

## CHAPTER 8

### FIRE PREVENTION\*

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\*Editor's note-Ord. No. 87-8, adopted July 1, 1987, effective July 22, 1987, amended Ch. 8 in its entirety, to read as herein set out. Former Ch. 8, §§ 8-1-8-21, 8-30-8-40, 8-50-8-57, pertaining to fire department, explosives, gasoline and flammable liquids, oil burning equipment, and life safety and fire prevention codes, was derived from RO 1920, Ch. XIX, §§ 1-3, 5-7, 9, 12-15; Ch. XX, §§ 1, 2, 4, 5; Ch. XXI, §§ 1-4, 6, 7; and Ordinances of Nov. 17, 1976, Sept. 19, 1979, and Feb. 9, 1983. -

**Cross references**-Building and electrical codes, Ch. 4A; housing safety standards, § 9-45 et seq.; fireworks, § 10-1 et seq.; alarm systems, § 10-62 et seq.; fires and fireworks prohibited in parks, § 11-15; following fire apparatus, § 17-302; driving across fire hose, § 17-303.

**State law reference** - Fires and fire prevention generally, 30 M.R.S.A. §3771 et seq. (1964).

## **ARTICLE 1. OIL BURNING EQUIPMENT\***

### **Sec. 8-1. Title.**

This ordinance shall be incorporated in the Code of the City of Bath as Chapter 8, Fire Prevention, Article 1, Oil Burning Equipment.

(Ord. No. 87-8, 7-1-87)

### **Sec. 8-2. Applicability.**

This article shall apply to all persons, firms, corporations, copartnership, and governmental agencies except federal, installing oil burning equipment or storing, handling or using fuel oil used in connection with oil burning equipment.

(Ord. No. 87-8, 7-1-87)

### **Sec. 8-3. Standards.**

This article incorporates by reference sections 1-1 through 5-1.6.4 and appendices A through F of the NFPA Standard 31 entitled "Standard for the Installation of Oil Burning Equipment" with applicable amendments.

(Ord. No. 87-8, 7-1-87)

State law reference-Authority of municipalities to adopt codes by reference, 30 M.R.S.A. § 2156 (1964).

### **Sec. 8-4. Retroactivity,**

Existing oil burning equipment or existing fuel oil storage used in connection with oil burning equipment which is not in strict compliance with the terms of this article may be continued in use provided it does not constitute a distinct hazard to life or adjoining property. When the codes enforcement officer deems that the continued use will constitute a distinct hazard to life or adjoining property, he shall notify the owner or operator and specify the reason in writing.

(Ord. No. 87-8, 7-1-87)

\*State law reference-Licensing of oil burner men, requirement that all oil burning equipment conform to state regulations, 32 M.R.S.A. § 33 (1964).

### **Sec. 8-5. Permits.**

Approval issued pursuant to this article shall be obtained from the codes enforcement officer for the installation of any oil burning and any fuel oil tank used in connection therewith in excess of twenty-five (25) gallons in a building or in excess of sixty (60) gallons outside of a building.

(Ord. No. 87-8, 7-1-87)

### **Sec. 8-6. Inspection and approval.**

(a) Application for approval to install oil burning equipment or store, handle or use fuel oil in connection with oil burning equipment as herein required shall be made in writing to the codes enforcement officer. The codes enforcement officer shall then cause an inspection to be made of the premises and equipment proposed to be used. If they are found to be in compliance with this article, a statement to that effect shall be noted on the application and the application signed by the person making the inspection. The codes enforcement officer shall thereupon grant a permit as applied for.

(b) Before operating any oil burning equipment or fuel oil tank used in connection with oil burning equipment for which approval is required, notification shall be given to the codes enforcement officer and he shall, within two (2) working days thereof, cause such premises to be inspected.

(c) The codes enforcement officer or his authorized agent may at any reasonable time inspect premises, buildings or installations involving oil burning equipment or fuel oil used in connection therewith. If a violation of this article is found to exist, he shall file with the owner, occupant, or operator a notice citing the violation and ordering its correction. If such order is not complied with, the codes enforcement officer may suspend the permit granted for such facility, or take such other action as may deem necessary to abate the violation.

(d) Oil burning equipment and tanks and containers meeting the standards of a nationally recognized testing agency, or which are acceptable to the codes enforcement officer, shall be considered as meeting the requirements of this section.

(Ord. No. 87-8, 7-1-87)

### **Sec. 8-7. Modification.**

The codes enforcement officer shall have the power to grant exemption from application of this article upon request in writing so to do when such request shows that the enforcement of this article will cause unnecessary hardship to the petitioner, provided that said request shall not be granted where the requested use will constitute a distinct hazard to life or adjoining property. The particulars of such exemptions when granted shall be entered upon the approval granted. A copy thereof shall be retained by the codes enforcement officer. (Ord. No. 87-8, 7-1-87)

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

An owner, lessee, agent, operator, or occupant aggrieved by any order issued pursuant to this article may file an appeal in accordance with the procedures outlined in Section 8-104.

(Ord. No. 87-8, 7-1-87)

### **Sec. 8-9. Penalties.**

Any person who shall fail to comply with the provisions of this article or with an order of any authority having jurisdiction issued pursuant thereto, and from which no appeal has been taken, or with such an order as affirmed or modified on appeal within the time fixed therein,

shall be guilty of a class E crime. The imposition of a penalty for the violation of such order shall not excuse the violation or permit it to continue. Such penalty shall not limit the authority of the city to seek abatement of a violation through procedures under Rule 80K or other applicable enforcement methods.  
(Ord. No. 87-8, 7-1-87)

**Sec. 8-10. Repeal of conflicting ordinances.**

All former ordinances or parts thereof conflicting with the provisions of this article are hereby repealed.

(Ord. No. 87-8, 7-1-87)

**Sec. 8-11. Severability.**

The City Council hereby declares that should any section, paragraph, sentence or word of this article be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this article independent of that portion declared to be invalid, and it is the further intent hereby declared that the remaining portion of this article shall be and remain in full force and effect and subject to full enforcement. (Ord. No. 87-8, 7-1-87)

**ARTICLE 2. LIFE SAFETY AND FIRE PREVENTION CODES**

**Sec. 8-101. Title.**

This ordinance shall be incorporated into the Code of the City of Bath as Chapter 8, Fire Prevention, Article 2, Life Safety and Fire Prevention Codes.  
(Ord. No. 87-8, 7-1-87)

**Sec. 8-102. Standards - Life safety code.**

- (a) This article incorporates by reference National Fire Protection Association (NFPA) #101, *Life Safety Code*, 2009 edition, as amended by the State of Maine to avoid conflict with the *Maine Uniform Building and Energy Code* and to make the provisions specific to Maine, as set forth in the Rules of the State Fire Marshal, Chapter 20, Fire Safety in Buildings and Structures. (5/23/2018)

**Sec. 8-103. Fire Prevention Code.**

This article further incorporates by reference Sections F-100.1 through F-3600.6.3 and appendix A of the BOCA National Fire Prevention Code, 1987, except for the following revisions:

***Section F-100.3, Alternate Methods and Materials:*** Add the following:

The consideration of alternative methods and materials under this Article may, consistent with safety, include the factor of building age, environment, as-built conditions, historic

integrity and effective utilization.

**Section F-102.2, Inspections:** Shall read as follows:

The fire official shall inspect and shall have access for the purpose of inspecting all structures and premises, except any occupied single-family dwelling, as often as may be necessary for the purpose of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, endanger life or any violations of the provisions or intent of this code, or any other ordinance affecting fire safety.

**Section F-104. Appeals:** This section shall be eliminated and replaced by Section 8-104 hereunder.

**Section F-308.1, General:** Add the following:

None of the foregoing, however, shall preclude a dual hook-up within the same flue of an oil-fire heating apparatus, and wood-fired heating apparatus as is permitted pursuant to the State of Maine Fire Marshall's Regulation V.S.211.

**Section F-313.1, Designation:** Amend to read as follows:

The Bath City Council by ordinance may require and designate public or private fire lanes as deemed necessary for the efficient and effective use of fire apparatus.

**Section F-1700.3, Place of Assembly:** Amend to read as follows:

A place of assembly shall be a room or space accommodating the gathering of individuals for religious, recreational, educational, political, social or amusement purposes, or for the consumption of food and drink, including all connected rooms or space with a common means of egress and entrance. (Ord. No. 87-8, 7-1-87)

In addition, this article incorporates by reference National Fire Protection Association (NFPA) #1, *Uniform Fire Code*, 2006 edition, as amended by the State of Maine, as set forth in the Rules of the State Fire Marshal, Chapter 3, Fire Prevention Code. (05-23-2018)

## **Sec. 8-104. Appeals.**

(a) Any owner, lessee, operator, agent or occupant aggrieved by any order pursuant to this article may file an appeal in writing with the Zoning Board of Appeals within ten (10) days from the service of such order. The Zoning Board of Appeals shall fix the time and place, not less than seven (7) days nor more than fourteen (14) days after receipt of the appeal, stating when and where such appeal shall be heard. No enforcement action may be taken on the basis of the expiration of any time period in any such order, until hearing before the zoning board of appeals, and the rendering of a decision on the appeal, unless a distinct hazard exists which requires immediate remedial action.

(b) The zoning board of appeals at such hearing may affirm, modify, revoke or vacate such order. Unless revoked or vacated, such order as affirmed or modified shall then be complied with.

(c) In dealing with appeals pursuant to this section, the zoning board of appeals will be

governed by its procedures and proceedings as designated in Chapter 18 of this Code.  
(Ord. No. 87-8, 7-1-87)

**Sec. 8-105. Penalties.**

Any person who fails to comply with the provisions of this article or with an order of the codes enforcement officer issued pursuant to said article, and from which no appeal has been taken, or with such order as affirmed or modified by the zoning board of appeals or court of competent jurisdiction, within the time limit fixed within said order, shall be guilty of a civil violation, and shall be subject to payment of a fine of up to one hundred dollars (\$100.00), with each day of such violation constituting a separate and distinct offense, any such monies ordered paid to the order of the City of Bath. Nothing herein shall further prevent the codes enforcement officer or other city official from seeking injunctive relief to compel compliance with any lawful order issued pursuant to this section. Such penalty shall not limit the authority of the city to seek abatement of a violation through procedures under Rule 80K or other applicable enforcement methods. (Ord. No. 87-8, 7-1-87)

**Sec. 8-106. Repeal of conflicting ordinances.**

All former ordinances or parts thereof conflicting with the provisions of this article are hereby repealed.  
(Ord. No. 87-8, 7-1-87)

**Sec. 8-107. Severability.**

The City Council hereby declares that should any section, paragraph, sentence or word of this article be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this article independent of that portion declared to be invalid, and it is the further intent hereby declared that the remaining portion of this article shall be and remain in full force and effect and subject to full enforcement. (Ord. No. 87-8, 7-1-87)

**ARTICLE 3. OUTDOOR WOOD BOILERS AND OUTDOOR FURNACES**

**Sec. 8-201. Outdoor Wood Boilers and Outdoor Furnaces.**

(1) Purpose

Studies have been done indicating that outdoor furnaces and outdoor wood boilers pose environmental and health risks well beyond any public or private benefit. The smoke from these heating devices cause noxious, offensive odors and the emissions are detrimental to the public health. The purpose of this Section is to prohibit the use, construction, maintenance, or operation of outdoor furnaces and outdoor wood boilers in the City of Bath.

(2) Outdoor furnaces and outdoor wood boilers prohibited

The use, construction, maintenance, or operation of an outdoor furnace or outdoor wood boiler, other than those legally in existence and operation as of January 23, 2007, is prohibited in the City of Bath.

(3) Replacement of legally existing furnaces and boilers. Where it is expedient and desirous to replace a legally existing outdoor furnace or outdoor wood boiler (grandfathered unit), it may be replaced with a unit with at least the same or greater operating efficiency as the unit being replaced. A permit from the Codes Enforcement Officer is required prior to replacement. Maintenance is permitted on grandfathered units in order to minimize detrimental emissions.

(4) Outdoor furnaces or outdoor wood boilers defined

“Outdoor furnace” or “outdoor wood boiler” means any equipment, device, or apparatus, or any part thereof, which is installed, affixed, or situated outdoors, for the purpose of combustion of solid fuel to produce heat or energy.

(5) Penalties

Penalties for violation of this prohibition shall be as set forth in Section 8-105.

This Ordinance to be reviewed by City Council on or before March 1, 2008.  
(Ord. No. 87-8, 7-1-87, 3-7-07, 10-3-20,04-21-21)