

Town of Gorham

ORDINANCE FOR OPTIONAL PROGRAM FOR LOCAL BUILDING PLAN REVIEW.

ADOPTED AUGUST 8, 2017

Section 1: Purpose:

1.1 This Ordinance is intended to provide a program for local building plan review other than one and two family dwelling units. This program shall be optional for the applicant who may choose to apply for local review of building plans or chose to apply for review of building plans through the State Fire Marshal.

Section 2: Adoption of NFPA 1.

2.1 The Town hereby adopts the 2006 edition of NFPA 1, Uniform *Fire Code*, as amended by the State of Maine, except that NFPA 1, Section 1 and Section 10 are hereby deleted and Appeals shall be made in accordance to Section 7 of this Ordinance.

Section 3: Optional Local Building Plan Review.

3.1 The Town, through its Fire Department, may provide review of building plans, other than one and two family dwelling units, as an option to the review provided by the State Fire Marshal.

3.2 This review does not include Barrier-Free construction review/permits which are done separately through the State Fire Marshal.

Section 4: Fees.

4.1 For projects reviewed by the Town of Gorham, the fee schedule for local review shall be 5 cents per square foot for occupied and unoccupied spaces and one cent per square foot shall be remitted to the State.

Section 5: Enforcement of Fire Prevention Codes.

5.1 The Fire Inspector shall be primarily responsible for enforcement of the Fire Prevention Code and review of Commercial and Industrial building plans under the general supervision of the Fire Chief. The Fire Chief may detail such members of the Fire Department, as inspectors, as shall from time to time be necessary for the review of the building plans and subsequent enforcement, if necessary.

Section 6: Penalty for violating codes.

6.1 Any person, being the owner or tenant or having control of any property or structure or part thereof which violates any of the provisions of the said Fire Prevention Codes and/or another section

of this article or who fails to conform to any of the provisions thereof, after having received a ten-day notice of such violation, shall be subject to the penalty provisions pursuant to Title 30-A M.R.S.A. Section 4452. The Fire Inspector, Fire Chief, or a person designated by the Fire Chief may cause a notice of violation or order to be served on the person responsible for the violation or non-compliance condition, in violation of the provisions hereof or in violation of a plan or of a detail statement made with a permit application. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation. If the notice is complied with promptly, the Fire Inspector or Fire Chief, or a person designated by the Fire Chief, may issue a civil summons, or after consulting with the Town Manager, may request the Town Attorney to initiate the appropriate enforcement, to restrain, correct or abate such violation.

6.2 Such violations shall be punishable by a fine, as set forth in Title 30-A M.R.S.A. Section 4452, together with such injunctive relief or administrative remedies, as may be available. Each and every day such a violation continues after the ten-day notice period shall constitute a separate offense. In addition, the Town may seek recovery of costs and any other legal and equitable remedies as may be available to the Town.

Section 7: Appeals

7.1: Any decision by the Fire Inspector may be appealed to the Fire Chief within thirty (30) days after issuance of a written decision by the Fire Inspector.

7.2: A person aggrieved by a decision by the Fire Chief may appeal to Superior Court as provided by law or may submit a new application to the State Fire Marshal. If a new application is submitted to the State Fire Marshal, such application shall be considered a new application and any fees paid as part of the local application shall be non-refundable.

Section 8: Severability Clause

8.1 If any part of this Ordinance is held to be invalid, such part shall be deemed severable and the invalidity thereof shall not affect the remaining parts of this Ordinance.