

Chapter 38

FIRE PREVENTION AND PROTECTION*

*Cross references: Buildings and building regulations, ch. 18; weapons and explosives, § 50-106 et seq.; hazardous materials, § 62-56 et seq.; fire zones, § 70-137.

State law references: Municipal fire protection, 30-A M.R.S.A. § 3151.

Article I. In General

- Sec. 38-1. Interfering with fire alarm.
- Sec. 38-2. Unauthorized use of hydrants prohibited.
- Sec. 38-3. Regulation of false fire alarms.
- Secs. 38-4--38-25. Reserved.

Article II. Fire Prevention Code

- Sec. 38-26. Codes adopted.
- Sec. 38-27. Application of fire codes on new or existing conditions; fire chief to set limit on corrections.
- Sec. 38-28. Violations, enforcement orders and appeals.

Article III. Permits

- Sec. 38-29. Aggrieved person may seek revocation of permit, approval or license.
- Sec. 38-30. Limitations on permits; applications generally to be made to bureau; fees.
- Sec. 38-31. Authority to suspend, revoke permits, licenses; reports required; appeal.
- Sec. 38-32. City council to prescribe areas, locations, boundaries for storage of materials.
- Sec. 38-33. Public meeting to be held prior to establishing restricted areas.
- Sec. 38-34. Open-air burning.
- Sec. 38-35. Outdoor incinerators, defined; fire chief to prescribe regulations; permit required, revocation.
- Sec. 38-36. Grade 1 gas leaks.
- Sec. 38-37. Fire chief's statutory duties.
- Sec. 38-38. Right of entry to inspect for hazards.
- Sec. 38-39. Appeal to the fire chief and board of appeals.

FIRE PREVENTION AND PROTECTION

ARTICLE I. IN GENERAL

Sec. 38-1. Interfering with fire alarm.

No person shall interfere in any way with any of the signal boxes of the fire alarm system by breaking, cutting, defacing or injuring such boxes, nor tamper or meddle with such boxes or any part thereof.

(Code 1982, § 11-1)

Sec. 38-2. Unauthorized use of hydrants prohibited.

No person except one duly authorized shall remove the cap from any water hydrant in the city. No person shall interfere with or meddle with, obstruct the approach to, partially or wholly cover with snow or any other substance, or in any manner damage or deface such hydrant or decrease its immediate availability in the event of an emergency.

(Code 1982, § 11-2)

Sec. 38-3. Regulation of false fire alarms.

(a) Installation of alarm systems. No person shall, without first obtaining a permit from the fire chief, install an alarm system that includes any mechanism, equipment or device, designed to automatically transmit a signal, message or warning from private or public premises, including, but not limited to, telephonic alarm systems designed to operate automatically through the use of public telephone facilities to the city fire department, or monitored by a private or public entity, which in turn calls the city fire department.

(b) Existing alarm systems. No person shall, without first obtaining a permit from the fire chief, continue to operate an alarm system that includes any mechanism, equipment or device, designed to automatically transmit a signal, message or warning from private or public premises, including, but not limited to, telephonic alarm systems designed to operate automatically through the use of public telephone facilities to the city fire department, or monitored by a private or public entity, which in turn calls the city fire department.

(c) Issuance of permits. Permits shall be issued to applicants upon the following conditions:

- (1) The applicant shall execute and submit to the fire chief a written agreement, upon a form furnished by the fire chief, that includes, inter alia, an acknowledgment that the applicant has read and agrees to abide by the terms of the false fire alarm policy adopted by and amended from time to time by the city council.
- (2) With respect to applicants under subsection (b) above, the applicant shall provide evidence that the applicant has, prior to the time of the application, fully complied with the false fire alarm policy adopted by and amended from time to time by the city council.
- (3) With respect to applicants under subsection (b) above, in the event that they are unable to make such certification due to their prior failure to pay charges under such policy, they shall submit with their application full payment of such charges.

FIRE PREVENTION AND PROTECTION

(d) Disconnection from noncompliance; appeal. In the event a permittee under this section fails to comply with the terms of the permit or with the terms of the false fire alarm policy adopted by and amended from time to time by the city council, the fire chief shall give to the permittee 60 days written notice of the city's intention to disconnect the permittee's system from the connection with the city fire department, which notice shall be deemed to be a notice of violation and an order to comply. In the event that the permittee, having received such notice, fails to place itself in compliance within such 60-day period, the fire chief shall proceed to disconnect the permittee from the system. A permittee may appeal to the board of appeals as detailed in 38-28(d) from the fire chief's notice of intention to disconnect.

(Ord. No. 95-15, 11-2-95; Ord. No. 18-04, 6-14-18)

Secs. 38-4--38-25. Reserved.

ARTICLE II. FIRE PREVENTION CODE*

*Charter references: Board of appeals, § 4.06.

Sec. 38-26. Codes adopted.

(a) For the purpose of protecting life and property against the hazards of fire and explosion, the city hereby incorporates by reference and enacts as codes of the city the regulations of the Maine Fuel Board Rules, 02-658 Code of Maine Rules ch.1, et. seq., as amended, that were in effect on January 1, 2022; the regulations of Maine State Fire Marshal Rules, 16-219 Code of Maine Rules ch.1, et. seq., as amended, that were in effect on January 1, 2022; and the following Standards or Codes as promulgated by the National Fire Protection Association (NFPA) , 1 Batterymarch Park, Quincy, MA 02269 as specified below:

1. National Fire Protection Association (NFPA) 1: Fire Prevention Code. The edition of the Fire Prevention Code that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 3, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
2. NFPA 10: Standard for Portable Fire Extinguishers. The edition of the Standard for Portable Fire Extinguishers that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 5, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
3. NFPA 11: Standard for Low, Medium, and High Expansion Foam Systems. The edition of the Standard for Low, Medium, and High Expansion Foam Systems that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 6, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
4. NFPA 12: Standard on Carbon Dioxide Extinguishing Systems. The edition of the Standard on Carbon Dioxide Extinguishing Systems that applies shall be the most recent

FIRE PREVENTION AND PROTECTION

edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 6, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.

5. NFPA 13: Standard for the Installation of Sprinkler Systems. The edition of the Standard for the Installation of Sprinkler Systems that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
6. NFPA 13D: Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes. The edition of the Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
7. NFPA 13R: Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height. The edition of the Standard for the Installation of Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
8. NFPA 14: Standard for the Installation of Standpipe, Private Hydrants and Hose Systems. The edition of the Standard for the Installation of Standpipe, Private Hydrants and Hose Systems that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
9. NFPA 15: Standard for Water Spray Fixed Systems for Fire Protection. The edition of the Standard for Water Spray Fixed Systems for Fire Protection that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
10. NFPA 16: Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems. The edition of the Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
11. NFPA 17: Standard for Dry Chemical Extinguishing Systems. The edition of the Standard for Dry Chemical Extinguishing Systems that applies shall be the most recent

FIRE PREVENTION AND PROTECTION

edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 6, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.

12. NFPA 17A: Standard for Wet Chemical Extinguishing Systems. The edition of the Standard for Wet Chemical Extinguishing Systems that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 6, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
13. NFPA 18: Standard on Wetting Agents. The edition of the Standard on Wetting Agents that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 6, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
14. NFPA 20: Standard for the Installation of Stationary Fire Pumps for Fire Protection The edition of the Standard for the Installation of Stationary Fire Pumps for Fire Protection that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
15. NFPA 22: Standard for Water Tanks for Private Fire Protection. The edition of the Standard for Water Tanks for Private Fire Protection that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
16. NFPA 24: Standards for the Installation of Private Fire Service Mains and Their Appurtenances. The edition of the Standards for the Installation of Private Fire Service Mains and Their Appurtenances that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
17. NFPA 25: Standards for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems. The edition of the Standards for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
18. NFPA 30: Standards for Flammable and Combustible Liquids. The edition of the Standards for Flammable and Combustible Liquids that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch.

FIRE PREVENTION AND PROTECTION

34, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.

19. NFPA 30A: Code for Motor Fuel Dispensing Facilities and Repair Garages. The edition of the Code for Motor Fuel Dispensing Facilities and Repair Garages that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
20. NFPA 30B: Code for the Manufacture and Storage of Aerosol Products. The edition of the Code for the Manufacture and Storage of Aerosol Products that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 34, § 3) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
21. NFPA 31: Standard for the Installation of Oil-Burning Equipment. The edition of the Standard for the Installation of Oil-Burning Equipment that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
22. NFPA 37: Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines. The edition of the Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 10, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
23. NFPA 52: Vehicular Natural Gas Fuel and Systems Code. The edition of the Vehicular Natural Gas Fuel and Systems Code that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
24. NFPA 54: National Fuel Gas Code. The edition of the National Fuel Gas Code that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
25. NFPA 55: Standard for the Storage, Use, and Handling of Compressed Gasses and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks. The edition of the Standard for the Storage, Use, and Handling of Compressed Gasses and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for

FIRE PREVENTION AND PROTECTION

example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.

26. NFPA 58: Liquefied Petroleum Gas Code. The edition of the Liquefied Petroleum Gas Code that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
27. NFPA 59: Utility LP-Gas Plant Code. The edition of the Utility LP-Gas Plant Code that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
28. NFPA 59A: Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG). The edition of the Standard for the Production, Storage, and Handling of Liquefied Natural Gas (LNG) that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
29. NFPA 70: National Electrical Code. The edition of the National Electrical Code that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
30. NFPA 72: National Fire Alarm Code. The edition of the National Fire Alarm Code that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 17, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
31. NFPA 80: Standard for Fire Doors and Windows. The edition of the Standard for Fire Doors and Windows that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 20, § 2) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
32. NFPA 88A: Standard for Parking Structures. The edition of the Standard for Parking Structures that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
33. NFPA 90A: Standard for the Installation of Air-Conditioning and Ventilating Systems. The edition of the Standard for the Installation of Air-Conditioning and Ventilating Systems that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.

FIRE PREVENTION AND PROTECTION

34. NFPA 90B: Standard for the Installation of Warm Air Heating and Air-Conditioning Systems. The edition of the Standard for the Installation of Warm Air Heating and Air-Conditioning Systems that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
35. NFPA 96: Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations. The edition of the Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 19, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
36. NFPA 99: Standard for Health Care Facilities. The edition of the Standard for Health Care Facilities that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 15 § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
37. NFPA 99B: Standard for Hypobaric Facilities. The edition of the Standard for Hypobaric Facilities that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 15 § 2) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
38. NFPA 101: Life Safety Code. The edition of the Life Safety Code that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 20, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
39. NFPA 102: Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures. The edition of the Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 21, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
40. NFPA 110: Standard for Emergency and Standby Power Systems. The edition of the Standard for Emergency and Standby Power Systems that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 15 § 3) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
41. NFPA 160: Standard for the Flame Effects Before an Audience. The edition of the Standard for the Flame Effects Before an Audience that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch.

FIRE PREVENTION AND PROTECTION

26, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.

42. NFPA 211: Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances. The edition of the Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances that applies shall be the most recent edition adopted by the rules of the Maine Fuel Board (for example in 02-658 C.M.R., ch. 6, § 6.1) as amended from time to time, including as the Maine Fuel Board may modify such NFPA Code.
43. NFPA 214: Standard on Water-Cooling Towers. The edition of the Standard on Water-Cooling Towers that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
44. NFPA 220: Standard on Types of Building Construction. The edition of the Standard on Types of Building Construction that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 20, § 3) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
45. NFPA 221: Standard for High Challenge Fire Walls, Fire Walls and Fire Barrier Walls. The edition of the Standard for High Challenge Fire Walls, Fire Walls and Fire Barrier Walls that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 20, § 4) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
46. NFPA 241: Standard for Safeguarding Construction, Alterations, and Demolition Operations. The edition of the 241: Standard for Safeguarding Construction, Alterations, and Demolition Operations that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 20, § 5) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code).
47. NFPA 318: Standard for the Protection of Semiconductor Fabrication Facilities. The edition of the Standard for the Protection of Semiconductor Fabrication Facilities that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
48. NFPA 385: Standard for Tank Vehicles for Flammable and Combustible Liquids. The edition of the Standard for Tank Vehicles for Flammable and Combustible Liquids that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 34, § 4) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.

FIRE PREVENTION AND PROTECTION

49. NFPA 409: Standard on Aircraft Hangers. The edition of the Standard on Aircraft Hangers that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
50. NFPA 418: Standard for Heliports. The edition of the Standard for Heliports that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
51. NFPA 495: Explosive Materials Code. The edition of the Explosive Materials Code that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 31, § 1, et. seq.) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
52. NFPA 496: Standard for Purged and Pressurized Enclosures for Electrical Equipment. The edition of the Standard for Purged and Pressurized Enclosures for Electrical Equipment that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 23, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
53. NFPA 750: Standard on Water Mist Fire Protection Systems. The edition of the Standard on Water Mist Fire Protection Systems that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 4, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
54. NFPA 1122: Code for Model Rocketry. The edition of the Code for Model Rocketry that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 25, § 3) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
55. NFPA 1123: Code for Fireworks Display. The edition of the Code for Fireworks Display that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 25, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
56. NFPA 1124: Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles. The edition of the Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 36, § 2) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.

FIRE PREVENTION AND PROTECTION

57. NFPA 1126: Standard for the Use of Pyrotechnics Before a Proximate Audience. The edition of the Standard for the Use of Pyrotechnics Before a Proximate Audience that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 26, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
58. NFPA 2001: Standard on Clean Agent Fire Extinguishing Systems. The edition of the Standard on Clean Agent Fire Extinguishing Systems that applies shall be the most recent edition adopted by the rules of the State Fire Marshal (for example in 16-219 C.M.R., ch. 6, § 1) as amended from time to time, including as the State Fire Marshal may modify such NFPA Code.
59. Standards regarding Water-Based Fire Protection Systems, as adopted by the rules of the State Fire Marshal (for example in 16-219 CMR Ch. 4, §§ 1, et. seq.) as amended from time to time.
60. Standards regarding portable classrooms, as adopted by the rules of the State Fire Marshal (for example in 16-219 CMR Ch. 20, § 6) as amended from time to time.
61. Standards regarding announcements required, as adopted by the rules of the State Fire Marshal (for example in 16-219 CMR Ch. 20, § 7) as amended from time to time.
62. Standards regarding the Operations of Amusement Devices and Midways, as adopted by the rules of the State Fire Marshal (for example in 16-219 CMR Ch. 28, §§ 1, et. seq.) as amended from time to time.
63. Department of Environmental Protection Oil Regulations, as adopted by the rules of the Maine Fuel Board (for example in 16-219 CMR, Appendix A) as amended from time to time
64. The Department of Environmental Protection Asbestos Regulations, as adopted by the rules of the Maine Fuel Board (for example in 16-219 CMR, Appendix B) as amended from time to time;
65. The Memorandum of Understanding between the Maine Fuel Board and the Plumbers' Examining Board for the Installation of Hot Water or Steam & Warm Air Heating Systems, Radiation Supply and Return Connections, as adopted by the rules of the Maine Fuel Board (for example in 16-219 CMR, Appendix C) as amended from time to time;
66. The Memorandum of Understanding between the Maine Fuel Board and the Electricians' Examining Board for the Installation, Service and Repair of Hot Water, Steam, Warm Air Heating Systems and Water Heaters, as adopted by the rules of the Maine Fuel Board (for example in 16-219 CMR, Appendix D) as amended from time to time;

FIRE PREVENTION AND PROTECTION

67. The State of Maine Emergency Chimney Update Waiver Form, as adopted by the rules of the Maine Fuel Board (for example in 16-219 CMR, Appendix E) as amended from time to time;
68. The Chimney or Fireplace Construction/Installation Disclosure, as adopted by the rules of the Maine Fuel Board (for example in 16-219 CMR, Appendix F) as amended from time to time; and
69. Standards regarding Vehicle Protection, as adopted by the rules of the Maine Fuel Board (for example in 16-219 CMR, Appendix G) as amended from time to time.

(b) For this section and the codes adopted herein, the “family” has the same meaning as the term is defined in the Code of Ordinances, Appendix A-Zoning and Land Use Code, Article II.

(c) All State Fire Marshall. Maine fuel Board, and NFPA codes and portions therefore adopted by this section may be viewed by contacting the Lewiston City Clerk or the Lewiston Fire Prevention Bureau.

(d) Chapter 66, Section 66-03 of the Code of Ordinances of the City of Lewiston, regarding the procedure for numbering houses, is incorporated by reference. The fire chief, or fire chief’s designee, shall have the authority to issue and enforce notices requiring display of assigned numbers.

(Code 1982, § 11-19; Ord. No. 92-26, § 1, 11-19-92; Ord. No. 94-7, 7-21-94; Ord. No. 99-14, 7-15-99; Ord. No. 01-3, 3-8-01; Ord. No. 02-03, 4-18-02; Ord. No. 05-04, 3-10-05; Ord. No. 10-07, 09-16-10; Ord. No. 11-10, 10-20-11; No. 17-20c, 12-21-17; Ord. No. 18-04, 6-14-18; Ord. 22-08, 05-19-22)

Sec. 38-27. Application of fire codes on new or existing conditions; fire chief to set limit on corrections.

The provisions of the codes adopted by section 38-26 shall apply equally to new and existing conditions, except that existing conditions not in strict compliance with the terms of the codes hereby adopted may be permitted to continue where the exceptions do not constitute a distinct hazard to life or property, in the opinion of the fire chief. The fire chief may prescribe a time limitation on corrections required to be made to existing conditions or to bring conditions or corrections up to code requirements.

(Code 1982, § 11-20)

Sec. 38-28. Violations, enforcement orders and appeals.

(a) **Unlawful Acts.** It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, remove, demolish, use, or occupy any building or structure or equipment in conflict with or in violation of any of the provisions of this chapter or state law. Each day a violation is permitted to exist after due notice shall constitute a separate offense.

FIRE PREVENTION AND PROTECTION

(b) **Notice of Violation.** The fire chief, or fire chief's designee, is authorized to serve a notice of violation or order on the person responsible for a condition that is or is likely to become a fire hazard; on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition, or occupancy of a building or structure in violation of any of the provisions of this Code or state law; on the person responsible for a violation of a detail statement or a plan approved thereunder; or, on the person responsible for a violation of a permit or license issued under the provisions of this Code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

(c) **Service of notice of violation or order.** A notice of violation or order may be served in hand to the violator or left with a person of suitable age and discretion at the residence or place of business of the violator or mailed by certified mail, return receipt requested, to the last known address. If the return receipt is not returned, the notice shall be conclusively presumed to have been served if it is also sent by regular mail, postage prepaid, and not returned as undeliverable by the postal service.

(d) **Request for appeal.** Any person served with an order pursuant to this section, may request a hearing before the board of appeals by filing a written petition for said hearing at the planning and code enforcement department within ten (10) days of the date of service of the order. Such appeal shall be heard at the next scheduled meeting of the board of appeals occurring at least 48 hours after the date of filing. The board of appeals may sustain, modify or withdraw such order. The decision of the board of appeals may be further appealed pursuant to the provisions of rule 80B of the Maine Rules of Civil Procedure.

(e) **Violation penalties.** Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, or who has caused a condition that is or is likely to become a fire hazard or has allowed such condition to remain, shall be liable for one or more citations as set forth in Chapter 1, Section 1-8 and Chapter 50, Section 50-36 of the Code of Ordinances of the City of Lewiston. In lieu of or in addition to the issuance of citations, the fire chief may initiate a land use complaint pursuant to Rule 80K of the Maine Rules of civil Procedure and 30-A M.R.S.A. § 4452 *et seq.* as amended.

(f) **Restrictions on transfer.** Any person who, after receipt of a notice of violation under this chapter, sells, transfers or leases the property, must notify the grantee, mortgagee, transferee, or lessee of any outstanding code violations, and must also furnish the City fire prevention bureau with a signed, notarized statement from the grantee, mortgagee, transferee, or lessee acknowledging receipt of any orders or notices and fully accepting responsibility for the abatement of said violations.

(Code 1982, § 11-21; Ord. No. 18-04, 6-14-18)

ARTICLE III. PERMITS

Sec. 38-29. Aggrieved person may seek revocation of permit, approval or license.

Any person aggrieved by the granting of a permit or approval under this article, or the granting of a license by the fire department on the grounds that the exercise thereof would constitute a fire

FIRE PREVENTION AND PROTECTION

nuisance, health or explosion hazard may appeal for revocation of such permit, approval or license to the fire chief, as detailed in section 38-39.

(Code 1982, § 11-22; Ord. No. 18-04, 6-14-18)

Sec. 38-30. Limitations on permits; applications generally to be made to bureau; fees.

(a) A permit required by this article or the codes adopted hereby shall not take the place of any license required by law. It shall not be transferable, and any change in use or occupancy or change in location shall require a new permit. Applications for permits required by this article or by the codes adopted hereby shall be made to the fire prevention bureau, except as specified in this article.

(b) Payment of fees. A permit shall not be valid until the fees prescribed by the Lewiston City Council have been paid, nor shall an amendment to the permit be released until the additional fee, if any, has been paid.

(c) Schedule of permit fees. On buildings, structures, or alterations requiring a permit, a fee for each permit shall be paid as required in accordance with the schedule as established by the Lewiston City Council.

(Code 1982, § 11-23; Ord. No. 18-04, 6-14-18)

Sec. 38-31. Authority to suspend, revoke permits, licenses; reports required; appeal.

All fire department officers and fire inspectors shall have the authority to suspend or revoke any and all permits or licenses which may be issued by the fire department. Permits and licenses shall be suspended or revoked only if, in the opinion of an officer or inspector having jurisdiction, such action is immediately necessary to safeguard life or property and failure to take such action would be a distinct hazard to life or property. Appeals for restoration of such permit or license shall be made to the fire chief. Suspension or revocation of a permit or license shall be reported to the fire chief with a written report setting forth all facts concerning such action.

(Code 1982, § 11-24; Ord. No. 18-04, 6-14-18)

Sec. 38-32. City council to prescribe areas, locations, boundaries for storage of materials.

The city council shall prescribe areas, locations or boundaries as required by the codes adopted in this article for the enforcement of restrictions on use, storage, consumption, loading, unloading, processing or other matters pertaining to any or all products or materials requiring such defined areas. (Code 1982, § 11-25)

Sec. 38-33. Public meeting to be held prior to establishing restricted areas.

The city council shall hold a public meeting prior to the establishment of any restricted area, location or boundary, and such public meeting shall be advertised at least once in a newspaper of general circulation within the city. (Code 1982, § 11-26)

FIRE PREVENTION AND PROTECTION

Sec. 38-34. Open-air burning.

(a) As used in this section, the term "fire" means and shall include, but is not limited to, bonfires, burning of grass, leaves, weeds, brush, wood, paper boxes, trash, waste, automobiles and trucks, junk, fires on public or private dumps, and any burning of combustible or flammable materials, including petroleum products.

(b) No person shall kindle or maintain any fire in the open air, or authorize any such fire to be kindled or maintained, in any street, alley, roadway, lane, public grounds or private lot, without first having obtained a written permit to do so from the fire department.

(c) The fire chief or his designee shall prescribe and issue policies and procedures for the issuance of burning permits and shall have full control of such permits. Dispatchers, fire department officers and fire inspectors have authority to issue burning permits. The assistant fire chief or captain on duty shall have the authority to suspend or stop all burning in the city whenever, in their opinion, safety requires such action.

(d) Notwithstanding any of the provisions of this section, no person shall kindle or cause to be kindled such fires as are enumerated in this section, without calling by telephone the city fire department for clearance to kindle the fire just prior to lighting it. Failure to obtain such clearance shall cause the permit issued therefor to be automatically null and void.

(Code 1982, § 11-27; Ord. No. 18-04, 6-14-18)

Sec. 38-35. Outdoor incinerators, defined; fire chief to prescribe regulations; permit required, revocation.

(a) "Outdoor incinerators" are defined as "any container used to burn waste or discarded materials."

(b) The city fire chief is authorized to prescribe and issue policies and procedures for the safe use of outdoor incinerators, including, without limitations, the types of containers authorized to be used.

(c) It shall be unlawful to use any outdoor incinerator without having first obtained a permit for such incinerator from the city fire department. Such permits may be refused by the inspector if the incinerator or its location is not in compliance with all laws and ordinances.

(d) The permit for any outdoor incinerator may be revoked by a fire inspector in the event of violation of any policies or procedures of the city fire chief.

(e) Any permit for an outdoor incinerator may be revoked if the incinerator causes smoke or odor or is a source of discomfort or a nuisance to adjoining property owners or tenants.

(Code 1982, § 11-28; Ord. No. 18-04, 6-14-18)

Sec. 38-36. Grade 1 gas leaks.

(a) When a Grade 1 gas leak, as defined by the Maine Public Utilities Commission in 65-407 C.M.R. § 420, as revised, pertaining to Safety Standards for Natural Gas and Liquefied Natural Gas Facility Operators, is discovered anywhere in the city, the fire chief, or his deputy acting in his absence, may order the supplier of the gas service to the section of the city in which the leak is located to immediately shut off the distribution, transmission or supply of gas to the area in the vicinity of the leak where it reasonably appears that such action is necessary to prevent imminent danger to lives or property. Any such order shall be revoked upon the

FIRE PREVENTION AND PROTECTION

presentation of satisfactory evidence that the dangerous situation which prompted it no longer exists. Such evidence may consist of instrument readings and other scientific data relative to the presence of natural gas in the area where the leak is located.

(b) Any person who refuses to comply with any lawful order issued under the provisions of this section shall be punished by a fine in accordance with the city's policy manual as approved by the city council, which such fine shall not be suspended. Each 24-hour period during which a refusal continues from the issuance of the original order shall constitute a separate offense.

(c) In addition to enforcement under the preceding subsection, the city may initiate civil proceedings to temporarily or permanently enjoin the continuation of the dangerous condition.

(d) The city shall not be liable for damages incurred as a result of shutting down the system. If areas are shut off, the gas company shall notify users of natural gas.

(e) Outside shutoffs shall be installed at every building where natural gas is used.

(Code 1982, § 11-29; Ord. No. 08-06e, 8-14-08; Ord. No. 18-04, 6-14-18)

Sec. 38-37. Fire chief's statutory duties.

The city council hereby assumes the power conferred and the responsibility for performance of duties prescribed by 25 M.R.S.A. §§ 2394, 2395, 2397, and hereby delegates the exercise of such powers and the responsibility for performance of such duties to the fire chief as authorized by 25 M.R.S.A. § 2391, except in such specific cases as the city council may notify the fire chief of its intention to take jurisdiction. (Code 1982, § 11-31)

Sec. 38-38. Right of entry to inspect for hazards.

The fire chief or fire chief's designee may enter any building, premises or structure within the limits of the city with the permission of any person having control of such building, premises or structure, or may apply to a court for process to do so, for the purpose of examining and inspecting the same to ascertain the condition thereof with regard to the presence, arrangement or deposit of any articles, materials, substances, goods, wares or merchandise which may have a tendency to create danger from fire on or in the building, premises or structure, or personal injury or loss of life of the occupants thereof or persons in or about such premises, building or structure; also with regard to the condition of the chimneys, stoves, stovepipes, boilers and places of deposit of ashes. The inspector shall wear the regulation uniform of the fire department or produce proper credentials. (Code 1982, § 11-32; Ord. No. 18-04, 6-14-18)

State law references: Municipal inspection of buildings, 25 M.R.S.A. §§ 2351--2360; inspection by the state insurance commissioner, removal of dangerous matter, appeal, exits, 25 M.R.S.A. § 2392.

Sec. 38-39. Appeal to the fire chief and board of appeals.

Appeals to the fire chief, as authorized under this article, shall be made by filing a written petition for appeal at the office of the fire chief within ten (10) days of the decision being appealed. The fire chief shall issue an order on the appeal within fourteen (14) days of the filing of such petition for appeal.

FIRE PREVENTION AND PROTECTION

Should any owner, lessee or occupant of any premises, building or structure or the owner or person in control of any materials, goods, wares or merchandise, chimneys, stove, stovepipe, boiler or place of deposit of ashes, consider himself aggrieved by an order of the chief of the fire department, he may appeal to the board of appeals as detailed in 38-28(d).

(Code 1982, § 11-33; Ord. No. 18-04, 6-14-18)