

Chapter 7 FIRE PREVENTION AND PROTECTION [11](#)

ARTICLE I. - ADOPTED CODES AND STANDARDS

ARTICLE II. - IN GENERAL

FOOTNOTE(S):

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Editor's note—Ord. of 2-1-16(2) amended Ch. 7 in its entirety to read as herein set out. Former Ch. 7, §§ 7-26—7-29, pertained to similar subject matter. For prior history, see Code Comparative Table.[\(Back\)](#)

Cross reference— 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.[\(Back\)](#)

State Law reference— 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.[\(Back\)](#)

ARTICLE I. ADOPTED CODES AND STANDARDS

[Secs. 7-1—7-25. Reserved.](#)

[Sec. 7-26. Codes adopted.](#)

[Sec. 7-27. Amendments to NFPA 1, Uniform Fire Code, 2018 Edition.](#)

[Sec. 7-28. Amendments to NFPA 101 "Life Safety Code" 2018 Edition.](#)

[Sec. 7-29. Reserved.](#)

Secs. 7-1—7-25. Reserved.

Sec. 7-26. Codes adopted.

NFPA 1, Uniform Fire Code, 2018 Edition, as published by the National Fire Protection Association and NFPA 101, Life Safety Code, 2018 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.

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(Ord. of 2-1-16(2))

Sec. 7-27. Amendments to NFPA 1, Uniform Fire Code, 2018 Edition.

The following amendments to NFPA 1, Uniform Fire Code, 2018 Edition adopted in Section 7-26 are hereby adopted:

- (1) The amendments set forth by the Maine Department of Public Safety, Office of the Maine State Fire Marshall by Chapter 3 of its Rules entitled "Fire Prevention Code" as amended on November 27, 2019, a copy of which is on file in the town clerk's office.
- (2) Section 1.1.2 shall read as follows:

1.1.2 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."
- (3) Section 1.6 shall read as follows:

1.6 Enforcement: The fire chief or the chief of the fire prevention bureau, or his duly authorized representative has the authority 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."
- (4) Section 1.7.7.1.1 shall read as follows:

1.7.7.1.1 Inspection: The Code Official is hereby authorized to conduct inspections to determine the condition of dwelling, dwelling units, rooming houses, rooming units and premises located within the town in order that he/she may perform his/her duty of insuring health, safety, and the public welfare.
- (5) Section 1.10.9.4 is added reading as follows:

1.10.9.4.1 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 1.10.9.4.3.

1.10.9.4.2 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.

1.10.9.4.3 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.

1.10.9.4.4 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 1.10.9.4.1 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.

1.10.9.4.5 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

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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.

1.10.9.4.6 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.

1.10.9.4.7 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.

1.10.9.4.8 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.

1.10.9.4.9 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.

- (6) Section 1.16.1.2 is added reading as follows:

1.16.1.2 Penalties: A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 "Offenses and Miscellaneous Provisions" of the Town of Brunswick Code of Ordinance. 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.

1.16.1.3 A re-inspection fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances will be charged for each subsequent inspection determined by the codes official to be necessary.

- (7) Section 18.2.2.1.1 is added reading as follows:

18.2.2.1.1. Key boxes.

18.2.2.1.1.1. 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.

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18.2.2.1.1.2 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.

18.2.2.1.1.3. 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.

(Ord. of 2-1-16(2))

Sec. 7-28. Amendments to NFPA 101 "Life Safety Code" 2018 Edition.

The following amendments to NFPA 101 "Life Safety Code" 2018 Edition adopted in section 7-26 are hereby adopted:

- (1) The amendments set forth by the Maine Department of Public Safety, Office of the Maine State Fire Marshall by Chapter 20 of its Rules entitled "Code For Safety to Life From Fire in Buildings and Structures" as amended on November 27, 2019, a copy of which is on file in the town clerk's office.
- (2) " 9.6.2.10.3.1 The electrical circuits powering the smoke detector(s) installed in accordance with 9.6.2.10.3 shall also power a commonly used lighting circuit within the same living unit."
- (3) 1.6.1 Penalties: A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 "Offenses and Miscellaneous Provisions" of the Town of Brunswick Code of Ordinance. 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.
- (4) Section 1.6.1.2 is added reading as follows:
A re-inspection fee in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances will be charged for each subsequent inspection determined by the codes official to be necessary.

(Ord. of 2-1-16(2))

Sec. 7-29. Reserved.

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[Sec. 7-30. Installation of fueled fired heating appliances.](#)

[Sec. 7-31. Installation of fire protection systems.](#)

[Sec. 7-32. Underground storage tanks.](#)

[Sec. 7-33. Outdoor wood boiler/hydronic heaters.](#)

Sec. 7-30. Installation of fueled fired heating appliances.

(a) *Applicability.*

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- (1) This regulation applies to the installation of fuel fired heating units in all structures, occupied or unoccupied, located within the Town of Brunswick, including but not limited to:
 - a. Solid fuel fired heating appliances;
 - b. Oil fired heating appliances;
 - c. LP gas fired heating appliances;
 - d. Natural gas fired heating appliances.
 - (2) This regulation does not apply to electric heating devices.
- (b) *Definitions.*
- (1) Authority having jurisdiction (AHJ)— An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.
- (c) *Permit required.*
- (1) All fuel fired heating appliances shall be permitted by the Brunswick Fire Department prior to installation.
 - (2) Applicant shall show applicable license(s) when applying for permit if required by the AHJ.
 - (3) Applicant shall provide a copy of plans and/or supporting documentation if requested by the AHJ.
 - (4) Fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances shall be charged for each new installation of a fueled fired heating appliance.
 - (5) Application process may be delayed for a reasonable amount of time for further review of applicable standards.
- (d) *Installation.*
- (1) All installations shall be completed by licensed contractors as required.
 - (2) All installations shall be completed in accordance with applicable federal, state, and local regulations.
- (e) *Penalties.*
- (1) In those cases where the authority having jurisdiction determines that an installation is incorrect, not according to plan, or presents an unacceptable degree of risk, a notice to stop work may be given until further review can be made by all parties of interest.
 - (2) *Double fee.* Any person who shall commence any work for which a permit is required by this code without first having obtained a permit therefore, shall, if subsequently permitted to obtain a permit, pay double the permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all cases, a permit must be obtained as soon as practical to do so. If there is an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

(Ord. of 2-1-16(2))

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Sec. 7-31. Installation of fire protection systems.

(a) *Applicability.*

- (1) This regulation applies to the installation of fire protection systems, where required, in all structures, occupied or unoccupied, located within the Town of Brunswick.
- (2) This regulation applies to the installation of all types of fire protection systems including but not limited to:
 - a. Commercial or residential fire alarm system;
 - b. Commercial or residential sprinkler system;
 - c. Commercial or residential alternative suppression systems;
 - d. Commercial cooking hood and suppression systems.
- (3) This regulation does not apply to:
 - a. Independent or interconnected smoke detection devices not part of a fire alarm system;
 - b. Residential cooking hood and suppression systems.

(b) *Definitions.*

- (1) Authority having jurisdiction (AHJ)—An organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

(c) *Permit required.*

- (1) All fire protection systems shall be permitted by the Brunswick Fire Department prior to installation.
- (2) Applicant shall show applicable license(s) when applying for permit if required by the AHJ.
- (3) Applicant shall provide a copy of plans and supporting documentation for review by the office of fire prevention at the time of application as required or requested by the AHJ.
- (4) Plans shall be in accordance with federal, state, and local regulations.
- (5) Plans shall be reviewed and approved prior to the issuance of fire protection system permits.
- (6) Fees in accordance with the Master Schedule of Revenues, Charges, Fees and Fines, Appendix B to this Municipal Code of Ordinances shall be charged for each new installation of a fire protection system or the enlargement or extension of an existing system.

(d) *Installation.*

- (1) All installations shall be completed by licensed contractors as required.
- (2) All installations shall be completed in accordance with applicable federal, state, and local regulations.

(e) *Penalties.*

- (1) In those cases where the authority having jurisdiction determines that an installation is incorrect, not according to plan, or presents an unacceptable degree of risk, a notice to stop work may be given until further review can be made by all parties of interest.
- (2) *Double fee.* 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 permit fee fixed by this section for such work, provided, however, that this provision shall not apply to emergency work when it shall be proved to the satisfaction of

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the administrative authority that such work was urgently necessary and that it was not practical to obtain a permit before the commencement of the work. In all cases, a permit must be obtained as soon as practical to do so. If there is an unreasonable delay in obtaining such permit, a double fee as herein provided shall be charged.

(Ord. of 2-1-16(2))

Sec. 7-32. Underground storage tanks.

(a) *Applicability.* This regulation applies to the installation or removal of underground storage tank containing, or intended to contain, flammable or combustible liquids or gasses located within the Town of Brunswick.

(b) *Definitions.*

Authority having jurisdiction (AHJ) means an organization, office, or individual responsible for enforcing the requirements of a code or standard, or for approving equipment, materials, an installation, or a procedure.

Combustible liquid means any liquid that has a closed cup flash point at or above 37.8 °C (100°F).

Flammable liquid means a fluid that has a closed cup flash point that is below 37.8 °C (100°F) and a maximum vapor pressure of 2068 mm Hg (40 psia) at 37.8 °C (100°F).

(c) *Permit required.*

- (1) Installation or removal of underground storage tank(s) shall be permitted by the Brunswick Fire Department prior to the start of work.
- (2) Applicant shall show applicable license(s) when applying for permit if required.
- (3) Any and all applicable state or federal permits shall be provided to the fire department prior to the issuance of a local permit.

(d) *Penalties.*

- (1) A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 "Offenses and Miscellaneous Provisions" of the Town of Brunswick Code of Ordinance. 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.
- (2) In those cases where the authority having jurisdiction determines that an installation or removal is incorrect, not according to plan, or presents an unacceptable degree of risk, a notice to stop work may be given until further review can be made by all parties of interest.

(Ord. of 2-1-16(2))

Sec. 7-33. Outdoor wood boiler/hydronic heaters.

(a) *Applicability.*

- (1) This regulation applies to any manufacturer, supplier, distributor or person intending to sell, lease, distribute, or market, an outdoor wood boiler, including an outdoor pellet boiler, in the town that meets the definition of an outdoor wood boiler and to any person who installs, relocates, replaces, operates or owns an outdoor wood boiler, including an outdoor pellet boiler.

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- (2) This regulation applies to outdoor wood boilers, including outdoor pellet boilers, with a rated thermal input of less than 3 MMBtu/hr. Boilers with a rated thermal heat input of 3 MMBtu/hr or greater are subject to Chapter 103 Fuel Burning Equipment Particulate Emission Standard of the Department of Environmental Protection Regulations.

(b) *Definitions.* The following terms, as used in this section, have the following meanings:

Clean wood means wood that has no paint, stain, or other types of coatings, and wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote, or pentachlorophenol.

Commercial outdoor wood boiler means any outdoor wood boiler, except for those outdoor wood boilers used solely for space heating or domestic hot water, used to service a commercial establishment.

Distribute or sell means to distribute, sell, advertise for sale, offer for sale, lease, ship, deliver for shipment, release for shipment, or receive and (having so received) deliver or offer to deliver. This term does not include the distribution or sale by a manufacturer of an outdoor wood boiler that is installed outside the town.

Manufacturer means any person who constructs or imports for the distribution or sale into the United States an outdoor wood boiler.

New outdoor wood boiler means an outdoor wood boiler that is not installed and/or operational at the intended location of use as of the effective date of this section.

Nuisance means emission of air contaminants to the outdoor atmosphere of such quantity, characteristic or duration that may be injurious to human, plant or animal life or to property, or that unreasonably interferes with the comfortable enjoyment of life or property.

Opacity means the degree to which emissions other than water reduce the transmission of light and obscure the view of an object in the background.

Outdoor wood boiler (also known as outdoor wood-fired hydronic heater, water stove or outdoor wood furnace) means a fuel burning device that:

- (1) Is designed to burn wood, biomass fuel products or other approved solid fuels;
- (2) The manufacturer specifies for outdoor installation or installation in structures not normally occupied by humans (e.g., sheds) or is an indoor-rated device housed in a modular or containerized structure; and
- (3) Heats building space or water, or both, through the distribution, typically through pipes for a fluid or ducts for air, of a fluid or air heated in the device.

Outdoor pellet boiler means an outdoor wood boiler designed and warranted by the manufacturer specifically to burn pellet fuel with metered fuel and air feed and controlled combustion engineering which is operated according to the manufacturer's specifications and burns only pellet fuel.

Particulate matter or *PM* means particulate matter PM_{10} and $PM_{2.5}$ including the condensable fraction.

Sale means the transfer of ownership or control.

(c) *Requirements for the sale, installation and operation of new outdoor wood boilers and outdoor pellet boilers.*

(1) *Particulate matter emission standards for outdoor wood boilers.*

- a. *Phase II particulate emission standard for outdoor wood boilers and outdoor pellet boilers.* No person shall distribute or sell, lease, import, supply, relocate, replace, or install an outdoor wood boiler or outdoor pellet boiler after the effective date of this section unless it has been certified under subsection (c)(5) to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output. Outdoor wood boilers and outdoor pellet boilers meeting the

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Phase II limit must be installed according to the applicable setback and stack height requirements as defined in subsections (c)(2) and (c)(3).

- b. *Voluntary technology-forcing particulate emission standard for outdoor wood boilers.* An outdoor wood boiler meeting a particulate matter emission limit of 0.06 lbs/MMBtu heat output is not subject to a setback requirement under this section as long as it meets the stack height requirements described in subsection (c)(3)c. of this section.
- (2) *Setback requirements for new outdoor wood boilers and outdoor pellet boilers.*
- a. *Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output.* No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor wood boiler or outdoor pellet boiler is installed at least one hundred (100) feet from the nearest property line or at least one hundred and forty (140) feet from the nearest dwelling that is not on the same property as the outdoor wood boiler or outdoor pellet boiler.
 - b. *Outdoor pellet boilers certified to meet particulate emission limits of 0.06 lbs/MMBtu heat output.* No person shall install or allow the installation of any outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor pellet boiler is installed at least forty (40) feet from the nearest property line or at least eighty (80) feet from the nearest dwelling that is not on the same property as the outdoor pellet boiler.
 - c. *Outdoor wood boilers that have been modified to burn pellets.* Outdoor wood boilers that have been modified to burn pellets must meet the applicable setback specified in subsection (c)(2) for the original particulate emission limit certification of the outdoor wood boiler, determined in accordance with subsection (c)(5).
- (3) *Stack height requirements for new outdoor wood boilers and outdoor pellet boilers.*
- a. *Outdoor wood boilers and outdoor pellet boilers certified to meet particulate emission limits of 0.32 lbs/MMBtu heat output.* No person shall install or allow the installation of any outdoor wood boiler or outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.32 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor wood boiler or outdoor pellet boiler:
 - 1. Has an attached stack with a minimum stack height of ten (10) feet above ground level; or
 - 2. Has an attached stack extending two (2) feet higher than the peak of the roof of the structure being served by the outdoor wood boiler or outdoor pellet boiler, if an abutting residence is located less than three hundred (300) feet from the outdoor wood boiler or outdoor pellet boiler.
 - b. *Outdoor pellet boilers certified to meet particulate emission limits of 0.06 lbs/MMBtu heat output.* No person shall install or allow the installation of any outdoor pellet boiler that has been certified to meet a particulate matter emission limit of 0.06 lbs/MMBtu heat output, determined in accordance with subsection (c)(5), unless the outdoor pellet boiler:
 - 1. Has an attached stack with a minimum stack height of ten (10) feet above ground level; or
 - 2. Has an attached stack extending two (2) feet higher than the peak of the roof of the structure being served by the outdoor pellet boiler, if an abutting residence is located less than one hundred (100) feet from the outdoor pellet boiler.

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- c. *Outdoor wood boilers that have been modified to burn pellets.* Outdoor wood boilers that have been modified to burn pellets must meet the applicable stack height specified in subsection (c)(3) for the original particulate emission limit certification of the outdoor wood boiler, determined in accordance with subsection (c)(5).
 - d. In the case that there is no structure, such as, but not limited to, swimming pools or hot tubs, being served by an outdoor wood boiler or outdoor pellet boiler subject to subsection (c)(3), the owner or operator of the outdoor wood boiler or outdoor pellet boiler shall extend the stack two (2) feet higher than the peak of the roof of the nearest building to the outdoor wood boiler or outdoor pellet boiler.
- (4) *Commercial outdoor wood boiler, commercial outdoor pellet boiler, outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than 350,000 Btu/hr analysis requirement.*
- a. Any person intending to install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, an outdoor wood boiler, or outdoor pellet boiler with a rated thermal output greater than three hundred fifty thousand (350,000) Btu/hr shall obtain an evaluation, report and installation recommendations performed by a qualified professional, including a licensed professional engineer or a master solid fuel burner technician, that includes the following information:
 - 1. What type of application will the outdoor wood boiler or outdoor pellet boiler be used for;
 - 2. A determination of the heat load requirements of the facility as compared to the available heat supply of the outdoor wood boiler or outdoor pellet boiler to ensure the unit is properly sized;
 - 3. The stack location relative to the property lines and building locations within four hundred (400) feet of the outdoor wood boiler or outdoor pellet boiler;
 - 4. The stack height; and
 - 5. Recommendations for the proper outdoor wood boiler or outdoor pellet boiler installation, including but not limited to, hook-up, auxiliary fuel, properly sized outdoor wood boiler or outdoor pellet boiler, stack height and stack location.
 - b. No person shall install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than three hundred fifty thousand (350,000) Btu/hr unless it is installed according to the recommendations of the evaluation report in subsection (c)(4)a. of this section. In any case, no person shall install or operate a commercial outdoor wood boiler, commercial outdoor pellet boiler, an outdoor wood boiler or outdoor pellet boiler with a rated thermal output greater than three hundred fifty thousand (350,000) Btu/hr unless it meets the minimum setback and stack height requirements stated in subsections (c)(2) and (c)(3).
- (5) *Certification of outdoor wood boilers and outdoor pellet boilers.* No person shall supply, distribute, sell, lease, offer for sale, or allow the installation of an outdoor wood boiler or an outdoor pellet boiler in the town unless the outdoor wood boiler or outdoor pellet boiler has received certification pursuant to the EPA Outdoor Wood-Fired Hydronic Heater Program. The certification shall demonstrate that the outdoor wood boiler or outdoor pellet boiler meets the applicable particulate emission standard in subsection (c)(1). The manufacturer of any such outdoor wood boiler or outdoor pellet boiler shall conduct testing via the EPA Outdoor Wood-Fired Hydronic Heater Phase I Program until EPA replaces the EPA Outdoor Wood-Fired Hydronic Heater Phase I Program with the Environmental Technology Verification Program. The department of environmental protection may approve an alternative certification program.

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- (6) *Labeling requirements.* New outdoor wood boilers and outdoor pellet boilers shall be labeled in accordance with the labeling requirements of the U.S. Environmental Protection Agency Outdoor Wood-Fired Hydronic Heater Program. Requirements of this program are located at www.epa.gov/woodheaters/index.htm.
- (7) *Rain cap prohibition.* No person shall operate a new outdoor wood boiler or outdoor pellet boiler using a rain cap unless this device is required by the manufacturer specifications.
- (d) *General provisions and requirements for all outdoor wood boilers and outdoor pellet boilers.*
- (1) *Prohibited fuels.* No person shall burn any of the following items in an outdoor wood boiler:
- a. Any wood that does not meet the definition of clean wood;
 - b. Garbage;
 - c. Tires;
 - d. Lawn clippings or yard waste;
 - e. Materials containing plastic;
 - f. Materials containing rubber;
 - g. Waste petroleum products;
 - h. Paints and paint thinners;
 - i. Chemicals;
 - j. Glossy or colored papers;
 - k. Construction and demolition debris;
 - l. Plywood;
 - m. Particleboard;
 - n. Salt water driftwood and other previously salt-water saturated materials;
 - o. Manure;
 - p. Animal carcasses;
 - q. Asphalt products;
 - r. Materials containing asbestos;
 - s. Materials containing lead, mercury, or other heavy or toxic metals; and
 - t. Coal, unless the outdoor wood boiler is specifically designed to burn coal.
- (2) *Fuel requirements.*
- a. No person that operates an outdoor wood boiler shall use a fuel other than the following:
 1. Clean wood;
 2. Wood pellets made from clean wood;
 3. Home heating oil in compliance with the applicable sulfur content limit, propane or natural gas may be used as starter or supplemental fuels for dual-fired outdoor wood boilers; and
 4. Other fuels as approved by the department.
 - b. No person that operates an outdoor pellet boiler shall use a fuel other than the following:
 1. Wood pellets made from clean wood;

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2. Corn; and
3. Other fuels as approved by the department.

(e) *Nuisance conditions.*

(1) *Standard.* No person shall operate an outdoor wood boiler or an outdoor pellet boiler, that produces visible emissions, measured as any opacity totaling twelve (12) minutes in any hour, that cross onto any land or buildings immediately adjacent to a dwelling or commercial building not owned by the owner of the outdoor wood boiler. Opacity under this subsection shall be determined by the Department of Environmental Protection pursuant to EPA Method 22 Visual Determination of Fugitive Emissions from Material Sources and Smoke Emissions from Flares (40CFR60, Appendix B).

(2) *Prohibition.* No person shall operate an outdoor wood boiler or an outdoor pellet boiler, in such a manner as to create a nuisance.

(f) *Effective date.* Unless otherwise noted, compliance with all applicable provisions of this section is the effective date of the regulation.

(g) *Severability.* Each subsection of this section shall be deemed severable, and in the event that any subsection of this section is held invalid, the remainder shall continue in full force and effect.

(h) *Existing outdoor wood boilers.* Any outdoor wood boiler in existence upon the effective date of this section shall be allowed to remain provided the owner adheres to the following regulations:

(1) *Months of operation.* Outdoor wood boilers may be operated only between October 1 and April 30 of each year.

(2) *Permitted fuels.* These fuels are defined under subsection (d)(2).

(i) *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.

(j) *Penalties.* A person who violates any provisions of this code shall be punished by a fine in accordance with Chapter 11.5 "Offenses and Miscellaneous Provisions" of the Town of Brunswick Code of Ordinance. 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.

(Ord. of 2-1-16(2))