

Chapter 10 FIRE PREVENTION AND PROTECTION*

***Cross reference(s)**--Civil emergency preparedness, § 2-401 et seq.; buildings and building regulations, Ch. 6; electrical regulations for fire alarms, § 6-41; fireworks in cemeteries, § 7-138; fire protection in day-care facilities, § 8-41; selling toy balloons with flammable gases prohibited, § 17-31; following fire apparatus, § 28-99; crossing fire hose, § 28-100.

State law reference(s)--Fire prevention and fire protection, 25 M.R.S.A. § 2351 et seq.; municipal fire protection, 30-A M.R.S.A. § 3151 et seq.

- Art. I. NFPA 101: Life Safety Code, §§ 10-1--10-15
- Art. II. NFPA 1: Fire Code, §§ 10-16--10-21
- Art. III. Enforcement and Appeals, §§ 10-22--10-25
- Art. IV. Hydrants, §§ 10-26--10-36
- Art. V. Reserved, §§ 10-37--10-65
- Art. VI. Fire Suppression Systems, §§ 10-66 - 10-90
- Art. VII. Open Burning, §§ 10-91 - 10-99
- Art. VIII. Signaling Systems for the Protection of Life and Property
§§ 10-100 - 10-107

ARTICLE I. LIFE SAFETY CODE

Sec. 10-1. Adoption of National Fire Protection Association 101: Life Safety Code.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, a code known as the National Fire Protection Association (NFPA) 101: Life Safety Code (hereinafter referred to as the "Life Safety Code") recommended by the National Fire Protection Association, being particularly the ~~2018~~2009 edition thereof and the whole thereof, except for such portions as are added, deleted, modified or amended by section 10-3, of which code not less than one (1) copy 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, and shall be controlling within the limits of the city.

(Ord. No. 188-00, § 6, 4-24-00; Ord. No. 214-01/02, § 1; Ord. No. 25-10/11, 8-16-

10)

Sec. 10-2. Definitions.

Wherever the words "authority having jurisdiction" are used in the Life Safety Code, they shall be held to mean the chief of the fire department of the City of Portland, or his or her duly authorized representative or a housing safety official designated by the city manager.

Wherever the word "municipality" or "city" is used in the Life Safety Code, it shall be held to mean the City of Portland.

Special hazard dwelling unit shall mean any structure containing twelve (12) or more dwelling units.
(Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. 298-14/15, 7-6-2015)

Sec. 10-3. Amendments.

The NFPA 101: Life Safety Code adopted by section 10-1 is added to, amended, modified and deleted in the following respects:

(a) The following provisions shall be added to the Life Safety Code as un-numbered sections, and shall modify or replace any provisions of the Life Safety Code to the contrary:

i. "In addition to the circumstances under which a fire watch may otherwise be required or allowed by the Life Safety Code, in the case of structures posing significant life safety risks that might result in the displacement of person(s), a fire watch ~~not to exceed seven days~~, with specifications and criteria to be set by the authority having jurisdiction, may be ~~instituted~~ required if said watch is approved by the authority having jurisdiction, in consultation with the City Manager, and Corporation Counsel, ~~and the Director of Permitting and Inspections.~~"

ii. Where the Life Safety Code requires that a sprinkler system be installed, but permits a partial sprinkler system, a full sprinkler system shall be required such that the building is protected throughout as required by the applicable

standard.

iii. Notwithstanding any provisions to the contrary, Carbon Monoxide (CO) alarms and/or detection shall be subject to the following requirements:

a. The following shall be protected throughout with CO alarms and/or detectors:

i. Existing residential occupancies; and

ii. All new occupancies, other than industrial occupancies and storage occupancies.

b. ~~All residential occupancies, and all new multiple occupancies containing parking structures shall be protected~~ CO alarms and/or detection shall be installed in accordance with NFPA 720, *Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment*, ~~2015~~²⁰⁰⁹ edition, except that:-

i. All new construction must have CO alarms and/or detectors hardwired;

ii. All new CO alarm and/or detector installations, with the exception of new installations in one- or two-family dwellings, must be hardwired; and

iii. The authority having jurisdiction may approve new, alternative CO alarm and/or detector technology as it becomes available, so long as it provides the same amount of protection as required by this Article.

iv. New decks or balconies with access from a common space shall be subject to the following requirements:

a. They shall be reviewed as a new assembly occupancy; and

b. An alarm notification device shall be

installed at the balcony or deck level for occupant notification. The device shall operate upon activation of the fire suppression and/or detection system(s) inside the building.

~~v. New smoke alarm installations must use photoelectric technology.~~

~~Further, in new single or multiple station smoke alarm installations in buildings subject to NFPA 101, Chapter 31, the primary power source must be the building's electrical service and the smoke alarms must be provided with a secondary (standby) power source. Therefore, the following sections shall be deleted:~~

~~Section 31.3.4.5.2~~

~~Section 31.3.4.5.4~~

Notwithstanding any provisions to the contrary, smoke alarms and/or detection shall be subject to the following additional requirements:

a. All smoke alarms and/or detection in new construction or major renovations shall be hardwired with battery backup, shall be interconnected, and shall use photoelectric technology.

b. All smoke alarms and/or detection in new installations, except in existing one- and two-family dwellings shall be hardwired with battery backup and shall use photoelectric technology.

c. All smoke alarms and/or detection in new installations in existing one- and two-family dwellings shall either meet the requirements for new installations above, or shall be 10-year sealed lithium battery alarms using photoelectric technology.

d. The authority having jurisdiction may approve new, alternative smoke alarm and/or detection technology as it becomes available, so long as it provides the same amount of protection as

required by this Article.

vi. Wherever the requirements governing stairs in the Life Safety Code conflict with the Maine Uniform Building and Energy Code adopted pursuant to 10 M.R.S. § 1103 (MUBEC), the provisions in MUBEC shall control. ~~Stair risers, guards, treads, and tread nosing.~~ The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾" riser for newly constructed stairs in one and two family dwellings only. The minimum height of guards as prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one and two family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.5 is modified to permit a nosing at least ¾" but not more than 1 ¼" in depth for newly constructed one and two family dwellings.

(b~~n~~) Inspections. The authority having jurisdiction, upon proper identification, shall have the right to enter at any and all reasonable times for the purpose of inspecting in order to determine compliance with the provision of this Life Safety Code into or upon ~~any of the following premises: any rental unit subject to registration under section 6-151; any premises subject to this article, with the exception of premises subject to Chapter 24 of NFPA 101; any premises when any governmental agency having jurisdiction over a particular premises should request it to do so; or any premises in response to a complaint regarding conditions governed by this Chapter.~~ It shall be a violation of this article for any person either to interfere with or to prevent such inspection.

(a~~c~~) Section ~~3.3.32-83.3.37.8~~ shall be amended to read as follows:

Historic Building: A building designated a Landmark or Contributing Building within a local or National Register

historic district, pursuant to Chapter 14, Article IX of the ~~Portland City~~ Code.

- (dj) Section 7.2.2.5.5 shall beis amended as followsto add the following language:

~~7.2.2.5.5 Exit Stair Path Markings.~~ Exit stair path marking shall also be installed for all new high-rise buildings in accordance with 7.2.2.5.5.1 through 7.2.2.5.5.11.

- (ee) Section 9.7.1.1 shall be amended to add the following language:-

~~The authority having jurisdiction shall have power to amend modify the water supply requirements of sections 9.7.1.1(1), 9.7.1.1(2), or 9.7.1.1(3) this section~~ for individual installations where meeting such requirements are impractical, financial reasons not being a consideration, and provided such requirements shall not be less stringent thanthen the minimum water supply requirements for sprinkler systems in the State of Maine.

- (fd) Subsections 12.3.5.3(3) and (4) shall be deleted.

- (g) ~~;~~ and Subsections 13.3.5.3(1) and (2) shall be deleted;
~~delete.~~

- ~~(e) Unvented fuel fired heaters shall not be used in a bedroom or bathroom or in a manufactured home.~~

- ~~(f) Section 43.6.4.1; delete only the automatic sprinkler requirement for one and two family7 dwelling units undergoing renovations.~~

- ~~(g) Section 39.3.4.4. Fire department notification shall be accomplished in accordance with section 9.6.4.~~

- ~~(k) Annex B, Elevators for Occupant-Controlled Evacuation Prior to Phase I Emergency Recall Operations, is hereby incorporated by reference.~~

- ~~(m) The provisions of the Life Safety Code shall apply to all rental units as that phrase is defined in Portland City Code Chapter 6, §6 151.~~

- ~~(o) Appeals. Appeals shall be governed by Chapter 10, Article III, Enforcement and Appeals, §10-23 of the Portland City Code.~~
- ~~(p) All new buildings shall comply with the authority having jurisdiction's Standards for Building, Stair, Floor, Suite and Room designation system.~~
- ~~(q) Existing buildings shall comply with the authority having jurisdiction's Standards for Building, Stair, Floor, Suite and Room designation system where practicable as determined by the authority having jurisdiction.~~
- ~~(r) Section 4.6.4.3. Rehabilitation projects in buildings or structures shall not be considered historic buildings under the provisions of this Code by this fact alone. The provisions of section 43.10 shall apply to buildings or structures designated or eligible for designation or located within a historic district if deemed necessary by the Department of Planning and Urban Development or as required by Article IX of the Portland City Code or to comply with the Secretary of the Interior Standards for Historic Preservation under federal or state review requirements.~~

(Ord. No. 188-00, § 6, 4-24-00; Ord. No. 214-01/02, Ord. No. 25-10/11, 8-16-10; Ord. No. 215-11/12, 7-2-12; Ord. No. 53-13/14, 10-7-13; Ord. 298-14/15, 7-6-2015; Ord. 127-16/17, 2-22-2017)

~~**Sec. 10-4. Special Hazard Dwelling Units.**~~

~~—(a) The following shall be located on site in special hazard dwelling unit(s) in a fire resistant container and in a location fully accessible by the authority having jurisdiction at all times:~~

- ~~(1) A detailed floor plan depicting the existing conditions of the building and, if available, a full set of building blueprints; and~~
- ~~(2) Sufficient master keys to the building, as determined by the authority having jurisdiction; and~~
- ~~(3) A list of special hazards within the building; and~~
- ~~(4) Emergency contact information and location of any~~

~~occupants requiring special assistance in the event of an emergency; and~~

~~(5) Plans for new special hazard structures shall be filed with the authority having jurisdiction in an approved electronic format.~~

~~(6) An approved sign shall be provided in a location approved by the authority having jurisdiction indicating the current building owner, property management company, or condominium association responsible for the building; and legal mailing address and phone number of said entity.~~

~~(b) Low proximity signage, identifying the number of each dwelling unit by number or letter or both, shall be installed on each access door as follows: The bottom of the sign shall be at least six (6) inches but not more than eight (8) inches above the floor. Letters and numerals shall be retro reflective, three (3) inches high and comply with 7.10.8.2 of the Life Safety Code.~~

~~-(Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. No. 215-11/12, 7-2-12)~~

- Sec. 10-5. Reserved.
- Sec. 10-6. Reserved.
- Sec. 10-7. Reserved.
- Sec. 10-8. Reserved.
- Sec. 10-9. Reserved.
- Sec. 10-10. Reserved.
- Sec. 10-11. Reserved.
- Sec. 10-12. Reserved.
- Sec. 10-13. Reserved.
- Sec. 10-14. Reserved.
- Sec. 10-15. Reserved.

ARTICLE II. FIRE CODE

Sec. 10-16. Adoption of National Fire Protection Association 1: Fire Code.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that a certain code known as the National Fire Protection Association (NFPA) 1: Fire Code (hereinafter referred to as the Fire Code) recommended by the National Fire

Protection Association, being particularly the ~~2018~~2009 edition thereof and the whole thereof, and except for such portions as are added to, deleted, modified or amended by section 10-18, of which code not less than one (1) copy 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, and shall be controlling within the limits of the city.

(Code 1968, § 321.1; Ord. No. 389-72, 9-6-72; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10)

State law reference(s)--Authority to adopt codes by reference, 30-A M.R.S.A. § 3003.

Sec. 10-17. Definitions.

(a) Wherever the word "municipality" or "city" is used in the Fire Prevention Code, it shall be held to mean the City of Portland.

(b) Wherever the words "authority having jurisdiction" are used in the Fire Prevention Code, they shall be held to mean the chief of the fire department of the City of Portland, or his or her duly authorized representative or a housing safety official designated by the city manager.

(Code 1968, § 321.2; Ord. No. 389-72, 9-6-72; Ord. No. 564A-72, 9-6-72; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. 298-14/15, 7-6-2015)

Cross reference(s)--Definitions and rules of construction generally, § 1-2.

Sec. 10-18. Amendments.

The Fire Prevention Code adopted by section 10-16 is amended, modified and deleted in the following respects:

(a) The following provisions shall be added to the Fire Code as unnumbered sections, and shall amend any provisions of the Fire Code to the contrary:

(i) ~~(d) Section 3.3.114 shall be amended to include the following:~~

—"In addition to the circumstances under which a fire watch may otherwise be required or allowed by the Fire Code, ~~in~~ the case of structures posing significant life safety risks that may result in the displacement of person(s) a fire watch, ~~not to exceed seven (7) days,~~ with specifications and

criteria to be set forth by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction, in consultation with the City Manager, and Corporation Counsel, and the Director of Permitting and Inspections."

(ii) (h) All structures with a life safety signaling fire alarm system or fire suppression system shall be provided with a Knox box(es). The number, make and model and location of the box(es) shall be determined and approved by the authority having jurisdiction. All keys required to operate the life safety signaling or fire suppression systems, and building keys, shall be placed within this box.

(b) The following shall be added to section 1.7.7.1:

It shall be a violation of this article for any person either to interfere with or to prevent such inspection.

(ca) Section 1.10 (Board of Appeals) shall be deleted; delete.

(ed) Section 1.12.27 is amended to read deleted and replaced as follows:

"All applications for a permit required by the Fire and Life Safety codes shall be filed electronically with the authority having jurisdiction in the manner, and in such form and detail, as it the authority having jurisdiction shall prescribe. Applications for permits shall be accompanied by such plans and other documentation in an approved electronic format, as required by the authority having jurisdiction.

(e) The introductory sentence to Section 1.12.8 is deleted and replaced as follows:

"In addition to the permits required by the Life Safety Code, the authority having jurisdiction shall have the authority to issue permits for any of the activities identified in Tables 1.12.7(a),(b), (c) and (d) and the operations listed below.

Permits for the following operations and materials, as

described in Tables 1.12.7(a), (b), (c), and (d), shall be required, and shall have the following fees:

<u>Permit Operations and Materials</u>	<u>Fire Prevention Code Section</u>	<u>Permit Fee</u>
<u>Aircraft fuel servicing</u>		<u>See Motor fuel dispensing and refueling</u>
<u>Aircraft refueling vehicles</u>		<u>See Motor fuel dispensing and refueling</u>
<u>Automotive fuel servicing</u>		<u>See Motor fuel dispensing and refueling</u>
<u>Carnivals and fairs</u>		<u>\$141.00 (A)</u>
<u>Commercial rubbish-handling operation (formerly Bulk Waste Storage)</u>	<u>1.12.7</u>	<u>\$174.00 (A)</u>
<u>Cutting and welding operations (Permanent Facilities)</u>	<u>1.12.7</u>	<u>\$65.00 (A)</u>
<u>Display fireworks (also Flame effects and Pyrotechnics before a proximate audience) Display</u>	<u>1.12.7</u>	<u>\$141.00 (B), (C), (D)</u>
<u>Dry-cleaning plants</u>	<u>1.12.7</u>	<u>\$65.00 (A)</u>
<u>Flame effects</u>		<u>See Display fireworks</u>

Flammable or <u>and</u> combustible liquids, (other than motor fuel dispensing)	1.12.7	\$174.00*(A)
Hazardous materials <u>1. Tier I (E)</u> <u>2. Tier II (F)</u> Hazardous Materials	1.12.7	<u>1. \$65.00 (A)</u> <u>2. \$263.00 (A)</u>
Hot work (Temporary)	1.12.7	\$17425.00 (B)
<u>Liquified Petroleum Gasses</u>		<u>\$174.00 (A)</u>
<u>Lumberyards and woodworking plants (formerly Woodworking and Lumber Storage Plants)</u>	1.12.7	\$17409.00 (A)
<u>Marine craft fuel servicing</u>		<u>See Motor fuel dispensing and refueling</u>
<u>Marijuana growing, processing, or extraction facilities</u>		<u>TBD (G)</u>
Motor f <u>Fuel</u> d <u>Dispensing and</u> r <u>Refueling (also</u> <u>Aircraft fuel</u> <u>servicing and</u> <u>vehicles; Automotive</u> <u>fuel servicing; and</u> <u>Marine craft fuel</u> <u>servicing)</u>	1.12.7	\$174.00 (A)
<u>Pyrotechnics before a proximate audience</u>		<u>See Display fireworks</u>

Repair g Garages and s Service s Stations	1.12.7	\$174.00 (A)
Application for Spraying or dipping of F flammable F inishes	1.12.7	\$174.00 (A)

(f) Table 1.12.7(a) shall be amended to add the following:

<u>Operations and Materials</u>	<u>Permit Required</u>	<u>Cross Reference Section Number</u>	<u>Permit Fee</u>
<u>Blasting operations</u> 1) <u>> 50 cu. yds.</u> 2) <u>Utility trench</u> 3) <u>50-300 cu. yds.</u> 4) <u>300+ cu. yds.</u>	<u>For blasting operations.</u>		1) <u>\$50 (B), (D)</u> 2) <u>\$50 (B), (D)</u> 3) <u>\$100 (B), (D)</u> 4) <u>\$500 (B), (D)</u>
Certificate of Fitness for Fire Alarm Service and Installation Company	<u>To engage in the business of fire alarm service and installation</u>	<u>1.12.71.13.1(3)</u>	\$250.00 each
<u>Certificate of fitness for special hazards systems</u>	<u>To engage in the business of special hazards system service and installation</u>	<u>1.13.1(3)</u>	<u>\$250 each</u>

<u>Certificate of fitness for marijuana growing, processing or extraction facilities</u>	<u>TBD</u>	<u>1.13.1(3)</u>	<u>TBD (G)</u>
Fire Alarm Inspections Sticker	<u>Acquisition and application of fire alarm inspection stickers</u>	1.12.7	\$25.00 each
Special Type Dispensing Systems, other than Flammable or Combustible Liquids		<u>1.12.7 Private and Special Laws of 1917, Chapter 160</u>	\$174.00 (A)

(A) Application and license issued through Permitting and Inspections Department after Fire Department review.

(B) Application and license issued directly through the Fire Department.

(C) Equal to fee charged by state.

(D) ~~. In addition to the foregoing, the following must be submitted to the authority having jurisdiction prior to the issuance of the permit: sState license and proof of insurance for blasting permits or fireworks permits; and documentation of code specific fire inspection for any required permit.~~required.

(E) For quantities of hazardous materials at or above the levels specified in Table 1.12.8, but below the levels required to be reported to the State of Maine.

(F) For quantities of hazardous materials at or above the

levels required to be reported to the State of Maine.

(G) No permits may be issued until the City Council adopts licensing for marijuana uses.

~~(A) License from Permitting and Inspections Department required, see: Private and Special Laws of 1917, Chapter 160.~~

~~(B) Imposed by state statutes.~~

~~(C) Building permit required.~~

(g) Section 13.3.1.2-1 is amended to add the following:

"The authority having jurisdiction shall have power to ~~amend~~ modify the water supply requirements of this section ~~13.3.1.2~~ for individual installations where meeting such requirements are impractical, financial reasons not being a consideration, provided such amended requirements shall not be less stringent ~~then~~ than the minimum water supply requirements for sprinkler systems in the State of Maine."

~~(hf)~~ Subsections 13.3.2.5.3(3) and (4) shall be deleted.

(i) Section ~~and~~ 13.3.2.6.3, shall be deleted.

~~(jb)~~ In addition to the requirements of 18.2.3-4, fire department access roads shall comply with the standards set forth in the *City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards)*.

~~(kj) The following Annexes are incorporated by reference herein:~~

~~(1) Annex I Fire Hydrant Locations and distribution, in addition to the requirements of Annex I, In addition to the requirements of Section 18.3, fire hydrants shall comply with the standards set forth in the City of~~

*Portland's Technical and Design Standards and Guidelines,
Chapter IV (Public Safety Standards).* ~~;~~ ~~and~~

~~(i) Section 33 is amended as follows:~~

~~(l1) Section 33.1.1 shall be deleted and replaced with the following:~~

~~Storage of more than 100 tires outside shall be in accordance with Chapter 33.~~

~~(m2) The title of Section 33.2.1 shall be deleted and replaced with the following:~~

~~Outside Tire Storage Sites and Piles.~~

~~(n3) Section 33.2.1.1 shall be deleted and replaced with the following:~~

~~Individual outside tire storage piles containing more than 100 tires shall be limited in base area to 2,500 ft³ (232 m²).~~

~~(o4) Section 33.2.1.2 shall be deleted and replaced with the following:~~

~~The dimension of tire storage piles shall not exceed 10 ft (3 m) in height, 30 ft (9 m) in width, and 30 ft (9 m) in length.~~

~~(p5) Section 33.2.2; delete shall be deleted.~~

~~(q6) Section 33.2.2.1 shall be deleted; delete.~~

~~(r7) Section 33.2.2.2 shall be deleted; delete.~~

~~(s8) Section 33.2.2.3 shall be deleted; delete.~~

~~(t9) Section 33.2.2.4 shall be deleted; delete.~~

~~(u2) Annex E0, Fire Fighter Safety Building Marking System is adopted.~~

~~(c) Unvented fuel-fired heaters shall not be installed and/or used in buildings other than one family occupancies.~~

~~Therefore, the following sections shall be deleted:~~

~~Section 20.2.3.5~~
~~Section 20.2.4.5~~
~~Section 20.3.2.1~~
~~Section 20.8.2.6~~
~~Section 20.9.2.2~~
~~Section 20.10.2~~
~~Section 20.11.2~~

(Code 1968, § 321.6; Ord. No. 389-72, 9-6-72; Ord. No. 564A-72, 9-6-72; Ord. No. 117-82, § 1, 8-2-82; Ord. No. 388-92, 5-18-92; Ord. No. 260-96, § 1, 5-20-96; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 228-06/07, 5-21-07; Ord. No. 245-07/08, 5-19-08; Ord. No. 25-10/11, 8-16-10; Order 245-14/15, 6-24-2015; Ord. No. 165-15/16, 3-7-2016; Ord. No. 253-15/16, 7/1/2016; Ord. 18-17/18, 8-21-2017; Ord. No. 217-17/18, 7-1-2018, Ord. No. 218-17/18, 7-1-2018)

Sec. 10-19. Storage of explosives and blasting agents prohibited.

Notwithstanding any provisions to the contrary in the Fire Code, ~~the~~ storage of explosives and blasting agents is hereby prohibited on the mainland.

Fireworks to be used in a City of Portland sponsored event may be stored within the City of Portland for up to forty-eight (48) hours with a permit from the authority having jurisdiction.
(Code 1968, § 321.3; Ord. No. 389-72, 9-6-72; Ord. No. 188-00, §6, 4-24-00; Ord. No. 25-10/11, 8-16-10; Ord. No. 215-11/12, 7-2-12)

State law reference(s)--Regulation of explosives, 25 M.R.S.A. § 2441.

***Editor's Note**--Pursuant to Council Order 215-11/12 passed on July 2, 2012 repealed Sections 10-20 and 10-21 in their entirety.

Sec. 10-20. Reserved.

Sec. 10-21. Reserved.

Sec. 10-21.5. Hazardous materials.

(a) Where a Tier II hazardous materials ~~reporting permit~~ is required, the following shall also be required in locations approved by the authority having jurisdiction:

- (1) Hazardous Materials Management Cabinet: The cabinet shall be designed for exterior installation and shall contain the Hazardous Materials Management Plan,

Hazardous Materials Inventory Statement, Materials Safety Data Sheet and current valid permit. The cabinet shall also be red and have 2" white reflective letters on the face stating "Hazardous Materials Management Plan"; and

- (2) ~~Knox box: The make, number and model of which shall be approved by the authority having jurisdiction and~~IN addition to the requirements contained elsewhere in this Article, a Knox Box shall contain all the keys necessary for the building, the fire suppression and alarm systems and the Hazardous Materials Management Cabinet; and
- (3) Hazard Identification Signs: These signs shall be installed in accordance with NFPA 704, *Standard System for the Identification of the Hazards of Materials for Emergency Response*, 2007 edition, and be on each side of a structure fronting on a right-of-way.

(Ord. No. 193-97, § 1, 2-3-97; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10)

ARTICLE III. ENFORCEMENT AND APPEALS.

Sec. 10-22. Rules and regulations.

The authority having jurisdiction may promulgate all reasonable rules and regulations to carry out the purposes and provisions of ~~the Life Safety and/or Fire Code~~this Chapter. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance.

(Ord. No. 25-10/11, 8-16-10)

***Editor's note:** A copy of such rules and regulations may be obtained at [Fire Prevention Page of Portland Web Site](#).

Sec. 10-22.1. Modifications.

The authority having jurisdiction shall have power to recommend modification of any of the provisions of ~~the Fire Code and/or the Life Safety Code~~this Chapter, including codes adopted under this Chapter, upon application in writing by the owner or lessee, or his or her duly authorized agent, when there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured, and substantial justice done. The particulars of such recommended modification shall be entered upon

the records of the department and a copy signed by the chief of the fire department shall be furnished to the applicant. Such modification shall become effective thirty (30) days from and after the date of the recommendation.

(Code 1968, § 321.7; Ord. No. 389-72, 9-6-72; Ord. No. 564-72, 9-6-72; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10)

Sec. 10-23. Appeal.

Whenever the authority having jurisdiction shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of this Chapter, including codes adopted under this Chapter, the Fire Code and/or the Life Safety Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the authority having jurisdiction to the Board of Appeals within thirtyten (30+) business days from the decision of the authority having jurisdiction. ~~The Board of Appeals may reverse the decision of the authority having jurisdiction and permit exceptions to or variances from the specific provisions of the Fire Code and/or the Life Safety Code in cases where the enforcement of the provisions of the code would result in undue hardship, subject always to the rule that the Board of Appeals shall give due consideration to the purposes of the code in promoting public health, safety and welfare.~~

Where the authority having jurisdiction determines that a violation of this Chapter poses an immediate threat to health and safety, an appeal pursuant to this section shall not stay the obligation to correct that violation.

(Code 1968, § 321.8; Ord. No. 389-72, 9-6-72; Ord. No. 564A-72, 9-6-72; Ord. no. 188-00, § 6, 4-24-00; Ord. No. 214-01/02, § 2, 4-17-02; Ord. No. 25-10/11, 8-16-10; Ord. No. 215-11/12, 7-2-12)

Sec. 10-24. Additional permits.

The authority having jurisdiction shall from time to time determine and recommend to the city council for inclusion in the Fire Code and/or the Life Safety Code any new materials, processes or occupancies for which permits shall be required in addition to those now enumerated therein.

(Code 1968, § 321.9; Ord. No. 389-72, 9-6-72; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10)

Sec. 10-25. Violations.

The authority having jurisdiction is authorized to institute,

or cause to be instituted by the corporation counsel, in the name of the city, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of the provisions of Chapter 10.

- (a) Any person, including, but not limited to, a landowner, the landowner's agent or a contractor, who shall violate any of the provisions of Chapter 10, including the codes adopted under this Chapter, or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the city council or by a court of competent jurisdiction, within the time fixed herein, shall severally for each and every such violation and noncompliance respectively pay a penalty as provided in section 1-15 of the city code and/or as provided under state law. The imposition of any penalty for any violation shall not excuse the violation or permit it to continue; and all such persons shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each day that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.
- (b) Notwithstanding anything to the contrary in the foregoing, failure to obtain a permit required under this chapter or failure to correct an unsafe condition after receipt of written notice from the city of the need for such permit or for such correction shall be subject to the following minimum penalties:
 - (1) *First offense:* Five hundred dollar (\$500.00) fine;
 - (2) *Second offense:* One thousand dollar (\$1,000.00) fine;
 - (3) *Third offense:* One thousand five-hundred dollar (\$1,500.00) fine.
- (c) In addition to the foregoing, violators will be required

to pay all unpaid permit fees and the city may enjoin or abate any violation by appropriate action.

(Code 1968, § 321.10; Ord. No. 389-72; Ord. No. 147-75, 2-19-75; Ord. No. 388-92, 5-18-92; Ord. No. 186-93, 12-20-93; Ord. No. 193-97, § 2, 2-3-97; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 20-03/04, 8-18-03; Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017)

Sec. 10-25.1. Posting against occupancy.

Any structure or portion thereof which is in violation of the provisions of Chapter 10 may be condemned and posted against occupancy by the authority having jurisdiction.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.2. Notice of condemnation and posting; order to vacate.

The authority having jurisdiction shall give notice in writing to the property owner, operator, tenant-in-charge or property management company of such condemnation and posting, and in the event such property is occupied, it shall give like notice to the occupant, which shall also include a reasonable time limit within which such property shall be vacated.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.3. Property not to be occupied again.

No property which has been condemned and posted against occupancy shall again be used until the authority having jurisdiction shall in writing approve of its use and shall likewise authorize the removal of the posted notice.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.4. Notices not to be removed; property not to be used or let; exception.

It shall be a violation of this article for any person to deface or remove any such posted notice without the prior approval of the authority having jurisdiction, and it shall also be a violation of this article for any person to occupy or to let another for occupy any property which has been condemned and posted as provided above without receiving the prior approval of the authority having jurisdiction.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.5. Property to be secured if not improved.

If the owner, operator, tenant-in-charge or property management company of any property which has been condemned does not proceed to make the necessary corrections to bring the property into compliance with the provisions of this Chapter, such owner or operator shall proceed to make the property safe and secure so that no danger to life or property or fire hazard shall exist.

If the owner or operator fails to do so within a reasonable amount of time, the City may take all reasonable steps to make the property safe and secure and recoup the costs from the owner or operator, along with a \$500 administrative fee.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.6. Restriction on conveyance of property; exception.

It shall be a violation of this article for any person to sell, transfer, or otherwise dispose of any property against which an order has been issued by the authority having jurisdiction under the provisions of this article unless he or she shall first furnish to the grantee a true copy of any such order and shall at the same time notify the authority having jurisdiction in writing of the intent to so transfer either by delivering the notice to the authority having jurisdiction and receiving a receipt or by registered mail, return receipt requested, giving the name and address of the person to whom the transfer is proposed. In the event of a violation of this section, such person shall be subject to a penalty as provided in section 1-15, in addition to any penalty which may be imposed for failure to comply with any order of the authority having jurisdiction.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.7. Responsibility hereunder may not be transferred.

No contract or agreement between owner and/or operator and occupant relating to compliance with the terms of this Chapter ~~Ten (10)~~ shall be effective in relieving any person of responsibility for compliance with the provisions of this Chapter ~~Ten (10)~~ as set forth herein.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.8. Additional procedures; warning signs.

(a) In addition to the process set forth above, when the authority having jurisdiction, in its sole discretion, determines that an emergency exists that must be addressed immediately to protect public safety, the authority having jurisdiction shall have

the authority, in person or through agents, to enter onto any property to test or repair fire suppression or alarm systems and their support infrastructure located inside or outside of buildings, including private hydrants, after written notice to the property owner or responsible party including, but not limited to, property management company, tenant in charge of the property or the property owner's designee, sent by first-class mail to the last known address of such person or delivered by hand. The authority having jurisdiction 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. Any unpaid charges assessed under this section shall be enforceable by lien for the benefit of the city and shall be collected pursuant to section 1-16 of this Code.

(b) In addition to the process set forth above, when the authority having jurisdiction, in its sole discretion, determines that (1) violations of this code exist 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 manager has been duly notified of the violations and failed to correct them within the time allowed, the authority having jurisdiction 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 code violations. The sign may also contain information on future court dates relating to the building, if known. The authority having jurisdiction 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.

The cost of posting, delivering or sending notices, or publication in a local newspaper may be charged against the real estate upon which the building was or is located. Any unpaid charges assessed under this section shall be enforceable by lien

for the benefit of the city and shall be collected pursuant to section 1-16 of this Code.

(c) In addition to the process set forth above, when the authority having jurisdiction, in its 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, it shall have the authority, in person or through 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.

The cost of posting may be charged against the real estate upon which the building was or is located. Any unpaid charges assessed under this section shall be enforceable by lien for the benefit of the City and shall be collected pursuant to section 1-16 of this Code.

(d) It shall be a violation of this code to remove, obliterate or deface any sign posted pursuant to section (c) above. (Code 1968, § 321.10; Ord. No. 389-72; Ord. No. 147-75, 2-19-75; Ord. No. 388-92, 5-18-92; Ord. No. 186-93, 12-20-93; Ord. No. 193-97, § 2, 2-3-97; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 20-03/04, 8-18-03; Ord. No. 25-10/11, 8-16-10)

Sec. 10-25.9. Reinspection.

Following the issuance of a notice of violation and an order to correct violations, the authority having jurisdiction will

reinspect once for no fee in order to determine whether the violations have been corrected in compliance with this chapter. If the violations have not been corrected in compliance with this chapter, the violator shall be assessed a fee of one hundred and fifty dollars (\$150.00) for the first reinspection; three hundred dollars (\$300) for the second reinspection; and five hundred dollars (\$500) for each subsequent reinspection. Failure to pay the assessment for reinspection shall create a lien on the property and the assessment and lien shall be collected and enforced pursuant to Section §1-16.

(Ord. No. 188-00, § 6, 4-24-00; Ord. No. 20-03/04, 8-18-03; Ord. No.25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017)

Sec. 10-25.10. Conflicts.

In the event of a conflict between the provisions of the Life Safety Code, ~~and/or~~ the Fire Code, and/or this Chapter and any other provisions of any other code including, but not limited to, the City Code of Ordinances, the more restrictive code provisions shall apply.

(Ord. No. 25-10/11, 8-16-10)

ARTICLE IV. HYDRANTS

Sec. 10-26. Purpose; definition.

(a) *Purpose.* In order to protect public safety and welfare and ensure a fully operational municipal fire protection system, it is necessary to ensure that private fire hydrants located within the city are properly maintained, are accessible at all times, and are compatible with the municipal water main system. Failure to maintain such private fire hydrants in good operating condition may negatively impact upon the entire water main system and present a public hazard. To avoid such hazard and to protect public safety, it is necessary to regulate the installation, upgrading, access and maintenance of all such private fire hydrants wherever located in the city and regardless of the use of the property upon which they are located.

(b) *Private fire hydrant* as used herein shall mean and include any fire hydrant which is owned, leased, or otherwise under the control of any person other than the Portland Water District and shall include any such hydrant regardless of the use of the property upon which it is located.

(Ord. No. 193-97, § 3, 2-3-97)

Sec. 10-26.5. Use of Fire Hydrants.

All unauthorized uses of hydrants may negatively impact the water system and the firefighting capability of the hydrant. No person, other than a person authorized to do so by the fire chief, shall use, open, or otherwise tamper with a public or private fire hydrant and it shall be a violation of this Code for any unauthorized person to so use, open or otherwise tamper with a public or private fire hydrant. It shall further be a violation of this Code for any person to shovel, blow or otherwise move snow or ice onto or around any hydrant, public or private, in such a manner as to decrease or restrict access to such hydrant.

(Ord. No. 193-97, § 1, 2-3-97, Ord. No. 188-00, § 6, 4-24-00)

Sec. 10-27. New hydrants; upgrade of existing hydrants.

(a) Any private fire hydrant installed, replaced or upgraded on or after the effective date of this article must meet all of the standards utilized by the Portland Water District at the time of such installation. In addition, such hydrants shall meet the fire flow, marking and location standards adopted by the National Fire Protection Association and in effect at the time of such installation. The owner of the private fire hydrant shall provide certification of meeting such standards upon installation in the same manner as provided in section 10-28(a)(1) below. It shall be a violation of this Code to provide false certification under this article.

(b) Any private fire hydrant installed prior to the effective date of this article which does not meet any of the above standards must be upgraded to meet the current applicable standard or standards utilized by the Portland Water District upon any change in occupancy or use of the property.

(Ord. No. 193-97, § 3, 2-3-97; Ord. No. 25-10/11, 8-16-10)

Sec. 10-28. Maintenance of fire hydrants.

(a) The owner of any property upon which a private fire 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, annual written statement describing the owner's maintenance program and who is responsible for carrying out that program and

annual written certification in regard to fire flow and operability by a person qualified to make such certification, which all shall be sent to the fire chief, with a copy to the Portland Water District;

- (2) Painting to match City Hydrants except that the body shall be red, no less than every five (5) years;
- (3) Repair of any and all damage to the hydrant, within no less than seventy-two (72) hours of actual notice of such damage.

(b) The authority having jurisdiction shall have the right to enter upon adjacent land with men and machines to maintain hydrants, including, but not limited to, the removal of aquatic vegetation and dredging of the water source to ensure acceptable performance of any hydrant.

(Ord. No. 193-97, § 3, 2-3-97; Ord. No. 25-10/11, 8-16-10)

Sec. 10-29. Accessibility.

(a) The owner of property upon which a private fire hydrant is located shall be responsible for ensuring that said hydrant is accessible for use by the fire department at all times.

(b) *Accessible for use* shall mean and include:

- (1) That no later than March 31, 2001, the owner provides an emergency access lane from a public right-of-way to the hydrant, which access lane meets the standards under articles IV and V of chapter 14 of this Code and the "Section IV: Public Safety Standards" of the Technical and Design Standards as adopted by the Portland Planning Board; a map identifying the location of said lane shall be provided to the fire chief upon request;
- (2) That the owner maintains and repairs the emergency access lane required hereunder, which maintenance and repair shall include snow and ice removal, removal of obstruction and encumbrances, including but not limited to debris, junked vehicles and other refuse, so that the emergency access lane shall remain reasonably passable for firefighting and preventive apparatus and vehicles and other public emergency vehicles of the city;
- (3) That the owner removes snow from the emergency access

lane so that at no time shall the snow accumulate to an average depth in excess of four (4) inches and shall also remove snow from the lane of a depth of less than four (4) inches if subsequent rain, hail or temperatures result in the snow on the lane becoming so frozen as to render the lane impassable by such firefighting and public emergency vehicles; and

- (4) That the owner removes snow in accordance with the Standard for Hydrant Snow Removal of the Portland Fire Department, which shall include removal of 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 or accessway.

(c) In addition to any other remedies provided herein, if the owner shall fail to remove such nonfrozen snow accumulating in excess of four (4) inches in depth within twenty-four (24) hours after the cessation of the storm creating such snow, or if the 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 twenty-four (24) 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 men and machines in order to plow and clear, or cause to be plowed and cleared, 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 sixty (60) days of receipt. The expenses billed to the owner shall include the time spent for travel to and from the property.

(d) Nothing herein is intended, nor shall it be construed to modify, amend or otherwise change any requirement to enter into an emergency access lane agreement pursuant to articles IV or V of chapter 14 of this Code and the standards adopted by the Portland Planning Board nor to modify, amend or otherwise change the requirements of any such executed emergency access lane agreement. (Ord. No. 193-97, § 3, 2-3-97; Ord. No. 188-00, § 6, 4-24-00; Ord. No. 25-10/11, 8-16-10)

~~Sec. 10-30. Enforcement.~~

~~This article may be enforced in any manner provided in section 10-25, including without limitation, the provision for emergency entrance onto any property.
(Ord. No. 193-97, § 3, 2-3-97)~~

~~*Editor's Note Pursuant to Council Order 25-10/11, passed 8-16-10 Section 10-31 Effective Date was repealed in its entirety and replaced with Section 10-31 Rules and Regulations.~~

~~Sec. 10-31. Rules and regulations.~~

~~The fire chief may promulgate all reasonable rules and regulations 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.
(Ord. No. 25-10/11, 8-16-10)~~

~~*Editor's Note - - A Copy of such rules and regulations may be obtained at [Fire Prevention Page of Portland Web Site](#).~~

- Sec. 10-32. Reserved.
- Sec. 10-33. Reserved.
- Sec. 10-34. Reserved.
- Sec. 10-35. Reserved.
- Sec. 10-36. Reserved.

ARTICLE V. RESERVED.

- Sec. 10-37. Reserved.
- Sec. 10-38. Reserved.
- Sec. 10-39. Reserved.
- Sec. 10-40. Reserved.
- Sec. 10-41. Reserved.
- Sec. 10-42. Reserved.
- Sec. 10-43. Reserved.
- Sec. 10-44. Reserved.
- Sec. 10-45. Reserved.
- Sec. 10-46. Reserved.

Sec. 10-47. Reserved.
Sec. 10-48. Reserved.
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Sec. 10-59. Reserved.
Sec. 10-60. Reserved.
Sec. 10-61. Reserved.
Sec. 10-62. Reserved.
Sec. 10-63. Reserved.
Sec. 10-64. Reserved.
Sec. 10-65. Reserved.

ARTICLE VI. FIRE SUPPRESSION SYSTEMS.

Sec. 10-66. Purpose; definitions.

(a) *Purpose.* In order to protect public safety and welfare and ensure fully operational fire suppression systems for the protection of life and property, it is necessary to ensure that such systems are correctly designed, installed and maintained.

(b) For the purposes of this article, the following definitions shall apply unless the context clearly implies otherwise:

Supervised means a system having supervisory attachments installed and monitored for integrity by an approved ~~private~~ central-supervising station.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-67. Supervision.

Where another section of this chapter requires a fire suppression system to be *supervised*, it shall be monitored by an

approved ~~private~~central~~supervising~~ station for supervisory, trouble, and alarm signals.

Where a fire suppression system is installed in a building having a fire alarm system, it shall be supervised by the fire alarm system.

(Ord. No. 25-10/11, 8-16-10)

~~**Sec. 10-68. Rules and regulations.**~~

~~The fire chief may promulgate all reasonable rules and regulations 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.~~

(Ord. No. 25-10/11, 8-16-10)

*Editor's Note - - A Copy of such rules and regulations may be obtained at [Fire Prevention Page of Portland Web Site.](#)

- Sec. 10-69. Reserved.
- Sec. 10-70. Reserved.
- Sec. 10-71. Reserved.
- Sec. 10-72. Reserved.
- Sec. 10-73. Reserved.
- Sec. 10-74. Reserved.
- Sec. 10-75. Reserved.
- Sec. 10-76. Reserved.
- Sec. 10-77. Reserved.
- Sec. 10-78. Reserved.
- Sec. 10-79. Reserved.
- Sec. 10-80. Reserved.
- Sec. 10-81. Reserved.
- Sec. 10-82. Reserved.
- Sec. 10-83. Reserved.
- Sec. 10-84. Reserved.
- Sec. 10-85. Reserved.
- Sec. 10-86. Reserved.
- Sec. 10-87. Reserved.
- Sec. 10-88. Reserved.
- Sec. 10-89. Reserved.
- Sec. 10-90. Reserved.

ARTICLE VII. OPEN BURNING

Sec. 10-91. Incineration of solid waste prohibited.

Except for licensed disposal of hazardous or infectious wastes and for the operation of public solid waste disposal facilities designated pursuant to section 12-102, it shall be unlawful for any person to burn or incinerate any solid waste within the City of Portland.

(Ord. No. 25-10/11, 8-16-10)

Sec. 10-92. Campfires in the City of Portland

Camp fires are permitted within the City of Portland with a valid burning permit. All such campfires shall comply with all State laws, this Chapter, and all rules and regulations promulgated pursuant to this Chapter for recreational outdoor fires. Any such burning permit may be cancelled for cause.

(Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017)

Sec. 10-93. Rules and regulations.

The fire chief may promulgate all reasonable rules and regulations 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.

(Ord. No. 25-10/11, 8-16-10)

*Editor's Note - - A Copy of such rules and regulations may be obtained at [Fire Prevention Page of Portland Web Site](#).

Sec. 10-94. Violations.

In addition to the process established by section 10-25, this article may also be enforced by the police chief, or his or her designee.

(Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017)

Sec. 10-95. Outdoor fireplaces.

(a) No permit shall be required to burn in a fixed outdoor fireplace that has been installed and is operated in accordance with this Chapter, all rules and regulations promulgated pursuant to this Chapter, and National Fire Protection Association 211

(~~20162010~~); Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.

(b) No permit shall be required to burn in a recreational fire appliance that is operated in accordance with this Chapter, all rules and regulations promulgated pursuant to this Chapter, and the manufacturer's instructions. This paragraph shall not apply to the use of an open fire ring.

(c) All outdoor fireplaces and recreational fire appliances allowed under this section must be set back at least fifteen (15) feet from all structures, combustible material, and adjacent property lines.

(Ord. No. 215-11/12, 7-2-12; Ord. 127-16/17, 2-22-2017)

Sec. 10-96. Reserved.
Sec. 10-97. Reserved.
Sec. 10-98. Reserved.
Sec. 10-99. Reserved.

ARTICLE VIII. SIGNALING SYSTEMS FOR THE PROTECTION OF LIFE AND PROPERTY.

Sec. 10-100. Purpose; definitions.

(a) Purpose. In order to protect 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~~supervising station.

Alarm user means an owner of any building, or part thereof, that has a master box alarm system or an approved ~~private-central~~supervising station, or an agent of the owner who is responsible for the building.

Approved ~~private-central~~supervising station means any privately operated message monitoring service which is approved by Underwriters' Laboratories, Incorporated, and

approved by the authority having jurisdiction.

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

False alarm means any signal emitted from an approved ~~private-central~~supervising station or master box alarm system that is not in response to heat, smoke or fire requiring an immediate response by the fire department. "False alarm" includes any signal 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 any signal 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 City of Portland fire department or his authorized representative or designee.

Master box alarm system means any mechanism or device approved by the authority having jurisdiction, 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.

(Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017)

Sec. 10-101. Certain master box connections required.

The following buildings, as classified by the NFPA 101 Life Safety Code, ~~2009-2018~~ edition, shall be connected by AES master box alarm system to the dispatch center where another section of this code requires such buildings to have a fire alarm system:

(a) *New and existing structures including the following:*

(1) ~~Places of assembly~~Assembly occupancy;

- (2) Educational facilities including post-secondary;
- (3) Day-care facilities, excluding day-care homes;
- (4) Health care facilities;
- (5) Ambulatory health care facilities;
- ~~(6) Nursing homes;~~
- ~~(67)~~ Large residential board and care facilities;
- ~~(78)~~ Detention and correctional occupancies;
- ~~(89)~~ Hotels, ~~motels~~ and dormitories;
- ~~(10)~~ ~~Apartments for the elderly;~~
- ~~(911)~~ Mercantile occupancies;
- ~~(1012)~~ Industrial occupancies;
- ~~(1113)~~ High-rise buildings.

(b) *New buildings including the following:*

- (1) Residential occupancies (20 or more units).

(c) The following buildings shall be connected by AES 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 authority having jurisdiction.

New buildings shall be connected to a City-approved wireless Master Box Alarm System prior to the issuance of any certificate of occupancy. ~~Prior to January 1, 2017, all buildings required to be connected by Master Box Alarm System shall convert their existing mechanical Master Box Alarm System to a City of Portland approved wireless Master Box Alarm System.~~

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.

(Ord. No. 25-10/11, 8-16-10; Ord. 99-15/16, 11/16/2015)

Sec. 10-102. Master box connections to the dispatch center.

(a) *New connections.* No buildings, other than those listed in section 10-67 of this article and those which, if new, would be required to connect under subsection (b) hereof shall, after the effective date hereof, 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 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 section 10-67 of this article, shall, within thirty (30) days of written notice by the authority having jurisdiction, 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.* The following fees shall apply to each fire alarm system connected to the dispatch center:

- (1) New connection fee \$500.00

- (2) Annual maintenance fee 225.00

 Except that for each
 additional alarm system
 at the same location 100.00

- (3) Conversion of mechanical
 Master Box Alarm System to
 Wireless Mater Box Alarm
 System 275.00

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 thirtieth, provided, however, that in no case shall the fee be reduced to less than half. The annual maintenance fee shall thereafter be due and payable in full on July first. 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. Any unpaid charges assessed under this section shall be enforceable by lien against the property serviced by the alarm and shall be collected pursuant to section 1-16 of this Code.

(d) *Reconnections.* Any fire alarm system disconnected pursuant to subsection (b) of this section shall not be reconnected without prior payment of the annual maintenance fee prescribed in this section and a reconnection fee of one-hundred dollars (\$100.00), 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. Any alarm system disconnected at the request of the alarm user for purposes of inspection, testing or repair shall be reconnected up to three (3) times in any year at no additional charge, after which, however, the alarm system shall not be reconnected without prior payment of a reconnection fee of one-hundred dollars (\$100.00).

(Ord. No. 25-10/11, 8-16-10; Ord. 99-15/16, 11-16-2015)

~~Sec. 10-103. 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 for new alarm number assignments, whether or not for buildings listed in~~

~~section 2.5-26 of this article. Said application shall contain insurance 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 section 2.5-26 of this article, 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. The following fees shall apply to each approved private central station alarm number assignment:~~

~~(1) New assignment fee \$100.00~~

~~(2) Annual maintenance fee \$50.00~~

~~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 thirtieth, provided, however, that in no case shall the fee be reduced to less than half. The annual maintenance fee shall thereafter be due and payable in full on July first. 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 of fifty dollars (\$50.00), 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.
(Ord. No. 25-10/11, 8-16-10)~~

Sec. 10-104. False alarm penalties.

(a) *Third response.* Once a third false alarm at a building within any twelve-month period has been identified by the fire chief or his/her designee, the fire chief shall give written notice of the false alarm to the alarm user ~~within ten (10) business days, and the alarm user shall file a written report with the chief within five (5) days thereafter stating the cause of the false alarm, if known, and describing corrective action taken, if any.~~

(b) *Fourth, fifth and sixth responses.* For the fourth, fifth and sixth false alarms at a building within any twelve-month period, the alarm user shall, upon demand, pay a penalty of two hundred dollars (\$200.00) 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.

(c) *Seventh and subsequent responses.* For the seventh and subsequent false alarms at a building within any twelve-month period, the alarm user shall, upon demand, pay a penalty of three hundred and fifty dollars (\$350.00).

(d) *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 ~~within ten (10) business days~~ by first class mail.

(Ord. No. 25-10/11, 8-16-10; Ord. No. 105-10/11, 12-20-10; Ord. 127-16/17, 2-22-2017)

Sec. 10-105. Inspections by fire chief; evidence by the property owner.

(a) The fire chief may inspect or cause to be inspected any alarm system or any building protected 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) ~~On or before December 31, 2010, e~~Each fire alarm system in the City of Portland shall have a fire alarm 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 Fire Department. Only companies approved and registered with the Fire Department shall be permitted to obtain fire alarm inspection stickers.

(Ord. No. 25-10/11, 8-16-10)

~~Sec. 10-106. Rules and regulations.~~

~~The fire chief may promulgate all reasonable rules and regulations 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.~~
(Ord. No. 25-10/11, 8-16-10)

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Editor's Note: A copy of such rules and regulations may be obtained at
Fire Prevention Page of Portland Web Site.~~

~~-----~~ Sec. 10-107. Violations.

In addition to the process set forth in section 10-25, when the chief of the fire department, 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 (4) hours of being notified of its deficiency, the 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. Any unpaid charges assessed under this section shall be enforceable by lien for the benefit of the city and shall

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be collected pursuant to section 1-16 of this Portland City Code.
(Ord. No. 25-10/11, 8-16-10; Ord. 127-16/17, 2-22-2017)