

**Adopted by City Council 5/5/08**

**Chapter 7  
FIRE PREVENTION AND PROTECTION\***

**Article I - In General (Reserved)**

Sect. 7-1 to 15 Reserved

**Article II Fire Prevention and Life Safety**

Sec. 7-16. NFPA 1 Uniform Fire Code adopted; copies on file.

Sec. 7-17. Definitions for fire prevention code.

Sec. 7-18. Amendments to Fire Prevention Code.

Sec. 7-19. Penalties.

Sec. 7-20. Life Safety Code adopted; copies on file.

Sec. 7-21. Definitions for Life Safety Code.

Sec. 7-22. Amendments to Life Safety Code.

Secs. 7-23--7-27. Reserved.

**Article III. Fire Department**

Sec. 7-28. Created.

Sec. 7-29. Appointment of chief.

Sec. 7-30. Chief's duties.

**ARTICLE I. IN GENERAL  
(RESERVED)**

**Secs. 7-1--7-15. Reserved.**

**ARTICLE II. FIRE PREVENTION AND LIFE SAFETY\***

**Sec. 7-16. NFPA 1 Fire Prevention Code adopted; copies on file.**

There is hereby adopted an ordinance establishing minimum regulations for the safeguarding of life and property from the hazards of fire and explosion arising from the storage, handling, and use of hazardous substances, materials and devices; and from conditions hazardous to life or property in the use or occupancy of buildings or premises; known as the fire prevention code.

The fire prevention code, three (1) copies of which are on file in the office of the city clerk of the City of Old Town being marked and designated as "The NFPA 1 Uniform Fire Code, 2006" as published by the National Fire Protection Agency. The fire prevention code is adopted by the City of Old Town in the State of Maine for the control of building and structures as herein provided; and each and all of the regulations,

provisions, penalties, conditions and terms of said NFPA 1 Uniform Fire Code, are hereby referred to, adopted, and made a part hereof as if fully set out in this article.

(Ord. of 1-7-91)

**Sec. 7-17. Definitions for fire prevention code.**

(a) The word "jurisdiction" used in the NFPA Uniform Fire Code shall mean the City of Old Town.

(b) The term "code official" as used in NFPA Uniform Fire Code shall mean the Public Safety Director or his duly authorized representative.

(c) The term "legal counsel" as used in the NFPA Uniform Fire Code shall mean the city attorney or attorney designated the city manager.

(Ord. of 1-7-91)

**Sec. 7-18. Amendments to NFPA Uniform Fire Code.**

The following amendments have been made in the NFPA Uniform Fire Code adopted by this chapter:

The following articles and sections shall be deleted:

Chapter 1

Section 1-10 Board of Appeals

Note: Delete entire reference to Board of Appeals sections 1.10 thru 1.10.9.3

The following articles and sections shall be enacted in addition to those not specifically excluded above.

Chapter 1 Board of Appeals

City of Old Town Appeals Process

1-8 Application for appeal.

1-8.1 Any person shall have the right to appeal a decision of the code official to the board of appeals. An application for appeal shall be based

on a claim that the true intent of this code or the rules legally adopted there under has been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better method of fire prevention is used.

#### Construction of the Board of Appeals

1-8.2 The board of appeals shall be the same board that hears appeals to the zoning ordinance of the City of Old Town as set out in Section 107 of Appendix A of the Zoning Ordinance of the City of Old Town.

#### Appeals procedure.

1-8.3 The appeals procedure shall be the same as set out in Section 107.3, Appendix A(Zoning) of the City of Old Town. Code of Ordinances.

### Chapter 3 General Provisions

#### 3-6 Access Boxes

##### 3-6.1 Secured key access.

Any building, other than a residential building of less than four (4) units, which has a fire alarm system or other fire protection system, shall provide a secure key box installed in a location accessible to the fire department in case of emergency. This key box shall contain keys to the fire alarm control panels and other keys necessary to operate or service fire protection systems. The key box shall be a type approved by the code official and shall be located and installed as approved by the code official. If company policy forbids installation of a key box, the owner, or his designated representative, will be required to sign a letter advising of the fire department policy to force entry to buildings to which no key box is provided.

#### **Sec. 7-19.9 Penalties**

Whoever violates any provisions of this article or adopted code shall be subject to the penalties and provisions of Section 1-8 of this Code.

**Sec. 7-20. Life Safety Code adopted; copies on file.**

There is hereby adopted an ordinance establishing minimum requirements that will provide a reasonable degree of life safety from fire in new and existing buildings, addressing those construction, protection, and occupancy features necessary to minimize danger to life from fire, smoke, fumes, or panic.

The Life Safety Code, one (1) copy of which is on file in the office of the city clerk of the City of Old Town being marked as, "NFPA 1 Life Safety Code 2006," as published by the active membership of the National Fire Protection Association, Inc. The Life Safety Code is adopted by the City of Old Town in the State of Maine for the control of building and structures as herein provided; and each and all regulations, provisions, penalties, conditions and terms of said NFPA 101 Life Safety Code, are hereby referred to, adopted, and made part hereof as if fully set out in this article.

(Ord. of 1-7-91; Ord. of 8-7-95)

**Sec. 7-21. Definitions for Life Safety Code.**

(a) The term "authority having jurisdiction" used in the Life Safety Code shall mean the Public Safety Director or his duly authorized representative.

(b) The term "legal counsel" used in the Life Safety Code shall mean the city attorney or attorney designated by the city manager..

(Ord. of 1-7-91; Ord. of 8-7-95)

The following amendments have been made in the Life Safety Code adopted by this chapter.

Chapter 25 sections:

24.3.5\* and 24.3.5.1 Extinguishment Requirements shall be deleted

The following articles and sections shall be enacted in addition to those not specifically excluded above:

1-4.1.1 It shall be the duty and responsibility of the Public Safety Director, or his authorized representative, to enforce the provisions of the Life Safety Code as herein set forth. The designated enforcement officer of this code is herein referred to as the authority having jurisdiction.

1-4.1.2 The authority having jurisdiction, for the purpose of ascertaining and causing to be corrected any conditions that endanger life from fire, smoke, fumes, panic, or any violations of the provisions or intent of this code or any other ordinance affecting fire and life safety, may inspect all structures and premises, including the new construction of one- and two-family dwellings and new additions to existing one- and two-family dwellings in which an occupancy permit has not yet been issued, and new or existing one- and two-family dwellings which are not owner-occupied and which are offered to the public for lease or rent. The inspection of all other owner-occupied one- and two-family dwellings will be done only at the request and invitation of the property owner.

1-4.1.3 Whenever necessary for the purpose of enforcing the provisions of this code, or whenever the authority having jurisdiction has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe, the authority having jurisdiction shall be permitted to enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the authority having jurisdiction by this code; provided that if such structure or premises be occupied, the authority having jurisdiction shall first present proper credentials and request entry. If such entry is refused, the authority having jurisdiction shall have recourse to every remedy provided by law to secure entry.

1-4.1.4 The authority having jurisdiction, duly authorized representative or employee charged with the enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally, and is hereby relieved from all personal liability for any damages to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any employee because of an act performed in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The authority having jurisdiction or any subordinates of the authority having jurisdiction shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; any employee acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of the official duties in connection therewith.

1-4.1.5 The jurisdiction shall not be liable under this code for damage to persons or property, by reason of the inspection or reinspection of buildings, structures or equipment authorized herein, or failure to inspect or reinspect such buildings, structures or equipment by reason of the approval or disapproval of any building, structure or equipment authorized herein.

1-4.1.6 The authority having jurisdiction shall have the authority as necessary in the interest of public safety, health and general welfare to promulgate rules and regulation, to interpret and implement the provisions of this code, to secure the intent thereof, and to designate requirements applicable because of climatic or other conditions. Such rules shall not have the effect of waiving any life safety requirements specifically provided in this code, or violating accepted engineering practice involving public safety.

1-4.1.7 Whenever the authority having jurisdiction observes an apparent or actual violation of a provision of this code or other codes or ordinances under the authority having jurisdiction, the authority having jurisdiction shall prepare written notice of violation describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. The written notice of violation describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. The written notice of violation of this code shall be served upon the owner, a duly authorized agent or upon the occupant or other person responsible for the conditions under violation. Such notice of violations shall be served either by delivering a copy of same to such person or persons, by ordinary mail to the last known post office address, delivered in person or by delivering it to and leaving it in the possession of any person in charge of the premises, or in the case such person is not found upon the premises, by affixing a copy thereof in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice.

1-4.1.8 If the notice of violation is not complied with within the time specified by the authority having jurisdiction, the authority having jurisdiction may request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this code or of any order or direction made pursuant thereto. The police department of the jurisdiction shall be requested by the authority having jurisdiction to make arrests for any offense against the code or orders of the authority having jurisdiction affecting the immediate safety of the public.

1-4.1.9 Any person, firm, or corporation violating any of the provisions of the code or failing to comply with any order issued pursuant to any section thereof shall be subject to penalties and provisions of Section 1-8 of this Code..

1-4.1.10 The imposition of the penalties herein described shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or prevent illegal occupancy of a building, structure or premises; or stop an illegal act, conduct of business or use of a building or structure in or about any premises.

1-4.1.11 Any person shall have the right to appeal to the board of appeals from a decision of the authority having jurisdiction. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equally good or better method of providing for life safety has been used.

1-4.1.12 The board of appeals shall be the same board that hears appeals to the Zoning Ordinance of the City of Old Town as set out in Section 107 of Appendix A(Zoning) of the City of Old Town Code of Ordinances. The appeals procedure shall be the same outlined in Section 107.3 of Appendix A.

(Ord. of 1-7-91; Ord. of 6-15-92; Ord. of 8-7-95)

Secs. 7-23--7-27. Reserved.

### **ARTICLE III. FIRE DEPARTMENT\***

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\*State law reference(s)--Municipal authority to establish and regulate a fire department, 30-A M.R.S.A. § 3152.  
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#### **Sec. 7-28. Created.**

A fire department for the City of Old Town is hereby created.

(Rev. Ords. 1953, Ch. 8, § 101)

#### **Sec. 7-29. Appointment of the Public Safety Director.**

The city manager shall appoint a Public Safety Director.

(Rev. Ords. 1953, Ch. 8, § 101)

Charter reference(s)--Appointment of fire chief, Art. V, § 1(b).

**Sec. 7-30. Public Safety Directors Duties.**

The Public Safety Director shall:

- (a) Be the commanding officer of the fire department with authority over, and responsibility for, such regular and special firemen as the city manager may appoint.
- (b) Be charged with the prevention and extinguishing of fires, the protection of life and property against fire and the removal of fire hazards.
- (c) Be responsible for the care and maintenance of all property used by the fire department.
- (d) Inspect promptly all premises for which a license or a permit is applied for which requires the recommendation of the department and deliver promptly to the council his recommendations.

(Rev. Ords. 1953, Ch. 8, §§ 101, 102; Ord. of 6-1-54)

Cross reference(s)--Chief's approval required prior to the issuance by the city clerk of licenses to operate exhibitions, shows, performances, § 3-3; chief to approve licenses, §10-1.

State law reference(s)--Fire chief's duties, 30-A M.R.S.A. § 3153(2).