Continued failure to correct such deficiency in the time frame established by the first notice of deficiency shall result in a second notice of deficiency and penalty

to be paid by the responsible person in accordance with Table 6.5.1.

6.4.1.3 Final Notice. Continued failure to correct such deficiency shall result in a final notice of deficiency and penalties to be paid by the responsible person in accordance with Table 6.5.1. This notice shall be issued after 30 days has elapsed from the receipt or posting of the second notice. After the issuance of the final notice the Fire Chief, with the consultation of the Town Manager, may elect to refer the matter to the Town Council for legal actions and remedies.

6.4.1.4 Separate Notices. A separate notice of deficiency shall not be required once the final notice of deficiency have been served. Each day past the final notice of deficiency, an additional notice of deficiency shall not be required to be issued to be deemed a separate offense for which a fine may be assessed.

6.4.2 Delivery. Deficiencies shall be delivered by certified mail to the owner listed in the records of the Town Assessor's Department. If no response is received from the first notice of deficiency the fire chief may elect instead to have a notice posted on the structure or building.

6.4.3 Re-Inspection. The Fire Chief or their designee(s) may assess a fee for the re-inspection of buildings or structures when a scheduled appointment is missed. Such fee shall be in accordance with Chapter 401 Fees and Permits Ordinance. The Fire Chief or their designee(s) shall be permitted to limit the number of re-inspection(s) granted.

6.4.4 Permits, Approval, Certificates. Any person who violates any condition attached to a permit, approval, or certificate shall be considered deficient and shall be subject to a notice of deficiency.

6.4.5 Appeals. 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.

6.5 Penalties

6.5.1 Penalties. Violations of the provisions of the referenced codes or this ordinance shall be punishable by a fine as determined by a penalty schedule found in Table 6.5.1 and or specified by state law/rules.

| TABLE 6.5.1 PENALTIES | |
|---|--|
| Type of Penalty | Penalty |
| 1 st Notice of Deficiency | \$0.00 |
| 2 nd Notice of Deficiency | \$50.00 |
| Final Notice of Deficiency | \$75.00 + \$75.00 per day deficiency continues |
| Failure to Obtain Permit Required | Two times permit cost ¹ |
| Removal of a Posted Notice ² | \$250.00 |

1. Failure to obtain a required permit does not alleviate the person from the requirement to obtain such permit. Failure to continue to obtain such permit after 7 working days' notice shall additionally be deemed a deficiency and shall follow the notice of deficiency schedule.

2. The removal of a posted notice, order or occupant load placard without the approval of the Fire Chief or their duly authorized designee. Includes posted notices of deficiency, orders, and or occupant load placards. A penalty shall not be assessed if the notice or placard does not include text to warn against such removal. The payment of such penalty shall not prevent the requirement to reestablish such posted notices, orders and or occupant load placards.