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Public Hearing and Passage: 7-0 (Coyne and Leeman absent) 7-2-12
MICHAEL F. BRENNAN (MAYOR)
KEVIN J. DONOGHUE (1)
DAVID A. MARSHALL (2)
EDWARD J. SUSLOVIC (3)
CHERYL A. LEEMAN (4)

CITY OF PORTLAND
IN THE CITY COUNCIL

JOHN R. COYNE (5)
JOHN M. ANTON (A/L)
JILL C. DUSON (A/L)
NICHOLAS M. MAVODONES (A/L)

**AMENDMENT TO PORTLAND CITY CODE
CHAPTER 10. FIRE PREVENTION AND PROTECTION
ARTICLES I, III, V, 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 City of Portland Code is hereby
amended to read as follows:*

Chapter 10 FIRE PREVENTION AND PROTECTION*

. . . .

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

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Sec. 10-3. Amendments.

The NFPA 101: Life Safety Code adopted by section 10-1 is
amended 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." **Historic Building** A building designated a Landmark or Contributing Building within a local or National Register historic district, pursuant to Article IX of the Portland City Code.~~

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

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- (f) ~~All new high rise buildings shall be provided with exit stair path markings in accordance with NFPA 101, Life Safety Code, 2009 edition, Section 7.2.2.5.5. Section 7.2.2.5.5. is amended as follows:~~

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

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- (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. **Stair risers, guards, treads, and tread nosing.** The maximum height of risers as prescribed in Chapter 24, Section 24.2.5 is modified to permit a maximum 7 ¾" riser for newly constructed stairs in one- and two family dwellings only. The minimum height of guards as~~

prescribed in Chapter 24, Section 24.2.5 is modified to permit a minimum guard height of 36" for newly constructed stairs in one- and two family dwellings only. The minimum tread depth as prescribed in Chapter 24, Section 24.2.5 shall be amended to permit a 10" tread depth for newly constructed stairs in one-and two family dwellings only. Tread nosing as prescribed in Chapter 7, Section 7.2.2.3.5 is modified to permit a nosing at least ¾" but not more than 1 ¼" in depth for newly constructed one-and two family dwellings.

(g) Section 4.6.4.3. Rehabilitation projects in buildings or structures shall not be considered historic buildings under the provisions of this Code by this fact alone. The provisions of section 43.10 shall apply to buildings or structures designated or eligible for designation or located within a historic district if deemed necessary by the Department of Planning and Urban Development or as required by Article IX of the Portland City Code or to comply with the Secretary of the Interior Standards for Historic Preservation under federal or state review requirements.

Sec. 10-4. Special Hazard Dwelling Units.

~~(c) New buildings shall be provided with exit stair path markings in accordance with Section 7.2.2.5.5 of the National Fire Protection Association Standard #101, Life Safety Code, 2009 edition.~~

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

~~The limits referred to in Section 65.1 of the Fire 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~~The storage of explosives and blasting agents is hereby prohibited on the mainland.

Fireworks to be used in a City of Portland sponsored event may be stored within the City of Portland for up to forty-eight (48) hours with a permit from the authority having jurisdiction.

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

~~(a) The limits referred to in Section 66.1 of the Fire 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 66.1 of the Fire 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.~~

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

~~The limits referred to in Section 69.1 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.~~

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Sec. 10-23. Appeals.

Whenever the authority having jurisdiction shall disapprove an application or refuse to grant a permit applied for, or when it is claimed that the provisions of the Fire Code and/or the Life Safety Code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the authority having jurisdiction to the Board of Appeals within ten (10) business days from the decision of the authority having

jurisdiction. The Board of Appeals may reverse the decision of the authority having jurisdiction and permit exceptions to or variances from the specific provisions of the Fire Code and/or the Life Safety Code in cases where the enforcement of the provisions of the code would result in undue hardship, subject always to the rule that the Board of Appeals shall give due consideration to the purposes of the code in promoting public health, safety and welfare.

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~~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.~~

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~~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.~~

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

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 deck 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. 10-95. Reserved. — Outdoor fireplaces.

(a) Outdoor fireplaces shall be permitted when installed and operated in accordance with Section 10-16 of City Code and National Fire Protection (NFPA) 211; Standard for Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances.

(b) Setback of an outdoor fire place from adjacent property lines shall be five(5)feet.

. . .

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

. . .

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

. . .

(3) Day-care facilities, excluding day-care homes;

. . . .

|

(7) Large Residential board and care facilities;

. . . .

