

Order 25-10/11

Given first reading on 8/2/10

Passage 8-0 8/16/10 (Duson absent)

NICHOLAS M. MAVODONES (MAYOR)  
KEVIN J. DONOGHUE (1)  
DAVID A. MARSHALL (2)  
DANIEL S. SKOLNIK (3)  
CHERYL A. LEEMAN (4)

## CITY OF PORTLAND

IN THE CITY COUNCIL

JOHN R. COYNE (5)  
JOHN M. ANTON (A/L)  
DORY RICHARDS WAXMAN (A/L)  
JILL C. DUSON (A/L)

### AMENDMENT TO PORTLAND CITY CODE CHAPTER 10. FIRE PREVENTION AND PROTECTION ARTICLES I, II, III, IV, V, VI, VII and VIII

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

*That Chapter 10 of the Portland City Code is hereby repealed  
and the following is hereby enacted:*

#### CHAPTER 10. FIRE PREVENTION AND PROTECTION

- Art. I. NFPA 101: Life Safety Code, §§ 10-1--10-15
- Art. II. NFPA 1: Fire ~~Prevention~~ Code, §§ 10-16--10-21
- Art. III. Enforcement and Appeals, §§ 10-22--10-25
- Art. IV. Hydrants, §§ 10-26--10-36
- Art. V. Movement and Transfer of Oil or Petroleum, §§ 10-37--10-65
- Art. VI. ~~Reserved~~ Fire Suppression Systems, §§ 10-66-10-90
- Art. VII. ~~Tire Storage~~ 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 ~~2000~~ 2009 edition thereof and the whole thereof, except for such portions as are 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.

**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.

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

~~(b)~~

~~(b) Special Hazard Dwelling Unit shall mean any structure containing twelve (12) or more dwelling units.~~

**Sec. 10-3. Amendments.**

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

- (a) Section 3.3.32.8 shall be amended to read as follows:

"A building, facility or exterior portion of a building or facility deemed to have historical, architectural or cultural significance by a local, regional or national jurisdiction."

~~Sections 14.5.2.2, 15.5.2.2, 16.5.2.2, 17.5.2.2, 26.5.2.2, 28.5.2.2, 29.5.2.2, 30.5.2.2, and 31.5.2.2 (Unvented Gas Heaters); delete.~~

- (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 (7) 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 Planning & Urban Development."

~~Sections 12.3.5 and Section 13.3.5 (Automatic Sprinkler Systems); delete.~~

- (c) Section 9.7.1.1. The authority having jurisdiction shall have power to amend the water supply requirements of sections 9.7.1.1(1), 9.7.1.1(2), or 9.7.1.1(3) for

individual installations where meeting such requirements are impractical, financial reasons not being a consideration, and provided such requirements shall not be less stringent than the minimum water supply requirements for sprinkler systems in the State of Maine.

~~Section 7.2.2.4.6 (Guards Protecting Means of Egress) — Guards shall be a minimum of 36" for one family and two family dwelling units.~~

~~(d) Sections 12.3.5.3(3) and (4); and Sections 13.3.5.3(1) and (2); delete.~~

~~(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 14.5.2.2~~

~~Section 15.5.2.2~~

~~Section 16.5.2.2~~

~~Section 17.5.2.2~~

~~Section 26.5.2.2~~

~~Section 28.5.2.2~~

~~Section 29.5.2.2~~

~~Section 30.5.2.2~~

~~Section 31.5.2.2~~

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

~~(g) Section 24.2.5.1 shall be amended to permit the minimum guard height of 36" for newly constructed stairs in one- and two-family dwellings only.~~

~~(e)(h) All new single- and multiple-station smoke alarm installations shall comply with section 9.6.2.10 without exception. New detectors shall not use ionization detection technology. Therefore, the following sections shall be deleted:~~

~~Section 24.3.4.3~~

~~Section 31.3.4.5.4~~

~~(i) All new high-rise buildings shall be provided with exit stair path markings in accordance with section 7.2.2.5.5.~~

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

(k) 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.

~~(j)~~ (1) The provisions of the Life Safety Code shall not apply to one-family and ~~two-two-family dwelling occupancies units existing prior to the adoption of this ordinance~~, unless such structures are being used for a purpose which requires a state or municipal license, including, but not limited to, day care facilities, or are rented in their entirety and are the subject of a complaint to the City's Office of Building Inspections and Code Enforcement.

~~(i)~~ (m) Inspections. The ~~authority having jurisdiction Chief of the Fire Department~~, whenever any governmental agency having jurisdiction over a particular premises should request ~~it~~ him to do so, upon proper identification, shall have the right to enter at any and all reasonable times into or upon any premises subject to this Code for the purpose of inspecting the premises in order to determine compliance with the provisions of this Code. It shall be a violation of this article for any person either to interfere with or to prevent such inspection.

~~(f)~~ (n) **Appeals.** Appeals shall be governed by Chapter 10, Article III, Enforcement and Appeals, §10-23 of the Portland City Code.

(o) All new buildings shall comply with the authority having jurisdiction's Standards for Building, Stair, Floor, Suite and Room designation system.

(p) 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.

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

(a) ~~Notwithstanding the requirements of the Life Safety Code, any structure containing twelve (12) or more dwelling units~~ 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 fire department at all times ~~in a fire resistant container, the following:~~

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

- (2) Sufficient master keys to the building, as determined by the authority having jurisdiction fire chief; and
- (3) ~~A dated list of current authorized occupants which shall be updated on no less than a monthly basis; and~~ A list of special hazards within the building; and
- (4) ~~A list of special hazards within the building~~ 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. ~~The name, address, and telephone number of the owner of the premises and any party responsible for the maintenance and/or management of the building. If the fire resistant container referred to above is locked, the manager or owner of the building must provide the fire department with a key to the container.~~
- (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)(e) On or before July 1, 2000, l~~ow proximity signage, identifying the number of each dwelling unit by number or letter or both, shall be installed on each access door as follows: ~~Where floor proximity signage is required, t~~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.

(c) New special hazard buildings shall have exit stair path markings in accordance with Section 7.2.2.5.5.

**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 ~~PREVENTION~~-CODE

**Sec. 10-16. Adoption of National Fire Protection Association 1: Fire ~~Prevention~~ 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 ~~Prevention~~ Code (hereinafter referred to as the Fire ~~Prevention~~ Code) recommended by the National Fire Protection Association, being particularly the ~~1997-2009~~ edition thereof and the whole thereof, and except for such portions as are 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.

**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.

**Sec. 10-18. Amendments.**

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

(a) Section ~~1-71.10~~ (Board of Appeals); delete.

~~Section 1-9.8 (Elevator Testing); delete.~~

~~Section 1-15 (Elevator Testing); delete.~~

(b) In addition to the requirements of 18.2.3.4, fire department access roads ~~Section 3-5.2 (Fire Lanes); substitute~~ "Fire lane width shall comply with the standards set forth in the City of Portland's Technical and Design Standards and Guidelines, Chapter IV (Public Safety Standards), ~~be...~~ for "Fire lanes shall not be less than 20 ft. (6.1 m.) of unobstructed width..."

(c) Section 1.12.7 is amended to read 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 such form and detail as it shall prescribe. Applications for permits shall be accompanied by such plans 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.

(d) Section 1-125.176 is amended to read:

"1-125.176 "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. All applications for a permit shall be ~~accompanied~~ accompanied by such plans as required by the authority having jurisdiction~~chief of the fire department~~. In addition to the foregoing, the following must be submitted to the ~~fire chief~~authority having jurisdiction —prior to issuance of the permit: state license and proof of insurance for blasting permits or fireworks permits; and documentation of a current code-specific fire inspection for any required permit. Permits for the following shall be required:

Permit	Fire Prevention Code Section	Permit Fee
<del>Acetylene generator</del>	<del>1-15.16</del>	<del>\$25.00</del>
<del>Ammunition</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Automobile tire rebuilding plants</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Automobile wrecking yards Application for Flammable Finishes</del>	<del>1-.12.17</del> <del>15.6</del>	<del>25.00</del> <u>160.00 (D)</u>
<del>Blasting agents</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Bonfires</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Bowling establishments Bulk</del>	<del>1-.12.17</del> <del>15.6</del>	<del>No charge (B)</del> <del>160.00 (D)</del>

<u>Waste Storage</u>		
<del>Calcium carbide storage</del>	<del>1-15.6</del>	<del>30.00</del>
<del>Cellulose nitrate motion picture film</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Cellulose nitrate plastic (pyroxylin)</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Combustible fibers</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Combustible materials</del>	<del>1-15.6</del>	<del>25.00</del>
<u>Compressed gases Certificate of Fitness for Fire Alarm Service and Installation Company</u>	<del>1-.12.175.6</del>	<del>No charge (A)</del> 250.00 each
<del>Containers for welding and Cutting and Welding (Permanent Facilities) gases</del>	<del>1-.12.175.6</del>	<del>6025.00 (D)</del>
<del>Dipping operations flammable finishes</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Dry cleaning plants</del>	<del>1-.12.175.6</del>	<del>560.00 (D)</del>
<del>Dust producing material, plants handling</del>	<del>1-15.6</del>	<del>25.00</del>
<u>Explosives Fire Alarm Inspections Sticker</u>	<del>1-.12.175.6</del>	<del>205.00 each</del>
<del>Fireworks display</del>	<del>1-.12.175.6</del>	<del>141.00**</del>
<del>Flammable finishes</del>	<del>1-15.6</del>	<del>25.00</del>
<u>Flammable or combustible liquids, including gasoline stations other than motor fuel</u>	<del>1-.12.175.6</del>	<del>16055.00* (D)</del>

<u>dispensing</u>		
<del>Fruit ripening</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Fumigation</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Garages, repair</del>	<del>1-15.6</del>	<del>155.00</del>
Hazardous materials	1- <u>12.175.6</u>	<u>560.00</u> (D)
<del>Junkyards Hot work (Temporary)</del>	<del>1-<u>12.175.6</u></del>	<del>No charge (A), (B) 25.00</del>
<del>Liquefied petroleum gases Motor Fuel Dispensing and Refueling</del>	<del>1-<u>12.175.6</u></del>	<del>No charge (A) (D) 160.00 (D)</del>
<del>Lumber yards and lumber storage</del>	<del>1-15.6</del>	<del>100.00 (D)</del>
<del>Magnesium</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Matches</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Oil burning equipment</del>	<del>1-15.6</del>	<del>No charge (C)</del>
<del>Organic coatings</del>	<del>1-15.6</del>	<del>30.00</del>
<del>Industrial Ovens and furnaces</del>	<del>1-15.6</del>	<del>60.00 (D)</del>
<del>Places of assembly</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Rubbish fires</del>	<del>1-15.6</del>	<del>25.00</del>
Special type dispensing systems, <u>other than flammable or combustible liquids</u>	1- <u>12.175.6</u>	<u>1650.00</u> (A) (D)
<del>Spraying operations and dipping (flammable finishes) Repair Garages and</del>	<del>1-<u>12.175.6</u></del>	<del>16055.00</del> (D)

<u>Service Stations</u>		
<del>Tank vehicles transporting flammable or combustible liquids</del>	<del>1-15.6</del>	<del>60.00 (D)</del>
<del>Tents</del>	<del>1-15.6</del>	<del>No charge (C)</del>
<del>Thermal insecticidal fogging</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Waste material handling plants</del>	<del>1-15.6</del>	<del>25.00</del>
<del>Watercraft refueling</del>	<del>1-15.6</del>	<del>50.00</del>
<del>Welding and cutting</del>	<del>1-15.6</del>	<del>52.00</del>
<u>Woodworking and Lumber Storage plants</u>	<u>1-12.175-6</u>	<u>510.00 (D)</u>

- (A) License from city clerk 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 City Clerk's office after Fire Department review.

\*\*Equal to fee charged by state.

~~1-15.16(t) LP Gas, is amended by adding the following additional language:~~

~~"A permit shall be obtained for each permanent installation at any building involving containers of one hundred (100) gallons or more capacity.~~

~~Installations of the aggregate capacity of interconnected containers shall be regulated by the chief of the fire department."~~

(e) 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, the and the Director of Planning & Urban Development."

(f) 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

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

(h) 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."

(i) 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.

~~(g)~~(j) 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 ft<sup>3</sup> (232 m<sup>2</sup>).
- (4) 33.2.1.2 The dimensions 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.

~~(h)~~(k) 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.**

The limits referred to in Section ~~38-165.1~~ of the Fire ~~Prevention~~ Code in which storage of explosives and blasting agents is prohibited are hereby established as follows: Fire District 1 and Fire District 2 and in heavy residential areas 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. Said permit shall be separate from the permit for display of fireworks and issued after receipt of an application and sufficient documentation as may be required by the authority having jurisdiction.

**Sec. 10-20. Storage of flammable liquids in outside aboveground tanks prohibited.**

(a) The limits referred to in Section ~~28-166.1~~ of the Fire ~~Prevention~~ Code in which storage of flammable liquids in outside aboveground tanks is prohibited are hereby established as follows: Fire District 1 and Fire District 2 and in heavy residential areas on the mainland.

(b) The limits referred to in Section ~~28-166.1~~ of the Fire ~~Prevention~~ Code in which new bulk plants for flammable or combustible liquids are prohibited are hereby established as follows: Fire District 1 and Fire District 2 and in heavy residential areas on the mainland.

(c) Notwithstanding the above, neither drainage, dikes nor walls shall be required for aboveground tanks where the total capacity for storage of K-1 or kerosene fuel on the premises is six hundred sixty (660) gallons or less.

**Sec. 10-21. Bulk storage of liquefied petroleum gases restricted.**

The limits referred to in Section ~~30-169.1~~ of the Fire Prevention Code in which bulk storage of liquefied petroleum gas is restricted are hereby established as follows: Fire District 1 and Fire District 2 and in heavy residential areas on the mainland.

**Sec. 10-21.5. Reserved Hazardous Materials.**

(a) Where Tier II hazardous materials 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) 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 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.

Editor's Note: A copy of such rules and regulations may be obtained at <http://www.portlandmaine.gov/fire>.

Sec. 10-22.1 Modifications.

The ~~authority having jurisdiction chief of the fire department~~ shall have power to recommend modification of any of the provisions of the Fire-~~Prevention~~ 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 chief of the fire department~~ shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire-~~Prevention~~ 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 chief of the fire department~~ to the Board of Appeals within ten (10) days from the decision of the ~~authority having jurisdiction chief of the fire department~~. The Board of Appeals may reverse the decision of the ~~authority having jurisdiction chief of the fire department~~ and permit exceptions to or variances from the specific provisions of the Fire-~~Prevention~~ 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.

**Sec. 10-24. Additional permits.**

The ~~authority having jurisdiction chief of the fire department~~ shall from time to time determine and recommend to the city council for inclusion in the Fire ~~Prevention~~ 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.

**Sec. 10-25. Violations.**

The provisions of Chapter 10 may be enforced by the ~~authority having jurisdiction fire chief or his or her designee~~ through the Uniform Summons and Complaint process ~~or M.R. Civ. P. Rule 80K~~.

- (a) Any person who shall violate any of the provisions of the Fire ~~Prevention~~ Code and/or the Life Safety Code hereby adopted 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 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 Two~~ hundred ~~fifty~~ dollars (\$~~5025~~0.00) fine;

(2) ~~Second offense: One thousand Five hundred dollars (\$1,0500.00) fine;~~

~~(3) (3) Third offense: One thousand five hundred dollar fine (\$1,500.00). Third offense: One thousand dollars (\$1,000.00) 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.

**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.

**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 manage 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.

**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.

**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.

**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.

**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.

**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 Chapter Ten (10) shall be effective in relieving any person of responsibility for compliance with the provisions of Chapter Ten (10) as set forth herein.

**Sec. 10-25.8~~1~~ Additional Procedures; Warning Signs.**

(a) In addition to the process set forth above, when the authority having jurisdiction ~~chief of the fire department,~~ in its ~~his or her~~ sole discretion, determines that an emergency exists that must be addressed immediately to protect public safety, the authority having jurisdiction ~~chief~~ 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~~equipment~~ 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 ~~fire chief~~ shall then cause the condition to be corrected and to be sent to the person

notified a notice of any action taken to correct an unsafe condition and the charges for the work done. The charges shall be payable to the city within thirty (30) days of the date of the notice. 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 chief of the fire department~~, in the ~~its chief's~~ 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 chief~~ may have highly visible signs posted on the building which indicates the address of the building, the name, address and telephone number of the owner (as determined on the City's tax rolls) and the fact that the building has such outstanding code violations. The sign may also contain information on future court dates relating to the building, if known. The ~~authority having jurisdiction chief~~ may also have a written notice containing the same information:

- (1) Delivered to the occupants of each dwelling unit in the building; and/or
- (2) Published in a local newspaper; and/or
- (3) Included on a list, maintained by the fire department and available to the public, of similarly classified buildings.

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 Chief of the Fire Department~~, in ~~its the Chief's~~ sole discretion, determines that a vacant or otherwise derelict building may pose a serious and immediate risk to public safety officials, including fire fighters, emergency medical technicians, police officers or the like, who may be responding to an emergency call at such premises, ~~it the Chief~~ 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 (dc) above.

**Sec. 10-25.92. Reinspection.**

Following the issuance of a notice of violation and an order to correct violations, the authority having jurisdiction fire chief 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 seventy-five dollars (\$75.00) 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 §1-16.

**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 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

**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.

**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.

**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 at the time upon any change in occupancy or use of the property. such upgrade, as follows:

- ~~(1) Upon any change in use of the property which requires subdivision or site plan review under chapter 14, article IV or article V of this Code; or~~
  - ~~(2) By March 31, 2001;~~
- ~~whichever is first in time.~~

**Sec. 10-28. Maintenance of ~~private~~ 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, ~~and written certification~~ 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 certification will~~ be sent to the fire chief, with a copy to the Portland Water District;
- (2) Painting ~~in a color acceptable to the fire chief 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) ~~An annual written statement describing the owner's maintenance program and providing the name and address of the person responsible for carrying out such program shall be placed on file with the fire chief, with a copy filed with the Portland Water District~~ 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.

**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) thirty-six (36)~~ hours after such obstructions and encumbrances arise, then the city shall have the right, but not the obligation, to enter upon the emergency access lane and adjacent land as necessary with 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.

**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. Effective date.**

~~Except as specifically provided in sections 10-27(b) and 10-29(b)(1), these amendments shall take effect thirty (30) days after passage. 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.~~

Editor's Note: A copy of such rules and regulations may be obtained at <http://www.portlandmaine.gov/fire>.

**Sec. 10-32. Reserved.**

**Sec. 10-33. Reserved.**

**Sec. 10-34. Reserved.**

**Sec. 10-35. Reserved.**

**Sec. 10-36. Reserved.**

## **ARTICLE V. MOVEMENT AND TRANSFER OF OIL OR PETROLEUM PRODUCTS**

### **Sec. 10-37. Scope.**

Notwithstanding Fire Prevention Code and Life Safety Code, the following provisions of this article shall apply to and govern marine oil terminals, tank vessels and the movement and transfer of oil or petroleum products within the territorial limits, including the waters of Portland Harbor located within such limits, of the city.

### **Sec. 10-38. Definitions.**

In general, all words shall have their normal meanings and such meanings as may be in common use in the petroleum, marine, or maritime industries. Certain words are more particularly defined. For the purposes of this article, the term:

*Discharge* means any spilling, leaking, pumping, pouring, emitting, emptying or dumping.

*Fire Chief* means the fire chief of the city of Portland or his or her designee.

*Loading* means the movement of oil into a vessel.

*Marine oil terminal* sometimes referred to "terminal" means an installation on land or adjacent to the shore where a mooring, pier, wharf, or a dock or docks is available for tying up tank vessels so that they may load or unload oil and flammable liquid cargo in bulk, which installation shall include the mooring, pier, wharf, dock or docks and equipment and buildings on the adjacent shore location used in connection with receiving or loading out such cargo, except for marinas servicing private boats seventy-five (75) feet or less in overall length.

*Oil, petroleum products and their by-products* means oil of any kind and in any form including, but not limited to, petroleum, fuel oil, sludge, oil refuse, oil mixed with other

wastes, crude oils and all other liquid hydrocarbons regardless of specific gravity.

*Terminal operator* means the owner, lessee or agent, or person in possession of, or operating, or managing a marine oil terminal.

*Terminal supervisor* means any employee of the terminal operator who has been left in charge of operations at a terminal by authority of the operator.

*Transfer operations, transferring, the transfer, or to transfer* means the movement of oil into or out of a vessel from or to a shore tank or from or to another vessel or any other facility for storing oil.

*Unloading* means movement of oil out of a vessel.

*Vessel* means every description of watercraft or other contrivance used, or capable of being used, as a means of transportation on water, whether self-propelled or otherwise and shall include barges and tugs.

*Vessel owner or operator* means any person owning, operating, or chartering by lease, a vessel.

*Watch officer* means an officer or other crew member assigned by master to be in charge of transfer operations aboard the tank vessel.

**Sec. 10-39. General regulations.**

(a) *Discharge of oil into Portland Harbor.* No person shall pump, discharge, throw, drain or deposit, or cause to be deposited, oil or other matter containing oil into the waters of Portland Harbor which shall cause, or contribute to, a condition in contravention of those water quality standards established by the state in Title 38 of the Maine Revised Statutes Annotated.

(b) *New disposal systems.* No person shall construct or operate, or cause to be operated, a new disposal system for the discharge of sewage or industrial or other wastes containing oil into any of the waters of Portland Harbor unless such person shall have first obtained such licenses as are required for such new sources of discharges from state or federal agencies having jurisdiction thereover.

(c) *Discharge of bilge or ballast water.* No person shall pump, discharge or deposit, or cause to be deposited, bilge or ballast water, or water from any receptacle containing oil, in such a manner whereby oil may escape into the waters of Portland

Harbor which causes or contributes to a condition in contravention of the established state water quality standards.

(d) *Cleaning of vessels.* No person shall wash or otherwise clean, or cause to be cleaned, any vessel or part thereof, or any oil tank, or oil receptacle in such a manner whereby oil may escape into the waters of Portland Harbor which shall cause, or contribute to, a condition in contravention of the established state water quality standards.

(e) *Testing and demonstration of oil pollution control equipment and material.* Nothing contained herein shall prohibit the testing and demonstration of equipment and materials for the control of oil pollution. However, application of oil to the waters of Portland Harbor for this purpose may only be done with the prior approval of the applicable state and federal officials and the fire chief.

(f) *Application to persons using wharfs, piers or dolphins.* It shall be the duty of any person using any wharf, pier, or dolphin in the city, granted permission to do so by the fire chief, to comply with all sections of this article.

(g) *Licensing of vessel owners and operators.* All vessel owners or operators of oil-carrying vessels propelled or of the barge type, using any pier or wharf or dolphins in the city as a base of operations, shall obtain a license to do such from the fire chief. Such license shall run for one (1) year, starting January first and ending December thirty-first. This license can and will be terminated, with notice, if in the opinion of the fire chief the holder of such license has not conformed to the rules of the license, or in his or her opinion a hazardous condition has arisen and a continuance of the license would endanger life and property.

(h) *Gas free certificate.* No ship or barge which has carried class 1 or class 2 fuel and does not hold a gas free certificate shall moor to any pier, wharf or dolphin, other than at a licensed marine oil terminal, in the city without the permission of the fire chief.

(i) *Tow boats required.* All barges or dead vessels not having use of their own propulsion shall have a tow boat alongside unless the vessel or barge has a certificate declaring it to be gas free.

(j) *Permission required for loading and unloading.* No vessel, barge or boat moored alongside or at anchor shall be fueled, loaded or unloaded from or to any wharf, pier, or dolphin by any means unless such action has the permission of the fire chief or the supplier of the fuel is licensed to transfer fuel at that location.

(k) *Construction for transferring oil.* No piers, pilings, dolphins or mooring buoys shall be constructed for the purpose of transferring oil to or from any part of the city or its islands without permission of the fire chief.

(l) *Foam required.* Seven hundred fifty (750) gallons of foam of the type approved by the fire chief, with the proper applicators, shall be available and be in operable condition at each marine oil terminal, for use in case of fire.

(m) *Explosive meters required.* All marine facilities used for the transfer of oil or fuel or berthing of any vessel or barge used in the transportation of such fuel shall have at least one (1) portable explosive meter available for the measurement or detection of explosive vapors on the dock or wharf of such facility. If this facility is connected in any way to a tank storage farm, a portable explosive meter shall also be provided for it.

***Sec. 10-40. Marine oil terminal transfer operations.***

(a) *Generally.* Particular care is essential to prevent oil pollution caused by spills during transfer of bulk oil from a vessel to shore, or from shore to a vessel, or from vessel to vessel, or during ballasting.

(b) *Pre-transfer conference.* Prior to commencing oil transfer operations, the following items shall be reviewed and agreed upon by both vessel and shore personnel:

- (1) Cargo sequence for loading or discharging products and the proper pipeline for each product.
- (2) Handling rate at which oil will be transferred. Reduced rates are required when commencing transfer, changing the lineup, topping off tanks, or nearing completion of transfer. The amount of standby time to be given when the vessel or terminal desires to start, stop or change the rate of flow must be agreed upon.
- (3) Communication and signal systems must be established and checked and must be readily available during transfer operations.
- (4) Emergency procedures to be followed in order to stop and contain any spillage must be established and agreed upon.

(c) *Vessel operations.* During oil transfer operations, the following procedures shall be followed by vessel personnel:

- (1) A licensed officer or certified tanker-man who has full knowledge of the vessel's tanks and cargo handling system shall be in charge of cargo handling.
- (2) A sufficient number of adequately trained vessel employees shall be on duty during cargo operations.
- (3) The vessel shall be moored with adequate lines to prevent surging and the mooring lines shall be properly tended to prevent the lines from either parting or developing excess slack.
- (4) All scuppers shall be plugged during transfer operations. If scuppers must be unplugged to drain water from the deck area, they shall be tended constantly and the plugs replaced immediately.
- (5) The ends of hoses or other connecting devices shall be blanked when out of service. A drip-pan of sufficient size shall be used at the vessel's cargo or bunker manifold connections at all times. It should be properly positioned and adequately maintained and an ad/absorber shall be available in case of overflows to minimize loss of oil. At no time shall the contents of the drip-pans be allowed to spill in the water. Contents of drip-pans after removal must be disposed of in the manner accepted by the authorities and as further defined herein. Connections shall be secured to insure against leakage. Flanges, joints, and hoses shall be checked visually for cracks, weak spots, or points of excessive stress.
- (6) Before commencing transfer operations, the initial lineup on the vessel shall be checked from the deck manifold connection through the system to the first tank valve to see that valves are properly set. All valves which are not involved in initial transfer operations must be closed tightly. Sea valves connected to cargo or bunker piping systems, stern discharge and ballast discharge valves connected to cargo systems shall be closed and sealed during transfer operations.
- (7) No tank vessel shall be secured alongside another tank vessel at a pier in Portland Harbor except while taking bunker fuel aboard from a lighter. A

tow boat shall stand by during the transfer of bunker fuel from lighter to tank vessel. The bunkering lighter shall be moved away from the ship immediately after it has pumped its load aboard the tank vessel.

- (8) During transfer operations, personnel shall be stationed where vessel connections, hose and terminal connections can be observed. Regular inspections shall be made of the transfer lineup, of water around the vessel, and of connections and other points subject to leakage.
- (9) During ballasting, pumps shall be started before opening sea valves and shall be stopped after closing sea valves.

(d) *Terminal operations.* During oil transfer operations, the following procedures shall be followed by terminal personnel:

- (1) Procedures outlined in subsection (c) above for vessel operations where appropriate.
- (2) A tight wharf or pier section enclosed by a curb is desirable but drip-pans and an ad/absorber must be used if there is not a tight wharf with appropriate curbs.
- (3) Before commencing discharge of dirty ballast or slop oil to terminal facilities, the system and lineup shall be checked. During transfer the system shall be checked regularly for leakage.
- (4) Where waste oil collection and separation facilities are installed, the separator shall be checked regularly for proper operation and any accumulated sludge removed as necessary.
- (5) Shore-based facilities shall have a piped drain from curb enclosed area on the pier or from fixed drip-pan if latter is used, and care shall be taken to prevent leakage or spillage of oil from non-fixed drip-pans when they are dumped for disposal. In all cases, spillage shall be piped to shore-based facilities either directly or via a sump.
- (6) Terminal operators shall have a maintenance inspection and testing program for all oil-handling hoses and equipment in order to detect faulty equipment. Maintenance inspection and program reports shall be made available to the

state department of environmental protection, federal environmental protection agency and the chief of the fire department.

- (7) A sufficient number of adequately trained terminal employees shall be on duty during terminal operations.
- (8) No person shall transfer, or cause to be transferred, or consent to the transfer of any bulk oil after dark unless the point of transfer is adequately illuminated.

(e) *Use and care of hose:*

- (1) Any hose used in oil transfer service shall be of a grade suitable for oil service and be designed to withstand pressure of the shut-off head of the pump or pump relief valve setting. Such hose shall be tested semiannually at a pressure in excess of that to which it is subjected in use.
- (2) Hoses shall be supported during transfer operations so as not to be crushed between the vessel and wharf or to be subjected to strain due to excessive curvature.
- (3) Hose lines shall be sufficiently long and adequately supported so as not to be strained excessively by any movement of the ship due to tides or change in draft during oil transfer operations.
- (4) Hoses shall not be permitted to chafe on the dock or ship, or to be in contact with hot surfaces such as steam pipes, or to be exposed to other corrosive sources.

***Sec. 10-41. Responsibilities of vessel operator.***

The vessel owner or operator shall be responsible or cause the master or other officers of the vessel to be responsible for:

(a) *Generally.* The vessel operator shall maintain qualified and competent personnel on the vessel for the operations to be performed who shall be familiar with and observe customary safe operating practices including compliance with this article, and such personnel shall be familiar with the proper use of the firefighting installations aboard the vessel. In the case of a manned tank vessel barge, there shall be at least one (1) member of the crew on board at all times except when the vessel is gas

freed or is moored at a dock in a terminal at which watchman service is provided or unless reasonable precautions are taken to prevent unauthorized persons from boarding the barge.

(b) *Operations aboard the vessel.* The watch officer shall be responsible for all transfer operations aboard the vessel including the operation of valves, pumps, scupper plugs, proper support of cargo hose where the construction of the vessel permits and conditions require support of the hose by the vessel's rigging. The watch officers shall be responsible for all valves and other equipment settings and adjustments aboard the vessel for proper transfer of cargo including the sealing of the sea suction and overboard discharge valves before transfer and unsealing same when necessary.

(c) *Observance.* The watch officer shall keep watch on transfer operations so as to be able to observe if unsafe conditions develop. If unsafe conditions do develop, the watch officer shall proceed as required herein.

***Sec. 10-42. Joint responsibilities of terminal and vessel operators.***

The terminal supervisor and watch officer shall cooperate in such a way as to promote the observance of safe operating practices including compliance with this article for the purpose of expediting the transfer with all due dispatch and safety. The watch officer shall furnish to the terminal supervisor the usual signed notice of readiness to discharge or receive cargo, and the terminal supervisor shall sign or have one (1) copy signed to signify acceptance and return same to the watch officer.

***Sec. 10-43. Responsibilities of terminal operator.***

The terminal operator shall be responsible as follows:

(a) *Generally.* The operator shall have on the wharf or pier, whenever a tank vessel is in berth, qualified and competent personnel who shall be familiar with and observe customary safe operating practices including compliance with this article, and such personnel shall be familiar with the proper use of the firefighting equipment installed for the protection of the terminal facilities.

(b) *Posting.* The operator shall cause to be posted a copy of this article at the terminal in a location where it is readily available for reference at any time by persons employed in the terminal or by personnel of any vessel at the terminal.

(c) *Handling cargo hose, mechanical unloading arms, and shore installations.* The terminal supervisor shall be responsible

for all operations on shore including the handling of pumps, valves, tankage and other equipment on the dock or on shore and shall be responsible for all settings and adjustments of same to properly transfer cargo. This shall include responsibility for connecting and disconnecting cargo hose or mechanical unloading arms at the ship's piping connections, and ascertaining that cargo hose or mechanical unloading arm is properly supported.

(d) *Fire main shore connection.* There shall be immediately available during any transfer operation at least one (1) international ship to shore connection meeting the specifications outlined in subparagraph 162.034 of subchapter Q, United States Coast Guard "Rules and Regulations for Tank Vessels."

(e) *Reports and notifications required.* The fire department shall be notified at least twelve (12) hours in advance of any transfer of bulk oil by the terminal operator, with the following information:

- (1) Terminal name and location;
- (2) Approximate amount of oil to be transferred;
- (3) Product type;
- (4) Vessel name;
- (5) Expected time and date of vessel arrival.

Should unusual circumstances make it impossible to provide twelve (12) hour notice, the terminal operator shall notify the fire department as soon as possible. Notification is not required for transfer of oil for a vessel's own use.

**Sec. 10-44. General safety provisions.**

(a) *Rate of transfer.* Loading or unloading operations shall be carefully observed throughout the transfer, especially at the beginning to be sure all connections are tight and that rate is known and is suitable and personnel, especially at tanks on shore or on board the vessel or terminal, shall be alerted to standby for stopping of transfer.

(b) *Hazardous vapor.* When two (2) or more vessels are moored in adjacent berths at a terminal and, in the opinion of the terminal supervisor or watch officer, a hazardous (vapor) condition develops on the dock or on any one (1) of such vessels, all transfer operations involving all such vessels shall be stopped and all sources of ignition, such as smoking, use of

matches, lighters and open flames except boiler fires, shall be eliminated and/or prohibited on all such vessels.

(c) *Signs at gang-plank.* During the time a vessel is in berth a warning placard carrying letters not less than two (2) inches high on a contrasting background shall be displayed near the gang-plank. This placard shall read substantially as follows:  
WARNING

NO OPEN LIGHTS      NO SMOKING

NO UNAUTHORIZED VISITORS

(d) *Spillage retention boom.* A containment boom of sufficient length and size to completely encircle vessels involved or engaged in the transfer of petroleum products large enough to contain spills in normal weather conditions shall be available at all times on the wharf to which the vessel is secured.

***Sec. 10-45. Vessel safety provisions.***

The vessel owner or operator shall be responsible or cause the master or other officers to be responsible for the observance of the following safety provisions:

(a) *Fires, matches and smoking.* Smoking, use of lighters, matches or open flames and operation of arcing or heat producing electrical appliances or equivalent shall be prohibited except that the master may permit use of such appliances, boiler fires, galley fires, and smoking in enclosed locations where the same will not constitute a hazard.

(b) *Fire protection equipment.* Sufficient serviceable fire hose to reach all parts of the ship with approved combination nozzles attached shall be connected to the fire main on the vessel and made ready for instant use during the time when vessel is in berth. Also, before and after fire wires shall be rigged on offshore's side of ship for use of tugs in removing ships from pier in event of fire.

(c) *Scupper plugs.* Employee of vessel operator in charge shall see that all scuppers are effectively plugged before transfer, except on tank vessels using water for deck cooling. However, during rain storms it is permissible to remove scuppers as necessary to allow run-off of water provided a vessel crew member stands watch to reclose the scuppers in case of an oil spill. A physical ad/absorber shall be kept on site to assist in cleaning up any oil spilled to minimize discharge to the water.

(d) *Tank tops and ullage plugs.* When transferring cargo, tank tops and hatch covers shall be closed. Ullage caps or plugs shall only be open on such tanks as are to be loaded or unloaded and all such open ullage holes shall be covered with flame screens which shall be kept in place during the transfer except for the minimum time necessary to observe transfer progress, take samples or take ullage readings. Should a tow boat or other vessel, such as a bunker barge or lighter, be moved alongside for the purpose of servicing the ship and should such floating equipment be steam propelled or propelled by an internal combustion engine, tank tops, tank hatches, or ullage plugs or caps shall be kept open only on those tanks from which cargo is being withdrawn and may be kept open only with flame screens in place. When there is no longer any possibility of sparks or other sources of ignition and, after the tow boat has left or engine on a self-propelled lighter has been shut down, normal procedure may be resumed.

(e) *Ports and doors to crew's quarters.* When loading or unloading, all ports and doors facing the cargo decks or facing a breeze bringing vapors from another vessel shall be closed except when necessary to open for passage of personnel.

(f) *Blowing of boiler tubes.* Blowing of boiler tubes or other work on the boilers which may cause sparks from the stacks is strictly prohibited.

(g) *Vessels making smoke.* Smoke from vessels shall be kept to a minimum while in berth.

(h) *Steaming of tanks.* Steaming of tanks while vessel is at dock is prohibited.

(i) *Open hatches; use of.* Transfer of cargo by means of a hose through an open hatch is prohibited. An exception will be made only when an emergency arises and this is the only means of moving oil from one (1) vessel compartment to another or of unloading vessel for the purpose of reducing or preventing pollution or for preventing foundering, and then only when all due precautions have been taken and conditions in the opinion of the fire chief are suitable for this means of transfer to be carried out safely, and then only with the end of hose immersed at all times in the fluid of the open hatch.

(j) *Pans under hose connections.* Pans or buckets shall be placed under all hose connections aboard the vessel and care shall be taken to see that oil does not escape from hose or piping aboard the vessel to such waters.

(k) *Handling of dry cargo and bunkers.* The servicing of a vessel while in berth by moving stores or dry cargo onto or off

the ship and taking bunkers whether from or to the dock or a service vessel lying alongside a vessel in berth shall only be carried out at times when the terminal supervisor and watch officer both agree that such servicing will not obstruct transfer operations or create a fire hazard. In case of oil spill all service vessels shall stand away from vessels at dock until hazard is abated and approval of the fire chief is obtained to continue operation.

(l) *Repairs on board vessel while at marine terminal.* Engine repairs are prohibited, except that minor adjustments or maintenance that will not prevent prompt sailing in case of emergency may be made while vessels are in berth at a marine terminal. Specifically prohibited is removal of cylinder heads and drawing of pistons and liners. Repairs to electrical equipment may be undertaken provided switches controlling the circuits are opened and locked or otherwise secured in the open position and marked against closure by proper warning signs. "Hot work" repairs involving the use of electrically arcing, heat or flame producing tools or similar equipment shall not be undertaken aboard the vessel at any marine terminal except only in case of emergency and only in a space which is and can be maintained gas free and is kept gas free. The fire chief shall be notified of such repairs and his or her approval obtained in advance of beginning of any hot work. In no case shall a dead vessel be allowed to berth at any marine oil terminal without permission of the fire chief.

(m) *Tank vessel barges.* A tank vessel barge shall be considered operational when a tug is made fast to the barge.

**Sec. 10-46. Terminal safety provisions.**

The terminal operator shall be responsible or cause the terminal supervisor to be responsible for the observance of the following safety provisions:

(a) *Smoking.* Smoking shall be prohibited on the premises, including docks, of all terminals except in such locations where the terminal operator and the fire chief may agree that smoking will be permitted. "NO SMOKING" signs shall be posted conspicuously to show the areas where smoking will not be allowed. Appropriate signs shall be installed in locations where smoking is permitted to mark the limits of the permissible area.

(b) *Cargo hose and tests.* Cargo hose shall be adequately supported so as to prevent chafing or kinking during transfer operations. Manufacturer's rating on hose shall not be less than the maximum working pressure of the system on which it is to be used. Each length of hose shall be tested semiannually to be a pressure of not less than one hundred twenty-five (125) percent

of the maximum working pressure or one hundred twenty-five (125) pounds per square inch, whichever is greater, and a record of such tests shall be maintained at the terminal. The free ends of hoses connected to piping on dock shall be closed with blind flanges when not in use or not being made ready for use.

(c) *Bonding cable.* The terminal shall provide a suitable bonding cable, and incorporate a meter to provide a positive means of determining a ground. It shall be firmly attached to ship by an employee of the terminal before cargo hose has been disconnected from the vessel and until just before a ship leaves dock, at which it shall be removed by an employee or employees of the terminal. Care shall be exercised not to generate static or other sparks when attaching or detaching the bond clamp.

(d) *Repairs to pier or wharf.* Repairs to pier or wharf while a vessel is in berth shall be limited to minor repairs and to operations which do not involve sparks. Repairs to electrical equipment while a vessel is in berth may be undertaken providing switches controlling the circuits are opened and locked or otherwise secured in the open position and marked against closure by proper warning signs. "Hot work" repairs involving the use of fire, open flame, electrical equipment which may cause sparks, welding or other spark producing operations are prohibited on the pier or wharf while a vessel is in berth except only in case of emergency when gas free conditions exist and can be maintained. The fire chief shall be notified of such repairs and his or her approval obtained in advance of beginning any hot work.

(e) *Fire fighting system.* The location of a firefighting system, if available, shall be clearly marked with signs. Monitor nozzles shall be provided, if possible, along the pier on terminal firefighting systems.

(f) *Pressure pump hose and nozzle.* Sufficient serviceable fire hose to reach all parts of the ship and dock with approved combination nozzles attached shall be connected to the fire main on the dock, and on vessels equipped with fire mains, and made ready for instant use during the time a vessel is in berth. The fire main may have a master valve at the head of the dock so the fire main can be kept dry in winter and wet in summer. The fire main on the dock will be at least six (6) inches in diameter. The fire main on the dock shall be charged at all times to the master valve and be capable of supplying a minimum of one thousand (1,000) gallons per minute at a pressure of one hundred (100) pounds per square inch, through two and one-half-inch gated valves at dock locations approved by the fire chief.

(g) *Availability of dispersants.* Restrictions on the use of dispersants for pollution control purposes are as follows:

- (1) *Definitions.* Dispersants are those chemical agents or compounds which emulsify, disperse or solubilize oil or act to further the surface spreading of oil slicks in order to facilitate dispersal of oil. Sinking agents are those chemicals or other agents that can physically sink oil below the water surface.
- (2) *Prohibition.* Dispersants or sinking agents shall not be used on or in the waters of Portland Harbor except as provided in subsection (7)c.
- (3) *Authorized use.* Dispersants or sinking agents may be used on or in the waters of Portland Harbor located within the limits of the city only when the fire chief authorizes their use when and only when their use will:
  - a. In the judgment of the fire chief, prevent or substantially reduce hazard to human life or limb or substantial hazard of fire to property;
  - b. After consultation with appropriate federal and state agencies, prevent or reduce substantial hazard to major or important segments of vulnerable species of waterfowl;
  - c. After consultation with appropriate federal and state agencies, result in the least overall environmental damage or interference with designated uses.

**Sec. 10-47. Action in case of hazards.**

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

(a) *Electrical storm.* If an electrical storm develops which in the opinion of the terminal supervisor or watch officer is too severe for operations to be safely contained.

(b) *Fire.* If a fire occurs on the pier or wharf, vessel or in the nearby vicinity.

(c) *Vessel out of control.* If a vessel should break loose, or if another vessel should come alongside which is not under control, or is emitting sparks from its stack, or is apt to collide or otherwise present a hazard to the vessel in berth at the terminal.

(d) *Leaks.* If an oil spill occurs aboard the vessel or on the wharf or if a leak develops in joints of hose or piping which cannot be stopped by tightening.

(e) *Vapor conditions and hazards.* If in the opinion of terminal supervisor or watch officer a vapor condition develops aboard or around the vessel or dock which would be too serious to continue with safety.

(f) *Right of chief of the fire department to halt operations.* When in the opinion of the fire chief hazardous conditions are such that transfer operations should be stopped and the fire chief requests that they be so stopped.

(g) *Right of chief of the fire department to require undocking of vessels.* When in the opinion of the fire chief hazardous conditions are such that a vessel should be removed from a dock area, the fire chief may order such removal.

(h) *Unforeseen emergency.* If any other emergency occurs which in the opinion of the watch officer or the terminal supervisor constitutes a potential hazard to the ship or facilities.

**Sec. 10-48. Spills and accidental discharges report.**

(a) Following an oil spill, the source of leakage or spillage shall be located and the terminal supervisor or the watch officer responsible for the activities causing the spill shall take immediate corrective action to stop discharge of oil.

(b) Further, the person causing the spill shall be responsible for having immediate steps taken to prevent spilled oil from reaching the waters of Portland Harbor. If any oil has reached the waters of Portland Harbor, the person causing the spill shall be responsible for having immediate steps taken to contain the oil in as small an area as possible. The oil shall then be removed and disposed of in a manner approved by the fire chief so as to minimize pollution. The advice of the environmental improvement commission, United States Coast Guard and federal water pollution control administration officials shall be sought in cleaning up an oil spill.

(c) Oil spills in quantities sufficient to cause, or contribute to, a condition in contravention of the previously defined water quality standards shall be reported immediately by telephone to:

- (1) The commanding officer of the United States Coast Guard Base, South Portland, or his or her authorized representative;
- (2) The fire chief;
- (3) The Board of Environmental Protection, Augusta, Maine.

This report shall be made by the person responsible for the occurrence or by any terminal operator or agent, or supervisor of any vessel observing such occurrence.

(d) Under no circumstances, other than time required to stop spillage from continuing, should there be any delay whatever in reporting any spillage. Containment of any spillage and its removal from waters is directly dependent on prompt reporting.

(e) A written report of the spillage shall be submitted to the fire chief who shall be responsible for seeing that the appropriate ship or terminal authorities submit such a report. Such report shall be in the form and contain the information as follows:

PETROLEUM SPILLAGE REPORT  
CITY OF PORTLAND, MAINE

1. Vessel \_\_\_\_\_ Terminal \_\_\_\_\_

2. Owner of Vessel \_\_\_\_\_  
Name Address

3. Operator of Vessel \_\_\_\_\_  
Name Address

4. Agent \_\_\_\_\_  
Name Address

5. Name of Master \_\_\_\_\_  
Address

6. Arrival: At Portland L-S \_\_\_\_\_ 19 \_\_\_\_\_ A.M. P.M. At  
Dock \_\_\_\_ 19 \_\_\_\_\_ A.M. P.M.

7. Anchored in bay, Time: From \_\_\_\_\_ 19 \_\_\_\_\_ A.M. P.M.  
to \_\_\_\_ 19 \_\_\_\_\_ A.M. P.M.

8. Products carried \_\_\_\_\_

9. Were Seacocks, Ballast and Bilge Overboard Discharge Valves  
Tightly Closed Before Sealing? \_\_\_\_\_ Time of Sealing \_\_\_\_\_  
19\_\_

10. Were all Ullage Cover Screens in Place before Pumping  
Started? \_\_\_\_\_

11. Number on Each Seal \_\_\_\_\_

12. Name of the Officer and \_\_\_\_\_  
Officer

Inspector Applying Seals \_\_\_\_\_  
Inspector

13. Were Scuppers Plugged Before Pumping Started? \_\_\_\_\_

Were Drip Receptacles Under Ships Manifold? \_\_\_\_\_

Were Drip Receptacles for Ship Available on Shore? \_\_\_\_\_

14. Last Hose Connected \_\_\_\_ A.M. P.M.

Discharging or Loading Started \_\_\_\_\_ 19 \_\_\_\_\_ A.M.  
P.M.

15. Discharge or Loading Finished \_\_\_\_\_ 19 \_\_\_\_\_ A.M.  
P.M.

Last Hose Disconnected \_\_\_\_\_ 19 \_\_\_\_\_ A.M. P.M.

16. Was Ship End of Hose Tightly Blanked Before Putting Ashore?  
\_\_\_\_\_

17. Time Seals Broken to Take Ballast \_\_\_\_ A.M. P.M.

18. Name of Officer and Inspector Breaking Seals \_\_\_\_\_  
Officer

Inspector \_\_\_\_\_

19. If any Oil Observed on the Water in the Vicinity of the  
Vessel, Give Detailed Report on Attached Sheet.

Time Ship Left Dock \_\_\_\_ A.M. P.M.

Signed: \_\_\_\_\_  
Ship's Master

Signed: \_\_\_\_\_

## Terminal Operator

(f) The procedure to be used for cleaning up a discharge of oil to the waters of Portland Harbor shall be of a type and nature which will collect and remove oil from the waters for salvage or proper disposal. Alternate techniques utilizing dispersants, coagulants or precipitants may be employed if permitted by current regulations of the environmental improvement commission, federal water pollution control administration and with the specific concurrence of the commanding officer of the United States Coast Guard Base in South Portland or the fire chief. Cleanup of the spillage shall be undertaken by properly trained personnel under observation of a qualified official representing the fire department. The cost of the cleanup shall be borne according to the provisions of Title 38 of M.R.S.A. or federal statutes. Whenever possible, the cleanup of such spillage shall be undertaken under the direct observation of an official of the United States Coast Guard, federal water pollution control administration, and the department of environmental protection.

### ***Sec. 10-49. Terminal and bulk storage facilities.***

Terminal and bulk storage facilities shall comply with the applicable rules and regulations as from time to time shall be promulgated by the insurance commissioner of the state under the provisions of Section 2441 of Chapter 317 of Title 25 of M.R.S.A. as amended, and of all applicable statutes, codes and ordinances.

### ***Sec. 10-50. Water drawoff from tankage.***

Water drawoff from tankage must be controlled and passed through a properly maintained and adequate oil trap or separator before discharge to ground or any drainage pipes or ditches. Water drawing operations must be conducted under the observation of a qualified terminal employee. The terminal operator must inform the environmental improvement commission regarding the disposal of tank cleaning when such disposal is undertaken.

### ***Sec. 10-51. Disposal of waste oil.***

(a) Any person collecting or handling used or waste oil shall provide suitable storage facilities to hold such oil for proper disposal.

(b) No person engaged in the business of collecting waste oil shall dispose of waste oil in the waters of Portland Harbor.

(c) Disposal of waste oil shall be undertaken in a manner which will not result in further pollution. Acceptable methods of disposal may include salvage, use as fuel, use as road surface binder or incineration. The fire chief shall confer with persons

engaged, or intending to engage, in the business of disposing of waste oil as to the most appropriate and best method of disposal.

(d) Permits shall be issued by the fire chief for the collection and disposal of waste oils.

**Sec. 10-52. Enforcement.**

It shall be the duty of the fire chief to enforce the provisions of this article. All areas within terminal premises and on vessels shall be open at all times upon request for any inspection which may be deemed necessary by the fire chief.

- Sec. 10-53. Reserved.
- Sec. 10-54. Reserved.
- Sec. 10-55. Reserved.
- Sec. 10-56. Reserved.
- Sec. 10-57. Reserved.
- Sec. 10-58. Reserved.
- 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-RESERVED.~~

~~Sec. 10-66. Reserved.~~ 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 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 station.

~~Sec. 10-67. Reserved.~~ Supervision.

Where another section of this Chapter requires a fire suppression system to be supervised, it shall be monitored by an approved private central 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.

**Sec. 10-68. ~~Reserved.~~ 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.

Editor's Note: A copy of such rules and regulations may be obtained at <http://www.portlandmaine.gov/fire>.

- 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. ~~TIRE STORAGE~~ OPEN BURNING

**Sec. 10-91. ~~Scope.~~ Incineration of sold waste prohibited.**

This article shall apply to all premises where tires are stored, whether now or hereafter established. 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.

Sec. 10-92. ~~Recreational fires on City of Portland Islands.~~  
~~Outside storage regulated.~~

~~No person shall store, collect, dump or accumulate tires, whether new or used, and whether or not held for sale, except in accordance with the terms of this article. This article shall not apply to the storage of tires within buildings nor to the outside storage of tires for retail sale if not more than one hundred (100) tires are kept on hand at any one time. Recreational fires may be permitted on islands of the City of Portland with a valid burning permit. All such recreational fires shall be kindled below the mean high tide line and comply with all State laws and rules for open burning. Any such burning permit may be cancelled for cause.~~

Sec. 10-93. ~~Location of piles. Rules and regulations.~~

~~Tires shall not be stored closer than twenty five (25) feet to any building, except that they may be stored not less than fifteen (15) feet from the blank exterior masonry wall of any building. 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.~~

~~Editor's Note: A copy of such rules and regulations may be obtained at <http://www.portlandmaine.gov/fire>.~~

Sec. 10-94. ~~Height of piles. Violations.~~

~~Tires shall not be stored in piles having a greater height than twelve (12) feet. A violation of any provision of this article shall be punishable as provided in section 1-15 of this code.~~

~~This article may be enforced by the fire chief or his or her designee, or by the police chief through the Uniform Summons and Complaint process or M.R. Civ. P. Rule 80k.~~

Sec. 10-95. ~~Area of piles. Reserved.~~

~~Tires shall not be stored in piles having a greater base area than two thousand five hundred (2,500) square feet. Not more than one (1) horizontal dimension of any pile shall be greater than thirty (30) feet.~~

Sec. 10-96. ~~Aisles required. Reserved.~~

~~Aisles having a minimum width of at least fifteen (15) feet shall be maintained between individual piles. Such aisles shall be kept free from obstructions at all times.~~

**Sec. 10-97. ~~Fencing required.~~ Reserved.**

~~The premises on which tires are stored shall be entirely surrounded by a fence having a minimum height of eight (8) feet. No tires shall be stored closer than five (5) feet to the fence.~~

**Sec. 10-98. ~~Gates required.~~ Reserved.**

~~A sufficient number of gates shall be provided in the fence so as to permit reasonable access by fire apparatus. The size and location of the gates shall be as approved by the fire chief.~~

**Sec. 10-99. ~~Other combustible material prohibited.~~ Reserved.**

~~The storage site shall be kept free from accumulation of other combustible materia~~

**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 station.

Alarm user means any person whose building is connected to either the Dispatch Center of the City of Portland fire department or an approved private central station.

Approved private central station means any privately operated message monitoring service which is approved by Underwriters' Laboratories, Incorporated, and approved by the 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 which is not in response to heat, smoke or fire requiring an immediate response by the fire department. "False alarm" includes signals emitted by a negligently activated alarm system, or by an alarm system deliberately activated when an immediate response by the fire department is not required, or by a malfunctioning alarm system. However, "false alarm" does not include signals emitted by an alarm system activated by unusually severe weather conditions, or other cause beyond the control of the alarm user. In case of any dispute, it shall be the burden of the alarm user to demonstrate to the satisfaction of the fire chief that an alarm signal was not a "false alarm."

Fire chief means the chief of the City of Portland fire department or his authorized representative or designee.

Master box alarm system means any mechanism or device, including protective signaling systems, designed for the detection of heat, smoke or fire requiring an immediate response by the fire department and which automatically emits a signal to the dispatch center.

Person means any individual, firm or corporation.

**Reserved.**

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

The following buildings, as classified by the NFPA 101 Life Safety Code, 2009 edition, shall be connected by 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;
- (2) Educational facilities including post-secondary;
- (3) Day-care facilities;
- (4) Health care facilities;
- (5) Ambulatory health care facilities;

- (6) Nursing homes;
- (7) Residential board and care facilities;
- (8) Detention and correctional occupancies;
- (9) Hotels, motels and dormitories;
- (10) Apartments for the elderly;
- (11) Mercantile occupancies;
- (12) Industrial occupancies;
- (13) High-rise buildings.

(b) New buildings including the following:

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

(c) The following buildings shall be connected by master box alarm system to either the dispatch center or an approved private central station:

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

New buildings shall be connected prior to the issuance of any certificate of occupancy. Existing buildings shall be connected within eighteen (18) months of the effective date of this article, provided, however, that the fire chief may, in writing, grant up to a six-month extension upon a clear showing of unusual practical difficulty or undue financial hardship.

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.

**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

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).

~~Reserved.~~

**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.

**Reserved.**

**Sec. 10-104. False alarm penalties.**

(a~~b~~) Third response. Once a third response to a false alarm within any fiscal year 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 three (3) days, and the alarm user shall file a written report with the chief within three (3) days thereafter stating the cause of the false alarm, if known, and describing corrective action taken, if any.

(b~~e~~) Fourth, fifth and sixth responses. For the fourth, fifth and sixth responses to a false alarm by the fire department within any fiscal year, 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.

(cd) Seventh and subsequent responses. For the seventh and subsequent responses by the fire department to a false alarm within any fiscal year, the alarm user shall, upon demand, pay a penalty of three hundred and fifty dollars (\$350.00).

(de) 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 three (3) days by first class mail.

(ef) Fiscal year. Fiscal year as used herein shall mean July 1 through June 30 of each year.

**Reserved.**

**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, 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.

**Reserved.**

**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.

**Reserved.**

**Editor's Note: A copy of such rules and regulations may be obtained at <http://www.portlandmaine.gov/fire>.**

Sec. 10-107. Violations.

A violation of any provision of this article, including the failure to pay any false alarm penalty, shall be punishable as provided in section 1-15 of this Code.

This article may be enforced by the fire chief or his or her designee through the Uniform Summons and Complaint process or through M.R. Civ. P. 80k.

In addition to the process set forth above, 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 be collected pursuant to section 1-16 of this Code.