



# Town of Windham

Town Offices  
8 School Road  
Windham, Maine

## Cover Sheet

File Number: 18-152

**Agenda Date:** 8/7/2018

**Version:** 1

**Status:** Draft

**In Control:** Town Council

**File Type:** Order

### I. Council Action Requested.

To adopt amendments to the Fire Prevention and Life Safety Code, Chapter 95 of the Town of Windham:

Whereas, certain provisions of the Fire Prevention and Life Safety Code ("Fire Code") are inconsistent with State law, and

Whereas, the Town Council wishes to eliminate a particular inconsistency which is impacting the ongoing development of property

NOW THEREFORE it is hereby ordained as follows:

§95.4.1 of the Fire Code is amended as follows:

All new buildings, structures, or dwellings containing at least 7,500 10,000 gross square feet of enclosed area serviced by public water or within 1,000 linear feet of a hydrant serviced by the Portland Water District, or 4,000 gross square feet of enclosed area not serviced by public water or greater than 1,000 linear feet from a hydrant serviced by the Portland Water District, with the exception of single- and two-family dwellings, shall be required to have an approved automatic fire sprinkler system in all areas of the buildings and must comply with this article.

### **Emergency Declaration**

The Town Council declares the existence of an emergency because the Code of Ordinances is insufficient to prevent public harm to property caused by inconsistent legal requirements.

In accordance with Article II, Section 11(D) of the Town Charter, this ordinance shall be enacted as an emergency ordinance. It shall stand repealed as of the sixty-first (61st) day following enactment, unless the Town Council shall have acted to reenact it.

### II. Basis for Council Action.

Council approval of this item is required because;

- a. Pursuant to Article I, Section 2 of the Charter the town "may enact reasonable

- by-laws, regulations and ordinances for municipal purposes, not inconsistent with the Constitution and laws of the State of Maine,”
- b. Pursuant to Article I, Section 2 of the Charter “the administration of all the fiscal, prudential and municipal affairs of said Town, with the government thereof, except as otherwise provided by this Charter, shall be and are vested in one body of seven (7) members, which shall constitute and be called the Town Council,”
  - c. Pursuant to Article II, Section 3(I) of the Charter the Council shall have the power to “exercise all the legislative, financial, borrowing and other powers now or hereafter given by statute to inhabitants of towns acting in Town Meeting except as otherwise provided herein, and also exercise all the powers now or hereafter given by statute to municipal officers of towns,” and
  - d. Pursuant to Article II, Section 11(D) of the Charter and “to meet a public emergency affecting life, health, property or the public peace, the Council may adopt one or more emergency ordinances.”

### III. Issue Summary.

Issues surrounding a recent project have raised concerns about the threshold at which the town’s fire prevention and life safety code applies, and in situations often different than what the State of Maine requires.