Town of Fairfield and Town of Benton
Fire Prevention and Protection
Ordinance

First Adopted July 14, 2004

Amended:
December 12, 2007
December 10, 2008
April 22, 2015
June 22, 2016
December 27, 2017
September 26, 2018
Article 1. Fire Chiefs Powers and Duties in General

Section 1-1. Article 1 Appointment of the Fire Chief

1-1.1 The Fire Chief shall be appointed by the Town Manger with approval of the Town Council. 
Cross Reference (s) Maine Law 30-A § 3153 & Town Charter

Section 1-2. Powers of the Fire Chief

1-2.1 The powers of the chief of the fire department shall be those necessary and proper to execute the duties of the department and its office in a manner providing for the greatest safety to life and property.

Section 1-3. Duties of the Fire Chief in General

1-3.1 Superintend the overall duties of the fire department.

1-3.2 Establish departmental rules and regulations.

1-3.3 Make annual reports to the Town Council and the citizens of the Town of Fairfield.

1-3.4 Recommend ordinances and ordinance amendments with a view toward improving the protection of life and property.

1-3.5 Perform such other duties as may be prescribed by the Town Manager or law. 
Cross Reference (s) Maine Law 30-A § 3153

Section 1-4. Authority of the Fire Chief to detail members of the department

1-4.1 The chief of the fire department may detail such members of the department and inspectors as necessary.

1-4.2 The chief of the department may delegate to members of the fire department any of his/her powers he/she feels necessary in the pursuit of safety to life and property and enforcement of this ordinance or those allowed by Maine Law.

Article 2. Fire Alarms and Sprinkler Systems

Section 2 –1. False Alarms

2-1.1 No person shall willfully or maliciously give or cause to be given a false alarm of fire by ringing an alarm bell or pulling an alarm box of any alarm system.
2-1.2 For the purpose of this section, a “false alarm” is defined as a fire department response to an alarm received from a sprinkler or alarm system activated for reasons other than heat, smoke or fire. A “false alarm” includes alarms received from a sprinkler or alarm system deliberately activated when a response is not required and alarms received from malfunctioning systems.

2-1.3 The presumption shall be that an alarm is a false alarm unless the user demonstrates otherwise to the satisfaction of the fire officer in charge. (see SEC. 6-1)

2-1.4 All sprinkler systems, including planning, installation and inspection of such systems or part thereof, shall follow Maine Law: Title 32§1371 thru 1380.

2-1.5 All exterior fire department connections leading to a sprinkler or standpipe system shall be painted RED in color and shall be kept clear of any obstructions.

2-1.6 Access Box. All buildings with fire alarms or sprinklers systems and all multi – occupancy buildings shall have an approved access box installed in a place attached to the building approved by the Fire Chief

**Article 2-A. Existing Sprinkler Systems in Existing Buildings**

2.A.1 Permanent shutdown; NFPA 101 2009 ed. States; “No existing life safety feature shall be removed or reduced where such feature is a requirement for new construction”

Permanent shut down of any sprinkler MUST be approved by, the State Fire Marshal, the Fire Chief and the building owners Insurance carrier and follow The State Fire Marshals guidelines.

2.A.2 Temporary / Seasonal Shut Down of Sprinkler Systems;

For Temporary or Seasonal Shut Down of a Sprinkler the following guideline must be used.

1. Obtain a written acknowledgment from the buildings insurance carrier
2. Obtain a written acknowledgment form the fire chief
3. Make acknowledgment to your water district if required...use letter from fire chief
4. Notify the alarm company if applicable
5. Make sure the building remains locked and unoccupied during the shutdown. This includes keeping out work-crews or other persons... (It is acceptable for the owner or owner representative to do an occasional walk-through inspection).
6. Have a licensed fire sprinkler contractor or inspector shut the system down and prepares it for inactivity
7. At the time of reactivation have a licensed fire sprinkler or inspector reactive the system and do the required through annual inspection at that time. Contact the Fire Department to notify them the system has been activated.
Article 3. Fire Hydrants

Section 3-1 Obstruction of Fire Hydrants

3-1.1 No person shall park or cause to be parked any vehicle for any purpose within five (5) feet of any fire hydrant.

*Exception: Fire apparatus in the pursuit of their duties at an emergency, training or testing of said fire hydrant.*

3-1.2 No person shall obstruct, or cause to be obstructed or place any snow within five (5) feet of any fire hydrant.

*Exception: Town Public Works Department or State of Maine Department of Transportation in their normal removal of snow from public streets and ways.*

Section 3-2 Use of Fire Hydrants

3-2.1 Any person, business, or corporation using any municipal (KWD) fire hydrant for any purpose, such as but not limited to: filling swimming pools, filling of construction vehicles or agricultural use, shall contact the fire department before such use and then when such use is discontinued. This shall be done each for day of use. Use of any municipal fire hydrant is at the discretion of the Kennebec Water District, Waterville Maine.

3-2.2 No person, business or corporation shall use any town owned Dry Hydrant for any purpose without permission of the fire department.

Article 4. Life Safety and Fire Prevention

Section 4-1 N.F.P.A. 101 Lifesafety Code and N.F.P.A. 1 Fire Code:

The Town of Fairfield and the Town of Benton hereby adopts the National Fire Protection Association Lifesafety Code 101 (2009 edition) and all referenced codes and the National Fire Protection Association Fire Code (NFPA 1) (2009 edition) and all referenced codes, National Fire Protection Association Fire Code (NFPA 1) (2018 edition) chapter 38 and all referenced chapters and codes and this Fire Prevention & Protection Ordinance. These codes and this ordinance shall be updated from time to time to stay in line with changes with the existing edition of the codes or when the State Fire Marshal’s office adopts a more recent edition of the codes.

The authority to enforce such codes and ordinances shall be given to the Fire Chief or his delegate and the Code Enforcement Officer of each Municipality

*State of Maine Statues Title 25 Ch. 313 Sec 2360*
4-1.1 For the purpose of regulating the construction, alteration, addition, repair, removal, demolition, use, occupancy, maintenance and inspection of all Commercial structures and Apartment buildings with three or more units, within the Town of Fairfield and the Town of Benton the above National Fire Protection Association Codes shall be used.

4-1.2 The Fire Chief or his delegate shall perform the duties of Fire Code Inspector under the State of Maine Statues 25§2351 – 2361 and 30A Subchapter V§ 4452.

4-1.3 Any owner or occupant failing to comply with the order of the Inspector shall be punished by a fine of not less than $25.00 for each day’s neglect, in accordance with State of Maine Statue 25§2360.

Section 4-2 Compliance Permit

4-2.1 As of the adoption date of this ordinance, no new construction, modification or change of occupancy of existing Commercial buildings or Apartment buildings with three or more units may be occupied in whole or in part in violation of the provisions of this ordinance, NFPA Life Safety Code or NFPA Fire Code, unless the following conditions exist:

A) A plan of correction has been approved,

B) No serious life safety hazards exist, as judged by the Inspector,

C) A permit has been issued by the Code Enforcement Officer and the Fire Chief or his Delegate. (CEO in this case would only be for the Town of Fairfield)

Section 4-3 Truss Construction

4-3.1 All new construction and existing renovated buildings containing roof or floor truss constructed supports, made from any common construction material or common construction style shall be marked as described below, as having such construction. 

*Exception: Residential Construction*

**Sample Marking:**

![Triangle Marking](image)

The triangle shall be not less than eight (8) inches long and six (6) inches high. This marker shall be placed no further than eighteen (18) inches to the right or left, and at a height of not less than sixty (60) nor more than seventy-two (72) inches of all pedestrian entrance points. Said triangle shall have a background color of white. A letter “T” shall be placed within the triangle and the color of black of block type font.

4-3.2 Cost of construction, placement and materiel choice of said triangle shall be the burden of the building owner.
Article 5. Fire Lanes

Section 5-1 Purpose

5-1.1 Fire Lanes are established for the purpose of promoting public health, safety and welfare by recognizing that there exist, and will in the future exist, buildings and other areas within the town(s) to which the public will be invited, served or housed. Those buildings or other areas must be provided prompt, adequate emergency services including access by firefighters and firefighting equipment and/or other emergency personnel and equipment in order to accomplish said purpose and affects the saving of life and property in emergency situations.

Section 5-2 Applicability

5-2.1 The provisions of this article, in order to accomplish the stated purpose shall be applicable those buildings defined in N.F.P.A 1 Fire Code 2009 ed., AND Non-residential and Residential Subdivisions as described in the Town Land Use Ordinance, all schools whether public or private, hospitals, convalescent homes, rest homes, nursing homes and group homes with six (6) or more persons and places of public assembly used for gathering together fifty (50) or more persons.

Section 5-3 Maintenance and Identification of Fire Lanes

5-3.1 Fire lanes shall be marked with posted signs or marked curbs, sidewalks or other traffic surfaces that have the words “FIRE LANE – NO PARKING” painted in contrasting colors.

Article 6. Billing for Services

Section 6-1 Billing Authorized

6.1.1 Any person who shall receive emergency medical or fire department services requested by such person or on behalf of such person by any other person acting in good faith and in the interest of the health or safety of such service, recipient shall pay to the Town of Fairfield a fee for services in accordance with Section 6.1.2 of this ordinance, such section to be amended from time to time by majority vote of the Fairfield Town Council.
6.1.2 Billable costs associated with Personnel and Apparatus:

Fire Permit Violations when summoned by Maine Forestry Service;

Hazardous Materials Response;
Response to Vehicle Crash and/or Vehicle Fires;  
Response to false Fire and/or Sprinkler Alarms; after 2 incidents in a 12 month period.

6.1.3 Billing Rates & Fees:

Shall be set by the Town Council annually, located in Town of Fairfield Fee Schedule.

6.1.4 Cost Recovery:

The Town shall use a third party billing agency for claims made to insurance companies as provided by law and shall add other type incidents as allowed by law.

No Fairfield or Benton resident shall be responsible for any denied or reduced amount of payment for any claim made on behalf of the Towns.

6.1.5 Revenues:

All revenues received shall be placed in the Fire Rescue Reserve Account to the accounts limit of $75,000.00 as set by the Town Council. Any amount received above this limit shall be placed in Town of Fairfield General Fund or as directed by the Fairfield Town Council.

Article 7. Fire Permits

Section 7-1 Purpose

Maine law Title 12 § 9325 Open Burning has (2) previsions;

1. Permissible Outdoor Burning with a permit and;
2. Permissible Outdoor Burning without a permit

This ordinance is for the purpose of Residential Recreational use of Grills, Fireplaces and Fire Pits as Defined only.

Section 7-2 Definitions

A. Grills;

An Appliance usually heated by Propane or Charcoal Bisques manufactured of metal used for cooking food products.

B. Fireplaces;
1. A manufactured device for the purpose of burning wood products for the purpose of having an open flame (usually manufactured from some type of metal and may be enclosed).

2. A device made from brick or stone with mortared joints for the purpose of burning wood or charcoal. This device may or may not be used for cooking food and is usually not fully enclosed.

C. **Fire Pit**;

   1. A pit (8-10 inches deep) surrounded by stones, bricks or cement block, without mortared joints

   2. A pit (8-10 inches deep) surrounded by some type of metal barrier such as an open center tire rim.

   3. The bottom of a metal drum with sides of 10-12 inches in height.

**Section 7-3 Issuing of Fire Permits for recreational use**

A. For the Recreational use of *Grills* and *Fireplaces* as defined above *NO* Fire Permit is necessary for their use.

B. For the use of *Fire Pits* as defined above a Fire Permit will not be necessary if the following conditions are met:

   1. A pit cleared to exposed soil, 8-10 inches in depth and surrounded by stones, brick or cement block at least 6 inches in height.
   2. The pit can be no larger than 30 inches across measured from the inside of the stone, brick or cement block.
   3. Tire Rims; A pit cleared to exposed soil, 8-10 inches in depth, the rim shall be no larger than 30 inches across.
   4. Metal Drum – an area cleared to exposed soil where the drum will sit. The drum should have a height of no more than 12 inches and placed atop bricks or cement blocks. – Large tanks such as used oil tanks must be approved by the fire chief. A permit may or may not be necessary depending on its use.
   5. If a response from the fire department finds that these conditions have not been met, the property owner may be subject to Section 7-6 Non-Compliance with State Statues for Outdoor Burning

**Section 7-4 Conditions for use of Outside Fireplaces and Fire Pits as defined above**
A. Only natural wood products may be burned, no paper, cardboard or other prohibited products.
B. It is very dangerous to burn Pressure Treated Wood products as they give off Toxic Gasses and should not be burned.
C. Wood products must fit within the confined of the device.
D. Bon Fires – any fire larger than 30 inches in diameter WILL require a Fire Permit.

Section 7-5 Outside burning other than defined above

A. Other than as defined as above ALL outside burning requires a Fire Permit.
B. Fire Permits may be obtained at the Fairfield Fire Station after 9 am – earlier if it is raining or there is snow covered ground. At no time permits will be issued before 7 am. There is no fee.
C. Fire Permits may be obtained from the State Forest Service online – There is a fee for this service.
D. Fire permits issued by the Fairfield Benton Emergency Services Department shall be issued for one day only. As long as the fire is attended there is no expiration of time the fire needs to be extinguished, however the if the fire is found to be unattended the person responsible for signing the permit shall be found in violation of the state outdoor burning laws.
E. Fire permits issued by the Maine Forest Service shall follow the regulations found on that permit.

Section 7-6 Non-compliance with State Statues for Outdoor Burning

The following offences are subject to the person signing the permit being issued a summons and fine.

A. Burning without a permit when necessary
B. Burning Non-permitted material
C. Burning beyond the scope of an issued permit
D. Burning beyond the scope of this ordinance

Maine Statues permit a responding fire department to seek reimbursement of their cost for suppression if a summons is issued by law enforcement personnel.

This cost may include but is not limited to:
- Hourly rate for fire apparatus and equipment
- Hourly rate for any responding personnel
- Lost or damaged equipment
- Cost for mutual aid departments responding if applicable
ARTICLE 8. OUTDOOR WOOD BOILERS, INDOOR WOODSTOVES and FIREPLACES

Section 8-1 Purpose

Installation, Use and Control of Emissions from Outdoor Wood Boilers are regulated by the Maine Department of Environmental Protection.

This ordinance in no way is meant to regulate the Installation, Distribution, or Sales of outdoor wood boilers.

Installation of Indoor Woodstoves and Fireplaces are regulated by the State of Maine Fire Marshal and/or Local Code Officials. This ordinance in no way is meant to regulate the Distribution or Sales of Indoor Woodstoves or Factory – Built Fireplaces.

The Town of Fairfield and the Town of Benton, set the following regulations pertaining to complaints of prohibited fuels used in outside wood boilers and indoor Woodstoves and Fireplaces MANUFACTURED FOR THE PURPOSE OF BURING SOLID FUELS. Adopted pursuant to municipal home rule ordinance authority and Title 30-A MRSA, Section 3001.

Section 8-2 Definitions:
As defined by DEP Control of Emissions from Outdoor Wood Boilers Chp.150

Clean Wood: “Clean wood” means wood that has no paint, stain, or other types of coatings and wood that has not been treated with, including but not limited to, copper chromium arsenate, creosote or pentachlorophenol.

Outdoor Wood Boiler: “Outdoor wood boiler” (also known as outdoor wood-fired hydronic heater, water stove or outdoor furnace) means a fuel burning devise designed to (1) burn wood or other approved solid fuels; (2) that the manufacturer specifies for outdoor installation in structures not normally occupied by humans (e.g., garages); and (3) heats building space and / or water via the distribution, typically through pipes, of a fluids heated in the device, typically water or a water/antifreeze mixture.

Section 8-2-A as defined by N.F.P.A 211

Fireplace: A hearth, fire chamber, or similarly prepared area and a chimney MANUFACTURED FOR THE PURPOSE OF BURNING SOLID FUELS.

Factory - Built Fireplace: (SOLID FUEL-BURNING DEVICE) fireplace composed of listed, factory built components assembled in accordance with the terms of the listings.
Masonry Fireplace: (**SOLID FUEL-BURNING DEVICE**) A hearth and fire chamber of solid masonry units, such as brick, stones, listed masonry units or reinforced concrete, provided with a chimney.

Woodstove (Solid Fuel-Burning Appliance): A chimney connected device that burns solid fuel designed for the purpose of heating, cooking or both.

Solid Fuel: Wood, coal, and other similar organic materials and any combination of them.

**Nuisance:** “Nuisance” means emissions of air contaminates to the outdoor atmosphere of such quality, characteristic or duration that may be injurious to human, plant or animal life or to property or that unreasonably interferes with the comfortable enjoyment of life or property.

**Section 8-3 Nuisance Conditions**

A). No person shall operate an outdoor wood boiler, Indoor Woodstove or Fireplace **AS DEFINED ABOVE** using prohibited fuels.

(Any material other than clean wood, coal or other organic materials as defined above. Fuel oil or propane may be used for multi-fuel boilers where recommend by the manufacture).

For a list of prohibited materials contact Maine Department of Environmental Protection or visit their web site at [www.maine.gov/dep/air/woodsmoke/woodcombustion.htm](http://www.maine.gov/dep/air/woodsmoke/woodcombustion.htm)

B). Those persons found to be in violation of this ordinance shall be subject to the following:

- **First Offence:** Warning
- **Second Offence:** $50.00 fine and in the case of Outdoor Boilers a report made to the Maine Department of Environmental Protection

**Article 9. Fire Code Appeals Board**

**Section 9-1 Fire Code Appeals Board**

**Section 9-1.1 ESTABLISHMENT:**

A board of appeals shall be established for the purpose of hearing and acting upon appeals of a decision made by the Authority Having Jurisdiction regarding established Fire and Lifesafety Codes.
A) This board shall be; The Town of Fairfield and/or Town of Benton’s established LAND USE BOARD OF APPEALS.

B) Appointment and Terms of appointments to this board shall follow those rules now established by each municipality.

C) Governing rules shall be those established by the board or municipality except those established by this document.

Section 9-1.2 DUTIES:

A) The board of Appeals shall provide for a reasonable interpretation of the provisions of the Fire and Lifesafety Codes and rule on appeals from decisions of the AHJ.

B) The ruling of the Board of Appeals shall ensure that the intent of the code(s) is compiled with and public safety is secured.

C) The Board shall be permitted to grant alternatives or modifications within the limits established by each code.

D) The Board shall not have the authority to waive the requirements found in any code.

E) Rulings of the Board shall not be precedence setting.

Section 9-1.3 MEETINGS:

A) The Board shall meet as necessary giving fire days’ notice, but in no case shall it fail to meet on an appeal within 30 calendar days of the filing of notice of appeal.

B) All meetings / hearings of the Board shall be open to the public. Public notice of meetings / hearings shall follow established rules of the municipality.

C) The Board shall keep minutes of its proceedings showing the vote of each member on every question, or if the member is absent of fails to vote, indication such actions.

D) The Board shall also keep records of its examinations and other official actions.

E) Minutes and records of the Board shall be public record.

Section 9-1.4 MEANS OF APPEALS:

1. Any person shall be permitted to appeal a decision of the AHJ to the Board of Appeals when it is claimed that any one or more of the following conditions exist:

   A) The true intent of the code(s) or ordinance(s) has been incorrectly interpreted.
   
   B) The provisions of the codes or ordinances do not fully apply.
   
   C) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

2. An appeal shall be submitted to the AHJ in writing within 30 calendar days of the notification of decision or violation outlining the codes(s) or ordinance from which relief is sought and the remedy proposed.
3. All documentation supporting an appeal shall be submitted to the AHJ. No additional information should be submitted to review by the Board without the information submitted to the AHJ for their review prior to the hearing date. Additional information submitted after the filing date of the appeal to the Board and AHJ should be made available to the Board and AHJ in a timeframe that permits adequate review before the hearing date.

Section 9-1.5 DEFINITIONS:

**Authority Having Jurisdiction (AHJ):** The Fire Chief or his/her delegate

**Code:** The National Fire Protection Association (NFPA); 101 Lifesafety and NFPA 1 Fire Code and those codes referenced by these.

**Ordinance:** The Town of Fairfield and / or The Town of Benton’s Fire Prevention and Protection Ordinance.

A True Copy

Attest: __________________________

Town Clerk

Town Seal