

Town of Bridgton

FIRE PROTECTION AND LIFE SAFETY ORDINANCE



Enacted 11/06/2018

**TOWN OF BRIDGTON FIRE
PROTECTION AND LIFE
SAFETY ORDINANCE**

ARTICLE I. PURPOSE

To protect health, safety and general welfare of the residents and visitors of the Town of Bridgton by establishing fire protection measures; to ensure for the reasonable protection and safety of firefighters against building collapse and other effects of fires; to better facilitate the needs of the fire department; to ensure sound engineering practices are utilized when installing fire protection systems.

ARTICLE II. AUTHORITY AND ADMINISTRATION

Section 1. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII Part Second, Section 1 of the Maine Constitution and Title 30-A M.R.S., Section 3001.

2. This Ordinance shall be known as the "Fire Protection and Life Safety Ordinance" of the Town of Bridgton, Maine.

ARTICLE II. AUTHORITY AND ADMINISTRATION

Section 2. Administration

1. This Ordinance shall be administered by the Planning Board, the Bridgton Fire Chief or the Fire Chief's designee, or the Code Enforcement Officer of the Town of Bridgton, as appropriate.

2. The Town's reviewing authority under Paragraph 1 may waive any of the application requirements or performance standards when it determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and that the waiver would not adversely affect abutting landowners or the general health, safety and welfare of the Town.

ARTICLE III. REFERENCES AND DEFINITIONS

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows. References are incorporated only to the extent cited herein.

Cistern - An underground storage reservoir with an approved dry hydrant.

Dry Hydrant - An arrangement of pipe permanently connected to a water source other than a piped, pressurized water supply system that provides a ready means of water supply for fire-fighting purposes and that utilizes the drafting (suction) capability of a fire department pump.

Fire Pond - A fire pond is an area of water which is kept so it can be used if there is a fire

Fire Protection System - The water source, storage means, piping and hydrants, sprinkler systems, access roads and associated infrastructure provided for fire protection.

ISO PPC Class 8 - A Public Protection Classification ("PPC") established by Insurance Services Office, Inc. ("ISO"), a subsidiary of Verisk Analytics headquartered in Jersey City, New Jersey, in its Fire Suppression Rating Schedule ("FSRS") 2013 Revised Edition.

Fire Department Operations Area - A cut-out on the side of a road for a fire department vehicle access.

Rapid Entry Secure Box Program - A program administered by the Bridgton Fire Department to provide for secure boxes for keys to buildings and building systems to allow Fire Department and emergency personnel to enter buildings without the need to damage property.

ARTICLE IV. APPLICABILITY

This Ordinance shall apply to all occupancies in the Town of Bridgton, Maine subject to regulation under the National Fire Protection Association (NFPA) codes, and regulations of the Office of the State Fire Marshall, incorporated herein by reference, including, without limitation, assembly, educational, day care, health care, ambulatory health care, detention and correctional, residential, one and two family dwelling units, lodging or rooming house, hotel, dormitory, apartment building, residential board and care, mercantile, business, industrial, and storage occupancies. In addition, Article VIII applies to new residential construction in new subdivisions as defined in Subdivision Regulations of the Town of Bridgton. Prospective Applicants may contact the Bridgton Fire Chief at the Bridgton Town Office for more detailed information regarding applicability.

ARTICLE V. FIRE PREVENTION CODE

Section 1. The Town of Bridgton adopts by reference the National Fire Protection Association ("NFPA") #1, Uniform Fire Code, 2006 Edition, as adopted by the Maine Department of Public Safety, Office of the State Fire Marshall, by rule as Chapter 3, Fire Prevention Code, pursuant to 25 M.R.S. §§2452 and 2464.

Section 2. NFPA #1, Uniform Fire Code, 2006 Edition as adopted in Section 1 is subject to the exclusions and modifications included in the rule adopted by the Maine Department of Public Safety, Office of the State Fire Marshall, as Chapter 3, Fire Prevention Code, pursuant to 25 M.R.S. §§2452 and 2465.

Section 3. At least one copy of Chapter 3, Fire Prevention Code of the rules of the Maine Department of Public Safety, Office of State Fire Marshall and at least one copy of NFPA #1, Uniform Fire Code, 2006 Edition have been filed in the office of the Bridgton Town Clerk for 30 days prior to adoption of this Ordinance and have been, and shall be, kept there available for public use, inspection and examination as required by 30-A M.R.S. §3003(2) (A).

ARTICLE VI. LIFE SAFETY CODE

Section 1. The Town of Bridgton adopts by reference the National Fire Protection Association ("NFPA") Standard #101, Life Safety Code, 2009 Edition; NFPA #80, Standard for Fire Doors and other Opening Protections, 2010 Edition; and NFPA #220, Standard on Types of Building Construction, 2006 Edition as adopted by the Maine Department of Public Safety, Office of the State Fire Marshall, by rule as Chapter 20, Fire Safety in Buildings and Structures, pursuant to 25 M.R.S. §2452 and 8 M.R.S. §236.

Section 2. NFPA #101, Life Safety Code, 2009 Edition; NFPA #80, Standard for Fire Doors and other Openings Protections, 2010 Edition; and NFPA 220, Standard on Types of Building Construction, 2006 Edition as adopted in Section 1 are subject to the exclusions and modifications set forth in the rule adopted by the Maine Department of Public Safety, Office of the State Fire Marshall as Chapter 20, Fire Safety in Buildings and Structures pursuant to 25 M.R.S. §2452 and 8 M.R.S. §236.

Section 3. At least one copy of Chapter 20, Fire Safety in Buildings and Structures of the rules of the Maine Department of Public Safety, Office of the Sate Fire Marshall and at least one copy of NFPA #101, Life Safety Code, 2009 Edition; NFPA #80, Standard for Fire Doors and Other Opening Protections, 2010 Edition; and NFPA #220, Standard on Types of Building Construction, 2006 Edition have been filed in the office of the Bridgton Town Clerk for 30 days prior to adoption of this

ordinance, and have been and shall be available for public use, inspection, and examination pursuant to 30-A M.R.S. §3003(2) (A).

ARTICLE VII. CARBON MONOXIDE ALARMS

Section 1. The Town of Bridgton adopts by reference Chapter 9, Single-and Multiple-Station Alarms and Household Carbon Monoxide Detection Systems of the National Fire Protection Association Standard #720, Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment, 2009 Edition, as adopted by the Maine Department of Public Safety, Office of the State Fire Marshall, by rule as Chapter 18, Carbon Monoxide Alarms, pursuant to 25 M.R.S. § 2468 with the exclusions in Section 2.

Section 2. Exclusions: The following subsections of Chapter 9, Single-and Multiple-Section Alarms and Household Carbon Monoxide Detection Systems of the National Fire Protection Association Standard #720, Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment, 2009 Edition, are not adopted:

- A. Subsection 9.1.3;
- B. Subsection 9.4.1.1, numbers 2 and 3;
- C. Subsection 9.5.3, Primary Power Supply---Monitored Battery;
- D. Subsection 9.6.1.2.

Section 3. At least one copy of Chapter 18, Carbon Monoxide Alarms, of the rules of the Maine Department of Public Safety, Office of the State Fire Marshall, and at least one copy of NFPA Standard #720, Chapter 9, 2009 Edition, have been filed in the office of the Bridgton Town Clerk for 30 days prior to adoption of this Ordinance and have been, and shall be, kept there available for public use, inspection and examination as required by 30-A M.R.S. §3003(2) (A).

ARTICLE VIII. FIRE PROTECTION IN NEW SUBDIVISIONS

Section 1. The Town of Bridgton adopts by reference the following standards applicable from the date of adoption of this Ordinance to all new residential construction in new subdivisions, as defined in the Subdivision Regulations of the Town of Bridgton:

- (a) NFPA #1, Uniform Fire Code, 2006 Edition;
- (b) NFPA Standard 1142, Standard on Water Supplies for Suburban and Rural Firefighting, 2017 Edition, Chapter

8, Sections 8.7.1 and 8.7.6.; and

- (c) If sprinkler systems are installed in new residential construction in new subdivisions, the sprinkler systems shall comply with NFPA Standard 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2016 Edition.

Section 2. At least one copy of NFPA #1, Uniform Fire Code, 2006 Edition; NFPA Standard 1142, Standard on Water Supplies for Subdivision and Rural Firefighting, 2017 Edition, Chapter 8, Sections 8.7.1 and 8.7.6; and NFPA Standard 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2016 Edition; and have been filed in the office of the Bridgton Town Clerk for 30 days prior to adoption of this Ordinance and have been, and shall be, kept there available for public use, inspection and examination as required by 30-A M.R.S. §3003(2)(A).

Section 3 - Water Supply. In any new subdivision, there shall be provided a reliable water supply for firefighting. The water supply must be of suitable capacity to provide a sufficient fire flow for the largest proposed structure within the development. If public fire hydrants and/or approved dry hydrants are not available within 1000 feet of each lot, the subdivider shall be responsible for providing adequate fire protection water supply. Subdivisions shall provide adequate fire protection water supply in accordance with PPC Class 8, of the ISO Fire Suppression Rating System, 2013 Revised Edition, which is hereby incorporated by reference. At least one copy of the ISO Fire Suppression Rating System, 2013 Revised Edition, as incorporated by reference in this section, has been filed in the office of the Bridgton Town Clerk for 30 days prior to the adoption of this Ordinance, and has been and shall be available for public use, inspection and examination pursuant to 30-A MRS § 3003(2)(A).

Acceptable methods include, but are not limited to, natural perennial or man-made fire ponds with an approved dry hydrant, underground storage reservoirs (cisterns) with an approved dry hydrant, approved pumping relay station, or approved residential sprinkler systems in dwelling units. If water storage means are provided, such means shall be located not further than 1000 feet from any dwelling. A combination of methods may be used to satisfy this requirement.

Section 4 - Pumping Relay Stations. If a tanker shuttle service is provided, the following requirements shall be met:

a. The center of the relay station shall be within 1-1/2 miles on public and/or year-round roads of an ISO PPC Class 8 water source. The Bridgton Fire Department shall be responsible for maintenance of a list of such water sources.

b. The center of the relay station shall be no further than 1,000 feet as measured along the roadway that can be traversed by fire apparatus from any dwelling structure in the subdivision.

c. The relay station lot shall be a minimum of 45 feet deep by 75 feet along the access road, to accommodate pumper engine, tanker engine(s), and tank. The relay station lot shall be constructed and maintained for all-season availability, and shall be constructed to the road standards of the Subdivision Regulations. The developer or the homeowners' association shall be responsible for clearance of snow, parked vehicles, or other obstructions.

Section 5 - Design and Approval. Where fire ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest projected water level, less an equivalent of three feet of ice. A detailed plan of the required pond, dry hydrant, piping, and/or access road, bearing the stamp of a registered Professional Engineer, shall be submitted as part of the application. The Code Enforcement Officer and Fire Chief shall approve the design of all water storage arrangements for fire ponds, cisterns and pumping relay stations. Water storage arrangements shall be made available as soon as combustible materials accumulate.

Section 6 - Sprinkler Systems. If sprinkler systems are installed in any construction of one and two family dwellings or manufactured Homes, subject to this Article, the sprinkler systems shall comply with NFPA Standard 13D, Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes, 2016 Edition.

Section 7 - Maintenance of Water Storage Means. Water storage means and dry hydrants associated with water storage arrangements shall be maintained as required by NFPA 1142, Chapter 8, 2017 Edition, Sections 8.7.1 and 8.7.6. The developer or homeowners association shall be responsible for the maintenance of the fire protection system, if common storage means are used. Required maintenance shall include snow removal and the cutting of brush and grass so that the water source is readily visible and

accessible at all times. If the water source includes tanks, the property owner shall be responsible for the initial filling of any tanks that may be used, for the maintenance of the tanks and for maintaining the required water level in the tanks. In the event that the Fire Department utilizes the tanks, it will be responsible for refilling them after each use.

Section 8 - Maintenance of Sprinkler Systems. Maintenance of individual sprinkler systems shall be the responsibility of the individual owner.

Section 9 - Road and Relay Station Maintenance. All roads and relay stations approved as part of a subdivision shall be maintained for Bridgton Fire Department access in perpetuity, including tree and brush trimming, snow removal, and removal of other obstructions such as gates or signs. The developer or homeowners association shall be responsible for the maintenance of the roads and relay stations. This provision shall not prohibit a seasonal road from being maintained seasonally.

Section 10 - Inspection of Fire Protection Systems. Fire protection systems other than sprinkler systems shall be subject to annual inspection by the Bridgton Fire Department. Deficiencies shall be remedied by the developer or homeowners association as appropriate.

Section 11 - Easement Deed. When water storage means are to be used, the developer or property owner installing a water supply facility located on privately owned property to satisfy the water supply requirement set forth in this Article must provide the Town with an easement for access to and use of the water source. The easement shall be subject to the review and approval of the Town attorney. The easement must provide acceptable access over all private property between the closest Town road and the water source providing the Town of Bridgton with the right to enter onto the property in order to use, train with, or check the functionality of the storage means.

Section 12 - Access for Firefighting. All proposed roads subject to this code shall meet requirements set forth in the Town of Bridgton Subdivision Regulations. All road plans shall meet fire department approval for Fire Department equipment operations. If any waiver from road grade requirements is granted, as allowed in the Subdivision Regulations, water supply distance requirements shall be

measured from each end of the waived grade(s). All properties shall have access for firefighting in accordance with NFPA 1, Uniform Fire Code, 2006 Edition. The owner of any property subject to this Ordinance protected by any locked gate, fence or chain shall provide the Fire Department access to same as approved by the Fire Chief or designee.

Section 13 - Waiver. In the event that sprinklers are provided in all dwellings within a subdivision, the provisions of Section 11 may be waived by the Planning Board.

ARTICLE IX. Establishment of Fire Lanes on Private Property Devoted to Public Use

1. All applications for commercial subdivision and site plan review submitted to the Planning Board shall show the location of proposed fire lanes. The location of fire lanes shall be subject to the review and approval by the Fire Chief or designee, who may require a different location if the proposed location is determined not to provide suitable access for firefighting equipment.
2. The developer or property owner shall be responsible for keeping all fire lanes clear of snow, ice, and other obstructions. The developer or property owner, shall install and maintain at his/her own expense, permanent signs bearing the words "FIRE LANE - NO PARKING - VEHICLES TO BE TOWED AT OWNER'S EXPENSE." The location of these signs shall be approved by the Fire Chief or designee and shall be shown on the approved subdivision or site plan and their continued maintenance shall be enforceable as a condition of the plan.
3. Failure to maintain a fire lane in accordance with this section is a violation subject to the enforcement provisions of this Ordinance.
4. No person shall park or leave standing for any period of time a motor vehicle in a fire lane designated under this Ordinance. Any law enforcement officer empowered to act in the Town of Bridgton shall have the authority to enforce parking restrictions in any designated fire lane.

ARTICLE X. Rapid Entry Secure Box Program

The Town of Bridgton Fire Department shall administer a Rapid

Entry Secure Box program which shall be used to provide access to all new commercial buildings, and to existing commercial buildings on a voluntary basis, for emergency purposes. The Fire Chief or designee shall serve as the administrator for the Rapid Entry Secure Box Program. The number, make, model and location of the secure box(s) shall be determined by the Fire Chief or designee. All keys required to operate a building's life safety signaling and fire suppression systems, electrical rooms and panels, as well as a master building key shall be placed in the Rapid Entry Secure Box.

ARTICLE XI. Validity, Severability and Conflict with Other Ordinances

1. Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision of the Ordinance.
2. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code or Statute, the more restrictive requirements shall apply.
3. This Ordinance shall not repeal, annul or otherwise impair or remove the necessity of compliance with any federal, state or other local laws, codes or ordinances. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.
4. Nothing herein shall exempt any applicant or proposed development or land use from the requirement(s) of complying with other applicable Ordinances and Regulations of the Town of Bridgton.

ARTICLE XII. Effective Date

1. The effective date of this Ordinance, as originally enacted, was 30 days after approval by Town Meeting Vote, i.e. June 10, 2014. The effective date of the within amendments shall be 30 days after approval by Town Meeting vote.

ARTICLE XIII. Review

1. This Ordinance shall be reviewed by Town of Bridgton Planning Board at least every three (3) years with Fire Department's input.

ARTICLE XIV. Amendments

1. This Ordinance may be amended by referendum. Amendments must

be submitted to the Municipal Officers by the Planning Board following the requirements below for publishing and posting a public hearing.

a. A notice must be posted in the municipal office at least thirteen (13) days before the public hearing.

b. The notice must be published at least two (2) times in a newspaper that has a general circulation in the municipality. The date of the first publication must be at least twelve (12) days before the hearing and the date of the second publication must be at least seven (7) days before the hearing. The notice must be written in plain English and understandable by the average citizen.

ARTICLE XV. ENFORCEMENT

Section 1 - Nuisances. Any violation of this Ordinance shall be deemed to be a nuisance.

Section 2 - Violations. When a violation of any provision of this Ordinance shall be found, the Code Enforcement Officer or the Chief of the Bridgton Fire Department or the Fire Chief's designee shall send a written notice of the violation to the responsible party or parties and shall notify the Board of Selectmen of the violation. If the notice does not result in the correction of the violation, the Board of Selectmen may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Board of Selectmen is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

Section 3 - Penalties. As provided in 30-A M.R.S. § 4452, any person, firm corporation, or other legal entity who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$2,500, and each day on which violations shall continue shall constitute a separate offense.

ARTICLE XVI. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer ("CEO") Planning Board, Fire Chief, or Fire Chief's designee, may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Bridgton Uniform Fee Ordinance.

3. Appeals from decisions of the CEO, the Planning Board, Fire Chief or Fire Chief's designee made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO, Planning Board, Fire Chief, or Fire Chief's designee, for further proceedings.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not

supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the Code Enforcement Office, Fire Chief or Fire Chief's designee or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty-five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A M.R.S. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.

Enacted: The effective date of this Ordinance, as originally enacted, was 30 days after approval by Town Meeting, i.e June 10, 2014. Per Article XII, the effective date of the within amendments shall be 30 days after approval by Town Meeting, i.e. November 6, 2018.

+ -

