

TOWN OF FARMINGTON

Fire & Life-Safety Ordinance

ENACTED: March 23, 2013

CERTIFIED BY: Reanne Elunkhan
Name

Town Clerk Affix Seal
Title

Town of Farmington
Chapter 11 – Land Use
Article 15 – Fire & Life-Safety Ordinance

11-15.1 Title:

This Ordinance shall be known and cited as the Town of Farmington "Fire & Life-Safety Ordinance" and will be referred to herein as "this Ordinance".

11-15.2 Authority, Purpose, and Administration:

- A. This Ordinance is established under the authority of Title 30-A M.R.S. §3001 et seq. (State "Home-Rule" law) by the Town of Farmington (hereinafter "Town").
- B. The purpose of this Ordinance is the local adoption and imposition of the NFPA-1 (Fire) and NFPA-101 (Life-Safety) Codes throughout the Town of Farmington to promote fire-safety and life-safety for persons and the structures they occupy.

The editions of NFPA-1 and NFPA-101 adopted and currently in-use by the State Fire Marshal's Office (FMO) at the time of adoption of this Ordinance shall be the versions initially adopted by the Town. Subsequently, at any time the FMO adopts a newer edition of the subject Codes, this will trigger automatic adoption and imposition of same by the Town.

Where applicable, buildings and structures regulated under this Ordinance may also be subject to the following State laws, which also have provisions for local authority and enforcement:

10 M.R.S. §9724	"Maine Uniform Building and Energy Code"
25 M.R.S. §2351 et seq.	"Municipal Inspection of Buildings"
25 M.R.S. §2371 et seq.	"Building Codes & Standards"
32 M.R.S. §3403-B	"Plumbing Code"
14 M.R.S. §6021 et seq.	"Rental Property"
17 M.R.S. §2851 et seq.	"Dangerous Buildings"
30-A M.R.S. §4452	"Enforcement of Land Use Laws & Ordinances"

C. Administration

The Farmington Fire Rescue Department shall have primary responsibility for administration of this Ordinance, with enforcement assistance provided by the Town's Code Enforcement Office, both per 30-A M.R.S. §4452(5)A.

Per 30-A M.R.S. §4452(5)A, it shall be the administrative responsibility of the Farmington Fire Rescue Department to determine and make public the sections of NFPA-1 and NFPA-101 to be adopted locally at the time of initial enactment of this Ordinance and at the time of any subsequent adoption of newer editions of these Codes by the FMO.

11-15.3 Applicability:

This Ordinance shall apply to all structures within the Town of Farmington, including: multi-unit residential, commercial, and industrial; new and existing construction; expansions, additions, relocations, and conversions; and manufactured housing installations. Exempted from this Ordinance are owner-occupied single-family and duplex residential structures.

11-15.4 Validity and Severability:

Should any section or provision of this Ordinance be declared by any court to be invalid, such decision shall not invalidate any other section or provision.

11-15.5 Conflicts with other Ordinances:

Whenever a provision of this Ordinance conflicts with or is inconsistent with another provision of this Ordinance or any other ordinance, regulation, or statute, the more restrictive provision shall apply.

11-15.6 Effective Date:

The effective date of this Ordinance shall be the date this Ordinance is adopted by the voters at the Annual Town Meeting.

11-15.7 Inspection Required; Entry Allowed:

Before any construction, addition, alteration, demolition, relocation, or foundation work is commenced on any property and/or structure for which the owner, or an authorized agent for the owner, has filed a Project Registration Form with the Code Enforcement Office and/or a Building Notification Form with the Assessing Office, the owner, or an authorized agent for the owner, shall contact the Farmington Fire Rescue Department so they can determine if the subject property must be inspected per 25 M.R.S. §2353-A and §2354 by personnel from same under the editions and sections of NFPA-1 and NFPA-101 currently in effect in the Town, if these codes are applicable to the subject project. The Code Enforcement Office and the Assessing Office will forward all Project Registration Forms and Building Notification Forms to the Fire Rescue Department to notify them of the need for determining whether said inspections must be done.

Per 25 M.R.S. §2351-A, whenever NFPA-1 and/or NFPA-101 are applicable to a structure, designated personnel from the Fire Rescue Department and/or Code Enforcement Office shall have the right to enter any premises to inspect under the editions and sections of NFPA-1 and NFPA-101 currently in effect in the Town, on the basis of a request to do same: by the owner, by an authorized agent for the owner; by the Code Enforcement Office and/or the Assessing Office; by a tenant; or in response to an emergency call to Fire Rescue.

11-15.8 Amendments:

- A. **Initiation of Amendments:** An amendment to this Ordinance may be initiated by:

1. The Municipal Officers, provided a majority of the Municipal Officers has so voted; or
2. Written petition of a number of voters equal to at least 10% of the number of votes cast in the municipality at the last gubernatorial election.

B. Public Hearing: The Municipal Officers shall hold a public hearing on the proposed amendment in accordance with 30-A M.R.S. §4352(9). Notification of the hearing shall be posted and advertised twice in a newspaper of general circulation in the municipality. The date of the first publication must be at least seven (7) days prior to the hearing. Notice of the hearing must be posted in the municipal office at least thirteen (13) days before the hearing.

C. Adoption of the Amendment: An amendment to this Ordinance shall be adopted by majority vote of the Town Meeting.

11- 15.9 Enforcement:

Any property owner that has received a Citation of Violation(s) and/or Statement of Deficiencies from either the Fire Rescue Department and/or the Code Enforcement Office is required to return a Plan of Correction within 10 days of receipt, stating how and when the violations and/or deficiencies will be corrected. Failure by the property owner to furnish a Plan of Correction within ten (10) days, stating how and when the violations and/or deficiencies will be corrected, shall be a civil violation per 30-A M.R.S. §4452.

Any building project commenced without Fire Rescue Department inspection, when applicable under 11-15.7, as of the enactment date of this Ordinance, shall be considered a violation. The Fire Rescue Department and/or Code Enforcement Office shall order the property owner to obtain the required inspection within ten (10) days. Failure by the property owner to obtain an inspection within ten (10) days of said order shall be a civil violation per 30-A M.R.S. §4452. The Fire Rescue Department and Code Enforcement Office are authorized to commence an action seeking penalties, injunctive relief, and attorney's fees to correct the violation(s) per 30-A M.R.S. §4452.

Any violation of this Ordinance, including failure to comply with any condition, shall be deemed to be a violation of 30-A M.R.S. §4452. Every day a violation exists constitutes a separate offense.

11 - 15.10 Appeals:

Any person aggrieved by the action of the Fire Rescue Department and/or Code Enforcement Office may appeal to the Board of Appeals by filing a notice of appeal within thirty (30) days after receipt of the Fire Rescue Department's and/or Code Enforcement Office's notification. Administrative appeals submitted under this Ordinance shall be subject to the standards and procedures established by the Town of Farmington Board of Appeals Ordinance.