



# CITY OF SACO, MAINE

## CITY COUNCIL APPROVED CODE SUPPLEMENT

Approved on October 23, 2023, with an effective date of November 23, 2023

**OCTOBER 16, 2023 - ITEM TABLED – (SECOND & FINAL READING)**

**OCTOBER 23, 2023 - CITY CODE CHAPTER 102 – FIRE PREVENTION – (SECOND & FINAL READING)**

Untable – Councilor Johnston moved, Councilor Hatch seconded, to untable the item. The motion passed with six (6) yeas.

Councilor Johnston moved, Councilor Gunn seconded, to approve the final reading of City Code: Chapter 102-Fire Prevention Revisions.

Amendment – Councilor Burman moved, Councilor Johnston seconded, to amend Chapter 102: Fire Prevention Article 1 – Fire Code §102-4 Automatic sprinkler systems, paragraph #D, by removing “the Fire Chief or the Deputy Fire Chief in charge of fire prevention” and replace it with “the City Council, on advice from the Fire Chief or their designee. The motion failed with one (1) yea and five (5) nays – Councilors Archer, Gunn, Hatch, MacPhail, and Johnston.

Mayor Doyle called for a vote on the main motion. The motion passed with six (6) yeas.

### **Chapter 102:**

### **Article I – Fire Code**

[City of Saco, ME](#) / [The Code](#) / [Part II, General Legislation](#) / [Fire Prevention](#)

#### Article I Fire Code

§ 102-1 Title.

§ 102-2 Adoption of standards by reference.

§ 102-3 Additions, insertions, and changes.

§ 102-4 Automatic sprinkler systems.

§ 102-5 Supervisory official.

§ 102-6 Appeals.

§ 102-7 Violations and penalties.

§ 102-1 Title.

This article shall be known and may be cited as the "Fire Code."

§ 102-2 Adoption of standards by reference.

Reference is herewith made to ~~the 1993 BOCA National Fire Prevention Code, Ninth Edition, as published by the Building Officials and Code Administrators (BOCA) International, and NFPA 1, Fire Code, published by the National Fire Protection Association (NFPA), such edition as currently adopted by the Office of the State Fire Marshal. Said code is hereby adopted and made a part hereof as if fully set out in this article, with the additions, insertions, deletions, and changes as found herein.~~

§ 102-3 **Additions, insertions, and changes.**

A. RESERVED

~~A. In Section F-101.1 (page 1, second line), insert "City of Saco."~~

~~B. Section F-113.0 (page 5, entire section). Delete the entire section and replace with: "F-113.0 Means of Appeal: Any person who wishes to make an appeal shall follow the procedure outlined in Chapter 102, Article I, of the Code of the City of Saco."~~

§ 102-4 **Automatic sprinkler systems.**

A. All new one- and two-family dwellings constructed hereafter shall have installed as part of the structure, a working automatic fire sprinkler system in accordance with this Chapter, and which automatic fire sprinkler system shall be approved by the Office of the State Fire Marshal.

~~A. B~~ Approved automatic sprinkler systems shall also be installed in all new buildings in which construction exceeds any of the following criteria:

- (1) Three stories in height.
- (2) Forty feet in height.
- (3) ~~Two~~ One hundred thousand cubic feet in volume.
- ~~(4) Five dwelling units but only when the structure housing such dwelling units exceeds two stories in height.~~

~~B. C.~~ All such sprinkler systems shall be equipped with approved supervisory equipment which will transmit ~~an a~~ local evacuation signal and transmit an alarm signal to an approved receiver, except that one- and two- family dwellings need not transmit an alarm signal to an approved receiver.

~~C. D.~~ This section shall apply only to applications for building permits after the effective date of this section for the construction of new buildings or to make substantial renovations in existing buildings where the remodeled building will ~~exceed~~ meet any of the criteria set forth in Subsection ~~A B~~. In the case of existing buildings being substantially remodeled, the Fire Chief or ~~the Deputy Chief in charge of fire prevention~~ their designee may grant a waiver from compliance with the requirements of this section where it is determined that the permittee will suffer economic hardship and the cost of the system will be disproportionate to the cost of the renovations and/or the fire danger involved.

~~D. E.~~ In all cases where sprinkler systems are installed, whether or not required by this section, no such system shall be modified, extended or altered without notification to the Saco Fire Department.

~~E. F.~~ Once an automatic fire sprinkler system has been installed and is operational, no one shall remove it or cause the water supply to be disconnected or interrupted without first notifying the Fire Department, ~~nor shall any such system be tested without the knowledge of the Fire Department.~~

~~F. G.~~ Approval of sprinkler systems and supervisory equipment shall be made ~~by the Chief of the Fire Department or the Deputy Chief in charge of fire protection in accordance with standards of quality and efficiency generally accepted in the industry~~ to the Office of the State Fire Marshal.

~~G. This section replaces and supersedes the provisions in the BOCA Code that may be inconsistent herewith.~~

§ 102-5 **Supervisory official.**

The Fire Chief is herewith designated as the city official to supervise and enforce this article.

§ 102-6 **Appeals.**

A. Any person aggrieved by the decision of the Fire Chief may take appeal to the Mayor and City Council.

B. Any appeal may be taken within 30 days from the date of the decision appealed by filing with the Mayor and City

Council a notice of appeal specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Fire Chief, is unsafe or dangerous, the Fire Chief may, in ~~his/her~~ their order, limit the time for such appeal to a shorter period. The Fire Chief shall forthwith transmit to the Mayor and City Council all the ~~papers~~ details upon which the action appealed from was taken.

§ 102-7 **Violations and penalties.**

The following provisions shall apply to violations of the laws and ordinances set forth in this article, and all monetary penalties shall be civil penalties:

A. The minimum penalty for starting construction or undertaking a land use activity without a required permit shall be \$100 and the maximum penalty shall be \$2,500.

B. The minimum penalty for a specific violation shall be \$100 and the maximum penalty shall be \$2,500.

C. The violator may be ordered to correct or abate the violations. Where the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation, unless the abatement or correction will:

- (1) Result in a threat or hazard to public health or safety;
- (2) Result in substantial environmental damage; or
- (3) Result in substantial injustice.

D. If the City of Saco is the prevailing party, it shall be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs, as provided by court rule.

E. The maximum penalty may exceed \$2,500, but shall not exceed \$25,000, when it can be shown that there has been a previous conviction of the same party, within the past two years, of the same law or ordinance.

F. All proceedings arising under the provisions of locally administered laws and ordinances shall be brought in the name of the City of Saco, and fines shall be paid to the City of Saco.

## Chapter 102: Article II – Life Safety Code

City of Saco, ME / The Code / Part II, General Legislation / Fire Prevention

### Article II Life Safety Code

§ 102-8 Title.

§ 102-9 Adoption of standards by reference.

§ 102-10 Additions, Insertions, and Changes ~~Supervisory official.~~

§ 102-~~101~~ Supervisory official.

§ 102-~~142~~ Appeals.

§ 102-~~123~~ Violations and penalties.

§ 102-8 Title.

This article shall be known and may be cited as the "~~NFPA~~ Life Safety Code, ~~1991 Edition.~~"

§ 102-9 Adoption of standards by reference.

Reference is herewith made to ~~the most current edition of the~~ NFPA 101, *Life Safety Code*, ~~as~~ published by the National Fire Protection Association (NFPA), such edition as currently adopted by the Office of the State Fire Marshal. Said ~~which~~ code is hereby adopted and made a part hereof as if fully set out in this article, with the additions, insertions, deletions, and changes as found herein.

§ 102-10 Additions, Insertions, and Changes.

A. Reserved

§ 102-~~101~~ Supervisory official.

The Fire Chief or their designee is herewith designated as the city official to supervise and enforce this article.

§ 102-~~142~~ Appeals.

A. Any person aggrieved by the decision of the Fire Chief with regard to the enforcement of this code may take appeal to the Mayor and City Council.

B. An appeal may be taken within 30 days from the date of the decision appealed by filing with the Mayor and City Council a notice of appeal specifying the grounds thereof, except that in the case of a building or structure which, in the opinion of the Fire Chief, is unsafe or dangerous, the Fire Chief may in his/her order limit the time for such appeal to a shorter period. The Fire Chief shall forthwith transmit to the Mayor and City Council all the papers upon which the action appealed from was taken.

§ 102-~~123~~ **Violations and penalties.**

The following provisions shall apply to violations of the laws and ordinances set forth in this article, and all monetary penalties shall be civil penalties:

A. The minimum penalty for starting construction or undertaking a land use activity without a required permit shall be \$100 and the maximum penalty shall be \$2,500.

B. The minimum penalty for a specific violation shall be \$100 and the maximum penalty shall be \$2,500.

C. The violator may be ordered to correct or abate the violations. Where the court finds that the violation was willful, the violator shall be ordered to correct or abate the violation, unless the abatement or correction will:

(1) Result in a threat or hazard to public health or safety;

(2) Result in substantial environmental damage; or

(3) Result in substantial injustice.

D. If the City of Saco is the prevailing party, it shall be awarded reasonable attorney fees, expert witness fees and costs, unless the court finds that special circumstances make the award of these fees and costs unjust. If the defendant is the prevailing party, the defendant may be awarded reasonable attorney fees, expert witness fees and costs, as provided by court rule.

E. The maximum penalty may exceed \$2,500, but shall not exceed \$25,000, when it can be shown that there has been a previous conviction of the same party, within the past two years, of the same law or ordinance.

F. All proceedings arising under the provisions of locally administered laws and ordinances shall be brought in the name of the City of Saco, and those fines shall be paid to the municipality

## **Chapter 102:** **Article III – Fire Lanes**

[City of Saco, ME](#) / [The Code](#) / [Part II, General Legislation](#) / [Fire Prevention](#)

### Article III **Fire Lanes**

§ 102-~~134~~ **Purpose.**

§ 102-~~145~~ **Definitions.**

§ 102-~~156~~ **Applicability.**

§ 102-~~167~~ **Establishment; appeals.**

§ 102-~~178~~ **Maintenance and identification.**

§ 102-~~189~~ **Time limit for compliance.**

§ 102-~~4920~~ **Parking prohibited; violations and penalties.**

§ 102-134 **Purpose.**

Fire lanes are established for the purpose of promoting ~~the~~ public health, safety and welfare by recognizing that there exist and will in the future exist buildings and other areas in the city within which and to which the public will be invited, served or housed. These buildings or other areas must be provided prompt, adequate emergency services, including access by fire fighters and fire-fighting equipment and other emergency personnel and equipment, ~~in order~~ to protect the health, safety and welfare of the public and effect the saving of life and property in emergency situations.

§ 102-145 **Definitions.**

As used in this article, the following terms shall have the meanings indicated:

**FIRE LANE**

A designated, unobstructed passageway, at least 20 feet in width, with an ~~outside~~ inside turning radius of ~~60~~ at least 20 feet and constructed and maintained in a manner to permit free passage of fire apparatus and other emergency equipment and personnel from a public way to all necessary areas, regardless of the season of year or weather conditions, around buildings, in areas or in developments or subdivisions as may be required elsewhere in this article. Fire Department Access Road shall be synonymous with Fire Lane.

**PARKING AREA**

Lots, areas, or other accommodations for the parking of motor vehicles off the street, alley, or other way, which said lots, areas or other accommodations are available for use by the public either with or without charge.

**SUPERVISORY OFFICIAL**

The Fire Chief, their duly authorized representative, or the Code Enforcement Official

§ 102-156 **Applicability.**

The provisions of this article shall; ~~in order to accomplish the stated purpose,~~ be applicable to all proposed and existing developments, subdivisions, buildings and other premises which are included with the following:

A.

Subdivisions, both residential and nonresidential.

B.

Any non-residential development not requiring subdivision approval or site plan review.

C.

Any proposed construction requiring site plan review.

D.

All schools, whether public or private.

E.

Hospitals.

F.

Convalescent homes, rest homes and/or nursing homes.

G.

In addition to the foregoing, all other places of public assembly used for the gathering ~~together~~ of 50 or more persons.

§ 102-167 Establishment; appeals.

A.

Each application for residential or nonresidential subdivision approval and each application for site plan review submitted to the Planning Board shall be reviewed by the ~~Chief of the Saco Fire Department and/or the Fire Marshal of the fire district within which the development or building is located. The Fire Chief and/or Fire Marshal Supervisory Official shall review each application~~ to determine the locations of such fire lanes as are necessary under this section and report ~~his/her~~ their findings, recommendations, and suggested designations of fire lanes to the Planning Board, in writing. All findings, recommendations and suggested designations of fire lanes shall be made a part of the record of proceedings before the Planning Board on each subdivision or site plan review application. The decision of the Planning Board shall govern the requirements and designation of all fire lanes.

B.

In any application for a building permit, ~~or an~~ occupancy permit, or change of use permit not requiring subdivision or site plan review and approval but otherwise included within § ~~102-156~~ above, the ~~Building Inspector~~ Code Enforcement Official shall notify the Fire Chief or their duly authorized representative of the application for the permit, ~~and the Fire Chief or Fire Marshal who~~ shall designate directly to the owner, owners or agent of the premises for which permit application is made the location of required fire lanes.

C.

Within existing developments and premises to which this article is applicable, the ~~Fire Chief~~ Supervisory Official shall designate fire lanes by written order and shall notify, in writing, both the Saco Planning Board and the owner, owners or agents of such development or premises, by certified mail of such designation and of any specific requirements for compliance with this article and shall publish notice of such establishment of such fire lanes once in a newspaper having general circulation within the City of Saco. The ~~Fire Chief~~ Supervisory Official shall file one copy of any order of designation of any such fire lanes with the City Clerk. Any person aggrieved by such order may file with the City Clerk, within 15 days after the date of the receipt of such order, written notice of appeal, setting forth therein reasons for aggrievement. A public hearing shall be held by the Saco Planning Board, after which the Board must affirm, modify, or rescind the order ~~of the Fire Chief~~ within 30 days of the public hearing. The Board shall notify the ~~Fire Chief~~ Supervisory Official, as may be applicable, by written communication of any ~~and all~~ action taken relative to the establishment of a fire lane.

§ 102-178 Maintenance and identification.

Fire lanes established under this article shall be kept free of ice and snow and rubbish containers or other obstructions. The owner, owners, agent or occupant of any premises to which this article is applicable shall cause to be erected, installed and maintained, at ~~his or her~~ their own expense, permanent, adequate signs, bearing the words "Fire Lane — No Parking — Vehicles Will Be Towed At Owner's Expense," in or adjacent to the fire lane. Such owner, owners, agent, or occupant shall cause such other and further notices or signage as are reasonably required by the ~~Fire Chief~~ Supervisory Official to warn persons to keep the fire lanes unobstructed. Failure to maintain a fire lane in accordance with this section shall render the owner, owners, agent or occupant of the development liable to a fine in accordance with the general penalty provision of this Code,<sup>[1]</sup> with each continuing day of such violation constituting a separate offense.

[1]

*Editor's Note: See Ch. 1, General Provisions, Art. II.*

§ 102-189 Time limit for compliance.

The notice of establishment of fire lanes shall prescribe a reasonable time for compliance. If compliance is not obtained within the stated time, then the owner, owners or agent shall be subject to a fine in accordance with the general penalty provision of this Code. Each day following such specified time for compliance shall constitute a new and separate violation.

§ 102-~~19~~~~20~~ **Parking prohibited; violations and penalties.**

**A.**

No person shall park or permit to stand a motor vehicle in any fire lane established in accordance with this article, except when ~~actually~~ picking up or discharging passengers or actively engaged in loading or unloading a motor vehicle.

**B.**

Whenever any vehicle shall be found parked in violation of the regulations established above, any police officer may attach to the vehicle a notice, to the owner or operator thereof, that the vehicle has been parked in violation of the regulations. The registered owner or operator shall pay to the City a fine to be established after a public hearing. The registered owner of the motor vehicle shall be presumed to be the operator of the vehicle. Any motor vehicle found parked or standing in a fire lane that has been established in accordance with this article, in addition to the foregoing, may be towed, upon the direction of a police officer, to any public or private parking facility, and all expense of towing and any subsequent storage shall be borne by the registered owner or operator of the vehicle.<sup>III</sup>

[Amended 5-3-2004]

[1]

*Editor's Note: See also Ch. 200, Towers and Wreckers.*

## **Chapter 102:** **Article IV – Mutual Fire Aid Pacts**

City of Saco, ME / The Code / Part II, General Legislation / Fire Prevention

### Article IV **Mutual Fire Aid Pacts**

§ 102-~~20~~~~1~~ **Purpose.**

§ 102-~~24~~~~2~~ **Authority of Fire Chief.**

§ 102-~~22~~~~3~~ **Requests for aid.**

§ 102-~~23~~~~4~~ **Withdrawal from agreements.**

§ 102-2 ~~0~~~~1~~ **Purpose.**

The purpose of this article is to authorize the Saco Fire Department to aid in extinguishing fires and providing emergency ambulance service in municipalities which, under 30 M.R.S.A. § 3777<sup>III</sup> and through properly adopted ordinances or agreements, are authorized to aid in extinguishing fires and providing emergency ambulance service in the City of Saco.

[1]

*Editor's Note: See now 30-A M.R.S.A. § 3156.*

§ 102-~~24~~~~2~~ **Authority of Fire Chief.**

The Saco Fire Chief ~~or their duly authorized representative~~ is authorized to enter into an agreement to use the equipment and personnel of the Saco Fire Department to aid in extinguishing fires and ~~to providing~~ emergency ambulance service in another municipality if that municipality's Fire Department or volunteer fire company has been authorized to provide the same services in the City of Saco under the same types of terms and conditions contained in this article.

§ 102-~~22~~~~3~~ **Requests for aid.**

When another municipality requests aid, the Saco Fire Chief or ~~the officer then in charge of the Saco Fire Department~~ ~~their duly authorized representative~~ may provide such aid, subject to the following provisions:

**A.**

Aid may be provided to an extent that the Saco Fire Chief or ~~officer in charge of the Saco Fire Department~~, ~~their duly authorized representative in his/her sole discretion and judgment~~, determines is warranted and available.



**B.**

When aid is provided, the officers of the Saco Fire Department shall command ~~its~~ their own fire fighters, subject to the direction of the ~~head~~ Incident Commander of the Fire Department of the requesting municipality, who is responsible for overall strategy in any event.

**C.**

When providing aid to a requesting municipality, the Saco Fire Department has the same privileges and immunities as the Fire Department or volunteer fire company in the requesting municipality.

**D.**

Any wages incurred or damages sustained, due to injury or death or damage to or loss of property, by the Saco Fire Department or any of its personnel in responding to a request for aid from another municipality are the liability of the City of Saco.

§ 102-234 **Withdrawal from agreements.**

The Saco Fire Chief or their duly authorized representative is authorized to withdraw from any agreement entered ~~into~~ under this article upon giving 30 days' notice, in writing, of ~~his/her~~ their intention to do so to the municipal officers of the other municipality.

## **Chapter 102:**

### **Article V – Fire Hydrants**

City of Saco, ME / The Code / Part II, General Legislation / Fire Prevention

#### Article V **Fire Hydrants**

§ 102-245 **Purpose.**

§ 102-256 **Design standards.**

§ 102-267 **Installation.**

§ 102-278 **Maintenance of privately owned hydrant.**

§ 102-245 **Purpose.**

The purpose of this article is to establish uniform standards for fire hydrants within the City of Saco so that fire protection activities are not hampered during the course of fire fighting. This article is designed to provide for public safety.

§ 102-256 **Design standards.**

All fire hydrants installed in the City of Saco after the effective date of this article shall comply with the ~~following specifications:~~ current criteria of the Maine Water Company.

~~A.~~

~~The hydrant shall be a Darling B62B or a substantially similar unit, of design approved by the Biddeford and Saco Water Company.~~

**~~B.~~**

~~The hydrant shall be equipped with the following:~~

~~(1)~~

~~An internal valve of 5 1/4 inches.~~

~~(2)~~

~~One port of 4 1/2 inches and two ports of 2 1/2 inches.~~

~~(3)~~

~~A six-inch mechanical joint base.~~

~~(4)~~

~~Open right design.~~

**~~C.~~**

~~Hydrant gate valves shall be of six-inch, open right, metropolitan design.~~

**~~D.~~**

~~Hydrant tees shall be cast iron, manufactured in accordance with standards of the American Water Works Association and current at the time of installation.~~

**~~E.~~**

~~The hydrant shall have 5 1/2 feet depth of bury (five feet of cover).~~

**~~F.~~**

~~All hydrants shall be not less than 12 inches to the center line of hose outlet from finish grade. All hydrant flanges must be above finish grade.~~

**§ 102-267 Installation.**

~~Hydrants shall be set to provide a minimum horizontal distance between the hydrant and hydrant valve of 10 feet installed in accordance with current criteria of the Maine Water Company. Hydrants shall be securely braced against firm, undisturbed material by means of an acceptable and approved method of thrust restraint. All hydrant branch piping shall be of six-inch diameter~~

**§ 102-278 Maintenance of privately owned hydrants.**

All privately owned hydrants within the City of Saco are subject to the following provisions, and owners of such hydrants shall be responsible for compliance with these provisions:

**A.**

~~The hydrant owner shall provide for biannual maintenance inspections the serviceability of the hydrant as per NFPA 25, *Inspection, Testing and Maintenance of Water-Based Fire Protection Systems*, Chapter 7. by a qualified professional, such as a plumber or maintenance engineer. One such inspection occur prior to the winter freeze period shall be responsible for all work performed on a hydrant.~~

**~~B.~~**

~~The maintenance inspection shall include:~~

~~(1)~~

~~A visual inspection.~~

~~(2)~~

~~Opening and flushing.~~

~~(3)~~

~~Testing during actual operation.~~

~~C.~~

~~The maintenance inspection shall be performed in the presence of a representative of the City of Saco Fire Department. The hydrant owner shall contact the Saco Fire Department to make arrangements for a site visit during the maintenance inspection.~~

~~D~~ **B.**

The hydrant owner shall submit an an biannual inspection report for each hydrant to the Saco Fire ~~Chief~~ Department no later than thirty (30) days beyond the anniversary of the previous annual service.

~~E.~~

~~After the prewinter inspection, the owner shall arrange with the Biddeford and Saco Water Company for pumping of the hydrant.~~