

**TOWN OF GORHAM
FIRE SUPPRESSION SYSTEMS ORDINANCE**

**ADOPTED July 7, 1987; effective August 6, 1987
AMENDED October 6, 1987; effective October 6, 1987
AMENDED July 10, 1990; effective July 10, 1990
AMENDED September 4, 2001; effective October 7, 2001
AMENDED September 4, 2018; effective October 5, 2018
AMENDED December 1, 2020; effective January 1, 2021
AMENDED October 19, 2021; effective March 1, 2022
AMENDED July 19, 2022; effective October 4, 2022
AMENDED September 18, 2023; effective October 3, 2023**

ARTICLE I. PURPOSE:

- Section I. To establish an ordinance governing the installation of Fire Suppression Systems in certain buildings within the Town of Gorham.

ARTICLE II. Definitions and Requirements:

- Section I. A "sprinkler/fire suppression system" shall mean an approved automatic system installed in accordance with the National Fire Protection Association NFPA Standard 13, NFPA 13R, NFPA 13D, and NFPA 750 and in accordance with the provisions of this ordinance and approved by the State Fire Marshal's Office, and shall remain subject to the Fire Chief's approval under Section III below.

- Section II. Any structure requiring the installation of a Standard 13 or 13R System shall have a Fire Department Connection as that term is defined in NFPA. The location of the Fire Department Connection shall be approved by the Fire Chief and properly signed as the Fire Department Sprinkler Connection.

The department connection shall be kept clear of any obstruction, such as bushes, grass, or debris.

- Section III. The type of system to be installed and its adequacy of life safety from fire in accordance with the provisions of this ordinance shall be reviewed and approved by the Fire Chief or his designee in accordance with this ordinance, provided adequate provisions are made for life and property safety. Any sprinkler, or suppression system installed, whether complete or partial at the choice of the owner occupant, shall meet the requirements of this ordinance.

- Section IV. A permit shall be obtained from the Fire Chief before the start of construction of the system. A set of blue prints showing the entire sprinkler/suppression system and the rate of flow shall be provided when the permit is obtained. A fee of \$75.00 shall be charged for the permit.

A copy of the permit shall be forwarded to the Code Enforcement Office and no Certificate of Occupancy shall be issued until the system has been properly installed, tested and approved by the Fire Chief or his designee. The test papers from the installer shall be forwarded to the Fire Department upon completion of the system and prior to issuing the certificate of occupancy.

- Section V. All sprinkler/suppression systems installed under this ordinance shall have the following:

1. Any sprinkler/suppression system installed, extended, modified or altered

within the Town of Gorham shall be done by a State of Maine licensed installer.

2. Any sprinkler/suppression system that is installed that contains twenty (20) or more sprinkler heads, or the modifications of an existing sprinkler system which includes twenty (20) additional sprinkler heads, shall have the plans approved by the State Fire Marshal's Office.
3. A tamper switch alarm at the system shut-off, except that this requirement shall not apply to NFPA 13D systems.
4. A flow switch alarm that shall activate an approved supervisory alarm system, which will transmit to an approved receiver or municipal alarm receiver. The determination of what systems and receivers are approved shall be made by the Gorham Fire Department in order to insure that systems are compatible.
5. An evacuation alarm for the building that will sound when the sprinkler/suppression system is activated. The activation alarm shall be audible throughout the entire structure.
6. An outside water flow alarm.
7. Butterfly valves will not be allowed on any Standard 13 system.

8. Sprinkler heads above and below ceilings, and in all areas with a 6" inch or more vertical void and a 24" inch or greater connecting horizontal space.

8.9. An "Accessory Apartment" shall mean a separate dwelling unit that has been added on, or created within, a lot with a single family dwelling unit for the purpose of providing separate living accommodations.

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Section VI. Occupied and unoccupied buildings, or portions thereof of any construction having a sprinkler/suppression system in place, shall maintain all sprinklers/suppression and standpipe systems and all component parts in a workable condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection these systems provide, except that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary for the purpose of conducting tests, repairs, alterations, or additions; provided that the tests, repairs, alterations, or additions are done in such a way as to avoid the creation of a safety hazard.

The Chief of the Fire Department or his designee shall be notified before such tests, alterations, or additions are started.

Section VII. For the purpose of this ordinance, the term "building" shall mean any structure, (excluding any barn, or stable used exclusively for agricultural purposes) having a roof supported by columns or walls and intended for the shelter, storage, housing use, or enclosure of persons, animals, or chattel (other than agricultural food or fertilizer stuffs).

The term "building" shall also include any garage, out-building or other accessory building used for any commercial or industrial purposes.

Section VIII. For the purpose of this ordinance, portions of buildings separated from other portions by a firewall shall not be considered a separate building.

Section IX. Unit of occupancy means any interior space with defined boundaries described in a deed, lease, license or agreement in which a discreet business, residential living unit, commercial, office, service, industrial or industrial activity by interior or exterior walls.

Section X. Any building having more than one sprinkler riser shall have the risers separately zoned and wired to a local Fire Alarm Control Panel to provide zone identification upon activation
The Fire Alarm Control 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 Control Panel showing each zone.

Section XI. A lock box or boxes shall be provided outside the structure at locations designated by the Fire Department on any buildings regulated hereunder, containing a key to allow access to all Fire Department areas, except that, for one and two family dwellings, the lock box requirement is optional.

Section XII. Any structure containing a sprinkler/suppression system shall be required to have a yearly test completed on the system by a qualified, Maine-licensed sprinkler technician. A written copy of the yearly test report shall be forwarded to the Fire Chief's Office by the Maine-licensed technician, or his firm; however, if the technician, or his firm, is not paid in full for the inspection services within 30 days of the inspection, the Fire Department shall consider the inspection incomplete and in violation of this section of the Ordinance.

Notwithstanding this section, the owner of a one or two family dwelling with an NFPA 13D system, except for the antifreeze systems, may conduct the annual sprinkler inspection using an self- inspection form provided by the Fire Department if the owner has attended a training course provided by the Fire Department and is recertified every fifth year with an on-line course, or equivalent, provided by the Fire Department. The completed self- inspection form shall be forwarded to the Fire Chief's Office.

Every five (5) years or when there is a change in ownership of the building, whichever occurs sooner, the sprinkler/suppression system, including any anti-freeze loops shall be inspected by a qualified, Maine-licensed sprinkler Technician and the report shall be forwarded to the Fire Chief's Office by the Technician or his firm.

Homeowners shall be provided with a notice from the Town on associated risks related with self-certification.

ARTICLE III. VIOLATIONS AND LEGAL ACTION:

Section I. When any violation of any provision of this ordinance shall be found to exist, the Town Attorney, as designated by the Municipal Officers and upon notice from the Fire Chief or his designee, is hereby authorized and directed to institute any and all actions and proceedings either legal or equitable, that may be appropriate or necessary to enforce the provisions of this ordinance in the name of the Town.

ARTICLE IV. FINES:

Section I. Any person, firm or corporation being the owner or having control or use of any building or premises who violates any of the provisions of this ordinance, shall be guilty of a civil violation and shall be fined not less than \$25.00 nor more than

\$100.00 for each violation. Each day such violation is permitted to exist after notification shall constitute a separate offense. Fines maybe waived if the property owner enters into a binding consent agreement providing for improvements to the property that will substantially reduce violations of this ordinance to the Fire Chief's reasonable satisfaction and be completed within a reasonable time frame in his/her opinion.

ARTICLE V. NEW BUILDING CONSTRUCTION:

- Section I. A sprinkler/suppression system shall be installed in all areas of all new buildings meeting any or all of the following requirements.
- A. Three or more stories in height; or
 - B. 36 or more feet in height; or
 - C. 100,000 cubic feet in volume or 10,000 square feet in floor area; or
 - D. All newly constructed residential dwelling units and/or lodging units which are attached to one another, whether vertically or horizontally, in a configuration of three or more units. Examples include, but not limited to, all new one and two family dwelling units, multiplex housing, residential condominium units, garden apartments, hotels, motels, boarding homes and lodging houses, or any residential unit attached horizontally, or vertically, to a commercial or industrial unit; or
 - E. All mixed occupancies which shall have the same meaning as defined in NFPA 101. (see Section IX in Article II above for definition of Unit of Occupancy)
 - F. Non-residential units of occupancy which are attached to one another, whether vertically or horizontally, in a configuration of three or more units. (see Section IX in Article II above for definition of Unit of Occupancy)
- Section II. Changes of Occupancy: in any building or structure, whether necessitating physical alteration or not, a change from one NFPA occupancy classification to another, or from one occupancy sub-classification to another sub-classification of the same occupancy, shall be permitted only if such structure, building, or portion thereof conforms with the requirements of the NFPA 101 Life Safety Code and this ordinance applying to new construction for the purpose of new use. This section complies with the NFPA 101 Life Safety Code Section 13.12, as adopted by the Town of Gorham and State of Maine.

ARTICLE VI. BUILDING ADDITIONS:

- Section I.
- A. When a building is enlarged, altered, or renovated, a sprinkler/suppression system must be installed in the enlarged, altered, or renovated portion if, as a result of the enlargement, alteration, or renovations, the building as a whole will meet the criteria listed in Article V, Section 1 A through E above, or if the renovations are equal to or greater than fifty percent (50%) of the then current building value as shown on the assessment records of the Tax Assessor of the Town of Gorham, an appraisal from a licensed appraiser in the State of Maine,

value established from a realtor website such as Zillow.com or Realtor.com or a fair market analysis from a licensed realtor in the State of Maine. When the area and/or volume of such enlarged, altered, or renovated portion, together with the area and/or volume of any other enlargements, alterations, or renovations occurring since the most recent effective date of any amendments to this ordinance, exceeds 25% of the area and/or volume of the building existing on the most recent effective date of any amendments to this ordinance amendment, then a sprinkler/suppression system must be installed; provided, however, for detached one or two family dwellings and detached duplex dwellings, both of the percentage thresholds above shall be seventy-five percent (75%).

- B. When an existing building containing 3 or more units of occupancy is enlarged, altered or renovated and the enlarged, altered, or renovated portion, together with the area and/or volume of any other enlargements, alterations, or renovations occurring since the effective date of this ordinance, does not exceed 25% of the area and/or volume of the building existing on the effective date of the ordinance, then a sprinkler/suppression system is not required. When the area and/or volume of such enlarged, altered, or renovated portion, together with the area and/or volume of any enlargements, alterations, or renovations occurring since the effective date of this ordinance, exceeds 25% of the area and/or volume of the building existing on the effective date of this ordinance, then a sprinkler/suppression system must be installed in the entire building.
- C. When a new dwelling or lodging unit is created in, or added to, an existing building, a sprinkler/suppression system must be installed in the entire building if, as a result of the creation of the new unit, the building as a whole will meet the criteria of Article V, Section 1 (D) or (E).
- D. When any other applicable ordinance, code, regulation, rule or statute requires a sprinkler/suppression system, then such appliance must be installed accordingly.

ARTICLE VII. SPRINKLER/SUPPRESSION SYSTEMS FOR ONE AND TWO FAMILY HOMES:

- Section 1. Commencing with the effective date of these amendments, all new dwelling units, including those that are single family or duplex houses, including those that are one or two family dwellings and all newly constructed or newly re-purposed dwelling units, are required to be sprinkled. The automatic sprinkler/suppression system shall comply with the following:
 - A. All new residential dwelling units, including all new one and two family dwellings, including all newly constructed or newly re-purposed dwelling units, shall be equipped with an NFPA 13D or 13R automatic sprinkler/suppression system. All areas of the building will have sprinkler coverage, with the following exceptions:
 - 1) Closets, as allowed under 13D or 13R unless they are used for laundry room or storage of flammable liquids.
 - 2) Attics, when the attic is not boarded over, has no stairway or ladder leading to the attic, and the shuttle hole is not bigger than 24" x 24" or 576 square inches, and the attic is not used for storage and that at least one (1) smoke detector, hard-wired, into the other detectors in the house, are placed in the attic.
 - 3) Attached garages, if there is no living space above or in the garage space and a two hour wall and a 1 ½ hour fire door including the jams

is placed between the house and the garage. In addition a sprinkler/suppression system stub shall be installed in the garage and overhead area to allow for the extension of the sprinkler/suppression system into these areas if required in the future. The location of the stub shall be noted on the sprinkler/suppression system plans.

- 4) The sprinkler/suppression system is not required to be monitored by an outside source. However, an electric alarm bell and a flashing red LED light or a combination horn/light unit shall be located on the outside of the building.
- 5) A single two and one half inch (2½") Fire Department Connection is to be placed on the outside of the building. Exception: combination systems

B. Exemptions

- 1) Tiny homes as defined under 29-A M.R.S.A. § 101(80-C) shall be exempt from the requirements of Fire Suppression Systems Ordinance.
- 2) An Accessory Apartment that is 800 square feet or less shall be exempt from the requirements of the Fire Suppression Systems Ordinance.
- 4)

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ARTICLE VIII. APPEALS:

Section 1. Appeals shall lie from the decision of the Fire Chief to the Board of Appeals and from the Board of Appeals to the Superior Court as provided by law.

A. The Board of Appeals shall have the following powers and duties:

- 1) Administrative Appeals to hear and decide where it is alleged there is an error in any order, requirement, decision, or determination made by the Fire Chief in the enforcement of this Code. The action of the Fire Chief may be modified or reversed by the Board of Appeals by majority vote.

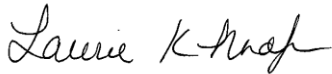
Section 2. In all cases, a person aggrieved by a decision of the Fire Chief shall commence his appeal within thirty (30) days after issuance of a written decision by the Fire Chief. The appeal shall be filed with the Town Clerk on forms to be approved by the Town Council, and the aggrieved person shall specifically set forth on said form the grounds for said appeal. A fee in such amount(s) and for such purpose(s), as the Town Council may from time to time establish by Council order, shall be paid by the appellant to the Town of Gorham at the time of filing his appeal, which shall not be refundable. Each appeal shall be filed on a separate form. A separate fee shall be assessed for each appeal except that a single fee shall be assessed for multiple appeals filed by the same appellant, concerning the same property, and scheduled to be heard by the Board of Appeals at the same proceeding.

Section 3. Before taking action on any appeal, the Board of Appeals shall hold a public hearing. The Town Clerk shall cause notice of the appeal to be published in a newspaper of general circulation in the Town at least seven days prior to the date of hearing. The notice of appeal shall be in a form which the Town Clerk deems to be an adequate summary of the appeal.

- Section 4. Following the filing of an appeal, the Town Clerk shall notify the Fire Chief and the appeal shall be in order for hearing within sixty (60) days of the receipt of the appeal.
- Section 5. For the purposes of this section, the owners of property shall be considered to be the parties listed by the Assessor of Taxes for the Town of Gorham as those against whom taxes are assessed. Failure of any property owner to receive a notice of public hearing shall not necessitate another hearing or invalidate any action by the Board of Appeals.
- Section 6. At any hearing, a party may appear by agent or attorney. Hearings shall not be continued to other times except for good cause.
- Section 7. The Fire Chief or his representative as designated by the Town Manager shall attend all hearings and may present to the Board of Appeals all plans, photographs, or other material he deems appropriate for an understanding of the appeal.

Applicability date: notwithstanding the provisions of 1 M.R.S.A. Sec. 302, or any other provisions of applicable law, the amendments shown above shall be applicable, to the maximum extent allowed by law, to any and all residential, commercial, institutional or industrial property for which no building permit has in fact been lawfully obtained as of October 5, 2018, the date on which these amendments first appeared on the Town Council agenda.

A True Attest Copy



April 5, 2021