

Order 59-19/20

Motion to postpone to November 4, 2019: 8-0 (Ali absent) on 10/21/2019

Motion to amend to strike first version of Sec. 10-3(a)(2): 7-0 (Mavodones, Strimling absent) on 11/4/2019

Passage as amended: 7-0 (Mavodones, Strimling absent) on 11/4/2019 Effective 12/4/2019

ETHAN K. STRIMLING (MAYOR)
BELINDA S. RAY (1)
SPENCER R. THIBODEAU (2)
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**CITY OF PORTLAND
IN THE CITY COUNCIL**

KIMBERLY COOK (5)
JILL C. DUSON (A/L)
PIOUS ALI (A/L)
NICHOLAS M. MAVODONES, JR (A/L)

**AMENDMENT TO PORTLAND CITY CODE CHAPTER 10
RE: LIFE SAFETY CODE 2018 EDITION**

**BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PORTLAND,
MAINE IN CITY COUNCIL ASSEMBLED AS FOLLOWS:**

1. *That Chapter 10 is hereby amended to read as follows:*

Chapter 10 FIRE PREVENTION AND PROTECTION*

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.

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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:

(1) 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, with specifications and criteria to be set by the authority having jurisdiction, may be required if said watch is approved by the authority having jurisdiction, in consultation with the City Manager and Corporation Counsel.

(2) 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. 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 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.

(3) 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.

(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.

(5) 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.

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

(ca) Section 3.3.~~3732~~.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.

~~(b) Section 3.3.97 shall be amended to include the following:~~

~~“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 days, with specifications and criteria to be set by the authority having jurisdiction, may be instituted if said watch is approved by the authority having jurisdiction, the City Manager, Corporation Counsel, and the Director of Permitting and Inspections.”~~

(d) Section 7.2.2.5.5 shall be amended to add the following language:

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 then-than the minimum water supply requirements for sprinkler systems in the State of Maine.

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

~~(f) Sections Subsections 13.3.5.3(1) and (2) shall be + deleted.~~

~~(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.~~

~~(h) 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.~~

~~(i) 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~~

~~(j) Section 7.2.2.5.5 is amended as follows:~~

~~7.2.2.5.5 Exit Stair Path Markings. Exit stair path marking shall be installed for all new high rise~~

~~buildings in accordance with 7.2.2.5.5.1 through 7.2.2.5.5.11.~~

- ~~(k) Annex B, *Elevators for Occupant-Controlled Evacuation Prior to Phase I Emergency Recall Operations*, is hereby incorporated by reference.~~
- ~~(l) All residential occupancies, and all new multiple occupancies containing parking structures shall be protected in accordance with NFPA 720, *Standard for the Installation of Carbon Monoxide (CO) Detection and Warning Equipment*, 2009 edition.~~
- ~~(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.~~
- ~~(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.~~
- ~~(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.~~

Sec. 10-4. Reserved. ~~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.~~

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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 2009–2018 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.

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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:

(1) "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, 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."

(2) All structures with a 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.

~~(b) 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).~~

(de) 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-in the manner, and in such form and detail, as the authority having jurisdiction ~~in such form and detail as it~~ 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. ~~In addition to the foregoing, the following must be submitted to the authority having jurisdiction prior to the issuance of the permit: state license and proof of insurance for blasting permits or fireworks permits; and documentation of code specific fire inspection for any required permit.~~~~

(e) The introductory sentence to 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>Application for Spraying or dipping of flammable finishes</u>	<u>1-12.7</u>	\$174.00 (<u>AD</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>	\$174.00 (<u>AD</u>)
<u>Certificate of Fitness for Fire Alarm Service and Installation Company</u>	<u>1-12.7</u>	<u>\$250.00 each</u>
<u>Cutting and welding operations (Permanent Facilities)</u>	<u>1-12.7</u>	\$65.00 (D)
<u>Dry-cleaning Plants</u>	<u>1-12.7</u>	\$65.00 (<u>AD</u>)
<u>Fire Alarm Inspections Sticker</u>	<u>1-12.7</u>	<u>\$25.00 each</u>

<u>Fireworks</u> Display fireworks (also Flame effects and Pyrotechnics before a proximate audience)	1-12.7	\$141.00 <u>(B), (C), (D)**</u>
<u>Flame effects</u>		See <u>Display fireworks</u>
Flammable and combustible liquids, (other than motor fuel dispensing)	1-12.7	\$174.00*(<u>AD</u>)
<u>Tier I H</u> azardous materials	1-12.7	\$65.00 <u>(A), (ED)</u>
Tier II <u>h</u> azardous Materials	1-12.7	\$263.00 <u>(A), (FD)</u>
Hot work (Temporary)	1-12.7	\$ 174.00 25.00 <u>(B)</u>
<u>Liquified Petroleum Gasses</u>		\$174.00 <u>(A)</u>
<u>Marine craft fuel servicing</u>		See <u>Motor fuel dispensing and refueling</u>
<u>Marijuana growing, processing, or extraction facilities</u>		<u>TBD (G)</u>
Motor <u>f</u> uel d ispensing and <u>r</u> efueling (also <u>Aircraft fuel servicing and vehicles; Automotive fuel servicing; and Marine craft fuel servicing</u>)	1-12.7	\$174.00 (<u>AD</u>)
<u>Pyrotechnics before a proximate audience</u>		See <u>Display fireworks</u>

Special Type Dispensing Systems, other than Flammable or Combustible Liquids	1.12.7	\$174.00 (A) (D)
Repair Garages and Service Stations	1.12.7	\$174.00 (A)
<u>Lumber Yards and woodworking plants (formerly Woodworking and Lumber Storage Plants)</u>	1.12.7	\$ <u>174</u> 109 .00 (D)

(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>		<u>1) \$50 (B), (D)</u> <u>2) \$50 (B), (D)</u> <u>3) \$100 (B), (D)</u> <u>4) \$500 (B), (D)</u>
<u>Certificate of Fitness for Fire Alarm Service and Installation Company</u>	<u>To engage in the business of fire alarm service and installation</u>	<u>1.13.1(3)</u>	<u>\$250.00 each</u>
<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>
<u>Fire Alarm Inspections Sticker</u>	<u>Acquisition and application of fire alarm inspection stickers</u>	<u>1.12.7</u>	<u>\$25.00 each</u>

<u>Special Type Dispensing Systems, other than Flammable or Combustible Liquids</u>		<u>Private and Special Laws of 1917, Chapter 160</u>	<u>\$174.00 (A)</u>
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- (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) State license and proof of insurance 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.~~
- ~~(D) — Application and license issued through Permitting and Inspections Department after Fire Department review.~~

~~**Equal to fee charged by state~~

- ~~(d) Section 3.3.114 shall be amended to include the following:~~
- ~~— "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, the City Manager, Corporation Counsel, and the Director of Permitting and Inspections."~~

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

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

(h) Subsections 13.3.2.5.3(3) and (4) shall be deleted.

(i) Section 13.3.2.6.3, shall be deleted.

(j) In addition to the requirements of 18.2.3, 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)*.

(k) 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)*.

(l) 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.

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

Outside Tire Storage Sites and Piles.

(n) 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).

(o) 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.

(p) Section 33.2.2 shall be deleted.

(q) Section 33.2.2.1 shall be deleted.

(r) Section 33.2.2.2 shall be deleted.

(s) Section 33.2.2.3 shall be deleted.

(t) Section 33.2.2.4 shall be deleted.

(u) Annex E, Fire Fighter Safety Building Marking System is adopted.

~~(e) 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~~

~~(f) Sections 13.3.2.5.3(3) and (4) and 13.3.2.6.3, shall be deleted.~~

~~(g) Section 13.3.1.2.1 is amended to add the following:~~

~~"The authority having jurisdiction shall have power to amend the water supply requirements of 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 than the~~

~~minimum water supply requirements for sprinkler systems in the State of Maine."~~

~~(h) All structures with a life safety signaling system or fire suppression system shall be provided with a Knox box(s). The number, make and model and location of the box(s) 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.~~

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

~~(1) 33.1.1 Storage of more than 100 tires outside shall be in accordance with Chapter 33.~~

~~(2) 33.2.1 Outside Tire Storage Sites and Piles.~~

~~(3) 33.2.1.1 Individual outside tire storage piles containing more than 100 tires shall be limited in base area to 2,500 ft² (232 m²).~~

~~(4) 33.2.1.2 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.~~

~~(5) Section 33.2.2; delete.~~

~~(6) Section 33.2.2.1; delete.~~

~~(7) Section 33.2.2.2; delete.~~

~~(8) Section 33.2.2.3; delete.~~

~~(9) Section 33.2.2.4; delete.~~

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

~~(1) Annex I Fire Hydrant Locations and distribution, in addition to the requirements of Annex I, 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~~

~~(2) Annex Q Fire Fighter Safety Building Marking~~

~~System.~~

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

Notwithstanding any provisions to the contrary in the Fire Code, ~~t~~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.

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Sec. 10-21.5. Hazardous materials.

(a) Where a Tier II hazardous materials ~~permit~~reporting 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) IN addition to the requirements contained elsewhere in this Article, a Knox Box shall contain all the keys necessary for the Hazardous Materials Management Cabinet; and Knox box: The make, number and model of which shall be approved by the authority having jurisdiction and 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.

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 this Chapter~~the Life Safety and/or Fire Codes~~. Such rules and regulations shall be in writing and shall take effect no less than thirty (30) days following the date of issuance.

Sec. 10-22.1. Modifications.

The authority having jurisdiction shall have power to recommend modification of any of the provisions this Chapter, including codes adopted under this Chapter, ~~of the Fire Code and/or the Life Safety Code~~ 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.

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 this Chapter, including codes adopted under this Chapter, ~~of 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 thirty (30)~~ten (10)~~ 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.

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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.

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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)

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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 ~~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.

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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.

Sec. 10-25.1091. 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.

ARTICLE IV. HYDRANTS

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~~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.~~

~~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.~~

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ARTICLE V. RESERVED.

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ARTICLE VI. FIRE SUPPRESSION SYSTEMS.

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.

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ARTICLE VII. OPEN BURNING

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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 (~~2016~~2010); 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.

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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 ~~supervising private central~~ station.

Alarm user means an owner of any building, or part thereof, that has a master box alarm system or an approved private

central station, or an agent of the owner who is responsible for the building.

Approved supervising~~private-central~~ 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 supervising ~~private-central~~ 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.

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

The following buildings, as classified by the NFPA 101 Life Safety Code, 2018 ~~2009~~ 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) Assembly occupancy~~Places of assembly;~~
- (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;~~
- ~~(191)~~ Mercantile occupancies;
- ~~(1012)~~ Industrial occupancies;
- ~~(1311)~~ 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 ~~the dispatch center~~either the dispatch center or an approved private central station:

- (1) Buildings containing high hazard contents;
- (2) Special structures as determined by the authority having jurisdiction~~fire chief~~.

All such buildings shall be connected to a City-approved wireless Master Box Alarm System. ~~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.

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~~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.~~

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.

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) ~~Each~~ ~~On or before December 31, 2010,~~ ~~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.

~~**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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