

Town of Casco

FIRE RESCUE

PROPOSED

FIRE PROTECTION ORDINANCE FOR
SUBDIVISIONS ONLY

ARTICLE I. PURPOSE

To protect health, safety and general welfare of the residents and visitors of the Town of Casco by establishing fire protection measures for residential subdivisions; to ensure for the reasonable protection and safety of firefighters against building collapse and other effects of fires; to better facilitate the needs of the Fire Rescue; to ensure sound engineering practices are utilized when installing fire protection systems.

ARTICLE II. AUTHORITY AND ADMINISTRATION

Section 1. Authority

1. This Ordinance is adopted pursuant to Home Rule Powers as provided for in Article VIII-A of the Maine Constitution and Title 30, M.R.S.A., Section 1917. (Present reference is Article VIII, Part Second, Section 1 of the Maine Constitution and Title 30A M.R.S.A, Section 3001.
2. This Ordinance shall be known as the "Fire Protection Ordinance for Subdivisions Only" of the Town of Casco, Maine adopted and effective by vote of the Town Meeting.

ARTICLE II. AUTHORITY AND ADMINISTRATION

Section 2. Administration

1. This Ordinance shall be administered by the Planning Board, Casco Fire Rescue and/or the Code Enforcement Officer of the Town of Casco, as appropriate.
2. The Reviewing Authority may modify or waive any of the application requirements or performance standards when it determines that because of the special circumstances of the site such application requirements or standards would not be applicable or would be an unnecessary burden upon the applicant and not adversely affect the abutting landowners and the general health, safety, and welfare of the Town.

ARTICLE III. REFERENCES AND DEFINITIONS

In general, words and terms used in this ordinance shall have their customary dictionary meanings. More specifically, certain words and terms used herein are defined as follows. References are incorporated only to the extent cited herein.

Dry Hydrant - An arrangement of pipe permanently connected to a water source other than a piped, pressurized water supply system that provides a ready means of water supply for fire-fighting purposes and that utilizes the drafting (suction) capability of a Fire Rescue pump.

Dry Hydrant Specifications - For current Dry Hydrant Specifications and dry hydrant locations please contact the Town of Casco Fire Chief or the Town of Casco Code Enforcement Officer.

Fire Protection System - The water source, storage means, piping and hydrants, sprinkler systems, access roads and associated infrastructure provided for fire protection.

Insurance Services Organization (“ISO”) Public Protection Classification (“PPC” [tm]) - edition published at the time of issuance of Building Permit.

National Fire Protection Association (“NFPA”) - issue as adopted by the Maine State Fire Marshal’s Office at the time of issuance of building permit:

1. NFPA Standard 1, “Fire Prevention Code.”
2. NFPA Standard 13D, “Standard for the Installation of Sprinkler Systems in One and Two Family Dwellings and Manufactured Homes”.
3. NFPA Standard 1142, “Standard on Water Supplies for Suburban and Rural Fire Fighting”.

ARTICLE IV. APPLICABILITY

This ordinance shall be applicable to all new residential construction in new subdivisions, as defined in Subdivision Regulations of the Town of Casco, from the date of adoption of this Ordinance.

ARTICLE V. FIRE PROTECTION SYSTEM WATER SUPPLY

Section 1. Water Supply

1. In any applicable subdivision, there shall be provided a reliable water supply for firefighting. If public fire hydrants and/or approved dry hydrants are not available within 1000 feet of each lot, the subdivider shall be responsible for providing adequate fire protection water supply. Subdivisions shall provide adequate fire protection water supply in accordance with ISO PPC Class 8. Acceptable methods include, but are not limited to, natural perennial or man-made fire ponds with an approved dry hydrant, underground storage reservoirs (cisterns) with an approved dry hydrant, approved pumping relay station, or

approved residential sprinkler systems in dwelling units. If water storage means are provided, such means shall be located not further than 1000 feet from any dwelling. A combination of methods may be used to satisfy this requirement.

ARTICLE V. FIRE PROTECTION SYSTEM WATER SUPPLY

Section 2. Design and Approval

1. Where fire ponds are proposed for water storage, the capacity of the pond shall be calculated based on the lowest projected water level, less an equivalent of three feet of ice. A detailed plan of the required pond, dry hydrant, piping, and/or access road, bearing the stamp of a registered Professional Engineer, shall be submitted as part of the application. The Code Enforcement Officer and Fire Chief shall approve the design of all water storage arrangements for fire ponds, cisterns, and pumping relay stations. Water storage arrangements shall be made available as soon as combustible materials accumulate. (NFPA 1, 16.4.3.1.1)

ARTICLE VI. SPRINKLER SYSTEMS

1. Sprinkler systems to be installed in any construction subject to this Ordinance shall comply with the applicable standard as approved by the Office of the State Fire Marshal, which is typically the Maine Life Safety Standard or NFPA 13D, as appropriate; edition as adopted by the Maine State Fire Marshal's Office at the time of issuance of building permit.

ARTICLE VII. MAINTENANCE OF FIRE PROTECTION SYSTEMS

Section 1. Maintenance of Water Storage Means

1. Water storage means a holding tank and dry hydrants associated with water storage arrangements shall be maintained as required by NFPA 1142, Chapter 8, Section 8.7.1 and 8.7.6. The homeowners associations shall be responsible for the maintenance of the fire protection system, if common storage means are used.

ARTICLE VII. MAINTENANCE OF FIRE PROTECTION SYSTEMS

Section 2. Maintenance of Sprinkler Systems

1. Maintenance of individual sprinkler systems shall be the responsibility of the individual owner.

ARTICLE VII. MAINTENANCE OF FIRE PROTECTION SYSTEMS

Section 3. Road and Relay Station Maintenance

1. All roads and relay stations approved as part of a subdivision shall be maintained for Casco Fire Rescue access in perpetuity to include tree and brush trimming, snow removal, other obstructions, gates, signs, etc. The homeowners associations shall be responsible for the maintenance of the roads and relay stations. This provision shall not prohibit a seasonal road from being maintained seasonally.

ARTICLE VII. MAINTENANCE OF FIRE PROTECTION SYSTEMS

Section 4. Inspection of Fire Protection Systems

1. Fire protection systems other than sprinkler systems shall be subject to annual inspection by the Casco Fire Rescue. Deficiencies shall be remedied by the developer, homeowners association or Casco Fire Rescue as appropriate.

ARTICLE VIII. OTHER PROVISIONS

1. Easement Deed

a. When water storage means are to be used, the developer or homeowners association shall provide an executed dry hydrant easement deed to the Town of Casco in a form approved by the Town Attorney to provide the Town of Casco with the right to enter onto the property to use, train with, and check the functionality of the storage means.

2. Road Access for Firefighting

a. All proposed roads subject to this code shall meet requirements set forth in the Town of Casco Subdivision

Regulations. All road plans shall meet Fire Rescue approval for Fire Rescue equipment operations if no municipal water system is used.

b. If any waiver from road grade requirements is granted, as allowed in the Subdivision Regulations, water supply distance requirements shall be measured from each end of the waived grade(s).

3. Property Access for Firefighting

a. All properties shall have access per NFPA 1, edition in effect at time of Subdivision application.

4. Access through Gates, etc., for Firefighting

a. Any property subject to this Ordinance protected by any locked gate, fence or chain shall provide Fire Rescue Access to same as approved by the Fire Chief or designee.

5. Waiver

a. In the event that sprinklers are provided in all subdivision dwellings, the provisions of Article VIII Section 1 may be waived by the Planning Board.

ARTICLE IX. Validity, Severability and Conflict with Other Ordinances

1. 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 of the Ordinance.

2. Whenever the requirements of this Ordinance are inconsistent with the requirements of any other Ordinance, Code or Statute, the more restrictive requirements shall apply.

3. This Ordinance shall not repeal, annul or otherwise impair or remove the necessity of compliance with any federal, state or other local laws, codes or ordinances. Where this Ordinance imposes a greater restriction upon the use of land, buildings, or structures, the provisions of this Ordinance shall prevail.

4. Nothing herein shall exempt any applicant or proposed development or land use from the requirement(s) of complying with other applicable Ordinances and Regulations of the Town of Casco.

ARTICLE X. Effective Date

1. The effective date of this Ordinance shall be 30 days after approval by Town Meeting Vote.

ARTICLE XI. Review

1. This Ordinance shall be reviewed by Town of Casco Planning Board at least every three (3) years with Fire Rescue's input.

ARTICLE XII. Amendments

1. This Ordinance may be amended by referendum. Amendments must be submitted to the Municipal Officers by the Planning Board following the requirements below for publishing and posting a public hearing.

- a. The notice must be posted in the municipal office at least fourteen (14) days before the public hearing.

- b. The notice must be published at least two (2) times in a newspaper that has a general circulation in the municipality. The date of the first publication must be at least twelve (12) days before the hearing and the date of the second publication must be at least seven (7) days before the hearing. That notice must be written in plain English and understandable by the average citizen.

ARTICLE XIII. ENFORCEMENT

Section 1. Nuisances

1. Any violation of this Ordinance shall be deemed to be a nuisance.

ARTICLE XIII. ENFORCEMENT

Section 2. Violations

1. When a violation of any provision of this Ordinance shall be found, the Code Enforcement Officer or the Chief of the Casco Fire Rescue shall send a written notice of the violation to the responsible party or parties and shall notify the Board of Selectmen of the violation. If the notice does not result in the correction of the violation, the Board of Selectmen may institute any and all actions and proceedings, either legal or equitable, including seeking injunctive relief, the imposition of fines, removal of the structure, or other action that may be appropriate or necessary to enforce the provisions of this Ordinance. The remedies set forth herein are intended to be cumulative and not exclusive of each other. The Board of Selectmen is authorized to enter into administrative consent orders to eliminate violations with or without court action. Such agreement shall not allow an illegal structure or use to continue.

ARTICLE XIII. ENFORCEMENT

Section 3. Penalties

1. Any person, firm corporation, or other legal entity who shall violate any of the provisions of this Ordinance or fail to comply with any of the requirements thereof shall, upon conviction, be punished by a fine of not less than \$100 nor more than \$2,500, and each day on which violations shall continue shall constitute a separate offense.

ARTICLE XIV. Appeals

1. Any person, firm or corporation aggrieved by a decision of the Code Enforcement Officer (“CEO”) or Planning Board may appeal such decision to the Board of Appeals within 30 days of the written decision by filing an appeal at the office of the Town Clerk on forms approved by the Board of Appeals.

2. All appeals and requests for reconsideration shall be accompanied by a fee as provided in the Town of Casco Uniform Fee Ordinance.

3. Appeals from decisions of the CEO, and decisions of the Planning Board made without conducting a public hearing, shall be de novo. The CEO shall transmit to the Board of Appeals the decision and all documents and other evidence on which the decision was based which may be considered as evidence in the de novo proceeding. The Board of Appeals shall conduct a public hearing at which all persons shall have the right to present additional testimony and documentary evidence. At the public hearing, any party shall have the right to cross-examine witnesses. The standard of review shall be whether, on the basis of the evidence before the Board of Appeals, the application conforms to the requirements of the Ordinance. The burden of proof shall be upon the applicant for the permit or approval. The Board of Appeals shall have authority to grant or deny a permit or approval or to remand the matter to the CEO or Planning Board for further proceedings.

4. Appeals from decisions of the Planning Board made after conducting a public hearing shall be purely appellate. The CEO shall transmit to the Board of Appeals the decision of the

Planning Board and all documents and other evidence comprising the record on which the Planning Board decision was based. The Board of Appeals shall conduct a public proceeding at which all persons shall have the right to present legal argument concerning the decision of the Planning Board. The Board of Appeals shall not permit the introduction of additional testamentary or documentary evidence. The standard of review shall be whether the decision of the Planning Board was arbitrary or capricious, based on error of law or on findings of fact not supported by substantial evidence in the record. The Board of Appeals shall have authority to sustain or reverse a decision of the Planning Board or to remand the matter to the Planning Board for further proceedings.

5. The Board of Appeals shall not continue a public hearing on an appeal to a future date except for good cause.

6. The affirmative vote of three members of the Board of Appeals shall be necessary to grant an approval or permit on appeal from a decision of the CEO or to grant an appeal from a decision of the Planning Board. The failure of the Board of Appeals to issue a written notice of its decision, directed to the appellant by registered mail, within thirty five (35) days of the close of the public hearing shall constitute a denial of the appeal.

7. Any aggrieved party may appeal a decision of the Board of Appeals to Maine Superior Court within 45 days of the date of the vote of the Board of Appeals in accordance with 30-A

M.R.S.A. § 2691 and Rule 80B of the Maine Rules of Civil Procedure.