

**SOUTH PORTLAND CODE OF ORDINANCES**

Chapter 8

**FIRE PROTECTION AND PREVENTION\***

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\* **Cross reference(s)**--Buildings, Ch. 5; fire limits described; §§ 5-4, 5-5; oil burning equipment and fuel oil storage tanks, § 5-73 et seq.; electricity, Ch. 7; licenses, permits and business regulations generally, Ch. 14.

**State law reference(s)**--Fire protection and prevention, generally, 12 M.R.S.A. § 9001 et seq.; 25 M.R.S.A. § 2351 et seq.; authority to establish means of fire prevention, 30-A M.R.S.A. § 3151 et seq.  
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- Art. I      Fire Department**
- Art. II     Emergency Management**
- Art. III    Fire Alarm Systems**
- Art. IV    Fire Prevention**
- Art. V     Reserved**
- Art. VI    Rapid Entry**
- Art. VII   Marina Safety**
- Art. VIII  Marine Oil Terminal and Tank Vessel Fire Protection**
- Art. IX    Gas and Flammable Fluids Safety**
- Art. X     Self-Service Gasoline Dispensing Stations**
- Art. XI    Establishment of Fire Lanes**
- Art. XII   Consumer Fireworks**
- Art. XIII  Permits, Fines, and Appeal**
- Art. XIV  Commercial Propane Facility Fire Permit**



**ARTICLE I. FIRE DEPARTMENT\***

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\* **Charter reference(s)**--Creation of Fire Department, § 304.

**State law reference(s)**--Authority to establish and regulate a Fire Department, 30-A M.R.S.A. § 3151 et seq..

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**Sec. 8-1 Fire Department.**

**Sec. 8-1.1 Created.**

A Fire Department for the City is hereby created.

(Code 1966, § 2-6-1)

**Sec. 8-1.2 Duties Generally.**

The duties of the Fire Department shall be to:

- (1) Extinguish fires and save life and property therefrom;
- (2) Inspect for potential fire hazards, order the removal or remedying of dangerous fire conditions, and otherwise police the enforcement of local and state fire laws;
- (3) Demolish or pull down any building which may be on fire, or which may be deemed necessary to remove in order to prevent the spread of fire or the increase of danger to life or property;
- (4) Compel assistance of all persons at fires in pursuit of its duties;
- (5) Maintain and operate its equipment;
- (6) Record information regarding the number of buildings destroyed or damaged by fire, the value thereof and the names of owners;
- (7) Preserve peace in cooperation with the Police Department at the scene of a fire; prevent theft and destruction of property; and cause the removal of all suspicious persons from the scene of the fire;
- (8) Render mutual aid upon request to any community within the state upon due consideration to the needs of this City; and notify the City Manager of the details of such action. However, regarding requests for mutual aid outside of the State, the Fire Department shall act only after having received the approval of the City Manager, who shall be apprised of the details of such request; and
- (9) Offer emergency medical services to the community to the highest possible level.

**Sec. 8-1.3 Appointment of Fire Chief.**

The Fire Chief shall be appointed by the City Manager.

**Sec. 8-1.4 Powers of Fire Chief Generally.**

The powers of the Fire Chief shall be those necessary and proper to execute the duties of the Fire Department and his/her office in a manner providing for the greatest safety to life and property.

**Sec. 8-1.5 Duties of Fire Chief Generally.**

The duties of the Fire Chief shall be to:

- (1) Superintend the overall duties of the Fire Department;
- (2) Establish departmental rules and regulations;
- (3) Make annual reports to the City Manager;
- (4) Recommend ordinances and ordinance amendments with a view toward improving the protection of life and property;
- (5) Perform the duties of the City's Emergency Management Agency Director; and
- (6) Perform such other duties as may be prescribed by the City Manager or law.

**Sec. 8-1.6 Authority of Fire Chief to Detail Members of Department as Inspectors.**

The Fire Chief may detail such members of the Fire Department as inspectors as necessary.

**Sec. 8-1.7 Chief to Recommend Employment of Technical Inspectors.**

The Fire Chief shall recommend to the City Manager the employment of technical inspectors.

## ARTICLE II. EMERGENCY MANAGEMENT

### Sec. 8-2 Emergency Management.

#### Sec. 8-2.1 Purpose.

It is the intent and purpose of this Article to establish an Emergency Management Agency in compliance and in conformity with the provisions of 37-B M.R.S.A. § 781 *et seq.*, as may be amended from time to time, to ensure the complete and efficient utilization of the City's facilities and resources to combat disaster as defined herein.

#### Sec. 8-2.2 Definitions.

For purposes of this Article, the following definitions shall apply unless the context clearly implies otherwise:

##### Sec. 8-2.2.1 Emergency Management Agency.

“Emergency Management Agency” or “agency” means the agency created under this Article for the preparation for and the carrying out of all emergency functions, other than functions for which military forces are primarily responsible, in order to minimize and repair injury and damage resulting from disasters or catastrophes caused by either natural or man-made causes. These functions include, without limitation, firefighting, law enforcement, emergency medical, and public health, emergency welfare, engineering, public warning and communications services; evacuation of persons from stricken areas; allocation of critical materials; emergency transportation; other activities related to civilian protection and other activities necessary to the preparation for the carrying out of these functions.

##### Sec. 8-2.2.2 Emergency Management Agency Forces.

“Emergency Management Agency Forces” shall mean the employees, equipment and facilities of all City departments, boards, institutions and commissions; and in addition, it shall include all volunteer persons, equipment and facilities contributed by or obtained from volunteer persons or agencies.

##### Sec. 8-2.2.3 Director.

“Director” means the director of the City of South Portland Emergency Management Agency, appointed as prescribed in this Article.

##### Sec. 8-2.2.4 Disaster.

“Disaster” means the occurrence or imminent threat of widespread or severe damage, injury or loss of life or property resulting from any natural or man-made cause.

**Sec. 8-2.3 Organization.**

The City Manager, or his or her duly authorized be responsible for the agency's organization, administration and operation. The City Manager, or his or her designee, may employ such permanent or temporary employees as he/she deems necessary and prescribe their duties.

The City Council shall approve the City's Emergency Operations Plan.

**Sec. 8-2.4 Appointment of Director; Duties and Responsibilities.**

The Emergency Management Director shall coordinate the activities of all City departments, organizations and agencies for civil emergency preparedness within the City and maintain a liaison with other emergency management agencies, public safety agencies, and have such additional duties as prescribed by the City Manager.

**Sec. 8-2.5 Rules and Regulations.**

The Emergency Management Director shall prepare, under the direction of the City Manager, such policies as may be deemed necessary for the administration and operational requirements of the agency.

**Sec. 8-2.6 Emergency Proclamation.**

The Mayor, or in his/her absence, the City Manager, shall have the power and authority to issue a proclamation that a state of emergency exists within the City. The proclamation may be declared that an emergency exists in any or all sections of the City. If neither the Mayor nor the City Manager is available, then the following persons shall have the power and authority to issue a proclamation that an emergency exists, in the following order of succession: a City Councilor, the Emergency Management Director, the Police Chief and the Public Works Director. A copy of such proclamation shall be filed within twenty-four (24) hours in the Office of the City Clerk.

Notwithstanding the above, when consultation with the Mayor or the City Council would result in a substantial delay in an effective response in alleviating or preventing an emergency or disaster, the City Manager, or his/her successor as outlined above, is authorized to take whatever actions are necessary to present the loss of life and property in the City. The City Manager and the Emergency Management Director shall be responsible for submitting a full report to the City Council of all actions taken as a result of the declared emergency as soon as the City Council can be convened.

**Sec. 8-2.7 Termination of Emergency**

When the Mayor, or his/her successor as outlined above, is satisfied that a disaster or civil emergency no longer exists, he/she shall terminate the emergency proclamation by another proclamation affecting the sections of the City covered by the original proclamation, or any part thereof. Said termination of emergency shall be filed in the Office of the City Clerk.

No state of emergency may continue for longer than five (5) days unless renewed by the City Council.

### **Sec. 8-2.8 City Manager's Duties and Emergency Powers.**

During any period when an emergency proclamation is in effect, the City Manager may promulgate such regulations as he/she deems necessary to protect life and property and to preserve critical resources within the purposes of this Article. Such regulations may include, but are not limited to, the following:

1. Regulations prohibiting or restricting the movement of vehicles in areas within or without the City;
2. Regulations facilitating or restricting the movement of persons within the City;
3. Regulations pertaining to the movement of persons from hazardous areas within the City; and
4. Such other regulations necessary to preserve public peace, health, and safety.

Nothing in this section shall be construed to limit the authority of responsibility of any department to proceed under powers and authority granted to them by State statute, City ordinance or the Charter of the City of South Portland.

The City Manager or his/her designee shall be authorized to request aid or assistance from the State or any political subdivision of the state and may render assistance to other political subdivision under the provisions of 37-B M.R.S.A. § 784, as may be amended from time to time.

The City Manager may obtain vital supplies, equipment and other items found lacking and needed for the protection of health, life and property during an emergency without following normal purchasing or formal bid procedures.

The powers of the City Manager and any regulations promulgated hereunder shall cease at the end of the declared emergency.

### **Sec. 8-2.9 Emergency Operations Plan.**

The Emergency Management Director shall prepare an all hazard Emergency Operations Plan (EOP) for the City, which shall be submitted to the City Council for approval. The EOP shall incorporate the principles of the National Incident Management System (NIMS) and the Incident Command System (ICS).

It shall be the responsibility of all municipal departments and agencies to perform the functions assigned and to maintain their portions of the plan in a current state of readiness. The City plan shall be reviewed periodically by the City Manager in conjunction with all the City department heads and the Emergency Management Director.

### **Sec. 8-2.10 Immunity from Liability.**

All Emergency Management Agency Forces, while engaged in Emergency Management Agency activities, shall be immune from liability, as set forth in 37-B M.R.S.A. § 822, as may be

amended from time to time.

### **Sec. 8-2.11 Compensation for Injuries.**

All Emergency Management Agency Forces shall be deemed to be employees of the State when engaged in training or on duty and shall have all of the rights of State employees under the Worker's Compensation Act, as set forth in 37-B M.R.S.A. § 823, as may be amended from time to time.

### **Sec. 8-2.12 Violation of Regulations.**

It shall be unlawful for any person to violate any provision of this Article or of the regulations or plans issued pursuant to the authority contained herein, or to obstruct, hinder, or delay any Emergency Management Agency Forces as herein defined in the enforcement of the provisions of this Article or any regulation or plan issued hereunder.

### **Sec. 8-2.13 Penalty.**

The penalty for violating the provisions of this Article, in addition to injunctive relief, shall be a fine shall as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day during which a violation of the said Article continues shall constitute a separate violation.

### **Sec. 8-2.14 Severability.**

Should any provision of this Article be declared invalid for any reason, such declaration shall not affect the validity of other provisions or of this Article as a whole, it being the legislative intent that the provisions of this Article shall be severable and remain valid notwithstanding such declaration.

### **Sec. 8-2.15 Conflicting Ordinance, Orders, Rules, and Regulations Suspended.**

At all times when an emergency proclamation is in effect, the orders, rules and regulations made and promulgated pursuant to this Article shall supersede all existing ordinances, orders, rules and regulations, insofar as the latter may be inconsistent herewith.

### **Sec. 8-2.16 Consumer Protections.**

- (a) **Price Gouging Prohibited.** No person may charge a consumer an amount greater than the average retail price for a product or service during a declared state of emergency. "Average retail price" means the average price for similar products or services during the 30-day period immediately preceding the declaration of the state of emergency. "Product or service" includes the rental of dwelling units, hotel or motel rooms or storage facilities, or the provision of kennels or boarding domestic animals. In the event a price increase is the direct result of an increase in the cost of goods charged by the seller's manufacturer, distributor or wholesaler, the actual cost increase may be added to the average retail price. Each separate sale or rental in violation of this Article prohibition shall be a separate violation.

- (b) **Fraudulent Representation Prohibited.** No person may falsely claim to any consumer to be a government inspector or safety or health inspector during a declared state of emergency. Each such false claim in violation of this Article prohibition shall be a separate violation.
  
- (c) **Persons collecting for charities, or offering loans, jobs, or contracting services to register.** Any person collecting for a charity, or offering loans, jobs or contracting or repair services, who was not collecting for the same charity, or offering the same or substantially similar loans, jobs or contracting or repair services in the City of South Portland during the 30-day period immediately preceding the declared state of emergency, must register with the City Clerk and must show consumers proof of registration as provided by the City Clerk office. The City Clerk's office shall not permit any person to register as a charitable fund-raiser, a lender, an employer, or a contractor or repair service unless the person or business registering provides evidence showing that the charity, lender, employer or contractor is a legitimate business that satisfactorily provides the goods or services represented. Each contact with a consumer by an unregistered person or business shall be a separate violation.



## ARTICLE III. FIRE ALARM SYSTEM

### Sec. 8-3 False Alarms.

No person shall willfully or maliciously give or cause to be given a false alarm of fire or emergency.

#### Sec. 8-3.1 Purpose; Definitions.

- (a) Purpose. In order to protect the public safety and welfare, and ensure fully operational signaling systems for the protection of life and property, it is necessary to ensure that such systems are correctly designed, installed and maintained.
- (b) For purposes of this Article, the following definitions shall apply unless the context clearly implies otherwise:

***Alarm number*** means any number assigned by the Fire Chief to a building which is connected by a fire alarm system to an approved private central station.

***Alarm user*** means any person whose building is connected to either the dispatch system of the Fire Department or an approved private central station.

***Approved private central station*** means any privately operated message monitoring service which is approved by Underwriters' Laboratories, Incorporated, and approved by the Fire Chief.

***Dispatch Center*** (also known as the public safety answering point ("PSAP")) means any place utilized by the City for the receipt, monitoring or dispatching of alarms.

***False alarm*** means any signal which is not in response to heat, smoke or fire requiring an immediate response by the Fire Department. "False alarm" includes signals emitted by a negligently activated alarm system, or by an alarm system deliberately activated when an immediate response by the Fire Department is not required, or by a malfunctioning alarm system. However, "false alarm" does not include signals emitted by an alarm system activated by unusually severe weather conditions, or other cause beyond the control of the alarm user. In case of any dispute, it shall be the burden of the alarm user to demonstrate to the satisfaction of the Fire Chief that an alarm signal was not a "false alarm."

***Fire Chief*** means the Chief of the South Portland Fire Department or his/her duly authorized representative or designee.

***Master box alarm system*** means any mechanism or device, including protective signaling systems, designed for the detection of heat, smoke or fire requiring an immediate

response by the Fire Department and which automatically emits a signal to the dispatch center.

*Person* means any individual, firm or corporation.

### **Sec. 8-3.2 Tampering with Fire Alarm System.**

- (a) No person, except the City contracted electrician and his/her assistants, shall tamper with the City fire alarms, bells, signals or Fire Department system or cut any wire or break or interfere with any circuit thereof.

#### **Sec. 8-3.2.1 Breaking, Destroying Apparatus Comprising Fire Alarm System.**

No person shall willfully or maliciously break or destroy in any way the apparatus comprising the fire alarm system.

### **Sec. 8-3.3 Certain Master Box Connections Required.**

- (a) Buildings, as classified by the National Fire Protection Association (“NFPA”) 101, Life Safety Code (2009 ed.) and Sec. 8-4.20(b)(1) of this Chapter shall be connected by master box alarm system to either the dispatch center or an approved private central station where another section of this Code of Ordinances requires such buildings to have a fire alarm system.
- (b) The following buildings shall be connected by master box alarm system to either the dispatch center or an approved private central station:
  - (1) Buildings containing high hazard contents;
  - (2) Special structures as determined by the Fire Chief.
- (c) New buildings shall be connected prior to the issuance of any certificate of occupancy.
- (d) Each master box alarm system shall be installed, maintained, inspected and tested in accordance with all applicable codes and regulations. Each alarm user shall, prior to occupancy, produce satisfactory evidence of compliance with this paragraph to the Fire Chief.
- (e) Fire alarm boxes may be removed from the alarm system for the purposes of testing and maintenance only by a member of the Fire Department or its representative.

#### **Sec. 8-3.3.1 Master Box Connections to the Dispatch Center.**

- (a) *New connections.* No buildings, other than those listed in Sec. 8-4.20(b)(1) of this Chapter shall, on or after November 10, 1991, be permitted to connect by master box alarm system to the dispatch center. Any person eligible to make a connection hereunder may apply to the Fire Chief on a form to be devised by him/her for such purpose. Said application shall contain insurance and indemnification requirements as determined by the Fire Chief.

Applications shall be acted upon when complete, provided, however, that nothing herein shall require the Fire Chief to approve any application or to provide or maintain sufficient capacity for such connections as may otherwise be eligible hereunder. No connection shall be made without prior payment of the new connection and annual maintenance fees prescribed in this section, and unless the Fire Chief first finds that the building to be connected and the alarm system meet all applicable codes and regulations. All connections shall be made by the alarm user under the direction and supervision of the Fire Chief and at the alarm user's expense, except that final connection to the dispatch center shall be made by the Fire Chief.

- (b) *Existing connections.* Any alarm user having an existing connection by master box alarm system to the dispatch center, whether or not connecting a building listed in Sec. 8-4.20(b)(1) of this Chapter, shall, within thirty (30) days of written notice by the Fire Chief, elect, in writing whether or not to retain the connection. Any alarm user electing to retain a connection shall simultaneously therewith pay the annual maintenance fee prescribed in this section. Any alarm user electing not to retain a connection, and any alarm user failing to make an election, shall forthwith be notified in writing by the Fire Chief of the impending disconnection of the alarm system, which shall be disconnected by the Fire Chief as soon thereafter as practicable.
- (c) *Connection and maintenance fees.* Where supervision is by direct connection to the City's dispatch system, an initial connection fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order shall be charged for each installation, and an annual maintenance fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order shall be charged per calendar year for each individual system connected to the City's dispatch system.

First-time payments of the annual maintenance fee shall be prorated over the number of months, including any fraction thereof, remaining between the date of payment and the following June 30th, provided, however, that in no case shall the fee be reduced to less than half the annual maintenance fee. The annual maintenance fee shall thereafter be due and payable in full on July 1st. If payment is not made within thirty (30) days thereafter, the alarm user shall forthwith be notified in writing by the Fire Chief of the impending disconnection of the alarm system, which shall be disconnected by the Fire Chief as soon thereafter as practicable.

- (d) *Reconnections.* Any fire alarm system disconnected pursuant to subsection (b) or (c) of this section shall not be reconnected without prior payment of the annual maintenance fee prescribed in this section and a reconnection fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order, except that if reconnection is not made within thirty (30) days after disconnection, the reconnection fee shall be the same as the new connection fee prescribed in this section.

#### **Sec. 8-3.4 Central Station Alarm Number Assignments.**

- (a) *New assignments.* Any approved private central station may apply to the Fire Chief on a form to be devised by him/her for new alarm number assignments, whether or not for

buildings listed in Sec. 8-4.20(b)(1) of this Chapter. Said application shall contain insurance information and indemnification requirements as determined by the Fire Chief. Applications shall be acted upon as completed and received; provided, however, that nothing herein shall require the Fire Chief to approve any application or to provide or maintain sufficient capacity for such assignments. No assignment shall be made without prior payment of the new assignment and annual maintenance fees prescribed in this section, and unless the Fire Chief first finds that the central station meets all applicable operating requirements.

- (b) *Existing assignments.* Any approved private central station having existing alarm number assignments, whether or not for buildings listed in Sec. 8-4.20(b)(1) of this Chapter, shall, within thirty (30) days of written notice by the Fire Chief, elect in writing whether or not to retain any or all of the assignments. Any central station electing to retain any assignment shall simultaneously therewith pay the annual maintenance fee prescribed in this section. Any central station electing not to retain any assignment, and any central station failing to make an election, shall forthwith be notified in writing by the Fire Chief of the impending recall of the alarm number, which shall be recalled as soon thereafter as practicable.
- (c) *Assignment and maintenance fees.* For new assignments, an initial assignment fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order shall be charged for each alarm number assignment, and an annual maintenance fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order shall be charged per calendar year for each alarm number assignment.

First-time payments of the annual maintenance fee shall be prorated over the number of months, including any fraction thereof, remaining between the date of the payment and the following June 30th, provided, however, that in no case shall the fee be reduced to less than half the annual maintenance fee. The annual maintenance fee shall thereafter be due and payable in full on July 1st. If payment is not made within thirty (30) days thereafter, the central station shall forthwith be notified in writing by the Fire Chief of the impending recall of the alarm number, which shall be recalled as soon thereafter as practicable.

- (d) *Reassignments.* Any alarm number recalled pursuant to subsection (b) or (c) of this section shall not be reassigned to the central station without prior payment of the maintenance fee prescribed in this section and a reassignment fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order except that if reassignment is not made within thirty (30) days after recall, the reassignment fee shall be the same as the new assignment fee prescribed in this section.

### **Sec. 8-3.5 False Alarm Penalties.**

- (a) *First and second responses.* For the first and second responses by the Fire Department to a false alarm within any calendar year, the Fire Chief shall give written notice of the second false alarm to the alarm user within three (3) days.
- (b) *Third response.* For the third response by the Fire Department to a false alarm within any

calendar year, the Fire Chief shall give written notice of the false alarm to the alarm user within three (3) days, and the alarm user shall file a written report with the Chief within three (3) days thereafter stating the cause of the false alarm, if known, and describing corrective action taken, if any. In addition, the alarm user shall, upon demand, pay the false alarm penalty as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order.

- (c) *Fourth, fifth and sixth responses.* For the fourth, fifth and sixth responses to a false alarm by the Fire Department within any calendar year, the alarm user shall, upon demand, pay the false alarm penalty as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order per instance and shall, in the case of any equipment failure, file with the Fire Chief within three (3) days of notice to do so a signed statement by a qualified private alarm agent that the alarm system has been inspected and is in proper working order. In the case of human error or other cause, the alarm user shall file a written report with the Fire Chief describing corrective action taken, if any.
- (d) *Seventh and subsequent responses.* For the seventh and subsequent responses by the Fire Department to a false alarm within any calendar year, the alarm user shall, upon demand, pay the false alarm penalty as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order per instance.
- (e) *Written notice deemed complete.* Written notice by the Fire Chief shall be complete upon leaving such notice at or in the property at the time of response by the Fire Department or by mailing such notice to the alarm user at his/her last known address within three (3) days by first class mail.
- (f) *Calendar year.* Calendar year as used herein shall mean January 1 through December 31 of each year.

**Sec. 8-3.6 Inspections by Fire Chief; Evidence by the Property Owner.**

- (a) The Fire Chief may inspect or cause to be inspected any master box alarm system or any building connected thereby at all reasonable times to ensure compliance with the provisions of this Article.
- (b) At the time of annual maintenance fee payment, the property owner shall provide to the Fire Chief evidence from a certified alarm testing or servicing company that the fire alarms servicing any building for which such alarms are required are in proper working order.
- (c) Each fire alarm system in the City shall have a fire alarm yearly inspection sticker affixed to the fire alarm annunciator or the fire alarm control panel if there is no fire alarm annunciator. Fire alarm inspection stickers shall be obtained from the Portland Fire Department. Only companies with a certificate of fitness from the Portland Fire Department shall be permitted to obtain fire alarm inspection stickers.

**Sec. 8-3.7 Rules and Regulations.**

The Fire Chief may promulgate all reasonable rules and regulations not inconsistent with this Article to carry out the purposes and provisions hereof. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance unless sooner suspended by the City Council.

**Sec. 8-3.8 Violations.**

In addition to the penalties provided herein, the City may bring an action in the Superior Court or District Court to enjoin violators of this Article, for collection of penalties or other charges, and for such other relief as may be provided by law. Each day in which a violation is proved to exist shall constitute a separate offense under this Article.

This Article may be enforced by the Fire Chief or his or her designee through the Uniform Summons and Complaint process.

In addition to the process set forth above, when the Fire Chief, in his or her sole discretion, determines that the property owner has failed to take action to correct a faulty fire alarm system within four hours of being notified of its deficiency, the Fire Chief shall have the authority, in person or through agents, to enter onto any property to have fire protection equipment repaired. The Fire Chief shall cause the condition to be corrected and shall send a notice of any action taken to correct an unsafe condition and the charges for the work done to the owner or the owner's authorized representative. The charges shall be payable to the City within thirty (30) days of the date of the notice.

**Sec. 8-3.9 Fire Alarm System Design.**

**Sec. 8-3.9.1 Administration.**

**1. Intent** - The intent of these provisions is to ensure all fire alarm systems installed in the City are designed, installed and maintained to achieve the following:

- a. High reliability.
- b. Conformity of system design with national codes
- c. Ease of operation and understanding.
- d. Protection of life and property
- e. Reduction of needless alarms.

**2. Scope** - These provisions shall apply to all fire alarm systems installed in the City.

**3. Authority** - The Fire Chief or his/her designee shall approve the design and installation of all fire alarm systems, master box locations, key vault locations and size, and connection of the fire

alarm systems to the municipal alarm system of the City.

**4. Tests** - All fire alarm systems shall be fully tested in the presence of the appropriate Fire Department official and approved before the system is placed in service.

**5. Alternatives/Modifications -**

**5.1** The Fire Chief or his/her designee may grant an alternatives or modifications to these provisions when circumstances arise that makes strict adherence to portions of these provisions impractical.

**5.2** Requests for alternatives or modifications to these provisions shall be made by the property owner, the owner's agent in writing to the Fire Chief. This request shall specify the section of these provisions to which an alternatives or modification is sought and a complete explanation of the conditions that make strict adherence impractical. This request shall be submitted prior to review or approval of plans.

**6. Approval** - The issuance of a permit shall mean the applicant's acceptance of and agreement to be bound by the City's fire protection and prevention ordinances and regulations.

**Sec. 8-3.9.2 General Requirements.**

**1. Scope** - The application, design, installation, performance and maintenance of fire alarm systems in the City shall comply with NFPA 72, National Fire Alarm and Signaling Code (Latest Edition).

**2. Permit** - A Fire Prevention Permit is required for the installation of any fire alarm system (*see* Sec. 8-3.15 of this Chapter).

**3. Plans** - Two complete sets of plans and product specifications must be submitted for review to the Code Enforcement Officer for acceptance prior to any installation. Plans shall meet all requirements of Sec. 8-3.9.8 of this Chapter. The Code Enforcement Officer shall forward one copy of the plans to the Fire Department for review.

**4. Review** – Applications shall be administered pursuant to Sec. 8-13.1.1 of this Chapter.

**5. Fire Department Connections** - Installations within 1,000 feet of the area served by the municipal alarm system shall be connected to this system by a master fire alarm box if direct Fire Department notification is desired or required by occupancy classification.

**6. Occupancies Requiring Connection** – The occupancies listed in Sec. 8-4.20(b)(1) of this Chapter must have fire alarm systems connected to the Fire Department via the municipal alarm system or an approved, listed private alarm vendor; provided, however, that residential housing with less than seven (7) units are exempt from this requirement.

**7. Non-Required** – For any protected premises that do not require a connection to the Fire

Department but for which one is nonetheless provided, the fire alarm system shall comply with the requirements of NFPA 72, National Fire Alarm and Signaling Code (Latest Edition).

**8. Alternate Notification** - For fire alarm systems installed outside the municipal fire alarm limits, the following shall be an alternate acceptable means of Fire Department notification: Listed and approved system adaptable to central station service.

**9. Modifications** - Additions or modifications to any existing connected system will require approval. If existing panel or system will not accommodate upgrades, the entire system will need to be replaced.

**10. Key Box System** - Any occupancy installing a sprinkler system with the exception of single and two family residences shall install a key box approved by the City of South Portland per Article VI of this Chapter.

### **Sec. 8-3.9.3 System Design and Layout.**

1. Equipment - Shall be UL listed or FM approved. Specifications shall be submitted for approval prior to installation. If a mixing of manufacturer's devices and components is to occur then a statement of compatibility from the manufacturer of the fire alarm control panel shall be required. A statement of compatibility is required for all systems connecting two hard-wired smoke detectors.

2. Systems Powering and Supervision:

2.1. Systems shall operate on DC and be supervised.

2.2. Systems shall have a separate identifiable AC circuit disconnect provided and be equipped with a breaker lock.

2.3. System shall be local energy.

2.4. Standby batteries shall be provided. These batteries shall:

- a. be supervised.
- b. be provided with a supervised charging system.
- c. be capable of operating the system for sixty (60) hours with a five (5) minute ring down at the end of this period.
- d. be supported by calculations showing the adequacy of their capacity with respect to system powering.

3. Control Panel Requirements:

3.1. Fire Alarm control panels shall be UL listed for fire protection. No combination units will be allowed.

3.2. Panels shall be red.

3.3. Panels shall be labeled “FIRE ALARM CONTROL” or equivalent on the outside in white lettering at least one inch in height. The door to a room that accesses the panel shall be similarly marked, including if accessed from exterior, unless the location is visually obvious from the ordinary entrance.

3.4. The panel upon activation of any alarm device shall:

- a. sound the evacuation signals
- b. Flash the evacuation lights (synchronized)
- c. Indicate the zone and device of activation
- d. Trip the master box if required
- e. Signal the approved central station if required

3.5. Panels shall not be capable of disconnecting from the municipal alarm system unless they function as a so called slave to a main control panel. For the purposes of this section, a slave is a sub panel in a building, which is connected to a main panel in a detached separate building.

3.6. Panels shall provided zone-indicating lamps, which are red for alarm indication and yellow for trouble indication.

3.7. Panel power indicating lamps shall be green.

3.8. Panels shall be provided with switches as follows:

- a. A drill switch which will permit fire drills without summoning the Fire Department. The drill switch shall have a ring back feature to supervise the correct position.
- b. A system reset switch.
- c. A trouble silence switch which shall silence the trouble audible signal while the trouble visual remains illuminated. The trouble silence switch shall have a ring back feature to supervise the correct position.
- d. A system silence switch.
- e. All zones shall be provided with disconnect switches acceptable to the Fire Department.
- f. Drill switches shall be local alarms only (building only).

3.9. Panels shall be provided with the capability of receiving additional signals from devices to sound the evacuation signals when a system had been silenced. The system shall reactivate both the audible and visual signals.

3.10. Panels having zone labeling on an outside door with zone lamps mounted inside the panel shall have additional zone labels inside the panel.

3.11. Panels shall be addressable type system as required by the Fire Department.

3.12. Panel locations shall:

- a. be heated;
- b. be in an area protected by a smoke detector within 6 feet;
- c. be approved by the Fire Department;
- d. shall not be more than 50 feet travel distance from the main entrance of the building; and
- e. be at the level of exit discharge.

Exception: If all necessary Fire Department features are provided on an alphanumeric remote annunciator panel then location does not have to comply with subsection (d) and (e).

3.13. Panel key shall be CAT 30.

#### **Sec. 8-3.9.4 Installation and Wiring.**

1. Installation of equipment shall be in accordance with modern standards of good practice.

2. System wiring shall:

- a. comply with NFPA 70, National Electrical Code (Latest Edition);
- b. comply with NFPA 72, National Fire Alarm and Signaling Code (Latest Edition);
- c. comply with all other state and local codes;
- d. installed in EMT or metallic conduit unless it is 105 degree C wire, unexposed, seven (7) feet above floor and stapled every eighteen (18) inches; and
- e. not installed exposed.

#### **Sec. 8-3.9.5 Alarm Initiating Devices.**

1. Manual pull stations shall be as follows:

- a. Red in color;
- b. Labeled "Fire";
- c. Wired electrically first in the circuit;
- d. Located within five (5) feet of all exit ways from each floor (Exception: multiple manual pull stations with 10 feet of each other on the same floor are not required);
- e. Equipped with a key (CAT 30) to open and reset;
- f. Not mounted higher than 4 ½ feet above floor level; and
- g. May not be required at exits to mercantile occupancies.

2. If installed, automatic fire detection devices shall be located and spaced to manufacturer's specifications, NFPA 72, National Fire Alarm and Signaling Code (Latest Edition), and/or in

compliance with State law. (Note: All smoke detectors shall be capable of meeting NFPA 72 regarding sensitivity testing).

3. Smoke detectors installed prior to the installation of the finish floor during construction shall be protected until such installation is complete.
4. Non-system connected devices shall be a color other than red.
5. Alarm initiating devices located in concealed areas shall have remote indicators and remote resets installed. These remote indicators and resets shall be installed at the alarm panel or in the wall of a common corridor nearest to the device, or as specified by the Fire Department official. The location shall be included in the plan notes.
6. Section 3-5 of NFPA 72, National Fire Alarm and Signaling Code (Latest Edition), shall apply as to the number of devices per circuit.
7. Devices for elevator recall systems shall be system connected.
8. Initiating devices in addressable systems shall have their coded address displayed on the exterior of the device. This shall be in the form of a permanent label with ½ inch white tape with 3/8-inch black letters.
9. No trouble alarm shall be monitored by the Fire Department.

#### **Sec. 8-3.9.6 Evacuation Signal Devices.**

1. All devices shall be as follows:
  - a. Red or white in color.
  - b. Labeled “fire.”
  - c. Provided with visual or audible signals.
2. All devices installed shall allow the visual indicators of the device to stay illuminated after the alarm silence switch is operated and shall remain illuminated until the system is reset.  
Exception: Existing Modified Systems.
3. All devices shall be adequate in number and location, thus assuring the alarm is heard in all occupied areas of the building.
4. Notification appliances shall comply with NFPA 72, National Fire Alarm and Signaling Code (Latest Edition), as to audible characteristics, visible characteristics, spacing and textual audible appliances.
5. All occupancies required to have occupant notification by means of voice message shall utilize a prerecorded message initiated by the fire alarm system. The vernacular of the message shall be approved by the Fire Department official prior to installation or acceptance of the system.

6. All fire alarm signals used to notify building occupants must be in accordance with ANSI S3.41, American National Standard Audible Evacuation Signal.

#### **Sec. 8-3.9.7 Annunciator Panels.**

1. Remote annunciation panels shall be provided and located in the area of the main entrance of the building. Exception: If the fire alarm control panel is located in such proximity to the main entrance that it would be passed by to enter any portion of the building, is clearly marked and is visible through a glass door.

2. Remote annunciators shall be as follows:

- a. Red or white in color.
- b. Indicate system trouble conditions both visually and audibly.
- c. Labeled in plain English.
- d. Back lit with sufficient brilliance to be seen in direct sunlight.
- e. Adaptable fire alarm systems shall be addressable only.
- f. Mirror main panel.
- g. Same type as main panel (addressable panel with addressable annunciator).

3. Annunciator labeling acceptable to the Fire Department official shall be backlit window lettering or engraved plastic white on red but in no case Dynamo type labels, or LCDs. LEDs will be acceptable if illuminated with sufficient brilliance to be seen in direct sunlight. These annunciators shall be approved prior to plans submission. All key operated switches must be labeled.

4. Remote annunciators shall have an audible and visual trouble indication, which will show any system trouble and remain illuminated when the trouble silence switch is engaged. A key operated trouble silence switch should be provided. Key type shall be A-135.

5. Remote annunciators shall be supervised or have a lamp test switch provided.

6. Graphic annunciator shall be acceptable if approved in advance.

7. The remote annunciator shall be equipped with key operated switches (keyed A-135) for the purpose of silencing the audible devices the Fire Department shall be provided two (2) keys.

#### **Sec. 8-3.9.8 End of Line Devices.**

1. End of the line devices shall be marked as such.

#### **Sec. 8-3.9.9 Plans and Specifications.**

1. A statement as to the scope of work shall be submitted with the plans and specifications. This statement shall detail the proposed type of alarm system (i.e., manual evacuation, total automatic

detection, etc.) its mode of operation (alarm sequence) and explanation of wiring classes, styles and components.

2. Submitted plans must be drawn to scale and shall include:

a. A floor plan showing:

1. connected and non-connected detection devices.
2. evacuation signal devices.
3. panel location.
4. annunciator location (if required).
5. master box location (if required)
6. Knox box location.
7. the proposed use of the building.

b. A one-line wiring diagram including sprinkler flow and tamper switch connections.

c. An annunciator detail showing zone labeling.

#### **Sec. 8-3.9.10 Acceptance Tests.**

1. The installer shall complete and submit to the Fire Department official a certification of completion that states the system has been 100% tested and in compliance with the system specifications and manufacturer's recommendations. The form found in NFPA 72, National Fire Alarm and Signaling Code (Latest Edition), or a form acceptable to the Fire Department shall be used.

2. The Fire Department or Code Enforcement Officer shall schedule an appointment to witness a complete system test within fourteen (14) days of the certification. This test is to be conducted by the installer and/or a representative of the owner. No test will take place on less than 72 hours notice after Certificate of Occupancy.

3. No system will be approved or signed off unless all requirements of these regulations have been met.

4. No acceptance test will be conducted prior to installation of the finished floor and the completion of all construction work.

5. If the panel does not have a walk-test feature, the installer and/or representative shall have adequate personnel and communications equipment present to initiate the device, silence the alarm, reset the panel and communicate back to the person initiating the alarm as to what zone activated.

6. No alarm system will be signed-off, approved or connected to the municipal alarm system until the names, home address and phone numbers of at least two individuals representing the

building owner or designee are received by the Fire Department. The representatives, upon notification by the Fire Department, shall be able to respond to the building within thirty (30) minutes.

7. The owner or designee shall provide 2 copies of all keys to access all occupancies and all areas for placement in the Knox box prior to connection to the municipal system or private alarm system.

#### **Sec. 8-3.9.11 System Maintenance and Testing.**

1. Systems shall be properly maintained in good working order.
2. System shall be tested in accordance with frequency and methods as described in NFPA 72, National Fire Alarm and Signaling Code (Latest Edition). The Fire Department shall be informed of the test prior to its performance. Written documentation as to test results shall be kept on file on the premises and forwarded to the Fire Department.
3. Competent and trained individuals shall complete testing and maintenance.

#### **Sec. 8-3.9.12 Type of Systems Required.**

1. Acceptable Addressable Systems are any of the following:
  - a. 10 or more automatic devices (system connected); or
  - b. 25 or more system-connected devices total (initiating and supervisory); or
  - c. High rise structure.

Note: An automatic device is defined as any initiating device other than a manual pull station.

#### **Sec. 8-3.10 Direct Connection to the Municipal System.**

##### **Sec. 8-3.10.1 Master Boxes.**

1. All boxes shall be approved.
  - a. Installed at locations listed:
    1. On the exterior of the building (see exceptions below).
    2. Near the main entrance of the building.
    3. Accessible year round from a walkway or entranceway.

Exception 1: If a master box serves multiple buildings, a system of private roads and drives are required to access the property, a pedestal mounted box with remote annunciator shall be located at the entrance to the property, or, at the first road intersection in the development.

Exception 2: If a master box serves multiple buildings and if access to the development is by a single road, the master box with remote annunciator may be located on the outside of the first building approached providing no roadway intersections have been crossed prior to reaching this annunciator, and the building is not in excess of 35 feet from the curb line.

2. Boxes shall be local energy type only. Shunt type boxes are not approved.
3. Boxes will be completely covered until accepted by the Fire Department.
4. Used master boxes will not be allowed.
5. All master box keys shall be turned over to the Fire Department.
  - (a) Where supervision is by direct connection to the City's fire alarm system, an initial connection fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order shall be charged for each installation and an annual maintenance fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order per calendar year shall be charged for each individual system connected to the City's system.

#### **Sec. 8-3.10.2 Master Box Disconnect.**

- (a) Disconnection of a master box requires a twenty-four (24) hour notice for any fire alarm disconnect requests.
- (b) Disconnects and reconnects will take place between 7:30 am and 4:00 pm Monday thru Friday.
- (c) A fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order shall be assessed for disconnections and reconnects.

#### **Sec. 8-3.10.3 Wiring Considerations.**

1. Aerial connections shall be made at a minimum of sixteen (16) feet from center of drop to grade level.
2. A #10 solid ground wire will be run in ½ inch conduit from the master box to the street side of the water service and tagged "Fire Department Connection - Do Not Remove."
3. The installer shall provide:
  - a. A suitable stainless steel solid eye anchor on the building for the aerial connection.
  - b. An approved type lightning arrester at the point of connection with a #10 solid ground wire run to an acceptable ground.
  - c. Four (4) #14 solid conductors, one white, one black, one green and one red, from the

- master box via a direct metallic ½ inch conduit to the point of aerial connection.
- d. An approved type lightning arrester and eight (8) foot ground rod if the service connection is to be via a utility pole riser.
  - e. All material necessary for the connection.
4. Connections shall be in approved junction boxes and painted red if containing municipal circuits.
  5. All connections shall be on approved terminal strips.
  6. Absolutely no connections or disconnection will be made to the municipal fire alarm circuits by other than Fire Department approved personnel.
  7. All extensions of existing municipal Fire Alarm System cable necessary to connect a private system to the municipal system will be installed by the Fire Department with the cost of extension to be borne by others.
  8. Where an underground service is required, the owner will (provide a 2-inch rigid steel) or schedule 80 PVC conduit and cable from the manhole or pole riser to the master box or an approved pull point location. All conduits, including the sweep below grade, above ground shall be rigid steel for the first ten (10) feet above grade.
  9. All duct cable will be IMSA 20-1 conductor, #14 gauge solid conductors. Direct burial cable will not be allowed.
  10. The Fire Department shall be notified not less than three working days prior to the installation of the cable so that a Fire Department representative may be present to supervise the installation.

**Sec. 8-3.10.4 Responsibility.**

1. All work on the private side of the master box shall be the responsibility of the installer.
2. The City assumes no responsibility for the correct operation of internal fire alarm systems.
3. It is the owner's responsibility to maintain his/her system in proper working condition. The Fire Department reserves the right to disconnect service to the master box at any time for non-compliance with these regulations or in case of system trouble which might endanger the proper operation of the municipal system.
4. It is the responsibility of the Fire Alarm contractor to ensure that the owner of the system is aware of the inspection and testing requirements as well as the annual fee for the connection of the master box to the municipal circuit.

**Sec. 8-3.10.5 Testing.**

All material shall be made available for test and inspection when required by the Fire Chief or his/her designee.

#### **Sec. 8-3.10.6 Annual Fee.**

The annual fee per fiscal year for connection to the municipal system shall be billed to the property owner once a year in the month of February.

#### **Sec. 8-3.11 Sprinkler Systems.**

##### **Sec. 8-3.11.1 Interconnection.**

Sprinkler systems shall be connected to the fire alarm systems so that sprinkler activation will initiate an alarm condition or trouble signal as appropriate.

##### **Sec. 8-3.11.2 Zoning and Indicating.**

1. Buildings shall have separate sprinkler zones where:

- a. there is more than one riser;
- b. the building has two or more sprinkled levels;
- c. the building is larger than 10,000 square feet;
- d. the sprinkler system protects 2 or more separate occupancies; or
- e. as required by the Fire Department.

2. Where zone flow switches are incorporated in alarm circuitry connected to other detection devices, a flow switch located at the sprinkler control shall be separately zoned and indicated so that a sprinkler activation and its location is readily discernible at the annunciator.

##### **Sec. 8-3.11.3 Water Shut-offs.**

All control devices shall have tamper switches or tamper devices installed on the riser side and monitored per NFPA 13, Standard for the Installation of Sprinkler Systems (Latest Edition).

##### **Sec. 8-3.11.4 Low Pressure Switch.**

All sprinkler risers shall have a low-pressure switch installed on the riser side.

##### **Sec. 8-3.11.5 Flow Switches.**

All vane flow switches shall have 0 to 60 second retard devices installed and be set at 45 seconds. (Exception: Dry pipe systems shall activate the alarm circuit in no more than 60 seconds).

#### **Sec. 8-3.12 Special Agent Extinguishing Systems.**

**Sec. 8-3.12.1 Interconnection.**

Special agent extinguishing systems shall be connected to installed fire alarm systems so that activation will initiate an alarm condition

**Sec. 8-3.12.2 Zoning.**

Each special agent extinguishing system shall be zoned separately.

**Sec. 8-3.13 Alarm Operations.**

1. Fire Alarm Activation - Upon activation of the building's fire alarm system. The building occupants shall evacuate the premises. (Exception: Those occupancies that have an approved fire/emergency plan or are permitted evacuation to areas of refuge by any building code in effect in the City or NFPA 101, Life Safety Code (2009 ed.).)

2. Alarm Silencing - It shall not be permissible to silence the alarm prior to the arrival of the Fire Department without prior approval of the Fire Chief.

3. Alarm Resetting

3.1. It shall not be permissible to reset the alarm prior to the arrival of the Fire Department. A thorough search of the indicated area will be conducted by the Fire Department.

**Sec. 8-3.14. Alarm System Maintenance.**

1. Testing and maintenance shall be in accordance with NFPA 72, National Fire Alarm and Signaling Code (Latest Edition).

2. Repairs of fire alarm systems due to faulty initiating devices shall be corrected within 24 hours.

3. Notification of completion of repairs shall be to the Bureau of Fire Prevention. The master box shall be maintained in good appearance and shall be painted every five (5) years. Prior to painting, the Bureau of Fire Prevention shall be contacted to determine the paint color code.

**Sec. 8-3.15 Permits.**

1. A Fire Prevention Permit is required for installation and/or modification of fire alarm/detection/smoke control systems.

2. An Electrical Permit is required for the 120 Volt AC connection to the fire alarm control panel.

3. Permit application and administration shall be handled by the Code Enforcement Office.

Upon receipt of each completed application, the Fire Department shall review the application and determine whether such application complies with all of the requirements of this Chapter and shall report such findings to the Code Enforcement Office. The Code Enforcement Office shall not issue any permit unless and until the application has received a positive recommendation from the Fire Department.



## **ARTICLE IV. FIRE PREVENTION\***

### **Sec. 8-4 Fire Prevention.**

#### **Sec. 8-4.1**

The Fire Chief or his/her designees and authorized agents shall have the right to enter at all reasonable times upon private or public property for the purpose of inspecting and investigating conditions relating to the enforcement and observance of the provisions of this Chapter.

#### **Sec. 8-4.1.2**

Whenever the Fire Chief or their designated agents, determine that there has been a violation of any provision of this Chapter or any regulation adopted pursuant thereto, he/she shall give notice of such alleged violation to the person or person responsible therefore as hereinafter provided. Such notice shall be in writing and describe the violation.

#### **Sec. 8-4.2 National Codes Adopted by Reference; Copies on File; Amendments; Conflicting Provisions.**

- (a) The City hereby adopts, for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, those certain codes known as the Building Officials and Code Administrators (“BOCA”) National Fire Prevention Code (10th ed., 1996) (hereinafter “the BOCA Fire Prevention Code”); NFPA 1, Fire Code (2009 ed.); and NFPA 101, Life Safety Code (2009 ed.), the whole thereof save and except such portions as are hereinafter deleted, modified or amended, of which codes not less than one (1) copy of each has been and now is filed in the Office of the City Clerk and the same is hereby adopted and incorporated as fully as if set out at length herein.
- (b) The BOCA Fire Prevention Code is hereby deleted, modified, or amended by the City as follows:

- (1) Add a new Section F 3203.13.66.5.6.43 regarding Grounding for Loading and Unloading Hazardous Products From Vehicles:

F 3203.13.66.5.6.43 - Grounding for Loading and Unloading Hazardous Products From Vehicles.

A means of providing a positive ground to prevent electrostatic charge accumulation when loading or unloading hazardous products shall be provided. Neither the product pump nor the line valve shall open to allow product to enter the truck unless proper grounding has occurred.

- (2) Add a new Section F 403.3.4.2.1 regarding Clay Fireplace Units:

F 403.3.4.2.1 - Clay Fireplace Units:

Clay fireplace units (including but not limited to Chimena clay units) are not acceptable exterior/or interior fireplace units within the City unless said units are UL tested and used in accordance with the test data or installed per City ordinance. A tested unit shall include wire mesh screens covering the front opening and the top of the stack opening.

- (c) The NFPA 1, Fire Code (2009 ed.), is hereby deleted, modified, or amended by the City as follows:

- (1) Add a new Section 66.28.12 regarding Tank Vehicle Racks:

66.28.12 - Tank Vehicle Racks

66.28.12.1 All tank vehicle racks, except those racks used exclusively for the purpose of dispensing asphalt or heated residual fuel oil, blended or unblended, shall be equipped with a fixed foam fire fighting system. The foam extinguishing system shall be activated by a heat or flame detection system that complies with NFPA 72, National Fire Alarm and Signaling Code (Latest Edition).

66.28.12.2 The system shall also be activated by manual pull stations located at the loading rack and at the control panel for products dispensing.

66.28.12.3 The system shall be so designed so that when it is activated it will automatically shut off all pumps at the rack, sound automatically an alarm to fire alarm headquarters.

66.28.12.4 All systems will be installed to meet the NFPA 16, Standard for the Installation of Foam-Water Sprinkler and Foam-Water Spray Systems (Latest Edition), and the NFPA 70, National Electrical Code (Latest Edition), standards.

66.28.12.5 Plans for such installations shall be submitted to the Fire Chief for the Fire Chief's approval.

- (d) The NFPA 101, Life Safety Code (2009 ed.) is hereby deleted, modified, or amended by the City as follows:

- (1) Amend Section 3.3.32.7 regarding the definition of "High-Rise Building" to read as follows:

***High-Rise Building.*** A building more than fifty (50) feet in height. Building height shall be measured from the lowest level of Fire Department vehicle access to the floor of the highest occupiable story.

- (e) In the event there shall be any federal, state or local provision of law more restrictive than any provision in the national codes adopted by reference pursuant to Sec. 8-4.2(a) of this Chapter, such federal, state or local provision of law shall prevail. In the event there shall be any provision of this Chapter more restrictive than any provision in the national codes adopted by reference pursuant to Sec. 8-4.2(a), such provision of this Chapter law shall prevail.

**Sec. 8-4.3 Modification of Code for Specific Cases.**

The Chief of the Bureau of Fire Prevention, as defined in Sec. 8-4.6 herein, shall have power to modify any of the provisions of the BOCA Fire Prevention Code; NFPA 1, Fire Code (2009 ed.); and NFPA 101, Life Safety Code (2009 ed.) adopted herein upon application in writing by the owner or lessee, or his/her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the national code adopted by reference herein; provided, that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Chief of the Bureau of Fire Prevention thereon shall be entered upon the records of the Fire Department and a signed copy shall be furnished the applicant.

**Sec. 8-4.4 Penalty for Violations of National Codes Adopted by Reference.**

The penalty for violating the provisions of said national codes adopted by reference herein, in addition to injunctive relief, shall be a fine shall as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day during which a violation of the said provision continues shall constitute a separate violation.

**Sec. 8-4.5 Bureau of Fire Prevention Created.**

The Bureau of Fire Prevention in the Fire Department of the City is hereby created.

**Sec. 8-4.6 Fire Chief to Designate the Chief of the Bureau of Fire Prevention.**

The Fire Chief shall designate an officer, or member, of the Fire Department as Chief of the Bureau of Fire Prevention, who shall hold this office at the pleasure of the Fire Chief.

**Sec. 8-4.7 Fire Chief to Supervise Operation of Bureau.**

The Bureau of Fire Prevention shall be operated under the supervision of the Fire Chief.

**Sec. 8-4.8 Bureau of Fire Prevention to Enforce Code.**

The BOCA Fire Prevention Code shall be enforced by the Bureau of Fire Prevention. All structures and premises except single-family and two-family dwellings shall be inspected for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, endanger life or any violations of the provisions or intent of this Chapter or other ordinances affecting fire safety. Initial inspections and first reinspections to follow up on violations cited at the initial inspection will be at no cost to the property owner. All subsequent reinspections for violations cited in the initial inspection shall be charged as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order.

The Bureau of Fire Prevention shall promptly post notice of each cited violation at the main entrance to the building which has not been corrected to the satisfaction of the bureau within ten (10) days after the property owner has been given notice of the violation. The notice shall remain posted until the violation has been corrected.

**Sec. 8-4.9 Warning Signs.**

- (a) When the Fire Chief, in his or her sole discretion, determines that an emergency exists that must be addressed immediately to protect public safety, the Chief shall have the authority, in person or through his/her designees or authorized agents, to enter onto any property to test or repair fire equipment located outside of buildings, including private hydrants, after written notice to the property owner or responsible party, sent by first-class mail to the last known address of such person or delivered by hand. The Fire Chief shall then cause the condition to be corrected and to be sent to the person notified a notice of any action taken to correct an unsafe condition and the charges for the work done. The charges shall be payable to the City within thirty (30) days of the date of the notice.
- (b) In addition to the process set forth above, when the Fire Chief, in the Chief's sole discretion, determines that (1) violations of this Article that do not support a posting preventing occupancy, but that do create a serious enough risk to public safety that tenants and prospective tenants should be notified by posting and/or written notice; and (2) that the owner or property manager has been duly notified of the violations and failed to correct them within the time allowed, the Fire Chief may have highly visible signs posted on the building which indicates the address of the building, the name, address and telephone number of the owner (as determined on the City's tax rolls) and the fact that the building has such outstanding violations. The sign may also contain information on future court dates relating to the building, if known. The Chief may also have a written notice containing the same information:
- 1) Delivered to the occupants of each dwelling unit in the building; and/or
  - 2) Published in a local newspaper; and/or
  - 3) Included on a list, maintained by the Fire Department and available to the public, of similarly classified buildings.
- (c) In addition to the process set forth above, when the Fire Chief, in the Chief's sole discretion, determines that a vacant or otherwise derelict building may pose a serious and immediate risk to public safety officials, including fire fighters, emergency medical technicians, police officers or the like, who may be responding to an emergency call at such premises, the Chief shall have the authority, in person or through his/designees or authorized agents, and after providing written notice to the property owner or responsible party (sent by first-class mail to the last known address of such person or delivered by hand), to enter into any such property to post highly visible signs on the building which indicate the address of the building. The name, address and telephone number of the owner (as determined on the City's tax rolls) shall be available at the fire station and the fact that the building is classified by the Fire Department as follows:
- A red sign – fireground operations conducted from the outside only due to major interior hazards; or
- An orange sign – fireground operations may be conducted from the interior with extreme caution due to interior hazards; or
- A green sign – fireground operations may be conducted from the interior and there are minimal hazards inside.

- (d) It shall be a violation of this Article to remove, obliterate or deface any sign posted pursuant to section (b) above under penalty as defined in Article XIII of this Chapter.

**Sec. 8-4.10 Reports, Recommendations of Bureau.**

A report of the Bureau of Fire Prevention shall be made annually and transmitted to the City Manager; it shall contain all proceedings under the BOCA Fire Prevention Code, with such statistics as the Fire Chief may wish to include therein. The Fire Chief shall also recommend any amendments to the Code of Ordinances which, in his/her judgment, shall be desirable.

**Sec. 8-4.11 Chief of Bureau of Fire Prevention to Serve as a City Inspector.**

The provisions in Chapter 5, Buildings, and in Chapter 14, Licenses, Permits and Business Regulations Generally, of the Code of Ordinances that refer to “inspectors of the City” shall be interpreted to include the Chief of the Bureau of Fire Prevention.

**Sec. 8-4.12 Foam Concentrate Used in the City Shall be Subject to the Approval of the Fire Chief, Based on NFPA 11, Standard for Low-, Medium-, and High-Expansion Foam (Latest Edition).**

- (a) All foam and foam lines in the City shall be tested annually and a copy of the report shall be sent to the Fire Department.
- (b) All fire hoses within the City shall be tested annually as approved by the Fire Chief. A record of such testing shall be maintained at the site.
- (c) All underground petroleum lines except those passing through the dike wall and inter and intra state pipelines shall be tested annually unless an approved leak detection or internal inspection program is installed and utilized. Test/inspection procedures shall be approved by the Fire Chief. A copy of the report shall be sent to the Fire Department. The Fire Department shall be notified prior to all testing. Any other testing required by State or federal regulations shall be made available to the Fire Chief, when requested.

**Sec. 8-4.13 Districts in Which Storage of Explosives, Blasting Agents Prohibited.**

The limits referred to in the BOCA Fire Prevention Code, in which storage of explosives and blasting agents is prohibited, are hereby established as follows: The storage of explosives and blasting agents is prohibited in the City.

**Sec. 8-4.14 Districts in Which Storage of Flammable Liquids in Outside Aboveground Tanks Prohibited.**

- (a) Storage of flammable liquids in outside aboveground tanks is prohibited in the following zoning districts: Zoning districts Residential District (A), Residential District (AA), Residential District (G), Rural Residential District (RF), Village Residential (VR), Transitional Residential (RT), Limited Business (LB), Village Commercial (VC), Village Commercial-Willard (VCW), Suburban Commercial (CS), General Commercial (CG), Professional Office District (PO), Transitional Central & Regional Commercial (CCRT), Central and Regional Commercial (CCR), Shipyard (S), Conditional Residential (A-1),

Conditional Shipyard (S-1), Conditional Residential (G-1), Conditional Residential (G-2), Conditional Residential & Limited Commercial Use (G-3) and Conditional Armory Zone (CAZ) as shown on the “Official Zoning Map of the City of South Portland” dated September 8, 2010, as may be amended from time to time, certified by the attested or conformed signature of the City Clerk.

- (b) New bulk plants for flammable or combustible liquids are prohibited in those zoning districts set forth in Sec. 8-4.14(a) of this Chapter.

#### **Sec. 8-4.15 Districts in Which Bulk Storage of LPG Prohibited.**

Bulk storage of liquefied petroleum gas is prohibited in those areas set forth in Sec. 8-4.14(a) of this Chapter.

#### **Sec. 8-4.16 Permits.**

Permits required by Sec. 1-12.20 of NFPA 1, Fire Code (2009 ed.), shall be required by this section.

#### **Sec. 8-4.17 Portable Structures.**

Except as provided in Chapter 11 of the Code of Ordinances, no land may be used or occupied by any motor vehicle, trailer, semi-trailer, or other portable structure not permanently affixed to the land for a period in excess of thirty (30) days for storage of material, office space, toilet facilities, or other uses for which permanent structures may be utilized unless a nontransferable, annual permit is obtained from the building inspector. Applications for such permits shall specify the location and intended use of the portable structure. Such portable structures must meet all applicable safety ordinances of the City, including all provisions of the then current edition of NFPA 1, Fire Code (Latest Edition). A fee for such permits shall be as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order.

#### **Sec. 8-4.18 Transportation of Explosives.**

Every vehicle transporting explosives shall be marked or placarded on both sides, front and rear, with the word “Explosives” in letters not less than four (4) inches high on a contrasting background. In lieu thereof on every such vehicle there shall be displayed, in such manner that will be visible from all directions, a red flag with the word “Danger” printed, stamped or sewn thereon in white letters. Such flag shall be at least twenty-four (24) inches square, and the letters thereon shall be at least six (6) inches high.

#### **Sec. 8-4.19 Bond and Responsibility for Fireworks Display Required.**

- (a) The City Council shall require a bond from the licensee in a sum not less than as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order conditioned on compliance with the provisions of this law and the regulations of the State Fire Marshal adopted hereunder, provided no municipality shall be required to file such bond.
- (b) Before any permit for a pyrotechnic display shall be issued, the person, firm or corporation making application therefore shall furnish proof of financial responsibility to

satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character and form as the state fire marshal determines to be necessary for the protection of the public.

**Sec. 8-4.20 Sprinkler and Alarm Systems; Approved Automatic Sprinkler Systems.**

- (a) Approved automatic sprinkler systems shall be installed in all new buildings in which construction exceeds any of the following criteria:
- 1) Three (3) stories in height;
  - 2) Forty (40) feet in height;
  - 3) One hundred fifty thousand (150,000) cubic feet in volume;
  - 4) Five (5) dwelling units but only when the structure housing such dwelling units shall exceed one (1) story in height;
  - 5) As required by any other section of this Chapter or any building code in effect in the City;
  - 6) [RESERVED];
  - 7) Meets the definition of major renovation and is required by Sec. 8-4.20(b)(1); or
  - 8) As required in NFPA 101, Life Safety Code (2009 ed.), and State law.
- (b) All such sprinkler systems, with the exception of sprinkler systems servicing single, two (2), three (3) and four (4) unit residential buildings, shall be equipped with approved supervisory equipment which shall transmit an alarm to an approved receiver. This supervisory equipment shall indicate any fire and/or waterflow condition and shall include tamper protection and low air warning devices. All sprinkler systems servicing one (1) to seven (7) residential occupancies shall be provided with approved supervisory equipment, which shall include an outside bell monitoring waterflow of the sprinkler system.
- (1) In buildings consisting of the following occupancies as defined in the NFPA 101, Life Safety Code (2009 ed.), supervision shall be by either a direct connection to the City's municipal fire alarm system through an approved master box connection or shall be by direct connection to fire alarm headquarters by means of a reverse polarity, UL approved, remote signaling system, meeting the intent of NFPA 72, National Fire Alarm and Signaling Code (Latest Edition):
- a) Public Assembly (class A & B)
  - b) Educational
  - c) Day-Care
  - d) Health Care
  - e) Detention/Correctional Institutes
  - f) Lodging or Rooming Houses
  - g) Hotels/Motels Dormitories
  - h) Apartment Houses (exceeding 7 units)
  - i) Residential Board and Care
  - j) Mercantile (class A)
  - k) Business
  - l) Industrial (high hazard)

- m) High Rise Buildings
- n) Marinas

- (2) Where supervision is by direct connection to the City's fire alarm system, an initial connection fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order shall be charged for each installation, and an annual maintenance fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order shall be charged per calendar year for each individual system connected to the City's system.
- (3) All sprinkler/alarm systems that provide supervision/monitoring, whether or not required under this section, shall provide supervision/monitoring by one of the above means or by an approved central signaling station meeting the intent of NFPA 72, National Fire Alarm and Signaling Code (Latest Edition).
- (c) The requirements established in this section shall apply only to new buildings approved and constructed after December 23, 2012, except that additions to existing buildings shall result in the entire building, both the existing portion and the addition(s), being treated as a new building for the purposes of this section.
  - (d) In all cases wherein sprinkler/alarm systems are installed, whether or not required under this section, no such system shall be installed, modified, extended or altered without the approval of the Fire Department. All such system installations, modifications, extensions or alterations shall be submitted to the Fire Department in the form of drawings with needed details to a scale of not less than one-eighth (1/8) inch to a foot prior to any installation, modification, extension or alteration.
  - (e) No automatic sprinkler and/or alarm system that is installed and operational, shall be removed, rendered inoperable, disconnected from the supervisory system, have the water supply disconnected or interrupted or be interrupted in any manner without the approval of the Fire Department nor shall any testing of a system be conducted without the knowledge of the Fire Department.
  - (f) When a sprinkler/alarm service is rendered inoperable or is interrupted due to activation or malfunction, the system shall be restored to full operating service within four (4) hours for those occupancies identified in Sec. 8-4.20(b)(1) and within eight (8) hours for all others.
  - (g) The terms "approval" and "approved" as used in this section shall mean the approval by and only by the Fire Chief or his/her designee, and it may be based on information from detailed drawings, onsite inspections, and/or flow testing of the system or the results of all criteria combined.
  - (h) For the purposes of this Chapter, a "false alarm" is defined as a Fire Department response to an alarm received from a sprinkler or alarm system activated for reasons other than heat, smoke, or fire. A "false alarm" includes both alarms received from a sprinkler/alarm system deliberately activated when a response is not required and alarms received from malfunctioning systems. The presumption shall be that an alarm is a false alarm unless the alarm user demonstrates otherwise to the satisfaction of the Fire Chief. For penalties

- for false alarms, during any one (1) calendar year, see Sec. 8-3.5 of this Chapter.
- (i) All buildings which are undergoing major renovations shall comply with standards for new construction.
  - (j) Major renovations to a building shall be defined as final renovation resulting in renovations of more than fifty percent (50%) of the initial square footage of the building as measured at grade level at the time immediately prior to the renovation. Major renovations to a building shall require the entire building to comply with new construction standards.

#### **Sec. 8-4.21 Special Hazard Dwelling Units.**

Notwithstanding the requirements of the NFPA 101, Life Safety Code (2009 ed.), any structure containing twelve (12) or more units shall have located on-site and in a location fully accessible by the Fire Department at all times in a fire resistant container, the following:

A full set of building blueprints, or, if none exist, a detailed floor plan depicting the existing conditions of the building; and

Sufficient master keys to the building, as determined by the Fire Chief; and

A dated list of current authorized occupants which shall be updated on no less than a monthly basis; and

A list of special hazards within the building; and

The name, address, and telephone number of the owner of the premises and any party responsible for the maintenance and/or management of the building.

If the fire resistant container referred to above is locked, the manager or owner of the building must provide the Fire Department with a key to the container within the Lock Box.

#### **Sec. 8-4.22 Heating and Burning Within City.**

##### **Sec. 8-4.22.1 Definitions.**

For purposes of this section, the following definitions shall apply unless the context clearly implies otherwise:

***Bonfire:*** A large fire built outside a containment structure upon the ground for recreational or ceremonial purposes limited to a size of generally no greater than five (5) feet long, five (5) feet wide and five (5) feet in height.

***Open Burning:*** Open burning wherein the products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

***Recreational or Ceremonial Burning:*** Open burning which occurs for pleasure, religious, ceremonial, cooking, warmth or similar purposes, including but not limited to, bonfires or campfires.

***Alternative Heating Device:*** Any solid fuel or other heating unit, designed to heat an area of a structure, which is not portable and not considered a central heating device.

**Central Heating Units:** Central heating unit is any unit designed to provide heat throughout a building or structure.

**Sec. 8-4.22.2 General.**

- (a) Permits to burn combustibles outside shall be obtained from the Fire Department and issued on a case by case basis. Determination of issuing the permit will be based on the daily weather, State issued class day, materials to be burned, location of the burning and other factors of the burn decided by the Fire Department.
- (b) No burning shall be permitted on any beach, public or private.
- (c) A fire must be fueled by clean, seasoned fire wood, natural gas or other clean burning fuel, with emissions equal to or less than that created by seasoned firewood.
- (d) The use of gasoline, motor oil or other similar petroleum-based products, as accelerants for a fire are prohibited.
- (e) Upon a written complaint of the fire and/or smoke from the fire, the Fire Department shall request the extinguishment of the fire by the permit holder. The fire shall be immediately extinguished.

**Sec. 8-4.22.3 Open Fires.**

- (a) Open burning within the City shall be prohibited without a permit obtained from the Fire Department with the exception of approved barbeque grills.
- (b) Permitted open fires shall be located not less than 50 feet from any structure.
- (c) Any open burning shall be attended at all times by a competent person eighteen (18) years of age or older capable of recognizing the dangerous condition and extinguishment of the fire. Adequate tools and equipment including a garden hose connected to the water supply shall be present to extinguish the fire upon request, if fire becomes unmanageable, or at completion of the burn. Upon completion of the fire, the fire shall be completely extinguished and the coals shall be cold. The permit holder of the fire shall be responsible and liable for any damage done by a fire which spreads beyond their control.
- (d) No open burning shall produce malodorous fumes detectible beyond the property line which adversely affects the reasonable health, safety, use, occupancy and /or welfare of others.
- (e) The burning of domestic refuse shall be prohibited.
- (f) The burning of construction materials, wire insulation, and other non-typical materials shall be prohibited.
- (g) No open burning shall be permitted within any street right-of-way, gutter, or swale.
- (h) Permits may be granted for the burning of leaves and small yard brush. Burning shall be in small amounts. There shall be no burning of slash, lot clearing materials, stumps, etc. within the City.
- (i) Open burning shall be in a cleared protected area on the permit holder's property. No fire shall be

tended in an area of other combustible or hazardous materials.

#### **Sec. 8-4.22.4 Recreational Fires.**

- (a) Permitted recreational fires shall not be located within 25 feet of a structure or combustible material unless contained in an approved manner.
- (b) No permit shall be required for a recreational fire after the initial inspection of the site by the Fire Department.
- (c) No recreational fire shall be started or allowed to continue burning when the wind direction or wind speed will cause, smoke, embers or other burning materials to create a nuisance for neighboring property owners. The fire shall be completely extinguished immediately upon the written complaint of any smoke or odor nuisance.
- (d) With the exception of U.L. approved barbeque devices no other burning device shall be used on a combustible deck or patio. U.L. approved barbeque devices shall not be placed closer than 36 inches from combustibles unless approved within the listing of the device. For other than one- and two-family dwellings, no hibachi, gas-fired grill, charcoal grill or other similar devices used for cooking, heating, or any other purpose, shall be used or kindled on any balcony or under any overhanging portion or within 10 feet of any structure.
- (e) Cooking fires may be allowed by the Fire Department. Cooking fires shall be in an approved location. A permit shall be issued for an approved cooking fire with notification to the Fire Department upon commencement and extinguishment of the fire.
- (f) Permanent fire pits shall comply with the following requirements:
  - (i) The diameter of the pit shall not exceed three (3) feet;
  - (ii) The depth of the pit shall be one (1) to two (2) feet deep domed by a mesh wire screen and shall be covered when not in use;
  - (iii) The top of the rim of the pit shall be lined with rock, concrete, brick or steel, that is twelve (12) inches wide all around the perimeter; and
  - (iv) The fire pit shall not be located within six (6) feet of combustibles or structures.

#### **Sec. 8-4.22.5 Bonfires.**

- (a) A written request shall be submitted at least ten (10) days in advance of the proposed bonfire to the Fire Department accompanied by a site plan of the property depicting all structures on the premises and the location of the proposed bonfire.
- (b) The bonfire shall be at least fifty (50) feet from any property line or structure.
- (c) The bonfire shall be no larger than five (5) feet in width, five (5) feet in length and five (5) feet in height.
- (d) The bonfire shall not be placed under any overhead wires, trees or similar vegetation, and all brush, leaves, branches, or other combustible materials shall be cleared within twenty-five (25) feet of the

diameter of the bonfire.

- (e) The person conducting the bonfire must notify the Fire Department two hours in advance of the bonfire commencing.
- (f) The bonfire shall be attended at all times.
- (g) The bonfire shall not last more than three hours.
- (h) The bonfire shall be completely extinguished, including smoldering, before it is left unattended.
- (i) Precautions shall be taken to regulate, control and extinguish the bonfire through the use of fire extinguishers, water hoses, dirt sand or other fire extinguishing equipment which shall be readily available at the site of the bonfire for immediate utilization.
- (j) If because of weather, atmospheric or other conditions, any open burning would be in the judgment of the Fire Department to constitute a general danger or threat to property or persons in the City, the Fire Department may prohibit any open burning until such danger, in their opinion is no longer present.

**Sec. 8-4.22.6. Exceptions.**

(a) The burning and/or use of: candles, lanterns, lamps, insect repellent torches, Tiki type torches, fireplaces, cigarettes, cigars, pipes, charcoal cookers, braziers, hibachis, barbecue grills or any flammable liquid or liquefied gas fire stoves or similar devices maintained and used solely for the preparation of food on the premises of the owner or occupant and used as per manufacturer's recommendations are not applicable to this Article.

**Sec. 8-4.22.7 Alternative Heating Devices.**

- (a) A permit shall be obtained from the Code Enforcement Officer for the installation of any alternative heating devices.
- (b) Alternative heating devices shall be installed per the manufacturer's recommendations.
- (c) Alternative heating devices shall be inspected by the Fire Department before use.

**Sec. 8-4.22.8 Central Heating Units.**

(a) A permit shall be issued by the Code Enforcement Office of the City prior to the installation of a central heating unit. Permit application and administration shall be handled by the Code Enforcement Office. Upon receipt of each completed application, the Fire Department shall review the application and determine whether such application complies with all of the requirements of this Chapter and shall report such findings to the Code Enforcement Office. The Code Enforcement Office shall not issue any permit unless and until the application has received a positive recommendation from the Fire Department.

(b) The unit shall be installed per manufacturer's recommendations, any applicable NFPA standards and the following:

- a. The unit shall be installed by a licensed installer; and
- b. Wood boilers within the City shall be installed, maintained and used only in compliance with any rules adopted by the Maine Department of Environmental Protection regarding the same.

**Sec. 8-4.23 Removal of Paint from Buildings with Flame-Producing Devices.**

No person shall use a flame producing device for the purpose of removing paint from any wooden structure.

**Sec. 8-4.24 Fire Hydrants.**

**Sec. 8-4.24.1** Fire hydrants; specifications; permission from the Fire Chief required for installation; to be maintained in good condition; relocation or modification; obstruction.

- (a) No person shall install, relocate, modify or disconnect from the 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.
- (b) No fire hydrant shall be so installed, relocated or modified unless it shall conform to the following listed specifications: Breakaway flange traffic model hydrant, two (2) two and one-half (2 1/2) inch hose nozzles, one four and one-half (4 1/2) inch steamer nozzle, national standard thread, have a finish coat as follows: Three (3) port covers no chains and bonnet flange, silver aluminum in color, all else above line excluding the bonnet, DuPont yellow #659, the bonnet being of a reflective paint, silver aluminum in color. All fire hydrants, whether owned or leased by the City or privately owned, shall be colored coded as to flow in accordance with NFPA 291, Recommended Practice for Fire Flow Testing and Marking of Hydrants (Latest Edition). The above-described fire hydrant or any other fire hydrant equaling those specifications shall be permissible, provided however, that any such fire hydrant must meet or surpass specification C503-75 of the American Water Works Association and meet current requirements of the Portland Water District.
- (c) Water mains proposed to provide water supply to fire hydrants in private developments or subdivisions shall be at least eight (8) inches in diameter.
- (d) Each fire hydrant, no matter where located, shall be connected to the water supply main by means of a branch line at least six (6) inches in diameter, with a hydrant control valve located on the branch line. All piping connecting supply mains and branch lines to fire hydrants shall be ductile iron pipe.
- (e) No person shall install, relocate, modify or disconnect from the supply main for service any fire hydrant without having first notified the Fire Chief and the water district to do so. No such permission shall be granted by the Fire Chief until the applicant shall first have submitted to the Chief a site plan showing the following:
  - 1. The location or proposed location of the hydrant or hydrants for which permission is requested.

2. The type and specifications of hydrant to be used.
3. The location and size of supply main and branch lines supplying the hydrant.

Upon receipt of a site plan and request for permission under this section, the Fire Chief shall review the plan and may, in his/her discretion, review the plan and request with the Chief of the Police Department, City Engineer, and/or representatives of the Portland Water District prior to granting or denying permission. The Fire Chief shall not unreasonably withhold approval of any such request.

- (f) All fire hydrants, whether owned or leased by the City or privately owned, shall be maintained in proper operating condition at all times and shall be inspected on a regular basis to assure their efficient operation. Such inspections shall be conducted at least monthly and if any such inspection reveals that a fire hydrant is inoperative or not in proper operating condition, the Fire Chief shall be immediately notified. The owner of a private fire hydrant shall be responsible for correcting any such condition discovered affecting such privately owned fire hydrant as expeditiously as possible and shall notify the Fire Chief upon completion of the necessary repairs.
- (g) When permission shall have been granted under this section for location, relocation or modification of any private fire hydrant, the owner or contractor for the owner of any such private fire hydrant shall notify the Fire Chief immediately after installation, relocation or modification of such fire hydrant has been completed. Such hydrant shall be flow checked by the owner or contractor for the owner and the results of such testing reported to the Fire Chief. No such private fire hydrant shall be utilized or placed in service by the owner until after final approval by the Fire Chief, which final approval shall not be granted by the Chief until after acceptable results have been obtained from the flow checking.
- (h) No person or persons shall obstruct or permit to be obstructed by any means any fire hydrant located within the City. Any person or persons causing snow to obstruct a fire hydrant shall immediately clear said fire hydrant. Failure to so do shall result in clearing of the fire hydrant by the Fire Department and charging the person responsible for obstructing the fire hydrant for all costs associated therewith. In addition, said person or persons may be charged with a violation of this Chapter pursuant to Sec. 8-3.8.
- (i) No person shall use a fire hydrant within the City without first receiving written permission from the Fire Chief and the Portland Water District.

#### **Sec. 8-4.24.2 Maintenance of Private Fire Hydrants.**

- (a) The owner of any property upon which a private hydrant is located shall maintain, or arrange to have maintained, any such private fire hydrant in compliance with the maintenance program utilized by the Portland Water District, and with the following standards, at a minimum:
  - (1) No less than an annual inspection and written certification in regard to fire flow and

- operability by a person qualified to make such certification, which certification will be sent to the Fire Chief, with a copy to the Portland Water District;
- (2) Painting in a color acceptable to the Fire Chief no less than every five (5) years;
  - (3) Repair of any and all damage to the hydrant, within no more than seventy-two (72) hours of actual notice of such damage; and
  - (4) An annual written statement describing the owner's maintenance program and providing the name and address of the person responsible for carrying out such program shall be placed on file with the Fire Chief, with a copy filed with the Portland Water District.
- (b) The owner of the property upon which a private hydrant is located shall be responsible for ensuring that said hydrant is accessible for use by the Fire Department at all times.

The owner shall remove snow from the area of the hydrant to include removal of the snow for no less than forty-eight (48) inches from around the hydrant in all directions, with a minimum forty-eight-inch pathway to the open street. If the owner shall fail to remove such non-frozen snow accumulation in excess of four (4) inches in depth within twenty-four (24) hours after the cessation of the storm creating such snow, or if owner shall fail to remove such ice within twenty-four (24) hours after ice has accumulated or formed to the state as to render the emergency access lane impassable for said purposes, or if the owner shall fail to remove said obstructions and encumbrances on the emergency access lane ( that are not the result of precipitation) which render the emergency access lane impassable for said purposes within thirty-six (36) hours after such obstructions and encumbrances arise, then the City shall have the right, but not the obligation, to enter upon the emergency access lane and adjacent land as necessary with personnel and machines in order to plow and clear, or cause to be plowed and clear, such snow and ice and to remove said obstructions and encumbrances from the emergency access lane and bill the owner for the expense of the same. The City shall submit its itemized bill for such expenses to the owner which the owner shall pay to the City within thirty (30) days or receipt. The expenses billed to the owner shall include the time spent for travel to and from the property. The owner or agent must ensure that all vegetation that may hinder operation of, or visibility of, the hydrant is kept clear. The owner or agent must ensure that the hydrant and all supply and discharge lines are protected from freezing.

- (c) The owner of any private hydrant shall submit the GPS coordinates of the hydrant to the Fire Chief and the Portland Water District. Hydrants installed before December 23, 2012 shall provide such coordinates within six (6) months of December 23, 2012.

#### **Sec. 8-4.25 Vehicles Leaking Flammable Liquids.**

No person, firm, corporation or governmental agency shall permit a motor vehicle to leak or drain flammable fluids in an area that will pose a potential fire hazard to life or property. Upon inspection of any vehicle leaking a flammable liquid, the Fire Chief, or his/her designated representative, shall contact the owner or operator of the vehicle, if reasonably available under the circumstances, and require said owner or operator to remove and/or repair any vehicle leaking flammable fluids. If the owner or operator cannot be contacted within a reasonable time, the Fire Chief, or his/her representative, shall order the vehicle towed to a location that will, in the judgment of the Fire Department officer in charge, pose the least possible hazard. The vehicle's location shall be posted with the Police Department and the registered owner shall receive personal notice or notice by registered mail of the vehicle's location, the reasons for its removal, and his/her responsibility for the payment of all costs associated with the movement of the leaking vehicle. Any vehicle leaking a flammable fluid may be forcibly entered by the

Fire Department, if the owner or operator is not reasonably available and said entry is required in order to control the leak, to remove the vehicle, or for other public safety reasons. Any costs associated with the removal, towing, storage or entering of said vehicle shall be borne by the owner of said vehicle and the City shall be held harmless for its reasonable actions under these circumstances.

**Sec. 8-4.26 Mulch.**

No combustible bark mulch shall be placed adjacent to a combustible building within the City. Mulch may be placed next to a building if the building foundation raises above the bark mulch a minimum of one (1) foot. Mulch may be used next to a combustible building if the mulch is one (1) foot horizontally away from the building.

**ARTICLE V. RESERVED.**



## ARTICLE VI. RAPID KEY ENTRY

### Sec. 8-6 Rapid Entry System Required.

#### Sec. 8-6.1 Purpose.

A rapid entry system requirement is established for the purpose of promoting the public health, safety, and welfare by recognizing that there exist now and will exist in the future buildings that firefighters and emergency rescue personnel must gain access to without undue delay or unnecessary and costly damage from forcible entry in order to protect life and property.

#### Sec. 8-6.2 Definition.

For purposes of this Article, the following definitions shall apply unless the context clearly implies otherwise:

A *rapid entry system* is a locked key box, hereinafter referred to as a “lock box”, that is secured to the exterior of a building and can be opened only with the Fire Department’s master key. Each lock box shall be approved by the Fire Chief. Any lock box that is not approved by the Fire Chief shall not be permitted and is expressly prohibited.

#### Sec. 8-6.3 Rapid Entry System Required in New Construction.

A lock box shall be installed on all new buildings, constructed on or after November 10, 1991, which meet criteria for requiring a sprinkler system that are set forth in Sec. 8-4.20(a)(1)-(5) and Sec. 8-4.20(a)(7)-(8) of this Chapter.

#### Sec. 8-6.4 Existing Buildings.

All buildings in existence on November 10, 1991 and meeting the criteria for new construction set forth in Sec. 8-4.20(a)(1)-(5) or Sec. 8-4.20(a)(7)-(8) of this Chapter shall comply with this Article by January 1, 1993. Buildings in existence on November 10, 1991 but not meeting the criteria of Sec. 8-4.20(a)(1)-(5) or Sec. 8-4.20(a)(7)-(8) of this Chapter may install a lock box. The Fire Department is not responsible for any key to any building other than keys in an approved lock box, and is not required to maintain any keys to any buildings other than the master key to the lock box.

#### Sec. 8-6.5 Location of Lock Box.

The lock box shall be installed in a location approved by the Fire Chief.

#### Sec. 8-6.6 Contents of Lock Box.

The lock box shall contain all necessary keys required by the Fire Chief.

**Sec. 8-6.7 Supervision.**

All lock boxes may be electronically supervised for unauthorized entry by an alarm tampering device or by an outside audible sounding device approved by the Fire Chief.

**Sec. 8-6.8 Security Shutters or Iron Bars.**

The use of security shutters or iron bars over windows and doors is prohibited except when the shuttering device is automatically activated to release and/or rise when a fire alarm system is activated.

**ARTICLE VII. MARINA SAFETY****Sec. 8-7 Marina Fire Safety.****Sec. 8-7.1 Fire Protection.**

- (a) Combustible buildings in excess of five-hundred (500) square feet in total floor area built on a pier over water shall be protected by an automatic sprinkler system installed in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems (Latest Edition).
- (b) Marina boatyard buildings with a total floor area in excess of five thousand (5,000) square feet shall be protected by an automatic sprinkler system installed in accordance with NFPA 303, Fire Protection Standards for Marinas and Boatyards (Latest Edition).
- (c) Class III standpipe systems, as described in NFPA 13, shall be installed on all main piers which extend over one-hundred fifty (150) feet in length from the shoreline or mean high water mark. These systems shall be equipped with two- and one-half (2-1/2) NST inch hose connections equipped with gated double one-and one-half (1-1/2) NST inch hose connections and located at intervals of no more than one-hundred fifty (150) feet along the main pier. Such systems shall be installed in accordance with NFPA 14, Standard for the Installation of Standpipes and Hose Systems (Latest Edition) and shall provide a connection and deluge stream monitor in a location approved by the Fire Chief. All connections and monitors shall be approved by the Fire Department.
- (d) Whenever a secondary pier/slip projecting from the main pier exceeds one-hundred fifty (150) feet in length from the main pier, a portable hose reel cart containing a minimum of two-hundred fifty (250) feet of one (1) inch rubber lined, rubber covered fire hose with an adjustable stream nozzle, shall be provided and located in an easily accessible location on the main pier. All carts, hoses and nozzles shall be approved by the Fire Department.
- (e) At least two (2) portable fire extinguishers with a minimum 20 BC rating shall be provided at each fueling station, one on each side. These extinguishers shall be secured by mounting holders approved by the Fire Department and shall be accessible at any tide height from the craft being fueled.

**Sec. 8-7.2 Fire Alarm Systems.**

- (a) All required automatic extinguishing systems shall, when activated, automatically send an alarm by an approved means to the Fire Department.
- (b) All main piers measuring over one-hundred fifty (150) feet in length from the shoreline or mean high water mark, shall be equipped with a manual fire alarm system which when activated sends an alarm as required in Sec. 8-4.20(b)(1) of this Chapter.
- (c) One (1) manual pull station shall be located at the shore end of each main pier. Additional manual pull stations shall be located as needed to ensure that no greater than a two-hundred (200) foot travel distance exists between any other portion of the main pier or any secondary

pier/slip and the station.

**Sec. 8-7.3 Electrical Wiring and Appliances.**

- (a) All electrical appliances and equipment shall be listed and/or approved by a nationally recognized testing agency and shall be used and located as approved by that agency.
- (b) Electrical wiring and equipment shall be installed according to requirements of NFPA 70, National Electrical Code (Latest Edition), and the requirements of NFPA 303, Fire Protection Standards for Marinas and Boatyards (Latest Edition).

**Sec. 8-7.4 Fire Department Accessibility.**

- (a) Means of access to the marina shall be provided to the Fire Department when security locks are used to prevent unauthorized entry. Means of Fire Department access shall be approved by the Fire Chief.
- (b) All marinas shall provide and maintain an adequate fire lane allowing access to the marina for Fire Department emergency vehicles. The fire lane shall be approved by the Fire Chief and identified and maintained in accordance with the requirements of Article XI of this Chapter.

**Sec. 8-7.5 Year-round Living.**

**Sec. 8-7.5.1 Purpose:** It is the intent and purpose of this Article to locate and provide public safety services to all people residing aboard boats in the harbor of South Portland during the winter months. During the winter months fire protection is shut down to the docks of the marinas in the City. This is done to prevent damage to the system do to freezing of the pipes. The relocation of the boats closer to the shoreline enables fire and rescue crew to provide service during most types of weather or storm.

**Sec. 8-7.5.2** All marinas shall report the number of boats and people per boat that are to be resided on during the winter months even if the number is zero (0). Winter months shall be from the time the fire suppression system is shut down (November 1st) until the fire suppression system is returned to service in the spring (April 1st). The reports shall be submitted to the Fire Chief on or before November 1st and updated as needed. The report shall include names of persons living on the boat, contact number, and a diagram of the marina showing the location of the boat.

**Sec. 8-7.5.3** No boat shall be occupied during the winter months which is not within 200 feet of travel from the shoreline.

**Sec. 8-7.5.4** Access to and from the boat shall be maintained and clear of snow and ice at all times.

**Sec. 8-7.5.5** Shrink-wrapped vessels shall be provided with identification that the boat is a year-around vessel as approved by the Fire Department.

**Sec. 8-7.5.6** All boats that are inhabited and covered with tarps, shrink-wrap or other enclosure shall be provided with a working CO monitor and smoke detector. In addition any boat that is resided on must have an operating smoke detector regardless of cover.

**ARTICLE VIII. MARINE OIL TERMINAL AND TANK VESSEL FIRE PROTECTION\*****Sec. 8-8.1 Purpose.**

The purpose of this Article is to provide adequate protection from the hazards of fire in the operation of marine oil terminals and tank vessels while moored or docked at marine oil terminals and in the conduct of persons associated therewith in the transferring and handling of bulk flammable and combustible liquid cargo.

**Sec. 8-8.2 Definitions.**

In general all words shall have their normal meaning and such meanings as may be in common use in the petroleum, marine or maritime industries. Certain words, however, are more particularly defined and shall have the following meanings wherever used in this Article:

***Bulk:*** any liquid greater than 660 U.S. gallons in quantity.

***Chief:*** refers to the Fire Chief or his/her duly authorized representative.

***Combustible Liquid:*** any liquid having a flash point at or above 100 degrees F.

***Dead Vessel:*** shall mean a vessel incapable of being moved under its own power including, but not limited to, any tank barge which does not have a tug attached and any other vessel, including a cargo or personnel vessel, unable to move under its own power.

***Dock Watchman:*** that person designated by the terminal supervisor to observe the safe loading and unloading operations at the dock when a vessel is moored. The Dock Watchman's qualifications shall be determined by the terminal operator. The duties of the Dock Watchman shall include but not be limited to: knowledge and understanding of this Article; working knowledge of all fire protection and alarm features on the dock; and accurate working knowledge of all piping, valves and pumps under his/her direct control. It shall be the Dock Watchman's responsibility to ensure that the provisions of this Article are clearly understood and obeyed by the vessel watchman.

***Flammable Liquid:*** any liquid having a flashpoint below 100 degrees F.

***Loading:*** shall mean the movement of flammable or combustible liquid product into a vessel.

***Marine Oil Terminal:*** sometimes referred to as "terminal", shall mean an installation on land adjacent to the shore where a mooring, or a dock or docks is available for tying up tank vessels so they may load or unload flammable or combustible liquid cargo in bulk, which installation shall include the mooring, dock or docks and equipment and buildings on the adjacent shore location for receiving or loading out such cargo.

***Security Person:*** that person left in charge of the dock to oversee a vessel which is moored, has all its transfer hoses disconnected, is empty, and is not transferring product. The Security Person shall be familiar with all firefighting and alarm equipment on the dock and shall have knowledge of proper notification procedures in case of emergency.

**Tank vessel, Vessel:** shall mean any floating vessel especially constructed or converted to carry liquid flammable or combustible bulk cargo in tanks. There are two (2) types of tank vessels:

- (1) **Tank Barge, Barge:** shall mean any tank vessel not equipped with means of self-propulsion, requiring the assistance of a tug to move.
- (2) **Tankship:** shall mean any tank vessel propelled by its own power.

**Terminal Operator:** shall mean the owner, lessor or other person, firm or corporation in possession of and operating a terminal. The terminal operator shall be responsible for compliance with this Article IV by its employees, agents and contractors.

**Terminal Supervisor:** shall mean any employee of the terminal operator who has been left in charge of operations at a terminal by authority of the operator.

**Transfer operation, transferring, the transfer or to transfer:** shall mean or refer to the movement of flammable or combustible liquid product into or out of a vessel from or to a shore tank(s) or from or to another vessel and hence shall mean also either loading or unloading.

**Unloading:** shall mean the movement of flammable or combustible liquid product out of a vessel.

**Vessel Operator:** shall mean the owner, charterer or other person, firm or corporation in possession of and operating the tank vessel. The vessel operator shall be responsible for compliance with this Article IV by its officers, crew, employees, agents and contractors.

**Watch Officer:** shall mean an officer or other crew member of the vessel assigned by the master to be in charge of transfer operations while the vessel is in berth. The watch officer shall be responsible for the vessel's safe transfer operation, have knowledge of this Article, have a working knowledge of all firefighting equipment aboard the vessel, and have a working knowledge of the vessel, its pumps and valves.

**Yard Watchman:** that person designated by the terminal supervisor to observe the safe transfer of product from the dock into the terminal's bulk storage tanks and to observe the safe loading of bulk tank truck vehicles at its terminal. The yard watchman shall be designated qualified for duty by the terminal supervisor. The yard watchman's duties shall include but not be limited to: knowledge and understanding of this Article; knowledge of safe tank truck vehicle loading practices; knowledge of all fire protection and alarm features within the terminal; and an accurate working knowledge of all tanks, piping, pumps, and valves within the terminal.

### **Sec. 8-8.3 Penalty.**

The penalty for violating the provisions of this Article, in addition to injunctive relief, shall be a fine shall as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day during which a violation of the said Article continues shall constitute a separate violation.

Any costs incurred by the City, including, but not limited to, standby costs, outside contractor costs, firefighting foam requirements and cleanup costs, due to the violation of any provisions of this Article shall be the responsibility of the violator and shall be fully payable within thirty (30) days of the date costs are

incurred.

The violator may request a hearing before the City Manager to appeal or clarify these charges. This request shall be in writing and shall be submitted to the City Manager within one (1) week of receipt of the notice of the incurring of these costs. The City Manager shall hold the requested hearing within two (2) weeks of the receipt of the request. Any costs affirmed by the City Manager shall be paid in full within thirty (30) days of the close of the hearing.

#### **Sec. 8-8.4 Enforcement; Availability of Terminal Premises for Inspection.**

It shall be the duty of the Fire Chief to enforce the provisions of this Article. All areas within the terminal premises and the tank vessel shall be open at all times upon request for any inspection which may be deemed necessary by the Chief or his/her designated representative. Each tank vessel inspection shall be charged at a rate as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order.

#### **Sec. 8-8.5 Duty Upon Discovery of Unsafe Condition or Violation of Article.**

Whenever the terminal supervisor, yard watchman, dock watchman or the watch officer observes the development of an unsafe condition or a violation of any of the provisions of this Article, he/she shall:

- (1) If the condition or violation falls within his/her responsibility, take steps to correct it and promptly notify one or more of the other parties if any action on their part is needed to help alleviate or remove the condition or correct the violation.
- (2) If the condition or violation falls within the responsibility of one or more of the other parties, he/she shall promptly call it to their attention with the request that proper action be taken and shall cooperate with them to help alleviate or remove the condition or violation as may be necessary.
- (3) Notify the Fire Department that the condition exists and state what steps have been and will be taken to remedy the condition or violation.
- (4) Immediately notify the Fire Department emergency forces whenever he/she observes a condition that may cause immediate danger to life or property or creates the potential for fire or explosion.

#### **Sec. 8-8.6 Chief Authorized to Order Removal of Vessels from the Dock Area.**

When, in the opinion of the Fire Chief or his/her duly authorized representative, conditions are such that vessels should be removed from the dock area, the Chief may order such vessels removed.

#### **Sec. 8-8.7 Responsibility of Terminal Operator Generally.**

The terminal operator shall be responsible, or where applicable shall cause the terminal supervisor to be responsible as follows:

##### **(1) General.**

- a. Whenever a tank vessel is in berth the terminal operator shall have on duty qualified Dock Watchman and a qualified Yard Watchman to insure safe and proper transfer operations.

- b. The dock watchman shall remain on the dock while a tank vessel is at berth, except during pollution inspections and except when the vessel is empty and not transferring product. In these two situations a security person may be present instead of a dock watchman.
  - c. No person may be designated as or perform in more than one capacity at any one time.
  - d. Whenever the terminal is open for the purpose of bulk tank truck transfers the terminal operator shall have on duty a Yard Watchman.
  - e. The terminal operator shall post a list of all persons, in locations approved by the Fire Chief that he/she has designated qualified to serve as Dock Watchman or Yard Watchman. Any additions or deletions to this list throughout the year shall be posted as necessary. No person shall be permitted to act as dock watchman before his or her name has been posted.
- (2) **Posting regulations.** The operator shall cause to be posted a copy of this Article at the terminal in a location where it is readily available, and at the dock house, for reference at any time by persons employed in the terminal, personnel of any vessel at the terminal, any bulk tank truck operator, or upon request of the Fire Department.
  - (3) **Handling cargo, hose and shore installations.** The terminal supervisor and/or the dock watchman shall be responsible for all operations on shore including the handling of pumps, valves, tankage, and other equipment on the dock or on shore and shall be responsible for all settings and adjustments of same to properly transfer cargo. This shall include the responsibility for connecting and disconnecting the cargo hose at the ship's piping connections and ascertaining that the hose is properly supported. However, if the master of the tank vessel and the terminal operator agree to have the watch officer be responsible for the cargo hose handling, such will be permissible.
  - (4) **Assure display of signs; observe transfer operations.** The terminal supervisor shall ascertain that all signs and placards in the terminal are displayed in compliance with this Article. It shall be the responsibility of the yard watchman and the dock watchman to keep watch on transfer operations so as to be able to observe if unsafe conditions develop. If unsafe conditions do develop, they shall proceed as required elsewhere in this Article.
  - (5) **Provide fire alarm box.** The terminal operator shall provide a fire alarm box on the dock or pier tied into the City fire alarm system.
  - (6) **Provide dock fire main.** The terminal operator shall provide a minimum four (4) inch fire main on the dock for firefighting purposes. All mains, including manifolds, monitors, and connections in existence before November 10, 1991 shall remain unless any change is approved by the Fire Department. Any new fire main installed on or after November 10, 1991, whether or not it is required, shall be no less than six (6) inches in diameter, shall extend from the land end access point to the water's end of the pier and shall be equipped with such connections, manifolds and monitors as designated by the Fire Chief.
  - (7) **Safe means of vessel access.** Tank vessel operator shall provide a gangway or other means of vessel access, acceptable to the Fire Chief for the safe access to and egress from the tank vessel. This access shall be strong enough to handle a minimum load of 1000 pounds, have a solid foot

walk, have a minimum of twenty-four (24) clear inches of walking width and have side rail guards or rope rails capable of withstanding a minimum of 200 pounds lateral force extending a minimum of 30 inches above the walking surface. A means shall be provided to secure the access at the dock in all conditions.

- (8) **Vessel arrivals. The terminal** shall notify the Fire Department of ship arrivals forty-eight (48) hours prior to the arrival.

#### **Sec. 8-8.8 Drainage and Dike Areas.**

- (a) The City shall use NFPA 30, Flammable and Combustible Liquids Code (Latest Edition), as the standard for flammable and combustible liquids. The City shall set forth additional standards for installation and control based on the City's ability to respond to an emergency.
- (b) The area surrounding a tank or a group of tanks shall be provided with drainage and shall be diked to prevent accidental discharge of liquid from endangering adjoining property or reaching waterways, except that in particular installations these provisions may be waived or altered at the discretion of the authority having jurisdiction when the tanks under consideration do not constitute a hazard to adjoining property.
- (c) Unless otherwise specifically provided, the volumetric capacity of the diked area shall be one hundred ten (110) per cent of the total capacity of the largest tank within the dike area, assuming a full tank. The capacity of the diked area enclosing more than one tank shall be calculated by deducting the volume of the tanks other than the largest tank below the height of the dike.
- (d) Walls of the diked area shall be of earth, approved concrete or solid masonry designed to be liquid tight and to withstand a full hydrostatic head. Earthen walls three (3) feet or more in height shall have a flat section at the top not less than three (3) feet wide. The slope of an earthen wall shall be consistent with the angle of repose of the material of which the wall is constructed.
- (e) The walls of the diked area shall be restricted to an average height of fifteen (15) feet above exterior grade.
- (f) For all new tanks greater than 25,000 gallons constructed after October 16, 1995, there shall be no more than one tank within each dike, the walls of each such dike shall be of earth, and each dike shall be a volumetric capacity of not less than one hundred ten (110) percent of the total capacity as calculated in section (c). Walls of the dike area shall be restricted to an average height of ten (10) feet above the interior grade. Maximum tank size shall be fifty-two (52) feet in height and two hundred (200) feet in diameter.
- (g) Tanks between 700 and 25,000 gallons shall be of double wall construction with interspatial monitoring for leak detection.
- (h) Whenever a dike wall is opened, causing the dike area to contain less than the required capacity, the Fire Chief shall be notified, in writing, no less than seven (7) days prior to the work. In the case of an emergency, the Fire Chief shall be notified as soon as possible. The Fire Chief shall be notified of the duration of the opening and work to be done. Enough

materials must be kept on site to allow the building of the dike wall in case of an emergency. If work is to continue for more than twenty-four (24) hours, the liquid volume in the diked area shall be restricted to allow the containment to hold one hundred ten (110) percent of the liquid held in the largest active tank. The Fire Chief shall be notified when the dike wall is repaired and containment as per Sec. 8-8.8(c).

**Sec. 8-8.9. Prevention of Overfilling Tanks of Thirty Thousand-Gallons Capacity or Greater.**

- (a) Tanks of thirty thousand-gallons capacity or greater receiving transfer of petroleum liquids, except asphalt and number 6 oil shall be equipped with an independent monitoring and alarm system meeting the requirements of Sec. 8-8.9(b) with alarms located centrally at the terminal and on the dock from which the vessel is pumping. Location shall be subject to approval by the Fire Chief based on promoting the best interests in fire safety.
- (b) The monitoring and alarm system referred to in Sec. 8-8.9(a) shall meet the following requirements:
  - (1) The alarm display in the terminal dispatcher's office or control center shall have two (2) alarm indicators for each storage tank. One shall indicate for the so-called "high level filling height." The other shall indicate light for the so-called "high high level filling height." The system must provide for an audible alarm to announce the loss of AC power. Alarm displays shall have a visual power on indication, visually indicate each alarm point, and provide a manual acknowledged pushbutton for the second or highest alarm point. Computer based displays shall update the date and time of each alarm, operator acknowledgment, and alarm clearance. The system must provide for an audible alarm to announce the loss of AC power.
  - (2) The monitoring and sensing devices shall be approved by the Fire Chief and shall automatically activate audible and visible alarms in the terminal dispatcher control center when the liquid level in the tank approaches each of two (2) predetermined safe filling heights (the "high level filling height" and the "high high level filling height") for each tank. The external field alarms activated when the liquid approaches the high level filling height shall consist of amber light or an amber computer display and a steady tone. The external field alarms activated when the liquid approaches the high level filling height shall consist of a red light or a red computer display and pulsating tone and automatically trip an alarm to central fire station.
  - (3) The monitoring and sensing devices shall be capable of detecting the two (2) specified filling levels referred to above and be suitable for cone roof, floating roof and any other type of petroleum storage tank. The monitoring and sensing devices must be established to allow for a minimum of three (3) minutes filling time between the two (2) filling levels and for a minimum of three (3) additional minutes before overflow to permit shut down of any vessel pumping to the tank. The electrical circuit and switching assembly of the sensing devices must be isolated from the liquid or vapor space of the storage vessel. The tank level sensing and alarm equipment must be suitable for installation inside and/or in the proximity of hazardous locations.
  - (4) The monitoring and alarm system shall be installed in accordance with NFPA 70, National Electrical Code (Latest Edition) and all applicable state and local codes

and regulations and be capable of being tested accurately, safely and easily.

- (c) Tanks of thirty thousand gallons capacity or greater receiving transfer of petroleum liquids from mainline pipelines or marine vessels shall be gauged at frequent intervals as approved by the Fire Department, while receiving transfer of product and communications shall be maintained with mainline pipeline or marine personnel so that flow can be promptly shut down or diverted.

**Sec. 8-8.10 Bulk Plant and Terminal Facility Fire-Control Devices.**

- (a) Where flammable liquids are kept, used or handled, a quantity of noncombustible absorbents, pails, scoops, and chemical extinguishers or other extinguishing devices or materials shall be provided in such quantities as may be directed by the Fire Chief.
- (b) Every marketing station, storage depot, port terminal and other property where flammable liquids are stored in above ground tanks shall be provided with foam fire extinguishing equipment. The foam extinguishing equipment shall consist of sufficient portable, mechanical foam, contained in an approved trailer on the premises, available in location and quantities approved by the Fire Chief to extinguish the two (2) largest tanks as constructed within the facility. A minimum of 500 gallons concentrate shall be maintained on a trailer within the facility. Foam concentrate supply shall be compatible with the products stored on site and approved by the Fire Chief.
- (c) With the exception of asphalt and number 6 oil foam chambers, aerators, and pipelines for foam must be installed on all tanks. Foam piping shall extend outside of dikes to points approved by the Fire Chief. The ends of such pipelines shall be readily accessible and be equipped with proper connections for Fire Department use. Such lines shall be clearly marked by tank number at the Fire Department connection. Tank numbers shall be visible from the foam connection of that tank.
- (d) All dikes shall be equipped with foam making devices installed as follows:
- 1) Each dike shall have a minimum of 500 gallon per minute foam protection.
  - 2) Foam making devices may be independently piped or be a part of the foam suppression system. A valve shall be installed to divert the foam flow from tank suppression to dike protection. The normal position shall be in the tank suppression position.
  - 3) The foam making devices shall be located in consideration to the slope of the dike surface area.
  - 4) The design shall be such as to provide adequate flow of foam product and not cause erosion of the dike wall.
  - 5) All plans, design specifications and flow calculations shall be submitted to the Fire Chief for approval.
  - 6) All installation and work must be completed by October 1, 1999.
- (e) NFPA 11, Standard for Low-, Medium-, and High-Expansion Foam (Latest Edition), shall

constitute suitable fire control devices. Any other fire control device shall be approved by the Fire Chief.

### **Sec. 8-8.11 Responsibilities of Vessel Operator Generally.**

The tank vessel operator shall be responsible or cause the master or others to be responsible as follows:

- (1) **General.** The tank vessel operator shall maintain qualified and competent personnel on the tank vessel for the operations to be performed, one being designated as the watch officer, who shall be familiar with and observe customary safe operating practices including compliance with this Article, and such personnel shall be familiar with the proper use of fire-fighting installations aboard the tank vessel. In the case of a manned tank barge, there shall be at least one member of the crew, designated as the watch officer, on board at all times except when the tank barge is certified gas free or is moored at a dock, and is not loading or unloading and a security person is provided.
- (2) **Operations aboard the vessel.** The watch officer shall be responsible for all operations aboard the tank vessel including the operation of valves, pumps, scupper plugs, proper support of cargo hoses where the construction of the tank vessel permits and conditions require support of the hoses by the tank vessel's rigging.
- (3) **Equipment settings and adjustments.** The watch officer shall be responsible for all valve and other equipment settings and adjustments aboard the tank vessel for the proper transfer of cargo including the sealing of the sea suction and overboard discharge valves before transfer, and unsealing same when necessary.
- (4) **Observe transfer operations.** The watch officer shall keep watch on transfer operations to observe if unsafe conditions develop. If unsafe conditions develop, he/she shall proceed as required elsewhere in this Article.
- (5) **Completion of transfer.** On completion of transfer operations, hoses or other connecting devices shall be vented, and evacuated of the remaining product. A drip pan shall be used when breaking a connection and the end of the hose or other connecting device shall be blanked off before being moved.
- (6) **Use of pumps during ballasting.** During ballasting, ballast pumps shall be started before opening sea valves, and pumps shall be stopped after closing sea valves.

### **Sec. 8-8.12 Cooperation between Dock Watchman and Watch Officer.**

The dock watchman and the watch officer shall cooperate in such a way as to promote the observance of safe operating practices including compliance with this Article for the purpose of expediting the transfer with all due dispatch and safety. Among the cooperative procedures to be carried out to assure that certain legal and safety requirements are met are the following:

- (1) **Notice of readiness.** The watch officer shall furnish to the dock watchman the usual signed notice of readiness to discharge or receive cargo, and the dock watchman shall sign or have one copy signed to signify acceptance and return same.

- This notice of readiness shall be available for inspection by the Fire Department upon request.
- (2) **Pre-transfer conference.** Prior to starting transfer operations, the dock watchman shall check that all shore installations are in readiness and the watch officer shall check that the tank vessel is in all respects ready, and then they shall meet and confer together, confirming that all duty items have been satisfactorily accomplished or will be carried out according to a plan which both agree will comply with all requirements for a safe transfer. No transfer shall start until each has agreed upon the plan and agreed that everything aboard the tank vessel and on shore is in readiness.
  - (3) **High level alarms.** The dock watchman shall insure that the watch officer is fully informed regarding the terminal's high level alarm system. In case of activation of the high level alarm, pumping operations shall be immediately shut down.
  - (4) **Inspection report.** Prior to starting transfer operations the dock watchman shall complete the "Inspection Report-Marine Oil Terminal" as set forth in Sec. 8-8.17(b) and Sec. 8-8.20 of this Article and have the report signed by the watch officer.

### **Sec. 8-8.13 Terminal Safety Provisions Enumerated.**

General terminal safety provisions which are to be observed are as follows:

- (1) **Smoking.** Smoking shall be prohibited on the premises including docks of all terminals, except in such locations where the terminal operator and the Fire Chief or his/her authorized representative may agree that smoking will be permissible. "No Smoking" signs shall be posted conspicuously to show the areas where smoking will not be allowed. Appropriate signs shall be installed in locations where smoking is permitted to mark the limits of the permissible area.
- (2) **Cargo hoses and tests.** Cargo hoses shall be adequately supported so as to prevent chafing or kinking during transfer operations. The manufacturer's rating on hoses shall not be less than the maximum working pressure of the system on which it is to be used. Each length of hose shall be tested at least once a year to a pressure of not less than one hundred fifty (150) percent of the maximum working pressure or two hundred twenty-five (225) psi, whichever is greater. A record of such tests shall be maintained at the terminal. The free ends of hoses connected to piping on the dock shall be closed with blind flanges when not in or not being ready for use.
- (3) **Vessel to Shore isolation.**
  - (a) Electrical isolation. Cargo hoses and unloading arms shall be electrically isolated to prevent an electrical discharge when connecting or disconnecting from the manifold.
  - (b) Bonding cable. The terminal shall provide a suitable static wire or bonding cable of such design to prevent accidental loosening, incorporating a meter to provide a positive means of determining a ground. It shall be firmly attached to the tank vessel by an employee or employees of the terminal before the cargo hose is brought into contact with the tank vessel. It shall not be disturbed until the cargo hose has been

disconnected from the tank vessel and until just before the tank vessel leaves the dock, at which time it shall be removed by an employee or employees of the terminal. Care shall be exercised not to generate static or other sparks when attaching or detaching bonding clamps.

- (c) **Insulated Flanges.** The use of approved insulated flanges shall be allowed for use to isolate the ship from the dock. Flanges shall be tested annually and shall not exceed the standard of 1000 ohms minimum resistance.
- (d) Or other means recommended by the Fire Chief.
- (4) **Repairs to dock.** Repairs to docks while a tank vessel is in berth shall be limited to minor repairs and to operations which do not involve sparks.
- (5) **Repairs to electrical equipment, and “hot work” repairs.** While a tank vessel is in berth repairs to electrical equipment may be undertaken providing switches controlling the circuits are opened and locked or otherwise secured in the open position and marked against closure by proper warning signs. “Hot Work” repairs involving the use of fire, open flames, electrical equipment that may involve sparks, welding or other spark-producing operations are prohibited on the dock while a tank vessel is in berth, except only in case of emergency when gas-free conditions exist and can be maintained. The Fire Department shall be notified of such repairs and its written approval obtained in advance of any hot work.
- (6) **Yard personnel to be on duty.** Any time terminal gates are open for business, there shall be at least one qualified company employee on duty as the yard watchman.

#### **Sec. 8-8.14 Vessel Safety Provisions Enumerated.**

General tank vessel safety provisions which are to be observed are as follows:

- (1) **Fire, matches, smoking.** Smoking, use of lighters, matches or open flames and the operation of arcing or heat-producing electrical appliances or their equivalent shall be prohibited, except that the master may permit use of such appliances, boiler fires, galley fires and smoking in enclosed locations where the same will not constitute a hazard.
- (2) **Fire protection.** While a tank vessel is at berth sufficient fire protection on board shall be provided by one or more of the following means:
  - (a) **Fire Hose.** Sufficient serviceable fire hoses to readily reach all portions of the weather deck area of the tank vessel shall be laid out, made ready for immediate use and connected to the tank vessel’s tug, or terminal’s active fire protection system. The hoses shall be in good working condition and equipped with a combination high velocity, solid stream nozzle capable of being shut off or on at the nozzle and/or;
  - (b) **Water/Foam Monitors.** Water/foam monitors shall be capable of covering all portions of the tank vessel and supplied by an adequate water/foam fire fighting system aboard the tank vessel. Manifold areas shall have serviceable fire hose with combination nozzles available within the immediate area and/or;

- (c) **Other Fire Protection Systems.** Other fire protection systems including, but not limited to, fixed carbon dioxide or dry chemical may be acceptable if they are designed for the hazard they are protecting and accepted by the Fire Chief.
- (3) **Scupper plugs.** An employee of the tank vessel operator in charge shall see that all scuppers are effectively plugged before transfer, except on tank vessels using water for deck cooling; however, during rainstorms it shall be permissible to remove scuppers as necessary to allow runoff of water provided a vessel crew member stands watch to reclose the scuppers in case of an oil spill.
- (4) **Tank tops and ullage plugs.** When transferring cargo, tank tops and/or hatch covers shall be closed. Ullage caps or plugs shall only be opened on such tanks as are to be loaded or unloaded, and all such open ullage holes shall be covered with flame screens which shall be kept in place during the transfer, except for the minimum time necessary to observe transfer progress, take samples or take ullage readings. Should a towboat or other vessel, such as a bunker barge or lighter, be moved along side for the purpose of serving the ship, and should such floating equipment be propelled by an internal-combustion engine, no tank tops, tank hatches or ullage plugs or caps shall be kept open with flame screens in place. When there is no longer any possibility of sparks or other source of ignition and, as for instance, after the towboat has left or the engine on a self-propelled lighter has been shut down, normal procedure may be resumed.
- (5) **Ports and doors to crew's quarters.** When loading and unloading, all ports and doors facing the cargo decks or facing a breeze bringing vapors from another vessel shall be closed, except when necessary to open for the passage of personnel.
- (6) **Blowing of boiler tubes.** Blowing of boiler tubes or other work on the boilers which may cause sparks from the stacks is strictly prohibited.
- (7) **Smoke from vessels.** Smoke from vessels shall be kept to a minimum while in berth.
- (8) **Steaming of tanks.** Steaming of tanks while a tank vessel is at dock is prohibited, except vessels equipped with an approved crude wash system may use the system while at berth.
- (9) **Cargo transfer by hose.** Transfer of cargo by means of a hose through an open hatch is prohibited. An exception to this prohibition will be made only when an emergency arises and such prohibited action is the only means of moving flammable or combustible fluid from one vessel compartment to another or of unloading the vessel for the purpose of reducing or preventing pollution, or for preventing foundering, and then only when all due precautions have been taken and conditions in the opinion of the Chief or his/her authorized representative are suitable for this means of transfer to be carried out safely, and then only with the end of the hose immersed at all times in the fluid of the open hatch.
- (10) **Transfer of liquid petroleum in bulk, mooring tank vessels, and bunkering.** It shall be unlawful to bunker from an adjoining vessel any tank vessel while such vessel is transferring gasoline. No bunkering shall be allowed without independent fire protection on the vessel from which bunkers are taken. Bunkering of a vessel shall be permitted only if adequate personnel are provided to oversee both transfer and bunkering operations independently.

- (11) **Pans, buckets under hose connections.** Pans or buckets shall be placed under all hose connections aboard the vessel and care shall be taken to see that product does not escape from the hose or piping aboard the tank vessel to navigable waters.
- (12) **Handling of dry cargo and bunkers.** The servicing of a vessel while in berth by moving stores or dry cargo onto or off the ship and taking bunkers whether from and/or to the dock or a service vessel lying alongside a tank vessel in berth shall only be carried out at times when the dock watchman and watch officer both agree that such servicing will not obstruct transfer operations or create a fire or safety hazard. In the event of a hazardous condition developing on board the tank vessel or in the immediate vicinity, servicing of the tank vessel shall cease until such time as it is safe to continue operations.
- (13) **Actions in case of oil spills and hazards.** In case of an oil spill or other hazard, all service vessels shall stand away from the tank vessel or vessels at dock until the hazard is abated and approval of the Fire Department is obtained to continue operations.
- (14) **Repairs on board vessel while in berth.** Engine repairs are prohibited while a vessel is at berth. Minor adjustments or maintenance that will not prevent prompt sailing in case of an emergency and will not interfere with the proper operation of the vessel's fire protection systems may be made while the vessel is in berth. Specifically prohibited is the removal of cylinder heads and drawing of pistons and liners.
- (15) **Repairs to electrical equipment and "hot work" repairs.** Repairs to electrical equipment may be undertaken providing switches controlling the circuits are open and locked or otherwise secured in the open position and marked against closure by proper warning signs. "Hot Work" repairs involving the use of electrically arcing heat- or flame-producing tools or similar equipment shall not be undertaken aboard a bulk flammable or combustible liquid tank vessel while at berth at any marine oil terminal in the City.
- (16) **Dead Vessel.** In no case shall a dead vessel be allowed to berth or remain at berth at any marine oil terminal without express permission of the Fire Chief or his/her authorized representative. In the event that a vessel becomes disabled causing it to be a dead vessel, the vessel operator shall immediately contact and have standing by adequate tugs to remove the vessel from the pier until the vessel regains its power. The Fire Chief may waive the requirement of removing the dead vessel if he judges it is not a potential threat to health, safety or welfare.

In the event of a dead vessel, the following shall be complied with:

- a. No product shall be transferred from or to the vessel.
  - b. A fire fighter shall be placed on the vessel to supervise a fire watch.
  - c. Fire watch shall be provided during the dead vessel.
  - d. Fire watch shall be provided during and two hours after the completion of hot work.
  - e. Hot work permit shall be obtained from the Fire Department prior to any hot work.  
The Fire Department shall set conditions of the work or deny the application for hot work.
- (17) **When tank barge considered operational.** A tank barge moored at a dock shall be considered operational as a live ship only when a tug is made fast to the tank barge, either alongside or within the notch of the tank barge; provided, however, that in the case of a tank

barge carrying a gasoline cargo, it shall be considered operational when either the preceding requirements are met or when the tug is affixed to and alongside the opposite side of the pier. In all cases the tug shall provide fire protection to the barge unless the barge has its own fire protection capabilities, or fire protection is provided by connection to the dock fire main and the dock fire main is pressurized.

- (18) **Tug, tank barge communications.** At all times when a tank barge is moored at a marine oil terminal, the tank barge crew and tug crew shall have available constant radio communications with one another.
- (19) **Permission for tug to leave.** With permission of the Fire Department the tug may leave the tank barge for service reasons only and shall be able to return to the tank barge within fifteen (15) minutes of the request. However, if the tug leaves the tank barge, the tank barge shall have a watch officer on board at all times during the tug's absence. In all cases adequate fire protection shall be provided for the tank barge in the absence of the tug.

#### **Sec. 8-8.15 When Transfer Operations Not Allowed, Not to be Continued.**

Transfer operations shall not be started, and if started, shall be discontinued when any of the following conditions arise:

- (1) If an electrical storm develops which, in the opinion of the terminal supervisor, dock watchman, or watch officer, is too severe for operations to be safely continued;
- (2) If a fire occurs on the dock, tank vessel, adjacent tank vessels or in the nearby vicinity;
- (3) If a tank vessel should break loose or if another vessel should come alongside which is not under control or is emitting sparks from its stack or is apt to collide with or otherwise present a hazard to the tank vessel in berth at the terminal;
- (4) If an oil spill occurs aboard the tank vessel, an adjacent tank vessel or on the dock or if a leak develops in joints of hoses or piping which cannot be immediately stopped by tightening;
- (5) If in the opinion of the terminal supervisor, dock watchman or watch officer a vapor condition develops aboard or around the tank vessel or dock which would be too serious to continue operations safely;
- (6) If any other emergency occurs which, in the opinion of the watch officer, dock watchman or terminal supervisor, constitutes a potential hazard to the tank vessel or facilities;
- (7) If the terminal or tank vessel is in violation of this Article;
- (8) If the high level alarm system within the terminal activates to warn of a possible or impending overflow;
- (9) When the ship becomes a dead vessel;
- (10) When, in the opinion of the Fire Chief or his/her authorized representative, conditions are such that transfer operations should be stopped and he/she requests that they be so stopped.

**Sec. 8-8.16 General Safety Provisions Relative to Transfers.**

- (a) Loading or unloading operations shall be carefully observed throughout the transfer, especially at the beginning, to ensure that all connections are tight and that the rate is known and is suitable, and especially as tanks on shore or on board the tank vessel are being topped off, when the rate shall be slowed down if necessary and the tank vessel and/or terminal personnel shall be alerted to stand by for stopping of transfer.
- (b) When two (2) or more tank vessels are moored in adjacent berths, and in the opinion of the terminal supervisor, dock watchman, watch officer, or a Fire Department representative, a hazardous (vapor) condition develops on or near the dock or on or near any one of such tank vessels, all transfer operations involving all such tank vessels shall be stopped and all sources of ignition, such as smoking, use of matches, lighters and open flames, except boiler fires, shall be eliminated and/or prohibited on all such tank vessels.
- (c) No transfer operation shall commence or continue when either the tank vessel or terminal is in violation of this Article.

**Sec. 8-8.17 Pollution Prevention.**

- (a) **Harbor contamination.** Every caution shall be exercised during transfer operations to prevent discharge of petroleum products into the waters of Portland Harbor. The terminal supervisor or dock watchman shall notify the Fire Department as soon as reasonably possible of any spill aboard the tank vessel or at the terminal which may enter the harbor or otherwise warrant a need for fire protection.
- (b) **Inspection report.** A written report entitled "Inspection Report - Marine Oil Terminal" furnished by the Fire Department shall be filled out for each tank vessel berthing and signed in the required spaces by the watch officer and the dock watchman and the latter shall be considered to act in the capacity of inspector for the purposes thereof. No transfer of product shall occur before this report has been completed and signed. Any transfer of product before the completion of this report or any other act of noncompliance with this Article shall be considered prima facie evidence of violation, subject to the penalties of Sec. 8-8.3 of this Article. The same form shall be used by the Fire Department for its purposes and upon completion of the Fire Department inspection the inspector shall sign the form and leave one copy with the dock watchman. If a tank vessel is not inspected by the Fire Department, the terminal shall retain one copy of the form and forward a second copy to the Fire Department on a weekly basis.

**Sec. 8-8.18 Notification of Tank Cleaning or Change in Product.**

Prior to cleaning or gas freeing any petroleum storage tank, the owner or person in control shall notify the Fire Chief in writing. Moving any product by any other means than by fixed pipeline must be done by approved standards and have the approval of the Fire Chief.

**Sec. 8-8.19 Closing of Bulk Oil Storage Facilities.**

Before any bulk oil storage facility or terminal is closed on either a temporary (in excess of forty-eight (48) hours) or permanent basis, the following standards shall be met:

- (a) All storage tanks and related piping shall be gas and lead free, as evidenced by an annual certificate from a qualified gas chemist.
- (b) Facilities to be abandoned in place shall be disconnected from all sources of the transported liquid such as other pipe lines, meter stations, control lines, and other appurtenances.
- (c) Facilities to be abandoned in place shall be purged of the transported liquid and vapor with an inert material and the ends sealed.

This section shall not apply to either the temporary or permanent closing of only a portion of a bulk oil storage facility which will otherwise remain in operation. Notwithstanding any provisions of this section to the contrary, the Fire Chief may approve in writing an alternate arrangement for closing such a facility provided in his/her exclusive judgment it is consistent with the purposes of this section.

**Sec. 8-8.20 Form of inspection report.**

The form for the inspection report shall be as approved by the Fire Chief and copies of the form shall be available in his/her office.

**Sec. 8-8.21 Warning Signs: When Required; Specifications.**

During the time a tank vessel is in berth, a warning placard carrying letters not less than two (2) inches high on a contrasting background shall be displayed near the gangplank. This placard shall read substantially as follows:

**WARNING**

**NO OPEN LIGHTS, NO SMOKING,**

**NO UNAUTHORIZED VISITORS**

**NO CELL PHONES**



## ARTICLE IX. GAS AND FLAMMABLE FLUIDS SAFETY

### Sec. 8-9.1 Permit Required for Excavation.

No person, firm or corporation, including the City's Public Works Department, shall make or cause to be made any opening or excavation in any City street, way or other place; or excavate or grade below natural grade any top soil, sod, loam, peat or other organic materials, and clay, sand, gravel, stone or other nonorganic earth materials through the use of any form of mechanized excavating or grading equipment, other than mechanized farm or garden machinery, within the City, without first obtaining a written permit from the Director of Public Works.

### Sec. 8-9.2 Public Works Application; Duties of Applicant; Permittee to Give Notice of Damage to Gas Lines.

- (a) Application for such permit shall be made to the Director of Public Works or his/her designee. Such application shall specify the name and address of the applicant; the name and address of the owner of the property upon which the work is to be performed; the location of the property where the work is to be performed; the date such work is to be performed; the purpose of the work; and evidence that the applicant has in force personal liability insurance covering his/her operations in the minimum amount as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order.
- (b) The applicant shall provide evidence satisfactory to the Director of Public Works that it has given notice to each private, public, municipal and quasi-municipal utility providing service within the City of its intent to excavate or grade, and that it has received from said utility the exact location of the utility's underground service lines within the area specified within the application.
- (c) If any excavations will block any City street, or public way, the applicant will so notify the Police and Fire Departments.
- (d) During any excavation, if any gas lines are damaged, the permittee will immediately notify the Fire Department and utility involved.

### Sec. 8-9.3 Installation of Shut-off Control Valve.

Upon the installation of new gas or other flammable service to any building or upon the renewal, repair or replacement of existing gas or other flammable service connected to any building, a shut-off control valve shall be installed in the service line which said valve shall be located at or near the property line of the premises served. No such shut-off valve shall be located in or under any public street or way.

### Sec. 8-9.4 Termination or Discontinuance of Service.

When gas or other flammable service to any building is terminated or discontinued, the existing service line for such service shall be terminated with a solid cap, plug, or underground curb type shut-off control valve located at or near the property line, but not in or under any public street or way.

**Sec. 8-9.5 Replacement of Gas Mains and Service Lines When Streets are Reconstructed.**

Upon the reconstruction of any City street, all gas main lines and building service lines which have been installed for a period of twenty (20) years or greater shall be replaced.

**Sec. 8-9.6 Safety Device Required.**

No person, firm, corporation or utility company distributing gas shall install or replace a meter for the purpose of measuring gas supplied to premises unless there shall have first been attached to the intake pipe just inside the building wall an automatic device designed to prevent the escape of gas in case of fire. No such automatic device shall be installed until it has been approved by the Fire Chief.

**Sec. 8-9.7 Utilities to be Terminated Before Building or Structure Demolished or Moved.**

No person, firm or corporation shall demolish or move any building or structure until all utility companies have been contacted and all utility services terminated and removed from the building or structure to be demolished or moved, the building inspector is hereby prohibited from issuing any required permit until this section has been complied with.

**Sec. 8-9.8 All Utility Companies to File Maps with Director of Public Works.**

Each utility company providing utility service in the City shall file forthwith the Director of Public Works maps showing the location of all underground utility service wires, lines, pipes, conduits, mains or other installations, owned, installed, maintained or used by the said utility company. Each such utility company shall update the required maps monthly to show the locations in which installations have been newly made or have been removed.

**Sec. 8-9.9 Penalty.**

The penalty for violating the provisions of this Article, in addition to injunctive relief, shall be a fine shall as provided for by 30-A M.R.S.A. § 4452, as may be amended from time to time. Each day during which a violation of the said Article continues shall constitute a separate violation.

**ARTICLE X. SELF-SERVICE GASOLINE DISPENSING STATIONS****Sec. 8-10. Self-Service Gasoline Dispensing Stations**

- Sec. 8-10.1** Every person, firm, or corporation who intends to construct, reconstruct, convert, or alter any service station to provide attended self-service gasoline dispensing shall furnish to the City plans of such proposed station that shall include the location of the pump island in respect to the control console and location of fire extinguishing controls.
- Sec. 8-10.2** Every gasoline service station shall be under the direct control of the owner, operator or duly authorized employee who shall be on duty at all times which gasoline is being sold or dispensed and trained in the operation of the controls of the dispensing equipment.
- Sec. 8-10.3** Each self-service gasoline dispensing facility shall be equipped with a fixed fire extinguishing system installed in accordance with the appropriate NFPA Code. Said system shall provide protection for all pumps in the dispensing area. Each extinguisher head shall be installed in such a manner that an accumulation of ice or snow will not adversely affect the proper function of the system.
- Sec. 8-10.4** The number of nozzles capable of simultaneous operation may not exceed sixteen nozzles per operator on duty in islands open to use, and no more than eight nozzles may be used at one time.
- Sec. 8-10.5** The controlling mechanism console and its related equipment are to be an approved type.
- Sec. 8-10.6** Gasoline shall be dispensed only by a competent licensed motor vehicle operator or by a qualified station attendant.
- Sec. 8-10.7** Instruction for the operation of dispensers shall be conspicuously posted, and in addition, signs bearing the words "Extinguish All Smoking Materials; Shut off Engine"; "No Cell Phone Use" in block letters at least two inches (2") in height shall be conspicuously posted at both ends of the pump island visible to approaching vehicles.
- Sec. 8-10.8** The controlling console providing power to the pump motor shall be in constant attendance by the owner, operator, or duly authorized employee at all times while gasoline is being dispensed and shall be properly protected against physical damage from motor vehicles.
- Sec. 8-10.9** There shall be constant contact by the control console operator and the pump island by means of inter-communication system which shall be maintained in proper operation at all times.
- Sec. 8-10.10** The control console operator must observe the filling operation of each vehicle. The control console operator shall, while gasoline is being dispensed, operate an approved dead-man control to be located at the control console. Such device may be an approved floor mat, foot switch, or hand-held switch with a six (6) foot cord. Mirrors are not

acceptable as providing adequate visual control. Visual control shall not be blocked by posters or store stock. No override mechanism shall be permitted.

- Sec. 8-10.11** The control console shall include a disconnect switch which will instantly cut off all pumping power.
- Sec. 8-10.12** No other method of self-service gasoline dispensing will be permitted.
- Sec. 8-10.13** Dispensing nozzles at self-service stations shall be of automatic-closing type without a latch-open device.
- Sec. 8-10.14** Self-service shall be defined as the filling of an approved gasoline container by a person other than an employee of the filling station. Only an employee of a filling station shall operate the filling equipment at a non-self-service station.
- Sec. 8-10.15** No portable plastic containers shall be filled while in a vehicle and not placed on the ground.
- Sec. 8-10.16** No unattended self-service gasoline station shall be permitted.
- Sec. 8-10.17** Fleet self-service areas shall be defined as self-service gasoline filling station used by employees of the business. Fire protection shall be required. Attendant supervision maybe waived by the Fire Department.

## ARTICLE XI. ESTABLISHMENT OF FIRE LANES

### Sec. 8-11 Purpose.

Fire lanes are established for the purpose of promoting the public health, safety, and welfare by recognizing that there exist and will in the future exist buildings and other areas within the City within which and to which the public will be invited, served, or housed. These buildings or other areas must be provided prompt adequate emergency services including access by firefighters and fire-fighting equipment and other emergency personnel and equipment in order to accomplish said purposes and effect the saving of life and property in emergency situations.

### Sec. 8-11.1 Definitions.

For purposes of this Article, the following definitions shall apply unless the context clearly implies otherwise:

- (a) **Fire Lane** is defined for the purposes of this Article as a designated unobstructed passageway at least twenty (20) feet in width with an outside turning radius of fifty (50) feet and constructed and maintained in a manner to permit free passage of fire apparatus and other emergency equipment and personnel from a public way to all necessary areas, regardless of season of year or weather conditions, around buildings, in areas or in developments or subdivisions as may be required elsewhere in this Article.
- (b) **Parking area** as defined in this Article means lots, areas or other accommodations for the parking of motor vehicles off the street, alley or other way, which said lots, areas or other accommodations are available for use by the public either with or without charge.
- (c) **Fire Access** is defined for the purposes of this Article as a designated unobstructed passageway of at least fifteen (15) feet in clear width from a public way to a designated fire lane, or from one designated fire lane to another designated fire lane. Fire access shall be required and approved by the Fire Chief when he judges it is necessary. All provisions of this Article that apply to “fire lanes” shall also apply to “fire access.”

### Sec. 8-11.2 Applicability.

The provisions of this Article shall, in order to accomplish the stated purpose, be applicable to all proposed and existing developments, subdivisions, buildings and other premises which are included within the following:

- (a) Nonresidential subdivisions as described in Chapter 24, Subdivisions, of the Code of Ordinances.
- (b) Any nonresidential development not requiring subdivision approval under Chapter 24, Subdivisions, of the Code of Ordinances or site plan review under Chapter 27, Zoning, of the Code of Ordinances.
- (c) Residential subdivisions as defined in Chapter 24, Subdivisions, of the Code of Ordinances.

- (d) Any proposed construction requiring site plan review under Chapter 27, Zoning, of the Code of Ordinances.
- (e) All schools whether public or private.
- (f) Hospitals.
- (g) Convalescent homes, rest homes, and/or nursing homes.
- (h) In addition to the foregoing, all other places of public assembly used for gathering together of fifty (50) or more persons.

### **Sec. 8-11.3 Establishment of Fire Lanes in the City.**

- (a) Each application for residential or nonresidential subdivision approval and each application for site plan review submitted to the planning board shall be reviewed by the Fire Chief and/or the fire marshal of the fire district within which said development or building is located. The said Fire Chief and/or fire marshal shall review each such application to determine the location of such fire lanes as are necessary under this Article and report his/her finding, recommendations and suggested designation of fire lanes to the planning board in writing, which findings, recommendations, and suggested designations of fire lanes shall be made a part of the record of proceedings before the planning board on each such subdivision site plan review application. In such cases, the decision of the planning board shall govern the requirements and designation of said fire lanes.
- (b) In any application for a building permit, occupancy or change of use permit not requiring subdivision or site plan review and approval but otherwise included within section 8-11.2 above, the Building Inspector shall notify the Fire Chief of the application for permit and the Fire Chief or fire marshal shall designate directly to the owner, owners or agent of the premises for which permit application is made the location of required fire lanes.
- (c) Within existing developments and premises to which this Article is applicable, the Fire Chief shall designate fire lanes by written order and shall notify in writing both the South Portland Planning Board and the owner, owners or agents of such development or premises by certified mail of such designation and of any specific requirements for compliance with this Article and, shall publish notice of such establishment of such fire lanes once in a newspaper having general circulation within the City. The Fire Chief shall file one copy of any order of designation of any such fire lanes with the City Clerk. Any person aggrieved by such order may file with the clerk within fifteen (15) days after the date of the receipt of such order written notice of appeal, setting forth therein reasons for the appeal. A public hearing shall be held by the South Portland Planning Board after which the board must affirm, modify or rescind such order within thirty (30) days of the public hearing. The board shall notify the Fire Chief, as may be applicable, by written communication, any and all action taken relative to the establishment of a fire lane.

### **Sec. 8-11.4 Maintenance and Identification of Fire Lanes.**

- (a) Fire lanes established under this Article shall be kept free of ice and snow and rubbish

containers or other obstructions. The owner, owners, agent or occupant of any premises to which this Article is applicable shall cause to be erected, installed and maintained at their own expense, permanent, adequate signs bearing the words "FIRE LANE--NO PARKING--VEHICLES WILL BE TOWED AT OWNER'S EXPENSE" in or adjacent to said fire lane and in accordance with section 8-11.4(b). Such owner, owners, agents or occupants shall cause such other and further designations as are reasonably required by the Fire Chief to warn persons to keep said fire lanes unobstructed. Failure to maintain a fire lane in accordance with this section shall render the owner, owners, agent or occupant of said development liable to a fine in accordance with the general penalty provision of this Chapter, with each continuing day of such violation constituting a separate offense.

- (b) Signs shall be located within three (3) feet of each end of a fire land and/or fire access and spaced a maximum of seventy-five (75) feet apart thereafter along each fire lane and/or fire access. Signs shall be within three (3) feet of the side of the fire land and/or fire access. In addition, one (1) sign is required for every twenty (20) foot increment or portion thereof on any island adjacent to a fire land and/or fire access. Signs may be mounted on buildings or existing posts or may be mounted on their own permanently set posts.

#### **Sec. 8-11.5 Compliance.**

Notice of establishment of fire lanes shall prescribe a reasonable time for compliance. If compliance is not obtained within said time, then such owner, owners or agents shall be subject to a fine in accordance with the general penalty provision of this Chapter. Each day following such specified time for compliance shall constitute a new and separate violation.

#### **Sec. 8-11.6 Parking Prohibited.**

- (a) No person shall park or permit to stand a motor vehicle in any fire lane established in accordance with this Article, except when actually picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle.
- (b) Whenever any vehicle shall be found parked in violation of the regulations as established above, any police officer may attach to such vehicle a notice to the owner or operator thereof that such vehicle has been parked in violation of the regulations. Such owner or operator shall pay a fine as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order, payment of which shall be due within five (5) business days of the issuance of the notice of violation. The registered owner of said motor vehicle shall be presumed to be the operator of such vehicle. Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this Article, in addition to the foregoing, may be towed upon the direction of a police officer, to any public or private parking facility and all expense of such towing, and any subsequent storage shall be borne by the registered owner or operator of such vehicle.

#### **Sec. 8-11.7 Separability.**

Should any section or provision of this Article be declared by the courts to be invalid, such decision shall not invalidate any other section or provision of this Article.

**Sec. 8-11.8 Table of Location of Fire Lanes.**

The City Council shall establish by order a schedule of “Fire Lanes” which shall be designated as Traffic Schedule No. 17 and kept on file in the Office of the City Clerk. Said schedule may be amended from time to time by City Council order.

## ARTICLE XII. CONSUMER FIREWORKS

### Sec. 8-12. Definitions.

As used in this Article, the following term shall have the meaning ascribed to it in this section:

*Consumer Fireworks* has the same meaning as the term set forth in 27 Code of Federal Regulations, Section 555.11, as may be amended from time to time, but includes only products that are tested and certified by a third party testing laboratory as conforming with United States Consumer Product Safety Commission standards, in accordance with 15 United States Code, Chapter 47.

### Sec. 8-12.1. Prohibition.

No person shall use, possess with the intent to use, sell, possess with the intent to sell or offer for sale consumer fireworks in the City; provided, however, that this Article does not apply to a person issued a fireworks display permit by the City and/or State of Maine pursuant to 8 M.R.S.A. § 227-A, as may be amended from time to time.

### Sec. 8-12.2. Penalties.

(a) Notwithstanding any provision of this Chapter to the contrary, any person who uses consumer fireworks or possesses consumer fireworks with the intent to use them in the City shall be punished by a fine as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order. For second and subsequent offenses, a fine as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order shall be imposed.

(b) Notwithstanding any provision of this Chapter to the contrary, any person who sells consumer fireworks or possesses consumer fireworks with the intent to sell them in the City shall be punished by a fine as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order. For second and subsequent offenses, a fine as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order shall be imposed.

### Sec. 8-12.3. Seizure and Disposal.

The City may seize consumer fireworks that the City has probable cause to believe are used, possessed or sold in violation of this Article or in violation of State law and shall forfeit the seized consumer fireworks to the State of Maine for disposal.



## ARTICLE XIII. PERMITS, FINES, AND APPEALS

### Sec. 8-13 Permits, Fines, Appeals

#### 8-13.1 Permits and Approvals.

**8-13.1.1** Unless otherwise expressly provided to the contrary in this Chapter, permit application and administration shall be handled by the Code Enforcement Office. Upon receipt of each completed application, the Fire Department shall review the application and determine whether such application complies with all of the requirements of this Chapter and shall report such findings to the Code Enforcement Office. The Code Enforcement Office shall not issue any permit unless and until the application has received a positive recommendation from the Fire Department.

**8-13.2** Applications for permits shall be made to the Code Enforcement Office on forms provided by the City and shall include the applicant's answers in full to inquiries set forth on such forms.

**8-13.2.1** Applications for permits shall be accompanied by such data as required by the Code Enforcement Office and shall be accompanied by any fee as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order.

**8-13.2.2** If an application for a permit is rejected by the Code Enforcement Office, the applicant shall be advised of the reasons for such rejection.

**8-13.2.3** Permits for activities requiring evidence of financial responsibility by the City shall not be issued unless proof of required financial responsibility is furnished.

#### 8-13.3 Approvals by Other Authorities Having Jurisdiction.

**8-13.3.1** The Code Enforcement Office shall have the authority to require evidence to show that other regulatory agencies having jurisdiction over the design, construction, alteration, repair, equipment, maintenance, process, and relocation of structures have issued appropriate approvals.

**8-13.3.2** Neither the Code Enforcement Office or the Fire Department shall not be held responsible for enforcement of the regulations of such other regulatory agencies unless specifically mandated to enforce those agencies' regulations.

#### 8-13.4 Misrepresentation.

**8-13.4.1** Any attempt to misrepresent or otherwise deliberately or knowingly design; install; service; maintain; operate; sell; represent for sale; falsify records, reports, or applications; or other related activity in violation of the requirements prescribed by this Chapter shall be a violation of this Chapter.

**8-13.4.2** Such violations shall be cause for immediate suspension or revocation of any related approvals, certificates, or permits issued by this jurisdiction.

**8-13.4.3** Such violations shall be subject to any other criminal or civil penalties as available by the federal, State or local law.

**8-13.5** A permit shall be predicated upon compliance with the requirements of this Chapter and shall constitute written authority issued by the City to maintain, store, use, or handle materials, or to conduct processes that could produce conditions hazardous to life or property, or to install equipment used in connection with such activities.

**8-13.6** Any permit issued under this Chapter shall not take the place of any other approval, certificate, license, or permit required by other regulations or laws.

**8-13.7** Where additional permits, approvals, certificates, or licenses are required by other agencies, approval shall be obtained from those other agencies.

**8-13.8** The Code Enforcement Office or Fire Department shall have the authority to require an inspection prior to the issuance of a permit.

**8-13.9** A permit issued under this Chapter shall continue until revoked or for the period of time designated on the permit.

**8-13.10** The permit shall be issued to one person or business only and for the location or purpose described in the permit.

**8-13.11** Any change that affects any of the conditions of the permit shall require a new or amended permit.

**8-13.12** The Code Enforcement Office 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.

**8-13.13** A copy of the permit shall be posted or otherwise readily accessible at each place of operation and shall be subject to inspection as specified by the Code Enforcement Office or Fire Department.

**8-13.14** Any activity authorized by any permit issued under this Chapter shall be conducted by the permittee or the permittee's agents or employees in compliance with all requirements of this Chapter applicable thereto and in accordance with the approved plans and specifications.

**8-13.15** No permit issued under this Chapter shall be interpreted to justify a violation of any provision of this Chapter or any other applicable law or regulation.

**8-13.16** Any addition or alteration of approved plans or specifications shall be approved in advance by the Code Enforcement Office, as evidenced by the issuance of a new or amended permit.

**8-13.17** Permits shall be issued by the Code Enforcement Office and shall bear the name and signature of the Code Enforcement Officer that of the Code Enforcement Officer's designated representative. In addition, the permit shall indicate the following:

- (1) Operation or activities for which the permit is issued
- (2) Address or location where the operation or activity is to be conducted

- (3) Name and address of the permittee
- (4) Permit number and date of issuance
- (5) Period of validity of the permit
- (6) Inspection requirements and other permit conditions

**8-13.18** Any application for, or acceptance of, any permit requested or issued pursuant to this Chapter shall constitute agreement and consent by the person making the application or accepting the permit to allow the Code Enforcement Office and Fire Department to enter the premises at any reasonable time to conduct such inspections as required by this Chapter.

**8-13.19** Revocation or Suspension of Permits.

**8-13.19.1** The Code Enforcement Office shall be permitted to revoke or suspend a permit or approval issued if any violation of this Chapter is found upon inspection or in case any false statements or misrepresentations have been submitted in the application or plans on which the permit or approval was based.

**8-13.19.2** Revocation or suspension shall be constituted when the permittee is duly notified by the Code Enforcement Office.

**8-13.19.3** Any person who engages in any business, operation, or occupation, or uses any premises, after the permit issued therefore has been suspended or revoked pursuant to the provisions of this Chapter, and before such suspended permit has been reinstated or a new permit issued, shall be in violation of this Chapter.

**8-13.20** Permits shall be required in accordance with Table 8-13.20(a) through Table 8-13.20(d).

**Table 8-13.20(a) Permit Requirement**

Permit Requirement	Operations and Materials Permit Required	NFPA 1, Fire Code (2009 ed.), Cross Reference Section No.
Aerosol Products	To store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 lb (226.8 kg)	61.1.2.3
Aircraft Fuel Servicing	To provide aircraft fuel servicing	42.4.1.2
Aircraft Hangars	For servicing or repairing aircraft	21.1.1
Aircraft Refueling Vehicles	To operate aircraft refueling vehicles	42.4.1.2
Airport Terminal Buildings	For construction and alteration	21.2.2.1
Ammonium Nitrate	For storage	65.10.2
Amusement Parks	For construction, alteration, or operation of amusement park fire protection safety features	10.15.1
Asbestos Removal	For the removal of asbestos	16.8.2
Automatic Fire Suppression Systems	For installation or modification	13.1.1.1; 50.4.2
Automobile Wrecking Yards	To operate automobile wrecking yards	22.2

Automotive Fuel Servicing	To provide automotive fuel servicing	42.2.2.1; 42.5.2.2.4; 42.5.3.1
Battery System	To install or operate stationary lead-acid battery systems having an electrolyte capacity of more than 100 gal (379 L) in sprinklered buildings or 50 gal (189 L) in non-sprinklered buildings	52.2
Candles, Open Flames, and Portable Cooking	To use in connection with assembly areas dining areas of restaurants, or drinking establishments,	17.3.4.6.1; 20.1.4.2.4.1
Carnivals and Fairs	To conduct a carnival or fair	10.15.1
Cellulose Nitrate Film	To store, handle, use, or display	20.15.6.2
Cellulose Nitrate Plastic	To store or handle more than 25 lb (11.3 kg)	43.1.1.4
Cleanrooms	For construction, alternation, or operation	23.3
Combustible Fibers	For storage or handling of combustible fibers greater than 100 ft <sup>3</sup> (2.8 m <sup>3</sup> )	45.1.3
Combustible Material Storage	To store more than 2500 ft <sup>3</sup> (70.8 m <sup>3</sup> ) gross volume	10.19.2; 19.1.1; 31.2
Commercial Rubbish-Handling Operation	To operate	19.1.1
Compressed Gases	To store, use, or handle compressed gases in excess of the amounts listed in Table 8-13.20(b). When the compressed gases in use or storage exceed the amounts listed in Table 8-13.20(b), a permit is required to install, repair damage to, abandon, remove, place temporarily out of service, close, or substantially modify a compressed gas system. For additional permit requirements for compressed gases facility closures, see NFPA 1, Sec. 63.1.2.	63.1.2
Consumer Fireworks (1.4G)	1. For the sale, on-site handling, and manufacture of consumer fireworks (1.4G)	65.5.2
	2. For the storage of consumer fireworks (1.4G) in excess of the amount listed in Table 8-13.20(d)	65.11.3.2
Covered Mall Buildings	Annual requirement for facilities that utilize mall area for exhibits or displays with 4 conditions	20.1.4.5.1
Crop Maze	To operate a crop maze	10.15.11
Cryogenics	To produce, store, or handle cryogenics in excess of amounts listed in Table 8-13.20(c) Exception: Where federal or state regulations apply or for fuel systems of a vehicle.	63.1.2
Cutting and Welding Operation	For operations within a jurisdiction	17.3.4.6.1;

		41.1.5; 41.3.1.2; 41.3.3.1
Display Fireworks (1.3G)	For possession, transportation, storage, manufacture, sale, handling, and discharge of display fireworks within the jurisdiction	65.2.3; 65.5.2
Drycleaning Plants	To engage in business of dry cleaning or to change to a more hazardous cleaning solvent	24.2
Dust-Producing Operations	To operate a grain elevator, flour mill, starch mill, feed mill, or plant pulverizing aluminum, coal, cocoa, magnesium, spices, sugar, or other similar combustible material	0.2
Exhibit and Trade Shows	For operation of all exhibits and trade shows held within a jurisdiction	20.1.4.5.1
Explosives	Manufacture, sell, dispose, purchase, storage, use, possess, or transport of explosives within the jurisdiction. For additional permit requirements for blasting operations, see NFPA 1, Sec. 65.9.2	65.9.2
Fire Alarm and Detection Systems and Related Equipment [Note (a)]	Installation or modification to fire alarm and detection systems and related equipment	13.1.1.1
Fire Hydrants and Water-Control Valves	To use a fire hydrant or operate a water-control valve intended for fire suppression purposes	13.1.1.1
Fire Pumps and Related Equipment [Note (a)]	Installation of or modification to fire pumps, jockey pumps, controllers, and generators	13.1.1.1
Flame Effects	Use of flame effects before an audience	65.4.2
Flammable and Combustible Liquids	<p>1. To use or operate, repair, or modify a pipeline for the on-site transportation of flammable or combustible liquids</p> <p>2. To store, handle, or use Class I liquids in excess of 5 gal (18.9 L) in a building or in excess of 10 gal (37.9 L) outside of a building.</p> <p>Exception to item (2): A permit is not required for the following:</p> <p style="padding-left: 40px;">(a) The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant, or</p> <p style="padding-left: 40px;">(b) The storage or use of paints, oils, varnishes, or similar flammable mixtures when such liquids are stored for maintenance, painting, or similar purposes for a period of not more than 30 days</p> <p>3. To store, handle, or use Class II or Class III-A liquids in excess of 25 gal (94.6 L)</p>	66.1.5

	<p>in a building or in excess of 60 gal (227.1 L) outside a building.</p> <p>Exception to item (3): Fuel oil used in connection with oil-burning equipment</p> <p>4. To remove Class I or Class II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes</p> <p>5. To install, construct, alter, or operate tank vehicles, equipment tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries, and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed, or used</p> <p>6. To install, alter, clean, repair, line with a protective coating, remove, abandon, place temporarily out of service, or otherwise dispose of a flammable or combustible liquid tank</p> <p>7. To change the type of contents stored in a flammable or combustible liquid tank to a material other than those for which the tank was designed and constructed</p>	
Fruit Ripening	To operate a fruit-ripening process	60.1.6.1.1; 63.1.2
General Storage	To store materials indoors or outdoors, representing a broad range of combustibles, including plastics, rubber tires, and rolls paper.	34.1.2
Grandstands, Bleachers, and Folding and Telescopic Seating	For construction, location, erection, or placement of grandstands, bleachers, and folding and telescopic seating	25.1.2
Hazardous Materials	To store, transport on site, dispense, use, or handle hazardous materials in excess of the amounts listed in Table 8-13.20(d) or to install, repair, abandon, remove, place temporarily out of service, close, or substantially modify a storage facility or other area regulated by Chapter 60 when the hazardous materials in use or storage exceed the amounts listed in Table 8-13.20(d)	60.1.6.1.1
High-Piled Combustible Storage	To use any building or portion thereof as a high-piled storage area exceeding 500 ft <sup>2</sup> (46.45 m <sup>2</sup> )	20.15.7.1.1
High-Powered Rocketry	For the manufacturing, sale, and use of	65.8.2;

	high-powered rocketry	65.7.2
Hot Work Operations	To conduct hot work	17.3.4.6.1; 41.1.5; 41.3.3.1
Industrial Ovens and Furnaces	For operation of industrial ovens and furnaces covered by NFPA 1, Chapter 51	51.1.2.1
Laboratories	For construction, alteration, or operation	26.3
Liquefied Petroleum Gases	<ol style="list-style-type: none"> <li>1. To store, use, handle, or dispense LP-Gas of 125 gal (0.5 m<sup>3</sup>) (water capacity) aggregate capacity or greater</li> <li>2. To install or modify LP-Gas systems</li> </ol>	42.5.2.2.4  69.1.2
Liquid- or Gas-Fueled Vehicles	To display, compete, or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings	20.1.4.5.1
Lumberyards and Woodworking Plants	For storage of lumber exceeding 100,000 board ft	31.2
Marine Craft Fuel Servicing	To provide marine craft fuel servicing	42.3.1.4
Membrane Structures, Tents, and Canopies - Permanent	For construction, location, erection, or placement	25.1.2
Membrane Structures, Tents, and Canopies - Temporary	To erect or operate an air-supported temporary membrane structure or tent having an area in excess of 200 ft <sup>2</sup> (186 m <sup>2</sup> ) or a canopy in excess of 400 ft <sup>2</sup> (37.2 m <sup>2</sup> ) Exception: Temporary membrane structures, tents, or canopy structures used exclusively for camping	25.1.2
Motion Picture and Television Production Studio Soundstages and Approved Production Facilities	To design, construct, operate, and maintain soundstages and approved production facilities used in motion picture and television industry productions.	32.2
Oil- and Gas-Fueled Heating Appliances	To install oil- and gas-fired heating appliances	11.5.1.6
Open Burning	To conduct open burning. For additional permit requirements for open burning, see 10.11.1	10.11.1
Open Fires	For kindling or maintaining an open fire. For additional permit requirements for open fires, see NFPA 1, Sec. 10.11.4(b)	10.11.1
Organic Coatings	For operation and maintenance of a facility that manufactures organic coatings	43.1.1.4
Organic Peroxide Formulations	To store, transport on site, use, or handle materials in excess of amounts listed in Tables 8-13.20(c) and (d)	70.1.2
Outside Storage of Tires	To store more than 500 tires outside	33.1.2

Oxidizers	To store, transport on site, use, or handle materials in excess of amounts listed in Tables 8-13.20(c) and (d)	70.1.2
Parade Floats	To use a parade float for public performance, presentation, spectacle, entertainment, or parade	10.17.1
Places of Assembly	To operate a place of assembly	10.15.1; 20.1.1
Pyrotechnic Articles	For the manufacture, storage, sale, or use of pyrotechnic articles within the jurisdiction	65.2.3; 65.3.3; 65.5.2; 65.11.3.2
Pyrotechnics Before a Proximate Audience	For the display and use of pyrotechnic materials before a proximate audience	65.3.3
Pyroxylin Plastics	For storage, handling, assembly, or manufacture of pyroxylin plastics	43.1.1.4
Private Fire Hydrants	For installation, modification, or removal from service of any private fire hydrants	13.1.1.1
Refrigeration Equipment	To install or operate a mechanical refrigeration unit or system regulated by this Chapter	53.4.1
Repair Garages and Service Stations	For operation of service stations and repair garages	30.1.1.3; 30.2.1.1
Rocketry Manufacturing	For the manufacturing of model rocket motors	65.7.2
Rooftop Heliports	For construction, modification, or operation of a rooftop heliport	21.3.2.1
Solvent Extraction	For storage, use, and handling	44.3
Spraying or Dipping of Flammable Finish	For installation or modification of any spray room, spray booth, or preparation work station, or to conduct a spraying or dipping operation utilizing flammable or combustible liquids or powder coating	43.1.1.4
Standpipe Systems [Note (a)]	For installation, modification, or removal from service of any standpipe system	13.1.1.1
Special Outdoor Events	For the location and operation of special outdoor events	10.15.1
Tar Kettles	To place a tar kettle, a permit must be obtained prior to the placement of a tar kettle	16.7.1.2; 17.3.4.6.1
Tire-Rebuilding Plants	For operation and maintenance of a tire-rebuilding plant	34.1.2
Tire Storage	To use an open area or portion thereof to store tires in excess of 500 tires	33.1.2; 34.1.2
Torch-Applied Roofing Operation	For the use of a torch for application of roofing materials	16.6.1
Wildland Fire-Prone Areas	For use of hazardous areas within fire-prone areas	17.3.2
Wood Products	To store wood chips, hogged material,	31.2

	wood by-products, lumber, or plywood in excess of 200 ft <sup>3</sup> (5.7 m <sup>3</sup> )	
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**Notes:**

(a) Maintenance performed in accordance with this Chapter is not considered a modification and does not require a permit.

**Table 8-13.20(b) Permit Amounts for Compressed Gases**

Type of Gas	Amount* ft <sup>3</sup>	Amount m <sup>3</sup>
Corrosive	200	0.57
Flammable	200	0.57
Highly toxic	Any amount	
Inert and simple asphyxiant	6000	169.9
Oxidizing (including oxygen)	504	14.3
Pyrophoric	Any amount	
Toxic	Any amount	
Unstable (reactive)	Any amount	

Note: See NFPA 1, Chapters 41, 42, 60, 63, and 69, for additional requirements and exceptions.  
\*Cubic feet measured at normal temperature and pressure.

**Table 8-13.20(c) Permit Amounts for Cryogenics**

Type of Cryogen	Inside Building (gal)	Outside Building (gal)
Corrosive	Over 1	Over 1
Flammable	Over 1	60
Toxic/Highly toxic	Over 1	Over 1
Nonflammable	60	500
Oxidizer (includes oxygen)	10	50

Note: See NFPA 1, Chapter 63.

**Table 8-13.20(d) Permit Amounts for Hazardous Materials**

Type of Material	U.S. Unit	Metric Unit
Cellulose nitrate	25 lb	11.3 kg
Combustible fiber	100 ft <sup>3</sup>	2.8 m <sup>3</sup>
Combustible liquids		See Table 8-13.20(a)
Consumer fireworks (1.4G)	10 lb	4.5 kg*
Corrosive Gases		See Table 8-13.20(b)
Corrosive liquids	55 gal	208 L
Corrosive solids	500 lb	227 kg
Cryogenics		See Table 8-13.20(c)

Display fireworks (1.3G)	Any amount	
Explosives	Any amount	
Flammable gases		See Table 8-13.20(b)
Flammable liquids		See Table 8-13.20(a)
Flammable solids	100 lb	45.4 kg
Highly toxic gases		See Table 8-13.20(b)
Highly toxic liquids	Any amount	
Highly toxic solids	Any amount	
LP-Gas		See Table 8-13.20(b)
Nitrate film (cellulose)	Any amount	
Organic peroxides:		See Table 8-13.20(a)
Class I	Any amount	
Class II	Any amount	
Class III	10 lb	4.5 kg
Class IV	20 lb	9 kg
Class V	Not required	
Unclassified detonatable	Any amount	
Oxidizing gases		See Table 8-13.20(b)
Oxidizing liquids:		See Table 8-13.20(a)
Class 4	Any amount	
Class 3	1 gal	3.8 L
Class 2	10 gal	38 L
Class 1	55 gal	208 L
Oxidizing solids:		See Table 8-13.20(a)
Class 4	Any amount	
Class 3	10 lb	4.5 kg
Class 2	100 lb	45 kg
Class 1	500 lb	227 kg
Pyrophoric gases		See Table 8-13.20(b)
Pyrophoric liquids	Any amount	
Pyrophoric solids	Any amount	
Toxic gases		See Table 8-13.20(b)
Toxic liquids	10 gal	38 L
Toxic solids	100 lb	45 kg
Unstable (reactive) gases		See Table 8-13.20(b)
Unstable (reactive) liquids:		
Class 4	Any amount	
Class 3	Any amount	
Class 2	5 gal	19 L
Class 1	10 gal	38 L
Unstable (reactive) solids:		
Class 4	Any amount	
Class 3	Any amount	
Class 2	50 lb	22.7 kg

Class 1	100 lb	45 kg
Water reactive liquids:		
Class 3	Any amount	
Class 2	5 gal	19 L
Class 1	10 gal	38 L
Water reactive solids:		
Class 3	Any amount	
Class 2	50 lb	22.7 kg
Class 1	100 lb	45 kg
Note: See NFPA 1, Chapter 60, for additional requirements and exceptions. *Unless the actual weight of the pyrotechnic composition of the consumer fireworks, 1.4G, is known, 25 percent of the gross weight of the fireworks, including packaging, is permitted to be used to determine the weight of the fireworks for the purpose of this table.		

### **8-13.21 Fire Prevention Permit Required for Installation and/or Modification of Fire Alarm/Detection/Smoke Control Systems.**

Permit application and administration shall be handled by the Code Enforcement Office. Upon receipt of each completed application, the Fire Department shall review the application and determine whether such application complies with all of the requirements of this Chapter and shall report such findings to the Code Enforcement Office. The Code Enforcement Office shall not issue any permit unless and until the application has received a positive recommendation from the Fire Department.

### **8-13.22 Electrical Permit Required For:**

- (a) The 120 Volt AC connection to the fire alarm control panel.

### **8-13.23 Inspection Fees**

Initial inspections and first reinspections to follow up on violations cited at the initial inspection will be at no cost to the property owner. All subsequent reinspections for violations cited in the initial inspection shall be charged at a rate as specified in the Schedule of License, Permit, Inspection and Application Fees established by City Council order.

### **8-13.24 Appeals**

**8-13.24.1** The Zoning Board of Appeals shall serve as the Board of Appeals for decisions rendered pursuant to this Chapter.

### **8-13.25 Rules of Board of Appeals.**

**8-13.25.1** The Board of Appeals may establish rules and regulations for conducting its business and shall render all decisions and findings in writing to the Fire Chief, with a copy to the appellant.

### **8-13.26 Duties of Board of Appeals.**

**8-13.26.1** The Board of Appeals shall provide for reasonable interpretation of the provisions of this Chapter and rule on appeals from decisions of the Code Enforcement Officer, Fire Department or Fire Chief.

**8-13.26.2** The ruling of the Board of Appeals shall ensure that the intent of the Chapter is complied with and public safety is secured.

**8-13.26.3** The Board of Appeals shall be permitted to grant alternatives or modifications to NFPA 1, Fire Code (2009 ed.), through the procedures outlined in Section 1.4 of the same.

**8-13.26.4** The Board of Appeals shall not have the authority to waive the requirements of this Chapter.

### **8-13.27 Procedures.**

The procedures of the Board of Appeals shall be as set forth in 30-A M.R.S.A. § 2691(3), as may be amended from time to time.

### **8-13.28 Means of Appeals.**

**8-13.28.1** Any person shall be permitted to appeal a decision of the Code Enforcement Office, Fire Chief or Fire Department to the Board of Appeals when it is claimed that any one or more of the following conditions exist:

- (1) The true intent of the national codes adopted by reference or provisions of this Chapter has been incorrectly interpreted.
- (2) The provisions of the national codes adopted by reference or provisions of this Chapter do not fully apply.
- (3) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

**8-13.28.2** An appeal shall be submitted to the Code Enforcement Office in writing within 30 calendar days of notification of violation outlining the provision from which relief is sought and the remedy proposed.

**8-13.28.3** All documentation supporting an appeal shall be submitted to the Code Enforcement Office.

### **8-13.29 Enforcement.**

**8-13.28.1** Except as may otherwise be provided herein, this Chapter shall be enforced by the Fire Chief, for whom the City's Police Department and Code Enforcement Office shall provide investigative and enforcement assistance.

### **8-13.30 Penalties; Violations.**

Except as otherwise expressly provided herein, any person, including but not limited to a landowner, a landowner's agent, or contractor who orders or conducts any activity in violation of this Chapter shall, in addition to injunctive relief, be penalized in accordance with 30-A, M.R.S.A. § 4452, as may

be amended from time to time. Each day during which a violation of the said Chapter continues shall constitute a separate violation. In addition to the penalties provided herein, the City may bring an action in the Superior Court or District Court to enjoin violations of this Chapter, for collection of fees, charges and costs, and for such other relief as may be provided by law.

(Ord. No. 7-12/13, 11/19/12 [Fiscal Note: Less than \$1000])



## ARTICLE XIV. COMMERCIAL PROPANE FACILITY FIRE PERMIT

### Sec. 8-14. Definitions.

As used in this Article, the following terms shall have the meaning ascribed in this section:

***Commercial propane distribution facility*** means any site holding, storing, containing, or distributing propane with aggregate capacity of 25,000 gallons or more of propane. A “commercial propane distribution facility” shall include transloading of liquefied petroleum gas (LPG) where this is no permanent structure or equipment for LPG unloading and loading; and in such case, the “commercial propane distribution facility” shall be deemed to be the site of the fire hydrant or any component part of fire suppression system closest to any transloading operations.

***Propane*** means any liquefied hydrocarbon gas obtained as a by-product in petroleum refining of natural gas production, and includes ***Liquefied petroleum gas (LPG)*** as a liquid consisting mostly of propane or butane or both.

***Public infrastructure*** means all buildings, structures or facilities which are above ground and occupied or used by the public, including but not limited to:

- (1) Airports;
- (2) Ambulance services or locations of search and rescue operations or post-emergency recovery services;
- (3) City Hall and all municipal service buildings;
- (4) Community centers and meeting halls, including places of worship or congregational buildings;
- (5) Court houses;
- (6) Correctional facilities;
- (7) Emergency preparedness and management services (including emergency shelter, food and water storage and distribution) and other county, state and federal government facilities providing emergency rescue or recovery services or aid;
- (8) Fire department buildings and facilities;
- (9) Regional food distribution facilities;
- (10) Government buildings, including but not limited to law enforcement buildings and facilities, and local, county, state, federal , or other government departments;
- (11) Heating and power plants;
- (12) Housing identified for the elderly, elder care facilities, or care facilities for disabled or veterans;
- (13) Homeland Security buildings and facilities;
- (14) Hospitals, health and medical clinics or offices, dental clinics or offices, rehabilitation centers, nursing homes and locations which produce or store medical supplies, medical equipment, pharmaceuticals or operational supplies;
- (15) Piers, wharves, docks, boat ramps, or public beaches

- (16) Power transmission facilities and high power transmission lines (135 kv and higher) and substations (but not including intra-city power lines);
- (17) Schools, including pre-schools or daycares, and post-secondary institutions;
- (18) Telecommunications buildings or facilities, including any telephone offices, switching stations, above ground trunk lines (but excluding telephone poles or wires), licensed commercial or government radio transmitters and offices, television studios and transmitters, and community cable facilities (but excluding aboveground cables providing local service);
- (19) Utilities including but not limited to aboveground pipelines, but excluding electronic aboveground monitoring devices; and

## **Sec. 8-14.1 Permits and Approvals Required.**

### **8-14.1.1 Fire Department Permit**

Notwithstanding any provision of the Code of Ordinances of the City of South Portland to the contrary, including any subsequently adopted or revised national building or national fire codes enacted after this date, unless explicitly stated otherwise:

- (i) No commercial propane distribution facility commencing operation after November 9, 2015; and
- (ii) No commercial propane distribution facility resuming operations after any cessation of commercial propane distribution facility operations, for any period of more than 120 consecutive days shall be permitted without having first notified the Fire Chief and been granted by the Fire Department an Article XIV fire safety permit for operation of a commercial propane distribution facility pursuant to the requirements of this Article XIV.

### **8-14.1.2 Safe Distance Measurement**

The Fire Department shall not approve a permit application for a commercial propane distribution facility, as provided in Sec. 8-14.1.1, if the commercial propane distribution facility is located within 1,257 feet of any public infrastructure.

The measurement shall be made in a straight line on a horizontal plane (i.e., without regard to intervening structures, objects, topography, or slope of land) and shall be the shortest straight line between the property line of a commercial propane distribution facility and the property line of public infrastructure. In applications where the “commercial propane distribution facility” and the “public infrastructure” are situated on the same lot, the measurement shall be the shortest distance between: 1) any side of any above ground container; or, for transloading operations where this is no permanent structure or equipment for LPG unloading and loading, the site of the fire hydrant or any component part of fire suppression system closest to any transloading operations, and 2) the nearest structural support element of the infrastructure. In any case, structures or portions of structures that are underground are not included in measuring required distances. Any measurements resulting in

fractions of one-half or greater shall be rounded up to the nearest whole number and fractions of less than one-half shall be rounded down to the nearest whole number.

### **8-14.1.3 Additional Permit Content**

In addition to the posting and public inspection requirements for permits of Secs. 8-13.13 and 8-13.17, in order to further protect first responders and public infrastructure, the Fire Chief, Chief of the Bureau of Fire Prevention, or their designee within the Fire Department, shall collect, retain and promptly distribute to municipal fire departments with whom the City of South Portland may have mutual aid agreements, the following information about any permitted commercial propane distribution facility, within 60 days or less from the issuance of any such permit:

- (a) the name, physical mailing address, e-mail contact, and emergency messaging contact for the facility;
- (b) the name, physical mailing address, e-mail contact, and emergency messaging contact for the owner of the facility;
- (c) the names, addresses, phone numbers, e-mails, and messaging addresses of at least two emergency-contact employees or agents responsible for such facility, who can be reached 24 hours a day, 7 days a week including all holidays;
- (d) a copy of the site plan of the facility as of the date of the fire permit application with a notation of any changes made over the past year that may affect or impair in any manner first responder action or decision making in the event of an emergency at that facility;
- (e) a copy of any emergency and evacuation plans for the facility (which shall include a description and illustration of the fire suppression system) and the surrounding neighborhood(s) including methods of notification of danger;
- (f) a list of propane and odorant release incidents (time, date, amount, source, location, point-of-origin) at that site and any fires, explosions or damage of any kind to the site, personnel or the public, and any structural damage and corrective actions taken or yet to be undertaken for the benefit of first responders.

### **Sec. 8-14.2 Mandatory Enforcement**

The Fire Department's measurement and enforcement of the 1,257-foot distance herein is mandatory, and shall not be waived, modified, or varied. Notwithstanding Sec. 8-4.3 "Modification of Code for Specific Cases," or any provision of the Code of Ordinances of the City of South Portland to the contrary, neither the Fire Chief nor the Chief of the Bureau of Fire Prevention, nor any of their delegees within the Fire Department, shall waive or modify any provision of this Article XIV so as to allow any less stringent requirements to be applied to commercial propane distribution facilities, and in the exercise of their permitting power herein shall not otherwise waive, modify, or vary these provisions.

Permits for commercial propane distribution facilities shall be processed pursuant to the permitting procedures of Article XIII, Sec. 8-13. The Fire Department shall not delegate or assign its permit

review and approval power and enforcement under this Article XIV, and under Secs. 8-13.1.1 & 8-13.29, to the Code Enforcement Officer or the Planning Department.

### **Sec. 8-14.3 Appeals**

Notwithstanding Sec. 8-13.24 or any provision of the Code of Ordinances of the City of South Portland to the contrary, appeals from a decision of the Fire Department denying a permit under this Article XIV shall be to the Superior Court.

### **Sec. 8-14.4 Penalties; Violations**

The provisions of Sec. 8-13.30 apply to this Article XIV, except that in the event the City brings an action pursuant to Sec. 8-13.30, the action shall be brought in the Superior Court.

### **Sec. 8-14.5 Applicability Date**

Notwithstanding the provisions of 1 M.R.S.A. § 302 or any other law to the contrary, this Article XIV when enacted shall govern any commercial propane distribution facility for which a permit application has not been submitted and acted on by the Fire Chief or Fire Department, as applicable, prior to November 9, 2015.

### **Sec. 8-14.6 Severability**

The sections, paragraphs, sentences, clauses and phrases of this Article XIV are severable, and if any phrase, clause, sentence, paragraph or section of this Article shall be declared unconstitutional, invalid or unenforceable by the valid judgment or decree of a court of competent jurisdiction or of a federal agency of competent jurisdiction, such unconstitutionality, invalidity or unenforceability shall not affect any of the remaining phrases, clauses, sentences, paragraphs and sections of this Article XIV. It is further the legislative intent that if any provision of this Article XIV is so declared or determined unconstitutional, invalid or unenforceable “as applied” to a particular applicant or class of applicant, then notwithstanding said declaration or decision, all permits and all sections, paragraphs, sentences, clauses and phrases remain in full force and effect as to all other permit-holders, applicants or classes of applicants outside the scope of said declaration or decision.

(Ord. #8-15/16, 3/21/16 [Fiscal Note: Less than \$1000])