



# Town of Windham

## Fire - Rescue Department


375 Gray Road  
Windham, ME 04062  
Business 207-892-1911  
Fax 207-892-0544

Deputy Chief Stanlee Emerson  
Deputy Chief John Wescott

Brent J. Libby, Fire-Rescue Chief

---

### MEMORANDUM

To : Tony Plante, Town Manager  
From : Brent Libby, Fire-Rescue Chief   
Date : August 24, 2018  
Re : Sprinkler System Requirements

In April and May of 2016 the council reviewed and modified the Town of Windham Fire Prevention and Life Safety Code, Chapter 95. Prior to that review the ordinance required that all commercial buildings 2,000 square feet or greater were to be sprinkled. The revised ordinance adopted by Council Order 16-167, May 10, 2016 took into account the available water supply for firefighting and changed section 95.4.1 of the ordinance to read:

*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]*

There is not a clear comparison between state law and our local ordinance. The State Fire Marshal's Office requires a construction permit as required by Title 25, Part 6, Chapter 317 §2448 (attached) thus triggering a plans review. The state applies a sprinkler requirement after completing the plan review process when indicated using the National Fire Protection Association (NFPA) Life Safety Code 101 and the Maine Uniform Building and Energy Code. Each code set looks at several factors when determining if a sprinkler would be required. Some of those factors include; the proposed occupancy and use of the building, the overall size of the building, and what the building is being constructed of.

Sprinkler System Requirements  
August 24, 2018

Page 2 of 2

There are three instances that I am aware of where the state specifically requires a sprinkler system even before applying the codes listed above. Those occupancies where they specifically require them are dormitories at public education institutions, new hotels having two or more stories above grade and all high-rise buildings of any commercial purpose that is 75 feet or more above grade level.

When we last reviewed this ordinance we took into consideration available water supply and staffing as it was unique to Windham and subsequently increased the square footage requirement overall and reducing the number of buildings that were required to have a sprinkler system. Since the ordinance change in 2016 the town has issued 17 new commercial permits, none of which were required to be sprinkled by our ordinance. The most recent River Road project was the first to be over the 7,500 square feet.

Our Fire-Rescue Department is an amazing group of professionals. The majority of crew is paid on call meaning they have to respond from somewhere other than the station if they are available. Our average response time throughout town is 7-8 mins and a majority of the time apparatus responds with 1 or 2 people. With the lightweight construction of new buildings and the furnishings within the buildings are significantly increasing the rate at which the fire grows and reducing the time we have before the structure fails.

It is important to note that sprinkler systems dramatically increase the survivability of any one who may be inside a building on fire. They help to reduce the risk to our firefighters by containing the fire to a more manageable size. They can reduce fire loss and business down time to the occupant that has the fire and the surrounding occupancies that would be affected by a large fire.

Enc: Title 25, §2448  
Title 25, §2463  
Title 25, §2463-A

## Maine Revised Statutes

### Title 25: INTERNAL SECURITY AND PUBLIC SAFETY

#### Part 6: FIRE PREVENTION AND FIRE PROTECTION

#### Chapter 317: PREVENTIVE MEASURES AND RESTRICTIONS

#### **§2448. Construction permit; when required**

A property owner, agent or representative of the owner may not construct, alter or change the use of any structure to become a public building without first obtaining from the Commissioner of Public Safety or from a municipality designated pursuant to section 2448-A a permit for that purpose. A request for a permit must be accompanied by a true copy of the plans and specifications for that construction, reconstruction or change of use. The commissioner shall issue a permit only if the plans comply with statutes and lawful rules adopted to reduce fire hazards. [2009, c. 364, §1 (AMD).]

The term "public building" includes any building or structure constructed, operated or maintained for use by the general public, which includes, but is not limited to, all buildings or portions of buildings used for a schoolhouse, hospital, convalescent, nursing or boarding home to be licensed by the Department of Health and Human Services, Division of Licensing and Regulatory Services; theater or other place of public assembly, mercantile occupancy over 3,000 square feet, hotel, motel or business occupancy of 2 or more stories; or any building to be state-owned or state-operated. [2009, c. 364, §1 (AMD).]

The term "true copy" means an accurate representation by dimensioned plans and specifications of the final construction documents. [1983, c. 232, §1 (RPR).]

#### SECTION HISTORY

1973, c. 242, §1 (AMD). 1975, c. 293, §4 (AMD). 1979, c. 208, §1 (AMD). 1983, c. 232, §1 (RPR). 2003, c. 689, §B6 (REV). 2007, c. 324, §17 (REV). 2009, c. 364, §1 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes ([mailto:webmaster\\_ros@legislature.maine.gov](mailto:webmaster_ros@legislature.maine.gov)) • 7 State House Station • State House Room 108 • Augusta, Maine 04333-0007

Page composed on 11/03/2017 01:33:10.

# Maine Revised Statutes

## Title 25: INTERNAL SECURITY AND PUBLIC SAFETY

### Part 6: FIRE PREVENTION AND FIRE PROTECTION

#### Chapter 317: PREVENTIVE MEASURES AND RESTRICTIONS

##### **§2463. Installation of sprinkler systems and smoke, heat or fire detection systems**

All new hotels constructed after January 1, 1992 of any type construction having 2 stories or more above grade level, must be protected by a complete approved automatic sprinkler system. [1991, c. 359, (AMD).]

All high-rise buildings constructed after January 1, 1992 of any type construction must be protected by a complete approved automatic sprinkler system. [1991, c. 359, (NEW).]

All other hotels having 2 stories or more above grade level must be protected by a complete approved smoke, heat or fire detection system operated by electrical current or powered by batteries by July 1, 1981. [1991, c. 359, (AMD).]

The Commissioner of Public Safety or the commissioner's designee shall inspect all systems installed pursuant to this section and shall approve all systems that comply with this section, except that when the hotel is located in a municipality that has a municipal fire department or incorporated volunteer fire department, that department is responsible for the inspection and approval of the system, unless the Commissioner of Public Safety agrees to undertake that responsibility. [1997, c. 728, §26 (AMD).]

The term "hotel" includes buildings or groups of buildings under the same management in which there are more than 15 sleeping rooms for hire, whether designated as a hotel, inn, club, motel, apartment hotel or by any other name. [1985, c. 183, (AMD).]

The term "high-rise building" includes any building used for any commercial purpose that is 75 feet or more above grade level. [1991, c. 359, (NEW).]

Any person or corporation violating this section is guilty of a Class E crime. [1991, c. 359, (AMD).]

##### SECTION HISTORY

1969, c. 409, (NEW). 1971, c. 240, (AMD). 1971, c. 622, §85 (AMD). 1977, c. 665, (RPR). 1985, c. 183, (AMD). 1991, c. 359, (AMD). 1997, c. 728, §26 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.

Office of the Revisor of Statutes ([mailto:webmaster\\_ros@legislature.maine.gov](mailto:webmaster_ros@legislature.maine.gov)) • 7 State House Station • State House Room 108 • Augusta, Maine 04333-0007

Page composed on 11/03/2017 01:33:10.

# Maine Revised Statutes

## Title 25: INTERNAL SECURITY AND PUBLIC SAFETY

### Part 6: FIRE PREVENTION AND FIRE PROTECTION

#### Chapter 317: PREVENTIVE MEASURES AND RESTRICTIONS

##### §2463-A. Installation of sprinkler systems in dormitories

**1. Definitions.** As used in this section, unless the context otherwise indicates, the following terms have the following meanings.

A. "Automatic sprinkler system" means an automatic sprinkler system that at a minimum satisfies the requirements of Pamphlet 13 or 13R of the National Fire Protection Association or other requirements established by the State Fire Marshal. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

B. "Department" means the Department of Public Safety. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

C. "Dormitory" means a building or space in a building owned by a public educational institution in which:

(1) At least 5 rooms are provided as sleeping accommodations for students of the public educational institution; or

(2) Sleeping accommodations are provided for 15 or more students of the public educational institution. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

D. "Public educational institution" means the University of Maine System, the Maine Community College System, the Maine Maritime Academy, the Maine School for Marine Science, Technology, Transportation and Engineering or the Maine School of Science and Mathematics. [2015, c. 363, §7 (AMD).]

[ 2015, c. 363, §7 (AMD) .]

**2. Approved automatic sprinkler system.** A dormitory of a public educational institution must be equipped with an automatic sprinkler system in accordance with this subsection.

A. A dormitory constructed by a public educational institution or a building converted into a dormitory by a public educational institution after the effective date of this paragraph must be equipped with a complete automatic sprinkler system before the department approves the dormitory for occupancy. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

B. Dormitories of a public educational institution that exist on and are used as dormitories after January 1, 2001 must be equipped as follows:

(1) By January 1, 2007, at least 1/3 of the total square footage of those dormitories must be equipped with an automatic sprinkler system;

(2) By January 1, 2010, at least 2/3 of the total square footage of those dormitories must be equipped with an automatic sprinkler system; and

(3) By January 1, 2013, all of those dormitories must be equipped with a complete automatic sprinkler system. [2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF).]

[ 2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF) .]

**3. Report.** Beginning in 2003 and every 2 years thereafter, the State Fire Marshal shall report to the joint standing committee of the Legislature having jurisdiction over criminal justice matters concerning compliance with subsection 2. The report must be submitted by February 15th of the year the report is due.

[ 2001, c. 674, Pt. A, §1 (NEW); 2001, c. 674, Pt. A, §2 (AFF) .]

##### SECTION HISTORY

2001, c. 674, §A1 (NEW). 2001, c. 674, §A2 (AFF). 2003, c. 20, §002 (AMD). 2003, c. 20, §004 (AFF). 2015, c. 363, §7 (AMD).

The Revisor's Office cannot provide legal advice or interpretation of Maine law to the public.

If you need legal advice, please consult a qualified attorney.