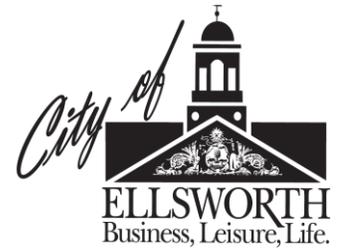


**CHAPTER 4  
FIRE PROTECTION AND PREVENTION  
CITY OF ELLSWORTH, MAINE**

A true copy –

Attest: Heidi-Noel Grindle  
City Clerk



Adopted 7/21/2008  
Effective date 9/1/2008  
Amended 6/20/2011  
Amended 4/15/2013  
Amended 4/17/2017

**Chapter 4**  
**Fire Protection and Prevention**  
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**Article I**  
**Ordinance Authority**

**Sec. 1.1** This Ordinance shall be effective September 1, 2008.

\*Amended 6/20/2011

\*Amended 4/15/2013

\*Amended 4/17/2017

**Sec. 1.2** Whenever the requirements of this ordinance are in conflict with the requirements of any other lawfully adopted rule, regulation, ordinance, the more restrictive requirements shall govern.

**Sec. 1.3** If any section, subsection, clause or phrase of this Ordinance shall be held to be invalid or unconstitutional, such invalidity shall not affect the remaining provisions of this ordinance and to that end, the provisions of this ordinance are hereby declared to be severable.

**Article II**  
**Adopted Codes and References**

**Sec. 2.1** The City of Ellsworth adopts all Codes, Standards, Rules, and Statues including admissions and omissions as adopted by the State of Maine Fire Marshal's Office and Title 25, chapters 313-321 as the basis for inspection, plans review and enforcement for buildings other than one and two family dwellings. (*Standards, Rules, Codes and Maine Revised Statues* adopted by the State Fire Marshal's Office appear in appendix attached hereto as amended)

**Sec. 2.2 Municipal plans review for fire and life safety**

The City of Ellsworth shall review construction projects of public buildings as described in MRS Title 25 section 2448.

**Sec. 2.2.1 Fire and Life Safety Plans Review FEE SCHEDULE**

The City of Ellsworth, in accordance with requirements of the Maine Administrative Procedure Act, establish a schedule of fees for the examination of all plans for construction, reconstruction or repairs submitted to the City of Ellsworth. The fee schedule for new construction or new use is 5¢ per square foot for occupied spaces and 2¢ per square foot for bulk storage occupancies, except that a fee for review of a plan for new construction by a public school may not exceed \$450. The fee schedule for reconstruction, repairs or renovations is based on the cost of the project and may not exceed \$450. For projects reviewed by the City of Ellsworth that include occupied spaces, a 1¢ fee per square foot must be remitted to the Department of Public Safety and a 4¢ fee per square foot shall be retained by the municipality.

The City of Ellsworth shall not charge a developer a fee that is in excess of the 4¢ fee per square foot for fire and life safety plans review construction permits. This limitation does not prohibit the City of Ellsworth from charging fees for other construction-related permits.

**Sec. 2.2.2 Surcharge fee for Uniform Building Codes and Standard**

In addition to the fees established in Section 2.2.1, a surcharge of 4¢ per square foot of occupied space shall be levied for new construction, reconstruction, repairs, renovations or new use. The surcharge fee is for the sole purpose of funding the activities of the Technical Building Codes and Standards Board with respect to the Maine Uniform Building and Energy Code.

**Sec 2.2.3 Barrier-Free Construction Permits**

All projects applying for a Barrier-Free Permit are also required to apply for a Construction Permit. Barrier-Free permits are issued in conjunction with a construction permits. The Office of State Fire Marshal issues Barrier Free permits.

A Design Professional, licensed with the State of Maine, is required on projects over \$75,000 to certify compliance with state and federal accessibility laws. (This applies whether the project is new construction or an alteration.)

The builder shall provide the certification to the Office of the State Fire Marshal with the plans of the facility.

The builder shall also provide the certification to the municipality where the facility exists or will be built.

**Sec. 2.2.3.1 New Construction projects.\***

Regardless of cost or size, the following occupancies require a Barrier-Free permit:

- State, municipal or county
- Education
- Health care, residential care nursing homes or any facility licensed by the Department of Health and Human Services
- Public assembly
- Hotel, motel, inn or rooming or lodging house
- Restaurant
- Business occupancy of more than 3,000 square feet or more than one story
- Mercantile occupancy of more than 3,000 square feet or more than one story

\*An alteration is considered to be new construction by the Maine Human Rights Act if the cost of the alteration is 75% or more of the replacement cost of the completed facility.

**CONSTRUCTION PERMIT AND BARRIER-FREE PERMIT FEE SCHEDULES**

New Construction  
 Permit Fee:  
 \$.05/ square foot of occupied space  
 \$.02/ square foot for bulk storage occupancies

Renovations exceeding 80% of occupied space are considered to be new construction.  
 Note: All public school projects (K – 12) follow the renovation fee schedule below.

Renovations  
 Permit Fee based on estimated Construction Cost of the entire project  
 \$25.00.....For  
 under.....\$10,000.00

\$50.00.....	From.....	\$10,000.00
	but less than.....	\$20,000.00
\$75.00.....	From.....	\$20,000.00
	but less than.....	\$50,000.00
\$100.00.....	From.....	\$50,000.00
	but less than.....	\$100,000.00
\$150.00.....	From.....	\$100,000.00
	but less than.....	\$500,000.00
\$200.00.....	From.....	\$500,000.00
	but less than.....	\$1,500,000.00
\$250.00.....	From.....	\$1,500,000.00
	but less than.....	\$2,250,000.00
\$350.00.....	From.....	\$2,250,000.00
	but less than.....	\$3,000,000.00
\$450.00.....	From.....	\$3,000,000.00

**BARRIER-FREE PERMIT FEES**  
 Permit Fee based on estimated Construction Cost of the entire project

\$25.00.....	For under.....	\$100,000.00
\$50.00.....	From.....	\$100,000.00
	but less than.....	\$350,000.00
\$150.00.....	From.....	\$350,000.00
	but less than.....	\$600,000.00
\$200.00.....	From.....	\$600,000.00
	but less than.....	\$2,000,000.00
\$250.00.....	From.....	\$2,000,000.00

**Article III**  
**Fire Prevention**

**Sec. 3.1 Fire Prevention Code**

The City of Ellsworth Fire Protection and Prevention Code shall be administered and enforced by the Ellsworth Fire Chief or designee and the city of Ellsworth Code Enforcement officer or designee.

**Sec. 3.2 Fire Inspector**

The position of Fire Inspector shall be established within the Fire Department and the Fire Chief may detail fulltime employees as inspectors, as shall be necessary for the enforcement of said codes. The inspector(s) shall work under the supervision of the Fire Chief and serve as the Fire Chiefs' designee for issues related to this code.

**Sec. 3.3 Indoor Open-Flame Devices and Pyrotechnics**

The use of indoor open flame devices and indoor pyrotechnics shall be prohibited within the City of Ellsworth.

**Exception:**

- A. Candles on Tables; Candles must be securely supported on substantial noncombustible bases and the candle flame must be protected.
- B. Candles are allowed in religious ceremonies if under the control of the facility management

**Sec. 3.4 Permits and Approvals**

3.4.1 The Fire Chief or designee shall have the authority to issue permits for the following operations within the jurisdiction:

**A. Ventilation and Fire Extinguishing Systems for Commercial Cooking operations.**

Installation of, replacement of, or modification to any ventilation control and automatic fire extinguishing system for commercial cooking operations; Required periodic maintenance performed in accordance with NFPA 96 and manufacture specifications is not considered a modification and does not require a permit.

**B. Fire Extinguishing Systems.**

Installation of, replacement of, or modification to any dry chemical, wet chemical or clean agent automatic fire extinguishing systems; Required periodic maintenance performed in accordance with NFPA and manufacture specifications is not considered a modification and does not require a permit.

**C. Fire Alarm Systems and Related Equipment.**

Installation, of, replacement of, or modification to any fire alarm and detection systems and related equipment; Required periodic maintenance performed in accordance with NFPA 72 and manufacture specifications is not considered a modification and does not require a permit.

**D. Sprinkler Systems and Related Equipment.**

Installation of, replacement of, or modification to sprinkler systems and all related equipment; Required periodic maintenance performed in accordance with NFPA 25 and manufacture specifications is not considered a modification and does not require a permit.

**E. Outdoor Open Fires**

Open burning permit required. No person shall kindle, maintain or assist in maintaining any outdoor fire within the City without obtaining a permit from the Fire Chief or designee. The use of outdoor grills and fireplaces for recreational purposes such as preparing food is permissible without a permit provided that no fire hazard is created thereby.

**3.4.2** Applications for permits shall be made to the Fire Chief or designee on forms provided by the Ellsworth Fire Department. Applications for permits shall be accompanied by additional information as required by the Fire Chief or designee.

**3.4.3** The Fire Chief or designee shall review all applications submitted and issue permits as required. If an application for a permit is rejected, the applicant shall be advised in writing of the reasons for such rejection.

**Exception: Open Burning Permits**

**3.4.4** A copy of the permit shall be posted or otherwise readily accessible at each activity site.

**3.4.5** Any activity authorized by any permit issued under this Ordinance shall be conducted by the permittee or the permittee's agents or employees in compliance with all applicable requirements of this Ordinance and in accordance with the previously reviewed plans and specifications. No permit issued under this Ordinance shall be interpreted to justify a violation of any provision of this Ordinance or any other applicable law or regulation. Any addition to or alteration of previously reviewed plans or specifications shall be re-evaluated and reviewed in advance by the Fire Chief or designee, as evidenced by the issuance of a new or amended permit.

**3.4.6** Any application for, or acceptance of, any permit requested or issued pursuant to this Ordinance shall constitute agreement and consent by the person making the application or accepting the permit to allow the Fire Chief or designee to enter the premises at any reasonable time to conduct such inspections as required by this Ordinance.

**3.4.7** Any attempt to defraud or otherwise deliberately or knowingly design, install, service, maintain, operate, sell, offer for sale, falsify records, reports, or applications, or other related activity in violation of the requirements prescribed by adopted Codes shall be a violation of this Ordinance. Such violations shall be cause for immediate suspension or revocation of any related licenses, certificates, or permits issued by this jurisdiction and may be subject to civil legal action per Article IX.

**3.4.8** The Fire Chief or designee shall have the authority to require an inspection of the activity site prior to the issuance of a permit.

**3.4.9** A permit issued under this Ordinance shall continue until revoked or for the period of time designated on the permit. The permit shall be issued to one person or business only and for the location or purpose described in the permit. Any change that affects any of the conditions of the permit shall require a new or amended permit.

**3.4.10** The Fire Chief or designee shall have the authority to grant an extension of the permit time period upon presentation by the permittee of a satisfactory reason for failure to start or complete the work or activity authorized by the permit.

### **Sec. 3.5 Certificate of Occupancy**

For new construction, a Certificate of occupancy may not be signed by the Fire Chief or designee until all the equipment, devices or systems that were reviewed and permitted to be installed, have been installed and are operational, and have been tested by the installer and the testing witnessed by the Fire Chief or designee.

### **Sec. 3.6 Knox Box ©**

The Ellsworth Fire Department utilizes the Knox Box© system. All facilities that are required to have a fire alarm or a sprinkler system or have an existing fire alarm or sprinkler system shall have a secure Knox Box©, containing keys to the entire building and current contact information. Multiple Knox Boxes may be required for larger structures or where there are multiple secured occupancies within a building or complex.

#### **3.6.1 Complex with Mixed, Multiple Occupancies or Buildings**

A complex with mixed or multiple occupancies or buildings shall have a Knox Box© located at each main entrance of the buildings or in a location that is approved by the Fire Chief or designee.

### **3.6.2 Single Buildings with Mixed and Multiple Occupancies**

When two (2) or more occupancies are located in one common building, each individual occupancy shall have their own Knox Box© located at the front entrance of the occupancy or in a location as approved by the Fire Chief or designee.

### **3.6.3 Limited Fire Department Access Knox Box© Locations**

When a building or buildings that provide limited fire department access due to the size of the building or buildings, location of the building or buildings on the property, property size or obstructions to fire apparatus or fire department personnel, Knox Box© or boxes shall be located as determined by the Fire Chief or designee.

### **3.6.4 Knox Box© Installation**

The Knox Box© or boxes shall be installed as approved by the Fire Chief or designee, outside of the entrance with the closest access to the fire alarm panel, remote annunciator and/or the main entrance of the building or both. The Knox Box© or boxes shall be installed so as to be clearly visible to approaching fire apparatus. The Knox Box© or boxes shall be located at a height of 48 inches to 60 inches from the closest finished grade of the building.

### **3.6.5 Knox Box© Size**

The Knox Box© shall be sized according to the number of keys required to gain entry into and throughout the building or individual occupancy. The number of keys shall not exceed the Knox Box© specifications for key storage. If changes to the building or individual occupancy require adding additional keys to the Knox Box© and the number of keys exceed the manufactures' specifications for key storage, then a new Knox Box© of the proper size shall be required to be installed.

### **3.6.6 Knox Box Use**

All private, residential, non-residential, mixed-use, commercial or industrial, buildings or developments that utilize a key box rapid entry system shall utilize key boxes manufactured by the Knox Box © Company.

## **Sec. 3.7 Door Numbering**

Occupancies with a gross area in excess of 3,000 square feet shall have all exterior doors numbered, sequentially in a clockwise manner from the main entrance on both the exterior and interior of the doors. The numbers shall be a minimum of 5 inches in height with a 6-inch background so as to be readily visible. Signs shall have white reflective numbers on a blue reflective background

**Exception:** One and Two family dwellings

### **Sec. 3.8 E-911 Road Naming System**

All roads that serve two or more private, residential, non-residential, mixed-use, commercial or industrial, buildings or structures shall be named regardless of whether the ownership is public or private. A "road" refers to any highway, road, street, avenue, lane, private way, service road or similar paved, gravel, or dirt thoroughfare. Road names shall be assigned by the City of Ellsworth E-911 Addressing Officer and approved by the Fire Chief, Police Chief, and Public Works Director or their designee. A road name assigned by the municipality shall not constitute or imply acceptance of the road as a public way.

The following criteria shall govern the naming system:

- A. No two roads shall be given the same name (ex. Pine Road and Pine Lane).
- B. No two roads shall have similar-sounding names (ex. Beech Lane and Peach Lane).
- C. Each road shall have the same name throughout its entire length.

#### **3.8.1 Building Numbering**

Buildings with a gross area of 3,000 square feet or more shall have numbers affixed to their exterior that identifies the building's assigned address. The number(s) will be located at the direction of the Fire Chief or designee. The size of the numbers shall be 11 inches in height with a 12-inch background to be readily visible. Signs shall have white reflective numbers on a blue reflective background.

**Exception:** One and Two family dwellings

#### **3.8.2 Apartment Identification**

Individual apartment identification of a multiple unit apartment building or complex of buildings shall be identified by utilizing capital letters, starting with "A". Letters size shall be no less than 3 inches and no more than 6 inches or as approved by the Fire Chief or designee. Apartment letter identification shall be assigned from left to right or "counter-clockwise." Letters shall be white reflective numbers on a blue reflective background.

#### **3.8.3 Multi-Unit Commercial Building Individual Suites**

Individual commercial units within a multi-unit commercial building shall be identified as "Suites" and by utilizing capital letters to identify the suite, starting with "A". Letter size shall be no less than 3 inches and no more than 6 inches or as approved by the Fire Chief or designee. Suites and their respective letter identification shall be assigned from left to right or "counter-clockwise." Letters shall be white reflective on a blue reflective background.

### **Sec. 3.9 One and Two Family Residence Address Numbering**

One and Two family dwellings shall be numbered according to The City of Ellsworth **Unified Development Ordinance**, Article 8 Performance Standards, and Section 815.1. The number(s) will be located at the direction of the Fire Chief or designee. The numbers shall be a minimum of 3 inches in height to be readily visible. Numbers shall be white reflective numbers on a blue reflective background.

### **Sec. 3.10 Building Truss Signage**

The owner of any commercial or industrial structure utilizing truss assemblies shall be required to mount warning signs meeting the following minimum requirements.

**A.** A sign of five (5) inches by four (4) inches; consisting of a piece of aluminum shall be used. In the center of the sign shall be a series of letters of white reflective lettering "R-T" or "F-T" or "R/F-T" which is 2 1/2 inches in height on a blue reflective background

1. R-T = Roof Truss
2. F-T = Floor Truss
3. R/F-T = Roof and Floor Truss

**B.** A sign shall be mounted directly to the right of each series of entrance doors (front, rear and sides of the building or structure) at a height of five (5) feet up from finished grade. Additional signs may be required by the Fire Chief or designee when the distance between entrance doors or the length of a series of entrance doors would require additional warning signs for visibility by Fire Department personnel. If the property has a Knox Box© on site then a sign shall be located directly above the Knox Box©

**C.** It shall be the responsibility of each property owner to mount, maintain and prevent obstruction of the warning sign mounted on the building or structure.

### **Sec 3.11 Features of Fire Protection Systems Documentation**

Before requesting final review of the installation, the installing contractor(s) shall furnish a written statement stating that the Fire Protection system has been installed in accordance with reviewed plans and tested in accordance with the manufacturer's published instructions and the appropriate NFPA requirements.

**3.11.1** A lockable documentation cabinet with a key supplied to the fire department to be located in the Knox Box©, shall be installed at an approved location at the protected premises. The size of the documentation cabinet shall be determined by the Fire Chief or his designee. Documentation cabinets shall be red in color. The documentation cabinet shall be prominently labeled "Fire Department Documents." For security reasons the location of the cabinet shall be determined by the Fire Chief or designee and the occupancy stakeholders.

**3.11.2** All Fire Protection System documentation records (3.11.4) shall be stored in the documentation cabinet. The contents of the cabinet shall be accessible to the Ellsworth Fire Department and authorized personnel only.

**3.11.3** Where the documentation cabinet is not in the same location as the fire alarm system control unit or the remote annunciator the location of the documentation cabinet shall be identified at the system control unit.

**3.11.4** Final written documentation including floor plans as required by the Ellsworth Fire Department and appropriate NFPA standards shall represent the minimum documentation required for new systems and additions or alterations to existing systems.

**A.** Floor plan drawings shall be provided to the owner and the Ellsworth Fire Department.

**A.** Contractors Certificates, Record of Completion and any other supporting documentation for the occupancy Fire Protection Systems.

**B.** Occupancy contacts

**C.** Fire Protection Systems contacts

**D.** All signs and plaques are properly installed on all Fire Protection systems

### **Sec. 3.12 Elevator Numbering and Floor Recall**

Prior to any elevator being designed and/or installed, the elevator contractor shall meet with the Fire Chief or designee and plans reviewed of the elevator. Numbering of floors and /or levels shall be reviewed and preapproved by the Fire Chief or designee. Elevator floor recall shall be reviewed and preapproved by the Fire Chief or designee.

### **Sec.3.13 Liquefied Petroleum Gas Piping and Fire rated walls**

LPG piping shall not be installed or mounted within enclosed chase cavities of common fire rated firewalls, fire barrier walls and party walls of any rating.

### **Sec.3.14 Fire Apparatus Access Roads**

1. Fire apparatus access roads shall be designed and maintained to support the imposed live and dead loads of fire apparatus and shall be provided with a surface as follows and be in compliance with City Ordinance; Chapter 56 Unified Development Ordinance, Article 9.

**A.** Commercial, Industrial developments and Multiple Family subdivisions (Apartments / Townhouses): shall have a **paved** all-weather driving surface.

**B.** Single and Duplex family residential subdivisions: shall have an All-weather driving surface.

2. The turning radius of a fire apparatus access road shall be as follows:
  - A. Not less than a thirty-two (32') foot inside turning radius.
  - B. Not less than a forty (40') foot outside turning radius.

**Sec.3.15 Marijuana Facilities; Growing, Processing, Extraction, Testing**

This section shall apply to all new facilities and occupancies engaging in marijuana (i.e. cannabis and extract derivatives) growing, processing, extraction, and/or testing.

All new facilities and occupancies engaging in marijuana (i.e. cannabis and extract derivatives) growing, processing, extraction, and/or testing, shall comply with the adopted ordinances and codes of the City of Ellsworth, Maine and shall comply with the minimum requirements of the 2018 Edition of NFPA 1 Chapter 38.

Extraction processes, and/or testing include but are not limited to the act of extraction of the oils and fats by use of a solvent, desolventizing of the raw material and production of the miscella, distillation of the solvent from the miscella and solvent recovery. The requirements set forth in this article are requirements specific only to marijuana processing and extraction and testing facilities.

**Article IV  
Commercial Cooking Ventilation  
And  
Fire Extinguishing Systems**

**Sec. 4.1 General**

This article is intended to reduce the potential fire hazard from cooking operations, irrespective of the type of cooking equipment used and whether used in public or private facilities.

**Sec. 4.2 Commercial Cooking Exhaust Hood Permit**

No person shall install, alter, or replace a commercial cooking exhaust hood within the City of Ellsworth without first obtaining a permit from the Fire Chief or designee.

**4.2.1 Commercial Cooking Exhaust Hood Plans and Specifications**

Shop drawings and manufactures' specifications of the commercial cooking exhaust hood system shall be submitted for review with the permit application to the Fire Chief or designee. Drawings and specifications shall comply with NFPA 96.

**4.2.2 Design and Maintenance**

All systems shall comply with NFPA 96 "Standard for Ventilation Control and Fire Protection of Commercial Cooking Operations" as adopted by the State of Maine. This standard shall not apply to facilities where all of the following are met:

- A. Only residential equipment is being used.
- B. Fire extinguishers located in all kitchen areas in accordance with NFPA 10, Standard for Portable Fire Extinguishers.
- C. Facility is not an Assembly occupancy.
- D. Subject to inspection and approval by the Fire Chief or designee.

**Sec. 4.3 Commercial Cooking Hood Fire Extinguishing Systems Permit**

No person shall install, alter, or replace a fire extinguishing system in public facilities or in public buildings within the City of Ellsworth without first obtaining a permit from the Fire Chief or designee.

**4.3.1 Commercial Cooking Hood Fire Extinguishing Systems Plans**

Shop drawings and manufacture specifications of the commercial cooking hood fire extinguishing systems shall be submitted for review with the permit application to the Fire Chief or designee. Drawings and specifications shall comply with NFPA 96 and NFPA 17A.

**4.3.2 Design and Maintenance**

All systems shall comply with the current NFPA Standards adopted by the State of Maine for wet chemical fire extinguishing systems.

**4.3.3 Extinguishing System Service Technician Certification**

Service technicians shall possess a certification issued by the manufacturer or testing organization in accordance with NFPA 17A for the type of commercial cooking hood fire extinguishing system being installed, serviced, maintained or replaced.

**Sec. 4.4 Application Procedures**

Application for a commercial cooking exhaust hood and/or commercial cooking hood fire extinguishing system permit shall be made to the Fire Chief or designee using forms provided by the Ellsworth Fire Department by the owner of the premises to be protected, or by the owner's authorized agent. The application form shall at a minimum require the name, telephone number and address of the owner of the premises to be protected, a designated agent if applicable and the installers of the commercial exhaust hood and/or commercial cooking hood extinguishing systems. The application form shall also require a description of the principal use of the premises to be protected, a description of the proposed system and the location of its installation and such other data as the Fire Chief or designee may reasonably require.

**Sec. 4.5 Permit Revocations**

The Fire Chief or designee may revoke the installation permit for any system. Such revocation shall not be effective until the Fire Chief or designee has given the permit holder or his designated agent written notice concerning the following:

**A.** Any deficiency identified during the installation and reported to the owner that is not corrected within 48 hours, or such longer time as the Fire Chief or designee may permit.

**B.** Any data provided in the application form for such system found to have been falsified willfully or through gross negligence of the applicant.

#### **Sec. 4-6 Civil Violations**

In addition to the foregoing grounds for revocation of an installation permit hereunder, the following events shall each constitute a civil violation, punishable as set forth in Article IX Penalties and Fines Sec. 9-4:

**A.** The installation, alteration or replacement of a commercial cooking exhaust hood system or commercial cooking hood fire extinguishing System in the absence of an effective permit signed by the Fire Chief or designee.

**B.** The falsification of any data provided on an installation permit application form for a commercial cooking ventilation system or any type of commercial cooking exhaust hood fire extinguishing system, done willfully or through gross negligence.

### **Article V Fire Alarm Systems**

#### **Sec. 5.1 General**

This article recognizes the need for regulation of the installation and use of Fire Alarm Systems:

- A.** To avoid use of improper equipment,
- B.** To assure compliant installation of equipment,
- C.** To minimize accidental or malicious alarms,
- D.** To compensate for response of municipal resources in response to nuisance alarms,
- E.** To clarify the rights and responsibilities of the property owner and of the City.

#### **Sec 5.2 Permit Required**

No person shall install, alter, or replace a Fire Alarm System within the City of Ellsworth without obtaining a permit from the Fire Chief or designee.

### **5.2.1 Application Procedure**

Application for an Alarm System shall be made to the Fire Chief or designee using forms provided by the Ellsworth Fire Department by the owner of the premises to be protected, or by the owner's authorized agent. The application form shall at a minimum require the name, telephone number and address of the owner of the premises to be protected a designated agent if applicable and the installers of the alarm system and if a monitored system, the name, address and phone number of the central receiving station that will monitor the alarm.

## **Sec 5.3 Design**

All systems shall comply with NFPA 101 Life Safety Code, the Maine Uniform Building and Energy Code (MUBEC) and NFPA 72 National Fire Alarm and Signaling Code as adopted by the State of Maine.

### **5.3.1 Minimum Requirements**

Fire alarm system designs shall meet the minimum requirements of NFPA 72, as adopted by the State of Maine. Fire alarm control panels shall be of the addressable design with a Point Source Identification Communicator; Digital Alarm Communicator Transmitter (ID DACT).

### **5.3.2 Design plans Submission**

Plans, diagrams, system information, and device information shall be submitted to the Fire Chief or designee for review prior to issuance of a permit for the installation of the fire alarm system.

### **5.3.3 Drawings and Schematics**

Shop drawings and manufacture specifications of the fire alarm system shall be submitted with the application. Drawings and specifications shall be in compliance with NFPA 72 and shall include:

- A. A description of the principal use of the premises to be protected.
- B. A description of the proposed system and the location of its installation.
- C. And such other data as the Fire Chief or designee may reasonably require.

### **5.3.4 Monitoring of Fire Alarm Systems:**

All fire alarm systems shall be monitored by a U.L. Listed central receiving station

**Exception:** One and Two family dwellings

### **5.3.5 Audio Visual Notification and Voice Announcement Programming:**

When activating the silencing mode of the fire alarm system, audio notification and/or voice announcement; the programming of the fire alarm system shall allow the audio notification and/or voice announcement to be canceled immediately and the visual strobe notification shall continue operating until the system is fully reset and restored.

## **Sec 5.4 Installation Testing and Maintenance**

Only qualified technicians shall perform installation, testing and maintenance of fire alarm systems. Technicians shall meet the minimum qualification requirements of NPFA 72, as adopted by the State of Maine. When a new alarm system is installed, the Fire Chief or designee shall be notified 48 hours prior to the final testing of the fire alarm system. The Fire Chief or designee will schedule to be at the site of the installation to witness the test and receive training on the operation of the fire alarm system by the qualified fire alarm technician. A written copy of the test results shall be maintained on the premise and available to the Fire Chief or designee.

### **5.4.1 Location of FACP and Remote Annunciator**

The fire alarm control panel or fire alarm remote annunciator shall be located by the building main entrance or as approved by the Fire Chief or designee.

### **5.4.2 Smoke detectors and Air supplies**

Smoke detection devices shall not be located closer than three (3) feet from any air supply diffuser or return air opening. Smoke detectors shall not be located directly in the air stream of any return and supply registers of high velocity air supplies diffusers.

### **5.4.3 Exterior Weatherproof Horn /Strobe**

A direct viewing type exterior weather proof horn /strobe shall be installed outside all individual buildings /tenant spaces that have a fire alarm system and or sprinkler system. The horn /strobe shall activate on the individual building/tenant space indicating/identifying the building with which the fire alarm or sprinkler has been activated.

*Exception:* One and Two family dwellings

### **5.4.4 Programming of Fire Alarm initiation devices**

Programming identification of all fire alarm devices including but not limited to, manual initiation, automatic initiation and zones, shall be preapproved by the Fire Chief or designee

## **Sec. 5.5 Prohibited Systems**

No system shall be permitted which automatically transmits to the Ellsworth Dispatch Center

### **5.5.1 City Property Option**

At the discretion of the City Council, property owned by the City of Ellsworth that is protected by a fire alarm system may automatically transmit to the Ellsworth Dispatch Center.

## **Sec. 5.6 Alarm Responses**

The property owner or designated agent(s) shall respond to each alarm at the request of the fire department for securing the premises.

### **Sec. 5.7 Nuisance Alarm Service and Repair**

In the event the activation of an alarm system is deemed by the Fire Chief or designee to be a nuisance alarm, the building owner shall be required to return a completed report of service/repair or a plan of correction within fifteen (15) days of the fire alarm activation to the Fire Chief or designee. The report shall verify that:

- A.** The fire alarm system has actually been examined by a qualified fire alarm technician.
- B.** A bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the nuisance alarm activation.
- C.** Failure to return a report of service/repair or a plan of correction within the fifteen (15) day period shall result in a written warning and reminder of section 5.8 of this article for the nuisance alarm.

### **Sec. 5.8 Nuisance Alarms**

The owner of the property of any alarm system that causes the transmittal of a nuisance alarm three (3) times within a twelve (12) month rolling cycle shall pay a penalty of \$500 for each subsequent nuisance alarm in excess of that number.

**5.8.1** The Fire Chief or designee shall give suitable written warning to any building owner, or to his designated agent whose alarm system sends a third nuisance alarm within a twelve (12) month rolling cycle.

**5.8.2** In the event an alarm is activated as a result of a natural or unnatural event beyond the property owner's control the alarm activation will not be considered a nuisance alarm.

### **Sec. 5.9 Fire Alarm system Documentation**

Color coded as-built drawing floor plans shall be provided indicating the specific building zones or areas being protected by the Fire Alarm system.

**5.9.1** Color coded as-built drawing floor plans shall be submitted in BOTH print form and digital PDF of a size and "drawing layers" to be approved by the Fire Chief or designee.

**5.9.2** All Fire Alarm documentation records shall be stored in the Fire Department documentation cabinet.

**5.9.3** For new construction, a Certificate of Occupancy may not be signed by the Fire Chief or designee until the required documentation has been submitted and reviewed by the Fire Chief or designee.

### **Sec. 5.10 Civil Violations**

The following events shall each constitute a civil violation, punishable as set forth on Article IX Penalties and Fines Sec. 9-4:

- A.** The installation, alteration or replacement of an Alarm System in the absence of a permit therefore signed by the Fire Chief or designee.
- B.** The falsification of any data provided on an application form for an Alarm System, done willfully or through gross negligence.

### **Sec. 5.11 No Enlargement of Liability**

Neither the issuance of a permit under this Ordinance, nor the installation of an alarm system pursuant to such a permit, create any obligation, duty or liability on the part of the City of Ellsworth, its officers, agents, or employees, nor does any obligation, duty or liability, exist, in the absence of such a permit or installation.

## **Article VI Sprinkler Systems**

### **Sec. 6.1 Design and Maintenance**

All systems shall comply with NFPA 101 Life Safety Code, NFPA 13 Standard for the Installation of Sprinkler Systems, NFPA 13D “Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes” or NFPA 13R “Sprinkler Systems in Residential Occupancies up to and Including Four Stories in Height” and the Maine Life Safety System according to the State Fire Marshal’s Rules and Policies for sprinkler systems, and the Maine Uniform Building and Energy Code (MUBEC) as adopted by the State of Maine.

### **Sec. 6.2 Design Plans**

All plans for construction of or alteration to fire sprinkler systems must be submitted for review to the Fire Chief or designee along with a State Fire Marshal’s Office installation permit prior to the installation of the sprinkler system. A copy of the State Fire Marshal’s Office permit shall be forwarded to the Ellsworth Fire Department Fire Chief or designee.

**6.2.1** The State Fire Marshal’s preliminary review permit is not acceptable for installation of sprinkler systems.

### **Sec. 6.3 Acceptance testing for new installation**

The Fire Chief or designee shall be notified 48 hours prior to the final acceptance test of the underground and aboveground piping system. The Fire Chief or designee will schedule to be at the site of the installation to witness the underground flush test and the acceptance test. Test procedures shall follow the requirements of the current edition of NFPA 13 adopted by the State Fire Marshal’s Office, and the City of Ellsworth Water Department policies and procedures. After the testing, contractor test certificates shall be filed with the Fire Chief or designee.

### **6.3.1 Required acceptance test certificates**

- A. Contractor's Material and Test Certificate for Underground Piping (NFPA 13)
- B. Contractor's Material and Test Certificate for Aboveground Piping (NFPA 13)

### **Sec. 6.4 Inspection, Testing, and Maintenance**

Any building containing a sprinkler system shall have the system inspected, tested, and maintained by an inspector licensed by the State Fire Marshal's Office. Inspections, testing, and maintenance shall be in accordance with NFPA 25, to provide at least the same level of performance and protection as designed. A written copy of the test results shall be maintained on the premises and available to the Fire Chief or designee.

### **Sec 6.5 Responsibility for Maintenance**

The owner, occupant, or agent of any occupied or unoccupied buildings or portions thereof having a sprinkler system in place, whether or not such a system is required by this Ordinance, shall maintain all sprinklers, standpipe systems, and all component parts in workable condition at all times. It shall be unlawful for any owner, occupant, or agent of either to reduce the effectiveness of the protection, those systems provide. This Section does not prevent the owner, occupant or agent of a building from temporarily reducing or discontinuing the protection when necessary, in order to conduct testing, repairs, alterations or additions to the system, provided that the testing, repairs, alterations or additions are done in such a way to avoid the creation of a safety hazard, follow the requirements of NFPA 25, and the requirements of the State Fire Marshal's sprinkler technical policy.

#### **6.5.1 Notification of System Shutdown or Impairments**

Inspection, testing, maintenance, and impairment of water based fire protection systems shall be implemented in accordance with procedures meeting those established in National Fire Protection Association (NFPA) 25 Standard for the Inspection, Testing and Maintenance of Water Based Fire Protection Systems, in accordance with the manufacturer's instructions, and in accordance with the City of Ellsworth Water Department policies and procedures.

- A. The property owner or designated representative shall notify the authority having jurisdiction, the Fire Chief or designee, the City of Ellsworth Water Department, and the alarm receiving facility before testing or shutting down a system or its supply.
- B. The notification of system shutdown shall include the purpose for the shutdown, the system or component involved, and the estimated time of shutdown. All preplanned and emergency impairments shall follow the procedures of NFPA 25 Chapter 15.

C. The authority having jurisdiction, the Fire Chief or designee, the City of Ellsworth Water Department, and the alarm receiving facility shall be notified when the system, supply, or component is returned to service.

D. All Impairments, whether emergency or preplanned, to water-based fire protection systems shall comply with NFPA 25.

## **Sec 6.6 Sprinkler Risers**

Any building having one or more sprinkler risers shall have each riser physically identified. Each riser shall be monitored by an alarm system that will provide the individual riser identification upon sprinkler system activation.

### **6.6.1 Multi-Story Building Control Valves**

In multi-story buildings (2 or More) protected throughout by an approved, supervised automatic sprinkler system in accordance with NFPA 101.9.7, a electronically supervised sprinkler control valve and electronically supervised water-flow device shall be provided for each floor.

### **6.6.2 Special Structures or Construction Features or Areas**

Special structures or construction features or areas protected by an approved, supervised automatic sprinkler system in accordance with NFPA 101.9.7, shall be provided with an electronically supervised control valve and electronically supervised water-flow device.

### **6.6.3 Elevator Shaft Protected by a Sprinkler System**

If an elevator shaft is protected by an approved, supervised automatic sprinkler system then that portion of the system protecting the shaft shall be provided with an electronically supervised control valve and electronically supervised water-flow device.

### **6.6.4 Control Valves and Waterflow Devices**

Electronically supervised control valves and electronically supervised water-flow devices shall be connected to the fire alarm system in such a manner that tampering with the control valve will activate a supervisory signal of the alarm system indicating the location of the control valve. The operation of the sprinkler waterflow device will activate a full fire alarm signal. Control valves and waterflow devices shall be installed in an easily accessible location and shall be readily identified. Identification markings shall be legible from the finished floor level.

### **6.6.5 Testing Bypass-Loop for Sprinkler System Backflow Valves**

A Bypass loop shall be installed to accomplish the required annual full forward flow test of the sprinkler system backflow valve. The Bypass loop shall be installed around the sprinkler check valve in the fire department connection line with a control valve in the normally closed position. The normally closed control valve shall be chained and locked and may be monitored by the fire alarm system that shall activate a fire alarm system supervisory signal when the valve is operated.

**Exception:** 13-D and 13-R systems

### **Sec. 6.7 New Building Construction**

An approved automatic sprinkler system shall be installed in all areas of all new buildings as required by the currently State adopted NFPA 101 Life Safety Code, The Maine Uniform Building and Energy Code (MUBEC) and State Fire Marshal's Rules and Policies for sprinkler systems.

**Exception:** One & Two family dwellings (See Article 7, Section 7.5, Option 3)

### **Sec. 6.9 Additional Requirements of Sprinkler Systems**

All Automatic Sprinkler Systems shall be monitored by an approved addressable fire alarm system with a Point Source Identification Communicator; Digital Alarm Communicator Transmitter (ID DACT) and by an approved, proprietary alarm receiving facility, a remote station, or a central station as defined in N.F.P.A. 72 – National Fire Alarm Code.

**A.** A multiple unit apartment building equipped with an Automatic Sprinkler System or an apartment in a mixed and /or multiple use complex of building equipped with an Automatic Sprinkler System shall include an evacuation alarm, which will sound an audible and visual alarm within each individual living space / area and throughout the entire building common areas when the sprinkler system is activated.

**B.** A monitored tamper switch at the system shut off which transmits a nonemergency trouble signal to the alarm monitoring station shall be installed.

**C.** An outside water flow alarm shall be installed.

**Exception:** One & Two family dwellings

#### **D. Exterior Weatherproof Horn /Strobe**

A direct viewing type exterior weatherproof horn /strobe shall be installed outside all individual buildings /tenant spaces that have a fire alarm system and or sprinkler system. The horn /strobe shall activate on the individual building/tenant space indicating/identifying the building with which the fire alarm or sprinkler has been activated.

**Exception:** One and Two family dwellings

### **Sec. 6.10 Fire Department Connections**

Any building requiring the installation of a Standard 13, 13D, 13R Sprinkler System shall have a fire department connection as required by the standard the Fire Chief or designee.

### 6.10.1 Fire Department Connection Location and size

A. The location of the fire department connection shall be approved by the Fire Chief or designee and properly marked “Fire Department Connection”.

B. All Fire Department Connections shall be configured with “self-locking” 4-inch Storz couplings, and a 30-degree elbow and cap.

**Exception:** The size of the Fire Department Connection, for systems meeting the NFPA 13-R, or State of Maine approved life safety systems may be 2.5-inch NH thread with a cap.

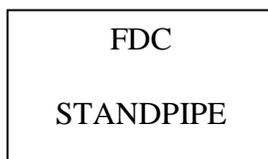
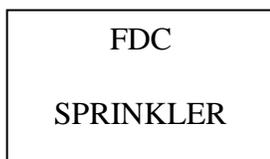
### 6.10.2 Fire Department Connection Signage

A. Any building served by more than 1 (one) Sprinkler and or standpipe, the fire department connection shall have signs approved by the Fire Chief or designee clearly noting what each connection serves.

B. Where a fire department connection services multiple buildings, structures, locations, or partial buildings structures or locations a sign at the fire department connection shall be provided indicating the buildings, structures, or locations served.

C. Fire Department Sprinkler and/or Standpipe connection collars shall be of a contrasting color of the building to which they are installed.

D. Sprinkler and Standpipe Fire Department connections shall have a rectangular sign mounted above the connection or connections. The sign shall have white reflective letters on a blue background. Letters shall be 1 inch in height. Signs shall indicate the following:



E. When a system is temporarily removed from service regardless of an emergency or preplanned, a tag shall be posted at each fire department connection and system control valve, indicating which system, or part thereof, has been removed from service

### 6.10.3 Fire Department Connection Obstruction

Any person or persons, property owner or occupant shall immediately clear an obstructed fire department sprinkler connection (FDC) of, but not limited to snow, dumpsters, miscellaneous materials or any other obstructions.

## **Sec. 6.11 Sprinkler system Documentation**

Color coded as-built drawing floor plans shall be provided indicating the specific building zones or area(s) being protected by the sprinkler system. The drawings shall indicate by color code which riser is protecting an individual zone or area.

**6.11.1** Occupancies with multiple sprinkler risers shall have each individual sprinkler riser identified with a sign indicating which zone the riser is protecting.

**6.11.2** Occupancies with sprinkler risers that supply individual isolated electronically supervised control valve(s) and electronically supervised water-flow device(s) shall provide color-coded as-built drawing floor plans indicating the location of the control valve(s) and water-flow device(s) at the sprinkler riser.

**6.11.3** Occupancies with isolated individual electronically supervised control valve(s) and electronically supervised water-flow device(s) shall indicate the physical location(s) of the device(s) on the floor plan(s). The floor plan(s) shall also show the area(s) that the electronically supervised control valve(s) and electronically supervised water-flow device(s) are protecting.

**6.11.4** Color-coded as-built drawing floor plans shall be protected and waterproof. Drawings shall be framed and properly mounted on the wall of the main sprinkler riser room.

**6.11.5** Color coded as-built drawing floor plans shall be of a size to be determined and approved by the Fire Chief or designee to provide fast and easy reference.

**6.11.6** A set of sprinkler system documentation records and as-built drawing floor plans shall be stored in the occupancy Fire Department Documentation cabinet. Floor plans shall be submitted in BOTH print form and digital PDF of a size and “drawing layers” to be approved by the Fire Chief or designee.

**6.11.7** For new construction, a Certificate of Occupancy may not be signed by the Fire Chief or designee until the required sprinkler system documentation has been submitted, reviewed and approved by the Fire Chief or designee.

## **Article VII.**

### **Water Supplies for Fire Fighting**

#### **Sec. 7.1 Fire Hydrants**

No person shall install, relocate, modify or disconnect from the City of Ellsworth supply main for service, any fire hydrant, whether such fire hydrant is located in a public way or on private property, except in accordance with the requirements of this section.

**7.1.1** All hydrant systems shall comply with NFPA 24.

7.1.2 All fire hydrants shall be maintained in proper operating condition at all times.

7.1.3 Owners of hydrants shall be responsible for all required inspections and maintenance including but not limited to, removing accumulations of snow/ ice from the fire hydrant(s) and draining the hydrant(s) prior to winter freeze.

7.1.4 Hydrant inspections shall be conducted at least once a year according to NFPA 25 Standard for the Inspection, Testing and Maintenance of Water Based Fire Protection Systems. Yearly inspection results shall be maintained by the owner and available to the Fire Chief or designee upon request.

7.1.5 If at any time an inspection reveals that a fire hydrant is inoperative or not in proper operating condition, the Fire Chief or designee and the City of Ellsworth Water Department shall be immediately notified.

7.1.6 Water mains proposed to provide water supply to fire hydrants in private, residential, non-residential, mixed-use or commercial subdivisions or developments, shall be at-least six (6) inches in diameter.

7.1.7 All private, residential, non-residential, mixed-use or commercial subdivisions or developments shall install hydrants in compliance with the National Fire Protection Association Fire Code; NFPA 1, Chapter 18.4 and 18.5; 2015 Edition.

7.1.8 No fire hydrant shall be so installed, relocated or modified unless it conforms to the specifications as acceptable to the Ellsworth Water Department, the City of Ellsworth, and its ordinances.

7.1.9 Upon the installation, relocation or modification of any fire hydrant, the owner or contractor for the owner of any such fire hydrant shall notify the City of Ellsworth Water Department and the Fire Chief or designee immediately after installation, relocation or modification of such fire hydrant has been completed.

## **Sec. 7.2 Fire Protection at Construction Sites**

As soon as a construction site begins to accumulate combustible materials, a water supply for fire protection either temporary or permanent, may be required at the discretion of the Fire Chief or designee. The Fire Chief or designee shall approve the water supply.

### **Sec.7.3 Required Public Water Supply for Fire Protection**

Any proposed, residential, non-residential, mixed-use or commercial subdivisions or development whose vehicular entrance or closest point of said property is located within 800 (eight-hundred) feet to a public water line must connect to the public water system. The developer shall provide a written statement from the Water Department that adequate water for both domestic and fire fighting purposes can be provided without placing an undue burden on the source, treatment facilities or distribution system involved. The developer shall be responsible for paying the costs of system improvements necessary to serve the development. The minimum size and location of mains, gate valves, hydrants, and service connections shall be reviewed and approved in writing by the Water Department Superintendent and the Fire Chief or designee.

### **Sec. 7.4 Fire Hydrant Obstructions**

**7.4.1** No person or persons shall obstruct or permit to be obstructed by any means any fire hydrant located within the City of Ellsworth. A 10 (Ten) foot area around any hydrant shall be clear of all obstructions.

**7.4.2** Nothing shall be attached or affixed to any hydrant.

**Exception:** Hydrants are permitted to be fitted with location indicators.

**7.4.3** Hydrants shall not be decorated.

**Exceptions:**

**A.** Hydrants owned by the City of Ellsworth are permitted to be painted by the Ellsworth Water Department or the Ellsworth Fire Department.

**B.** Private Hydrants shall be painted in conjunction with the City of Ellsworth hydrant flow color coding requirements.

**7.4.4** Any person or persons, property owner or occupant causing snow to obstruct any fire hydrant shall immediately clear the obstructed fire hydrant. Failure to clear the obstructed hydrant shall result in the City of Ellsworth clearing ~~of~~ the fire hydrant. The person or persons, property owner or occupant responsible for obstructing the fire hydrant may be liable for all costs associated therewith.

**Exception:** Highway crews performing snow removal from State and Local roadways

## **Sec. 7.5 Fire Protection for Subdivisions**

In areas of the City where landowners elect to develop subdivisions for residential or commercial use in compliance with the Land Use Ordinances of the City of Ellsworth, water supplies for fire suppression purposes shall be provided. A fire protection option shall be decided upon and that option shall be included in the recorded deeds, and identified as part of the property covenant requirements on the final Mylar drawings signed by the Planning Board. Water supplies for fire suppression purposes shall be provided by one of the following options:

**Option 1:** Water supply for fire protection shall be provided by water mains and fire hydrants as specified in this Article.

**Option 2:** Water supply for fire protection shall be provided by installing underground stationary water tanks of no less than ten thousand (10,000) U.S. gallons capacity, at not more than 1000-foot intervals measured along vehicular access and travel routes throughout the development. Minimum requirements for a Static Water Supply System shall comply with the most current edition of the Nation Fire Protection Association; NFPA 1142 Standard on Water Supplies for Suburban and Rural Firefighting.

**Option 3:** The installation of automatic sprinkler systems per NFPA 13-D in one and two family dwellings and Townhouses as defined by the MUBEC International Residential Code and the State Fire Marshal Rule or NFPA 13-R in all other residential structures and NFPA 13 in any commercial structure.

### **A. Fee Schedule for NFPA 13-D Inspections:**

When the building permit is applied for, the applicant shall pay a fee to the City of Ellsworth to cover the rough-in and final inspections of the NFPA 13-D sprinkler system. Fees shall be paid accordingly:

1. One and Two family dwellings \$100.00
2. Multiple-family Townhouse style dwellings: \$50.00 per living unit

### **7.5.1 Open Static water sources**

Fire protection water supply from penstocks, flumes, rivers, lakes, ponds, fire ponds, reservoirs or private pools for New Subdivisions shall be prohibited options for fire protection within the City of Ellsworth.

#### **7.5.1.1 Existing Open Static Water Sources**

All previously approved and existing open static dry hydrant water supply sources shall be accessible year-round. An existing open water supply source shall be maintained as approved, or shall be replaced according to Option #2 of section 7.5.

*The chosen option narrative of 7.5 shall be included in the recorded deeds, and identified as part of the property covenant requirements on the final Mylar drawings signed by the Planning Board.*

### **7.5.2 Fire Protection Maintenance**

Upkeep and maintenance of the chosen fire protection option shall remain the responsibility of the developer, property owner or road/property owners association.

**Exception:** Water mains and hydrants that are accepted by the Ellsworth Water Department as public infrastructure.

### **7.5.3 Responsible Party Documentation**

Documentation shall be filed identifying the responsible party whether the developer, property owner or road/property owners association, describing in detail, the responsibilities of upkeep and maintenance of the chosen fire protection option. Documentation shall be noted on site plans and in the Homeowners Association Bylaws, Covenants, Conditions and Restrictions and the property deed that is approved by the Ellsworth Planning Board and the Ellsworth Fire Department Fire Chief or designee prior to the Planning Board's final signature of approval.

## **Article VIII Definitions**

**Activity Site:** The physical location, property or structure, where any activity requiring a permit under this ordinance will be conducted.

**Alteration:** Any structural change to an existing structure other than repair or addition.

**Assembly Occupancy:** An occupancy (1) used for a gathering of 50 or more persons for deliberation, worship, entertainment, eating, drinking, amusement, awaiting transportation, or similar uses; or (2) used as a special amusement building, regardless of occupant load. [NFPA 101:3.3]

**Apartment Building:** A building or portion thereof containing three or more dwelling units with independent cooking and bathroom facilities. (NFPA 101-3.3.32.3)

**Approved Automatic Sprinkler System:** A system installed in accordance with National Fire Protection Association Standards and approved by the State Fire Marshal's Office.

**Approved Supervisory Alarm System:** A system, which complies with the requirements of N.F.P.A. 72 National Fire Alarm and Signaling Code.

**Building:** Any structure having a roof supported by columns or walls and intended for the shelter, housing, use or enclosure of persons, animals or property.

**Ellsworth Dispatch Center:** The Dispatch Center for the City of Ellsworth public safety departments.

**Fire Chiefs' designee:** The position of Fire Inspector shall be established within the Fire Department as the Fire Chiefs' designee. The Fire Chief may detail full-time employees as inspectors as shall be necessary for the enforcement of said codes. The inspector(s) shall work under the supervision of the Fire Chief and serve as the Fire Chiefs' designee for issues related to this code.

**Fire Alarm System:** Any mechanism, equipment or device designed to automatically transmit a signal, message or warning indicating fire, water flow, emergency or like need for public safety assistance, from any mode, telephone, dialer, private third party monitors, etc., directly or indirectly to the Ellsworth Dispatch Center.

**Indoor Open Flame Devices:** Any device including but not limited to, decorative torches, flaming batons, flaming swords, fuel fire lanterns, flares, candles, or any other machines or process liable to start or cause a fire.

**Nuisance Alarm:** A nuisance alarm means the activation of any alarm system including the alarm being transmitted to the Ellsworth Dispatch Center, which results in requiring a response from the fire department. A nuisance alarm shall include, but shall not be limited to; alarms caused by malfunctioning equipment, mechanical failure, improper installation, lack of proper maintenance, negligent activation of the alarm, or improperly monitored equipment.

**One- and Two-Family Dwelling Unit:** A building that contains not more than two dwelling units with independent cooking and bathroom facilities. (NFPA 101-3.3.61.2)

**Private Fire Hydrant:** A valved connection on a water supply system having one or more outlets and that is used to supply hose and fire department pumpers with water on private property. Where connected to a public water system, the private hydrants are supplied by a private service main that begins at the point of service designated by the AHJ, usually at a manually operated valve near the property line.

**Pyrotechnics:** Controlled exothermic chemical reactions that are timed to create the effects of heat, gas, sound, and dispersion of aerosols, emission of visible electromagnetic radiation, or a combination of these effects to provide the maximum effect from the least volume.

**Sprinkler Riser:** An aboveground horizontal or vertical pipe between the water supply and the overhead piping to which the sprinklers are installed. A sprinkler riser is fitted with a control valve and a waterflow alarm device located between the water supply and the overhead piping. Sprinkler riser waterflow alarm device activates the fire alarm system when the sprinkler system is in operation.

**Throughout:** In or through all parts of a structure including normally unoccupied areas and spaces. "Throughout; as being throughout all the building and areas within the building." NFPA, Fire Protection Handbook

**Townhouse:** A single-family *dwelling unit* constructed in a group of three or more attached units in which each unit extends from foundation to roof and with a *yard* or public way on at least two sides.

**Unit of Occupancy:** Any interior space with defined boundaries described in a deed, lease, license or agreement in which a discrete business, commercial, office, service, professional, institutional or industrial activity is conducted and which is separated from any other business, commercial, office, service, professional, institutional or industrial activity by interior or exterior walls.

**Trusses:** Trusses are pre-engineered wood or steel, fabricated with diagonal members and used to construct roofs and floors.

## **Article IX Penalties and Fines**

### **Sec. 9.1 Authority**

The Fire Chief may bring civil legal action on behalf of the city when voluntary compliance cannot be obtained.

### **Sec. 9.2 Code Violations**

Any person, being the owner or tenant or having control of any property or structure or part thereof which violates any of the provisions of this Code or who fails to conform to any of the provisions thereof, after having received a ten-day notice of such violation, shall be subject to the penalty provisions of Section 9-4.

### **Sec. 9.3 Notice of Violation**

The Fire Chief may cause a notice of violation or order to be served on the person responsible for a violation or non-compliance condition, in violation of the provisions hereof, or in violation of a plan of correction or of a detail statement made with a permit application.

**A.** Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

**B.** If the notice is not complied with promptly, the Fire Chief may issue a Civil Summons, or may request that the City institute the appropriate proceedings, in law or in equity; to restrain, correct or abate such violation.

### **Sec. 9.4 Penalty**

Whenever in this code no specific penalty is provided the violation of any such provision of this Code shall be punished by a penalty of not less than \$100.00 and not greater than \$250.00, plus costs. All penalties shall be recovered on complaint to the use of the city. Each day any violation of any provisions of this Code shall continue shall constitute a separate offense. In addition to the applicable civil penalty, a violator may be ordered to correct or abate violations. If the City is the prevailing party, the City must be awarded reasonable attorney fees, expert witness fees and costs.

### **Sec. 9.5 Licenses**

No Liquor, Lodging, Victualer, Business or other City license will be granted without compliance with this ordinance.

### **Sec. 9.6 Appeals**

The Ellsworth Board of Appeals is hereby established as the Board of Appeals to sit in judgment on matters concerning interpretation of NFPA Codes adopted by the City, and their enforcement. The Board of Appeals shall meet whenever directed by the appointing authority to interpret the provisions of this Code or to consider and rule on any properly filed appeal from a decision of the Fire Chief, giving at least five days notice of hearing, but in no case shall it fail to meet on an appeal within 30 calendar days of the filing of notice of appeal. All of the meetings of the Board shall be open to the public.

### **Sec. 9.7 Means of Appeals**

Any person shall be permitted to appeal a decision of the Fire Department to the Board of Appeals when it is claimed that any one or more of the following conditions exist:

- A. The codes or ordinances described in this Code have been incorrectly interpreted.
- B. The provisions of the codes or ordinances do not apply.
- C. A decision is unreasonable or arbitrary.

### **Sec. 9.8 Board of Appeals**

An appeal shall be submitted to the Board of Appeals in writing within 30 calendar days of notification of violation outlining the Code provision from which relief is sought and the remedy proposed.

**Appendix A**  
**Code, Statutes, Rules**  
**State of Maine**  
**Adopted National Fire Prevention Association (NFPA) Standards**  
**And**  
**Maine Unified Building and Energy Code (MUBEC)**

- **Fire Prevention Code**
  - NFPA #1, Uniform Fire Code, **2006** edition
- **Water-Based Fire Protection Systems**
  - NFPA #13 Standard for the Installation of Sprinkler Systems, **2016** edition.
  - NFPA #13D Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, **2016** edition
  - NFPA #13R Standard for the Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height, **2016** edition

- NFPA #14 Standard for the Installation of Standpipe, Private Hydrants and Hose Systems, **2013** edition
- NFPA #15 Standard for Water Spray Fixed Systems for Fire Protection, **2012** edition
- NFPA #16 Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, **2011** edition
- NFPA #20 Standard for the Installation of Stationary Fire Pumps for Fire Protection, **2013** edition
- NFPA #22 Standard for Water Tanks for Private Fire Protection, **2013** edition
- NFPA #24 Standard for the Installation of Private Fire Service Mains and Their Appurtenances, **2013** edition
- NFPA #25 Standard for the Inspection, Testing and Maintenance of Water-Based Fire Protection Systems, **2014** edition
- NFPA #214 Standard on Water Cooling Towers, **2011** edition
- NFPA #318 Standard for the Protection of Semiconductor Fabrication Facilities, **2015** edition
- NFPA #409 Standard on Aircraft Hangers, **2011** edition
- NFPA #418 Standard for Heliports, **2011** edition
- NFPA #750 Standard on Water Mist Fire Protection Systems, **2015** edition
- **Fire Extinguishers**
  - NFPA #10, Standard for Portable Fire Extinguishers, **2007** edition
- **Fire Extinguishing Systems**
  - NFPA #11, Standard for Low,Medium,and High- Expansion Foam Systems, **2005** Edition
  - NFPA #12, Standard on Carbon Dioxide Extinguishing Systems, **2008** edition
  - NFPA #17, Standard for Dry Chemical Extinguishing Systems, **2009** edition
  - NFPA #17A, Standard for Wet Chemical Extinguishing Systems, **2009** edition
  - NFPA #18, Standard on Wetting Agents, **2006** Edition
  - NFPA #2001, Standard on Clean Agent Fire Extinguishing Systems, **2008** edition
- **Dry Cleaning Plants**
  - NFPA #32, Standard for Dry cleaning Plants, **2007** edition
- **Spray Applications**
  - NFPA #33, Standard for Spray Application Using Flammable or Combustible Materials, **2007** edition
- **Dip Tanks**
  - NFPA #34, Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids, **2007** edition
- **Stationary Combustion Engines and Gas Turbines**
  - NFPA #37, Standard for the Installation and Use of Stationary Combustion Engines and Gas Turbines, **2006** edition
- **Bulk Oxygen and Hydrogen Systems**
  - NFPA #55, Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks, **2005** edition

- **Welding, Cutting and Allied Processes and Acetylene Cylinder Charging Plants**
  - NFPA #51, Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting and Allied Processes, **2007** edition
  - NFPA #51A, Standard for Acetylene Cylinder Charging Plants, **2006** edition
  - NFPA #51B, Standard for Fire Prevention During Welding, Cutting, and other Hot Work, **2009** edition
- **National Fuel Gas Code**
  - NFPA #54, National Fuel Gas Code, **2009** edition
- **Fire Protection Rules for Medical Facilities and Equipment**
  - NFPA #99, Standard for Health Care Facilities, **2005** edition
  - NFPA #99B, Standard for Hypobaric Facilities, **2005** edition
  - NFPA #110, Standard for Emergency and Standby Power Systems, **2005** edition
- **Storage and Handling of Liquefied Petroleum Gases**
  - NFPA #58, Liquefied Petroleum Gas Code, **2008** edition
  - NFPA #59, Utility LP-Gas Plant Code, **2008** edition
- **National Fire Alarm Code**
  - NFPA #72, National Fire Alarm Code, **2007** edition
- **Carbon Monoxide Alarms**
  - NFPA # 720, Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment (portions of), **2009** edition
- **Vapor Removal From Cooking Equipment**
  - NFPA #96, Standard for the Ventilation Control and Fire Protection of Commercial Cooking Operations, **2008** edition
- **Fire Safety in Buildings and Structures**
  - NFPA #80, Standard for Fire Doors and other Opening Protectives, **2010** edition
  - NFPA #101, Life Safety Code, **2009** edition
  - NFPA #220, Standard on Types of Building Construction, **2006** edition
- **Tents and Grandstands Air Supported Structures for Places of Assembly**
  - NFPA #102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, **2006** edition
- **Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances**
  - NFPA #211, Standard for Chimneys, Fireplaces, Vents and Solid Fuel Burning Appliances, **2006** edition
- **Purged and Pressurized Enclosures for Electrical Equipment**
  - NFPA #496, Standard for Purged and Pressurized Enclosures for Electrical Equipment, **2008** edition
- **Display of Fireworks**
  - NFPA #1122, Code for Model Rocketry, **2008** edition
  - NFPA #1123, Code for Fireworks Display, **2006** edition

- NFPA #1124, Code for the Manufacture, Transportation, and Storage of Fireworks and Pyrotechnic Articles, **2006** edition
- **Pyrotechnics Before a Proximate Audience**
  - NFPA #160, Standard for Flame Effects Before an Audience, **2006** Edition
  - NFPA #1126, Standard for the Use of Pyrotechnics before a Proximate Audience, **2006** edition
- **Manufacture, Transportation, Storage and Use of Explosive Materials**
  - NFPA #495, Explosive Materials Code, **2006** edition
- **Flammable and Combustible Liquids**
  - NFPA #30, Standards for Flammable and Combustible Liquids, **2008** edition
  - NFPA #30A, Code for Motor Fuel Dispensing Facilities and Repair Garages, **2008** edition
  - NFPA #30B, Code for Manufacture and Storage of Aerosol Products, **2007** edition
  - NFPA #385, Standard for Tank Vehicles for Flammable and Combustible Liquids, **2007** edition
- **Consumer Fireworks**
  - NFPA #1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles: Chapter 7, *Retail Sales of Consumer Fireworks*, **2006** edition
  - Maine Uniform Building and Energy Code (MUBEC) (International Building Code / International Residential Code / International Energy Code / International Existing Building Code)
  - Office of State Fire Marshal, Fire Sprinkler Policy and Rule