

# Town of Windham Fire Prevention and Life Safety Code

## Chapter 95



Submitted by the  
Windham Fire-Rescue Department  
in cooperation with the  
Planning and Code Enforcement Departments

Adopted by Order 16-167, May 10, 2016; effective date June 10, 2016

## **95.1 Administration**

### **95.1.1 Short Title**

This chapter shall be known and may be cited as the “Fire Prevention and Life Safety Code for the Town of Windham, Maine.”

### **95.1.2 Purpose and Applicability**

The purpose of this chapter is to prescribe minimum regulations governing life safety and hazardous conditions to life and property from fire or explosion.

The provisions of this chapter shall apply to all properties, buildings, and structures within the Town of Windham.

### **95.1.3 Administration and Enforcement**

This chapter shall be administered and enforced by the Town of Windham Fire-Rescue Chief and/or any designee of the Fire/Rescue Chief.

### **95.1.4 Adoption of NFPA 1 Fire Code by Reference**

That a certain document, three (3) copies of which are on file in the office of the Town of Windham, with one (1) copy being in the Town Clerk’s Office, marked and designated as the NFPA 1 Fire Code - as published by the National Fire Protection Association, as adopted and amended by the State of Maine, is hereby adopted as the Fire Code of the Town of Windham.

{ 25 M.R.S.A § 2361; 25 M.R.S.A § 2452; 25 M.R.S.A § 2465; 25 M.R.S.A § 8001 through 11008 }

### **95.1.5 Adoption of NFPA 101 Life Safety Code by Reference**

That a certain document, three (3) copies of which are on file in the office of the Town of Windham, with one (1) copy being in the Town Clerk’s Office, marked and designated as the NFPA 101: Life Safety Code - including Appendices A and B as published by the National Fire Protection Association, as adopted and amended by the State of Maine, is hereby adopted as the Life Safety Code of the Town of Windham for control of buildings and structures as herein provided.

{ 25 M.R.S.A § 2361; 25 M.R.S.A § 2452; 25 M.R.S.A § 2465; 25 M.R.S.A § 8001 through 11008 }

### **95.1.6 Building Permit and Construction Plan Review**

The Fire/Rescue Chief or his/her designee shall conduct a plan review under the provisions of the Land Use Ordinance of the Town of Windham for any non-residential structures including but not limited to structures that require site plan approval, building permit, occupancy

inspection or for a change of use.

The Fire/Rescue Chief or his/her designee shall review all road accesses in subdivisions and site plans and to review fire prevention measures and general layout of all developments or dwellings, boarding houses, dormitories, hotels, motels, multifamily dwellings, (including, but not limited to, town houses, condominiums, and any other building that houses three (3) or more dwelling units).

The Windham Fire/Rescue Chief or his/her designee shall review all required site plans and sprinkler plans; however, all sprinkler system plans shall also be subject to approval by the State Fire Marshal's Office.

#### **95.1.7 Third Party Review**

Due to the complexity of certain projects, buildings, or developments, the Fire/Rescue Chief may require third party review of the plans prior to approval. All costs associated with third party review under this section shall be the sole responsibility of the applicant, developer, or property owner.

#### **95.1.8 Violations and Penalties**

Any person, firm or corporation, being the owner or occupant of, having control of, or the use of, any building or premises, or part thereof, who violates any of the provisions of this chapter shall be subject to the laws and liability of 30-A M.R.S.A. § 4452.

The AHJ is authorized to, in writing, suspend or revoke a certificate of occupancy issued under provisions of the Town of Windham Land Use Ordinance wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any of the provisions of this chapter.

#### **95.1.9 Appeals**

Any person aggrieved by a decision under this chapter may file an application with the Board of Appeals in accordance with Section 1100 of the Town of Windham Land Use Ordinance.

#### **95.1.10 Enforcement**

The AHJ, with advice and consent of the Town Manager, is authorized to institute or cause to be instituted by the Town Council, in the name of the Town of Windham, any and all actions, legal or equitable, that may be appropriate or necessary for the enforcement of this chapter.

## **95.2 Definitions**

Wherever used in this chapter, the following terms used in this code shall have the meaning as given below.

### **Authority Having Jurisdiction**

The Authority Having Jurisdiction (AHJ) shall be the Chief of the Windham Fire-Rescue Department or his/her designee.

### **Recreational Fire**

An outdoor fire burning materials other than rubbish, trash, or other waste materials, where the fuel being burned is not contained in an incinerator, outdoor fireplace or barbeque pit or barrel and has a total fuel area of 3 feet or less in diameter or 2 feet or less in height and is prepared for pleasure, recreating, cooking, warmth, or similar purposes.

### **95.3 Alarm System**

This article establishes requirements for alarm system installation and monitoring.

#### **95.3.1**

Any structure or building consisting of at least 2,000 gross square feet of enclosed area, with the exception of single- and two-family dwellings, shall have an approved, fully addressable fire alarm system that complies with NFPA 72: National Fire Alarm and Signaling Code.

- A. Exception: single- and two-family dwellings shall install a fully addressable alarm system if required under an approved subdivision plan.

#### **95.3.2**

Any existing buildings of at least 2,000 gross square feet of enclosed area that do not have an alarm system as of the effective date of this chapter shall not be required to install one, except as required by section 95.3.4 of this ordinance.

#### **95.3.3**

Any building that is required to have a sprinkler system shall have a supervised alarm, detection, and notification system that complies with NFPA 72. This shall be considered a fully addressable system.

#### **95.3.4**

Any proposed additions that bring the total gross square footage of the building to 2,000 square feet or more shall have an approved alarm system throughout the entire building (i.e., not only the new addition). Installation of the system in the existing portion(s) of the building may be phased, subject to the approval of the AHJ.

If said building is required under this section to have an alarm system, the alarm system shall be monitored.

#### **95.3.5**

At no time shall anyone besides a certified technician or fire department representative deactivate or restore an alarm for any reason.

### **95.3.6**

In the event an alarm system installed under this article malfunctions or is rendered inoperable, it shall be repaired and returned to operation within thirty (30) calendar days. Any non-functioning alarm system shall cause notification to the Windham Fire/Rescue Department. Failure to remedy a non-functioning alarm system shall result in a suspension or revocation of the certificate of occupancy until such time that the corrections have been made and approved by the AHJ.

### **95.3.7**

The AHJ reserves the right to grant an extension of time when extenuating circumstances beyond the control of the occupant have been outlined and brought forth by the occupant and a correction date has been accepted by the AHJ before the expiration of the 30-calendar-day time period set forth herein. This extension of time is intended to be used only for rare occasions and will not be granted for unsubstantiated reasons.

### **95.3.8**

All buildings, structures, or dwellings subject to this chapter may be inspected annually for fire alarm code and ordinance compliance.

## **95.4 Fire Suppression**

This article shall govern the installation and maintenance of sprinkler systems in buildings and structures subject to this article.

### **95.4.1**

All new buildings, structures, or dwellings containing at least 7,500 gross square feet of enclosed area served 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 served 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 building that must comply with this article.

[Sprinkler systems for mixed-use buildings are required by Section 522 of the Windham Land Use Ordinance, Chapter 140]

### **95.4.2**

For purposes of this article, an approved automatic sprinkler system shall mean a system installed in accordance with the National Fire Protection Association (NFPA) Standard 13, NFPA 13R or NFPA 13D and in accordance with the provisions of this article and approved by the State Fire Marshal's Office, and shall remain subject to the AHJ's approval.

### **95.4.3**

All automatic sprinkler systems shall be an approved system listed by Underwriters Laboratories (UL) or Factory Mutual (FM) fire insurance underwriters, an approved Maine Life Safety Sprinkler System, or otherwise deemed acceptable by the AHJ.

### **95.4.4**

Any structure requiring the installation of an NFPA Standard 13, 13D, or 13R System shall have a fire department connection. The location and type of fire department connection shall be approved by the AHJ. The fire department connection shall be identified by a sign, plaque, or plate identifying it as a "Fire Department Sprinkler Connection."

### **95.4.5**

The property owner shall keep the fire department connection clear of any obstructions and maintained in good, serviceable condition at all times.

### **95.4.6**

All systems required to be installed under this article shall be reviewed and approved by the AHJ in accordance with this article.

#### **95.4.7**

No certificate of occupancy shall be issued until the automatic sprinkler system has been properly installed and tested by a State of Maine licensed installer and approved by the AHJ.

#### **95.4.8**

All automatic sprinkler systems installed under this article shall be required to comply with the following:

- A.** Installation, extension, modification, or alteration shall be done by a State of Maine licensed installer.
- B.** Plans for the installation of any system containing ten (10) or more sprinkler heads, or the modification of an existing sprinkler system containing ten (10) or more additional sprinkler heads, shall be approved by the State Fire Marshall's office and the AHJ.
- C.** A tamper switch alarm at the system shut off.
- D.** Any building that is required to be sprinkled by this article shall have an NFPA 72 compliant supervised alarm system installed, as set forth in Section 95.3 of this code.
- E.** An outside water flow alarm.
- F.** A butterfly valve will not be allowed on any NFPA Standard 13, 13D, or 13R systems.

#### **95.4.9**

The property owner shall maintain all sprinkler systems, standpipe systems, and component parts in good working condition at all times. It shall be unlawful to tamper with any system under this article, except that this shall not prohibit necessary testing, repairs, alterations, or additions, provided that the testing, repairs, alterations or additions are done in such a way as to avoid the creation of a safety hazard. The AHJ shall be notified before such testing, repairs, alterations, or additions are conducted.

Automatic sprinklers and standpipes may be shut down subject to the following conditions:



- A.** A letter stating that the sprinkler system and or standpipe have been shut down and rendered inoperable has been provided to the AHJ.
- B.** The building remains unoccupied during the shutdown, except for the property owner or their representative to conduct occasional walk-through inspections.
- C.** A licensed sprinkler contractor or inspector has properly shut down the sprinkler system.
- D.** The system is reactivated only by an installer or technician licensed by the State of Maine.

#### **95.4.10**

The AHJ may prohibit the continued occupancy of any structure or portion of a structure, and may post such structure against occupancy, if the AHJ determines that such occupancy presents an immediate life-threatening situation. If the AHJ prohibits continued occupancy of the structure, no further occupancy shall occur until the situation identified as life threatening has been corrected in a manner that removes the threat, as determined by the AHJ.

#### **95.4.11**

Any building having more than one sprinkler riser shall have the risers separately zoned and wired to a local fire alarm panel to provide zone identification upon activation.

#### **95.4.12**

The fire alarm panel shall be located as near as possible to the main exit door. There shall also be a building map located at the fire alarm panel showing each zone of the building.

#### **95.4.13**

Any structure containing an automatic sprinkler system shall be required to have a yearly test completed on the system by a qualified sprinkler technician. A written copy of the yearly test report shall be forwarded to the Fire Chief's office.

## **95.5 Plan Approval**

This article shall govern the plan approval process as it pertains to gaining approval from the Windham Fire-Rescue Department.

### **95.5.1**

Subdivisions and site plans subject to Planning Board approval shall be reviewed by the AHJ or his/her designee; findings and recommendations by the Windham Fire-Rescue Department regarding the proposed plan's compliance with this chapter may be given to the applicant prior to the plans being presented to the Planning Board.

## **95.6 Key Boxes**

This article establishes requirements for the installation of key boxes on new buildings for fire department access.

### **95.6.1**

Any non-residential structure that is constructed on or after the effective date of this chapter, and which is subject to the provisions contained in this chapter, shall be required to install a key box for fire department access. This box shall be as approved by the AHJ.

### **95.6.2**

A key or set of keys that allows entrance into an occupancy and access to all fire alarm and suppression systems shall be provided and placed in the box.

### **95.6.3**

Key boxes may be monitored by a security system.

### **95.6.4**

Key boxes shall meet requirements set forth by the AHJ.

### **95.6.5**

The AHJ must approve the location and style of box before installation.

### **95.6.6**

All installation procedures shall be followed to ensure the security of building keys prior to keys being placed in the box.

## **95.7 Open Burning**

This article establishes regulations for open burning. All open burning must comply with this article.

### **95.7.1**

A permit shall be required for all open burning, except as allowed under section 95.7.5.

### **95.7.2**

The AHJ shall have the authority to deny issuance of burning permits for the protection of public safety and health. A list of areas where open burning is prohibited is attached hereto as Appendix A. This list will reviewed and updated annually.

### **95.7.3**

At no time does the AHJ authority supersede the State of Maine Forest Service's authority to ban burning. If the State of Maine determines that burning is unsafe for any period of time, the AHJ will automatically deny burning permits for that time period.

### **95.7.4**

Outdoor fireplaces shall not be located:

- A. Within 25 ft. of a structure.
- B. Within 25 ft. of combustible materials, unless contained in an approved manner (including a UL or third party listed appliance).
- C. Where condition(s) are present that could cause a fire to spread to within 25 ft. of a structure.

### **95.7.5**

Open burning permits are not required for recreational fires; provided, however, that if the recreational fire creates a nuisance, health, or fire hazard, the recreational fire shall be extinguished upon order of the Windham Fire-Rescue Department, which shall have the authority to extinguish any recreational fire if the property owner or other person responsible for the recreational fire fails to do so after such order.

Permanent barbecues, portable barbecues, outdoor fireplaces, grills or barrels shall not be used for the incineration of trash, rubbish, or any other combustible waste material.

All fires shall be constantly attended by a competent adult who shall have a garden hose connected to a water supply, or other fire extinguishing equipment, readily available for use.

**Special Note:**

*All open burning shall be in conformity with existing laws and regulations of the State of Maine Forest Service, Department of Environmental Protection and local municipal ordinances. In accordance with Title 12 of the Maine Revised Statutes, the outdoor burning of plastic, rubber, Styrofoam, metals, food wastes, chemicals, treated wood, or other solid wastes, except for wood wastes, is prohibited in all areas of the State of Maine.*

## **95.7 Occupancy Inspection**

This article shall establish requirements for approval from the AHJ prior to the issuance of certificates of occupancy.

### **95.7.1**

Any property inspection that is conducted by the Town of Windham Code Enforcement Department for any property that is required to conform to this chapter shall include the AHJ. The AHJ shall certify and make recommendation certifying that the building meets all conditions and regulations set forth by the Windham Fire-Rescue Department.

### **95.7.2**

If the property under inspection does not conform to the requirements outlined during the plan approval process, the AHJ shall not approve the certificate of occupancy and shall make recommendations to the Code Enforcement Department for bringing the property into compliance with the requirements of this chapter.

### **95.7.3**

All non-residential structures or dwellings that meet the requirements of this code may be inspected on a periodic basis for compliance with the fire safety requirements set forth in this chapter and all codes adopted hereunder. Inspections shall be documented and retained as part of the property record.

## **95.8 Water Supplies for Fire Fighting**

This article shall establish requirements for the operation and maintenance of fire hydrants.

### **95.8.1**

All fire hydrants, whether owned or leased by the town or privately owned, shall be maintained in proper operating condition at all times. Owners of private hydrants shall be responsible for all required maintenance including, but not limited to, removing accumulations of snow/ice from the hydrant and ensuring adequate access to the hydrant by the Windham Fire-Rescue Department.

### **95.8.2**

No person or persons shall obstruct or permit to be obstructed by any means any fire hydrant located within the Town of Windham. Any person or persons causing snow to obstruct a fire hydrant shall immediately clear said fire hydrant. Failure to do so shall result in clearing of the fire hydrant by the Windham Fire-Rescue Department at the cost of the property owner. The cost of such violation shall be included on a fee schedule established by order of the Town Council.

## **Appendix A**

### **Areas Where Open Burning is Prohibited**

This appendix is a list of streets and locations where open burning is prohibited because of nuisance and health risks associated with the smoke conditions.

The list is current as of February 4, 2010.

Baxter Woods	Baxter Woods Trail	North District
Brookhaven	Arcadia Drive	North District
	Brookhaven Drive	North District
	Sylvan Avenue	North District
	Gromble Way	North District
	Peavey Avenue	North District
Collinwood Park	Collinwood Circle	North District
	Runningbrook Drive	North District
	Wedgewood Avenue	North District
Roosevelt Trail	Prairie Way	North District
	Roosevelt Trail (Northerly side of Roosevelt Trail from Dalten Pines to Commons Avenue)	North District
Pinewood Acres	Lucmick Avenue	North District
	Firwood Avenue	North District
	Redwood Drive	North District
	Chipmunk Drive	North District
	Elmwood Drive	North District
	Sprucewood Drive	North District
	Maplewood Drive	North District
	Birchwood Drive	North District
	Chestnut Drive	North District
Tall Pines	Misty Drive	North District
	Eric Road	North District
Varney Mill Estates	Forbes Lane	North District
	Shady Lane	North District
	Stagecoach Lane	North District
	Acorn Lane	North District



Cottage Road

Cottage Road (from Falmouth Road to  
To Abbadabba Lane)  
Brentwood Road  
Upper Beach Road  
Lower Beach Road  
Orchard Road

East Windham  
East Windham  
East Windham  
East Windham  
East Windham