

Chapter 7

FIRE PREVENTION AND PROTECTION*

* **Cross References:** Police and fire alarms, Ch. 3; buildings and building regulations, Ch. 5; electric installation standards, § 5-76 et seq.; housing, Ch. 8; housing code, § 8-26 et seq.; minimum standards for safety under the housing code, § 8-92; licenses and business regulations, Ch. 10; marine activities, structures and ways, Ch. 11; fire department, § 12-171 et seq.; solid waste, Ch. 13; fires prohibited on any public way or public property without obtaining a permit from the fire chief, § 14-3; traffic and vehicles, Ch. 15; zoning and subdivision of land, App. A.

State Law References: Fire prevention and protection, 25 M.R.S.A. § 2351 et seq.; municipal fire protection, 30-A M.R.S.A. § 3151 et seq.; fire aid to other municipalities, 30-A M.R.S.A. § 3156.

Art. I. In General, §§ 7-1--7-25

Art. II. Standards, §§ 7-26--7-29

ARTICLE I.

IN GENERAL

Secs. 7-1--7-25. Reserved.

ARTICLE II.

STANDARDS

Sec. 7-26. Codes adopted.

The BOCA National Fire Prevention Code, 1990 Edition, as published by the Building Officials and Code Administrators International, Inc., and the NFPA 101, Life Safety Code, 1991 Edition, as published by the National Fire Protection Association, are enacted as the "Fire Prevention Code of the Town of Brunswick" subject to the provisions and amendments in sections 7-27 and 7-28. A copy of each code is on file in the town clerk's office.

(Ord. of 12-5-88, § 1; Ord. of 12-16-91)

Sec. 7-27. Amendments to BOCA National Fire Prevention Code.

The following amendments to the BOCA National Fire Prevention Code adopted in section 7-26 are hereby adopted:

(1) *Section F-100.1* shall read as follows:

"F-100.1. Title: These regulations as set forth herein shall be known as the Fire Prevention Code of the Town of Brunswick and are hereby referred to as 'this code.' "

(2) *Section F-104.1* shall read as follows:

"F-104.1. Enforcement officer: It shall be the duty and responsibility of the fire chief or the chief of the fire prevention bureau, or his duly authorized representative, to enforce the provisions of the fire prevention code as herein set forth. The designated enforcement officer of this code is herein referred to as the 'code official.' "

(3) *Section F-106.8* is added reading as follows:

"F-106.8. Double fees: Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefor, shall, if subsequently permitted to obtain a permit, pay double the designated permit fee for such work; provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the code official that such work was urgently necessary and that it was not practical to obtain a permit therefor before the commencement of the work. In all cases a permit must be obtained as soon as it is practical to do so, and if there is an unreasonable delay in obtaining such permit, the double fee as herein provided shall be charged."

(4) *Section F-112.0* shall read as follows:

"F-112.1. Appeals: A person aggrieved by a decision of the code official may appeal to the codes appeal board and demand a hearing, as provided in this code. He must file a notice of appeal with the code enforcement officer. The notice must cite the decision appealed from, identify the property involved, list the names of abutting owners and of owners of property directly across a public way and state the specific grounds for the appeal. The appellant shall pay the codes enforcement officer a filing fee to cover the cost of advertising the appeal as required by section F-112.4."

"F-112.3. Filing date recorded: The codes enforcement officer shall stamp the filing date on the notice of appeal, give a copy to the appellant and send a copy to the codes appeal board."

"F-112.4. Appeal advertised: On receipt of the notice of appeal, the codes appeal board shall determine a hearing date and have the notice of appeal and the time and the place of the hearing published in a newspaper having general circulation in the town at least seven (7) days before the day of the hearing."

"F-112.5. Abutters notified: The codes enforcement officer shall mail a copy of the notice of appeal and the time and place of hearing to property owners described in section F-112.1 at least six (6) days prior to the day of hearing at their last known places of address as shown on the tax records. Failure of the codes enforcement officer to send, or a property owner to receive a copy of the notice does not invalidate the hearing."

"F-112.6. Hearing procedure: At the hearing, the appellant's side of the case must be heard first. When a witness has completed his direct testimony, he may be examined directly by members of the board, and through the chairman by other interested persons. Attorneys

representing the parties may examine and cross-examine witnesses directly. The secretary of the board shall keep the minutes of the proceedings including the date of the hearing, the names and addresses of all witnesses and attorneys, a brief summary of the testimony and the reasons for it. The secretary shall file a copy of the decision with the code official as soon as it is handed down by the board. On receipt of the decision, the code official shall issue or withhold a permit according to its terms."

"*F-112.7. Variances:* The codes appeal board may grant a reasonable variance from the requirements of this code. The appellant must prove the following:

- "(1) Financial hardship. That the application of this code is causing or would cause unusual difficulty or substantial financial hardship because of extraordinary conditions peculiar to his premises, or to a proposed building, which are not reasonably remediable.
- "(2) No adverse affect. That the relief sought would not adversely affect other property or the health, safety or general welfare of the public.
- "(3) Purpose upheld. That the relief sought would not tend to defeat the purpose of this code as set forth in article 1, section F-100.2.

"The codes appeal board may affirm, modify or deny determinations under or interpretations of this code made by the code official in the performance of his duties."

"*F-112.9. Special conditions:* In granting a variance, the codes appeal board may require that certain special conditions be fulfilled. The failure to comply with those conditions invalidates the permit granted."

"*F-112.9.1. Limitation on subsequent appeals:* If the codes appeal board denies an appeal with respect to certain buildings or premises, a second appeal of a similar nature may not be brought before the board within one (1) year."

"*F-112.9.2. Appeal to superior court:* A person aggrieved by a decision of the codes appeal board may appeal to the superior court within thirty (30) days after the decision. The appeal is governed by rule 80-B of the Maine Rules of Civil Procedure."

(5) *Section F-111.3* shall read as follows:

"*F-111.3 Penalties:* A person who violates any provisions of this code shall be punished by a fine of not more than one hundred dollars (\$100.00). If this code is violated by a partnership or corporation, the members of the partnership or the officers of the corporation who participated in or authorized the action resulting in the violation will also be subject to the punishment provided. Each day that the violation continues after a service of notice as provided for in this code shall be deemed a separate offense."

(6) *Section F-518.0* is added reading as follows:

"F-518.0. *Key boxes*"

"F-518.1. *General*: The code official may require a key box to be installed in an accessible location where immediate access is necessary to verify the existence of a fire or other emergency in a building equipped with, or required to be equipped with, fire detection or fire suppression systems or equipment.

"F-518.2. *Type, contents, installation*: The key box shall be of a type approved by the code official; shall contain keys to gain access as required by the code official; and shall be installed in a manner approved by the code official.

"F-518.3. *Alarms*: At the request of the owner or lessee, the code official shall permit him to install a key box tamper switch connected to the building's fire alarm system."

(7) *Section F-500.2* shall read as follows:

"F-500.2. *Permits*: Before any fire alarm, fire detection or fire suppression system is installed, enlarged or extended, a permit shall be secured from the code official. Plans and specifications shall be reviewed by the code official prior to issuing the permit.

"F-500.2.1. *Design criteria*: All fire protection systems shall be designed and installed in accordance with the requirements of this code, the building code and applicable NFPA Standards listed in Appendix A."

(8) *Section F-500.2.2* is added reading as follows:

"F-500.2.2. *Fees*: There shall be a ten dollar (\$10.00) permit fee for each new installation of a fire protection system or the enlargement or extension of an existing system."

(9) *Article 35* is added to read as follows:

"*Article 35. Installation of oil-burning equipment.*

"F-3500.1. *General*: The provisions of Installation of Oil Burning Equipment, 1987 Edition, NFPA 31, as published by the National Fire Protection Association, are hereby incorporated into this code as article 35."

"F-3500.2. *Permit required*: A permit shall be required for the installation of oil burning equipment and oil storage tanks."

"F-3500.3. *Fees*: There shall be a ten-dollar (\$10.00) permit fee for each unit installed."

(10) *Article 36* is added reading as follows:

"*Article 36. Chimneys, fireplaces, vents and solid fuel burning appliances.*

"F-3600.1 *General.* The provisions of NFPA 211, Chimneys, Fireplaces, Vents and Solid Fuel Burning Equipment, 1988 Edition, as published by the National Fire Protection Association, are hereby incorporated into this code as article 36.

"F-3600.2. *Permit required:* A permit shall be required for the installation of a solid fuel burning device.

"F-3600.3. *Fee:* There shall be a ten-dollar (\$10.00) permit fee for each unit installed."

(11) *Appendix A* is amended to read as follows:

"NFPA 31-87 Oil Burning Equipment - Standard for the Installation of F-2803.3, F-3500.0."
(Ord. of 2-1-88; Ord. of 12-5-88, § 2; Ord. of 12-16-91)

Sec. 7-28. Amendments to Life Safety Code.

The following amendments to the Life Safety Code adopted in section 7-26 are hereby adopted:

"7-6.2.10 The electrical circuits powering the smoke detector(s) installed in accordance with 7-6.2.9 shall also power a commonly used lighting circuit within the same living unit."
(Ord. of 12-5-88, § 3; Ord. of 12-16-91)

Sec. 7-29. Outdoor wood boiler/hydronic heaters.

(a) *Ban on outdoor wood-fired boiler (OWB).*

(1) There shall be no construction, installation, modification, operation, replacement, or use of any OWB in the Town of Brunswick that is not installed and/or operational at the registered location of use as of the effective date of this section.

(2) For the purposes of this subsection (2), an OWB is defined as:

"Outdoor wood-fired boiler (OWB)" or "outdoor wood-fired furnace" means an accessory structure or appliance capable of being installed out of doors and designed to transfer or provide heat, via liquid or other means, through the burning of wood or any other nongaseous or non-liquid fuels for heating spaces other than where such structure or appliance is located, any other structure or appliance on the premises, or for heating domestic, swimming pool, hot tub or Jacuzzi water. "Outdoor wood-fired boiler or furnace" does not include a fire pit, wood-fired barbecue, or chiminea.

(b) *Existing outdoor wood boilers.*

Any outdoor wood boiler in existence shall be allowed to remain provided the owner adheres to the following regulations:

- (1) *Registration.* A registration shall be required through the office of fire prevention within thirty (30) days at no cost. Prior to registration, plans shall be submitted to and reviewed by the office of fire prevention. The plan shall include, but not be limited to any or all of the following:
- a. Setback distances;
 - b. Property boundaries;
 - c. Existing stack height;
 - d. Manufacture's installation specifications;
 - e. Appropriate license information from the installer.

As part of the registration process each unit shall require a site visit from the fire prevention office .

- (2) *Months of operation.* Outdoor wood boilers may be operated only between October 1 and April 30 of each year.
- (3) *Permitted fuels.* These fuels are defined under the Chapter 150 section 4, as referenced below.
- (c) *Regulatory references.*

In addition to provisions in this section, rule Chapter 150 Control of Emissions from Outdoor Wood Boilers as adopted and amended by the Maine Department of Environmental Protection, along with any other state or federal regulations and rules regarding outdoor wood boilers apply.

- (d) *Penalties.*

A person who violates any provisions of this code shall be punished by a fine of not more than one hundred dollars (\$100.00). Each day that the violation continues after a service of notice as provided for in this code shall be deemed a separate offense.

(Ord. of 4-23-07; Ord. of 12-17-07)