

## **CHAPTER 7 Fire Prevention and Suppression**

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## CHAPTER 7 Fire Prevention and Suppression

### ARTICLE I Fire & Emergency Medical Services Department

#### Sec. 7-101 Purpose

This ordinance is intended to provide the City of Rockland with fire prevention, suppression, and investigation services, and emergency medical and ambulance services.

#### Sec. 7-102 Department Responsibilities

The City of Rockland Fire & Emergency Medical Services (“EMS”) Department is charged with the following duties and responsibilities:

1. The prevention and suppression of fires;
2. The provision of emergency medical and ambulance services;
3. Rescue and other emergency response and mitigation services;
4. Property inspections to assure, among other matters:
  - A. the proper storage and use of explosives and flammables, the installation and maintenance of automatic and other fire alarm systems, and fire extinguishing equipment;
  - B. the maintenance and regulation of fire escapes; and
  - C. the means and adequacy of exit in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheatres, and all other places in which numbers of persons work, live, or congregate, from time to time, for any purpose;
5. The investigation of the cause, origin, and circumstances of the fires; and
6. The maintenance of fire cause and loss records.

The Fire & EMS Department also shall have such other powers and perform such other duties as are set forth in this Code of Ordinances, and as may be otherwise conferred and imposed from time to time by law. The Fire Chief of the Rockland Fire & EMS Department may delegate any of his powers or duties under this Chapter to one or more Deputy Fire Chiefs.

#### Sec. 7-103 Personnel

The Fire & EMS Department shall be staffed with trained firefighters and emergency medical personnel who shall be employed in such capacities by the City Manager, in consultation with the Fire Chief. Fire & EMS Department employees may be regular employees of the City, or on call and paid on a *per diem* or similar basis. When feasible, the Fire & EMS Department may also utilize the services of trained volunteers, if doing so shall not impede the efficacy of the Department or the achievement of its mission. The Fire Chief shall appoint such Deputy Chief(s), Assistant Chief(s), officers, and supervisors as may be reasonably necessary to achieve a satisfactory command and incident structure.

#### Sec. 7-104 Emergency Medical Services

1. The Fire & EMS Department, whenever feasible and medically appropriate, shall provide emergency medical services within the City of Rockland, and provide emergency ambulance or other transportation of ill or injured persons from Rockland to the Penobscot Bay Medical Center in Rockport or other appropriate medical facility as directed by State of Maine medical protocols, or reasonable necessity.

2. Fees. The Fire & EMS Department shall charge fees for its emergency medical and/or transportation services whenever feasible, at rates set by Order of the City Council.

3. Mutual Aid. The City Manager, upon the recommendation of the Fire Chief, shall be empowered to enter into a written Mutual Aid Agreement with neighboring communities which provides reciprocal emergency ambulance service. A copy of the Agreement shall be placed on file with the City Clerk.

**State Law Reference:** 32 M.R.S. § 81 *et seq.*;

**Cross Reference:** 14 M.R.S. § 164, §§ 8101, *et seq.*

## **Sec. 7-105 Service Area; Outside Calls; Mutual Aid**

**1. Service Area.** The service area of the Fire & EMS Department shall be the physical boundaries of the City, and the Fire Chief shall not permit the City's fire or emergency medical equipment to be deployed outside City limits, except where permitted by law or pursuant to a fee schedule, mutual aid agreement, or service contract or fee agreement with immediately- or nearly-adjacent communities. The City Council, by Order, may establish and from time to time amend a fee schedule for EMS service calls from outside the City. The City shall participate in and not opt out of the Maine First Responders State-Wide Mutual Aid Agreement. The City Manager, in consultation with the Fire Chief and City Attorney, is hereby authorized to enter into written service contracts or fee agreements with other municipalities or entities responsible for providing emergency medical services in other municipalities, providing for EMS services by the City for such other municipality(ies), so long as (1) the services the City therein agrees to provide do not unacceptably degrade the Fire & EMS Department's preparedness or capacity to respond to fire or emergency medical incidents within the City of Rockland, and (2) with respect to emergency medical services, and unless proscribed by law, the City is compensated by or on behalf of the recipient of the emergency medical services thus agreed to at the rates established by Order of the City Council, as applicable, and/or by applicable law. Nothing in this section shall preclude the Fire Chief, with the approval of the City Manager, from authorizing fire and/or emergency medical personnel to respond to calls from other communities (1) to combat a conflagration, conduct a rescue, or provide other needed fire suppression, EMS, or related emergency service, (2) to assist in the event of a disaster or other emergency within the meaning ascribed to those terms by Rockland's Emergency Management Ordinance, Ch. 2, Art. XXI.

**State Law References:** 32 M.R.S. §§ 81-95.

**Cross References:** 14 M.R.S. §§ 164, 8101-8118.

## **Sec. 7-106 Fire Investigations; Reports**

The Fire Chief shall cause to be investigated the origin, cause, and circumstances of every fire occurring in the City of Rockland by which property has been destroyed or damaged and, so far as possible, shall determine whether the fire is the result of carelessness or design. Such investigations, whenever possible, shall commence immediately upon the arrival of Fire & EMS Department personnel at the scene. The Fire Chief, his designee, or a fire inspector, if any, shall notify the proper authorities designated by law to pursue the investigation of such matters, and cooperate with such authorities in the collection of evidence and in the prosecution of the case.

Every fire shall be reported in writing to the Fire Chief within one day after the occurrence of the same by the Fire Department officer on whose watch such a fire has occurred. Such report shall be in such form as shall be prescribed by the Fire Chief, and shall contain a statement of all facts relating to the cause, origin, and circumstances of such fire, the extent of the damage thereof, the insurance upon such property, if known, and such other information as may be required by the Fire Chief or by applicable law, including the injury, death, or rescue of persons.

## **Sec. 7-107 Alarm Systems**

**1. Purpose.** In order to protect public safety and welfare and to assure that fire suppression systems for the protection of life and property are fully operational, it is necessary to require that such systems be correctly designed, installed, and maintained.

**2. Municipal Fire Alarm System Terminated.** The Rockland Municipal Fire Alarm Circuit is terminated effective April 1, 2011. The Fire Chief shall, prior to such termination, notify any property owner known to the Fire Chief to have an alarm box or system connected to the Municipal Fire Alarm Circuit of the termination of the municipal circuit. Such property owners shall, no later than April 1, 2011, remove, hide from public view, or convert each Gamewell fire alarm box on the premises to a registered initiating device. Where required pursuant to the Life Safety Code, property owners shall install and register a privately-monitored fire alarm system no later than April 1, 2011.

**3. Alarm System Installation; Registration.** No person shall initialize or operate any alarm system that includes any mechanism, equipment, or device designed to automatically transmit a signal, message, or warning from private or public property, including without limitation telephonic systems designed to operate automatically through the use of public telephone facilities to a governmental authority, or monitored by a private or public entity that in turn notifies the Knox County Communications Center (an "Alarm System"), except single-family dwellings or homes, without first causing a licensed or qualified professional to certify to the Fire Chief, in writing, that such system complies with all applicable codes,

regulations, and manufacturer's specifications. Such certification shall identify the type, manufacturer, and model of the Alarm System; shall state specifically the areas of the premises protected by the system; shall identify the owner of the property and the person or company that will monitor the system; shall include a copy of the building and/or occupant's evacuation policy; and shall reflect the owner's acknowledgment that he has read and understands the City's prohibition of and penalty for false alarms. The Fire Chief shall provide written confirmation of receipt of such certification which, together with the certification and other requirements herein, shall be retained on file with the Rockland Fire & EMS Department, and shall constitute the registration of such Alarm System.

4. System Requirements. Alarm Systems in Rockland shall include the following, in addition to requirements imposed by applicable codes and regulations:

A. Access. The owner or operator of every building with an Alarm System shall equip the building with a Knox Box® or similar device approved by the Fire Chief configured with the Rockland Fire Department keyway. The Knox Box® shall contain all keys necessary to access all parts of the building or complex, including but not limited to mechanical rooms, electrical closets, sprinkler systems, etc.. Alternatively, the owner or operator may provide the Department with and keep current a list of no fewer than three (3) responsible parties who are capable of responding to the location of the alarm within ten (10) minutes of notification, for the purpose of providing the Department access to the building or complex in the event of an alarm condition ("Responsible Parties"). Provided, however, that occupants that maintain on-site staffing or a twenty-four (24) hour, on-site security presence shall not be required to provide a Knox Box® or a Responsible Parties list at such staffed locations, so long as the employees or security personnel present shall be capable of providing the Department with access to all interior spaces of the building or complex.

The provision of a Knox Box, Responsible Party, or 24-hour on on-site staffing shall not preclude the Department from forcing entry if the Department's incident commander believes a hazardous condition is present within the building. The Rockland Fire & EMS Department shall not be responsible for any damage caused while forcing entry into any premises under an alarm condition.

B. Fire Alarm Control Panels. Upon the installation or replacement of any fire alarm control panel (FACP), the owner or operator of the premises shall surrender all extra keys to that panel to the City of Rockland Fire & EMS Department, and shall take sufficient precautions to assure that no FACP key remains in an unsecured location that may allow unauthorized persons access to the FACP. Where the building or occupancy utilizes a Knox Box®, a duplicate of the FACP key shall be kept therein.

C. Waterflow Detectors (Sprinkler System). Waterflow detectors installed in wet sprinkler systems must have incorporated in them an approved retard device which will prevent false signals from being sent to the Fire Department on occasions such as low water pressure or pressure surges in the riser.

D. Heat Detection. Heat Detection Devices must be of the combination "Rate of Rise" and "Fixed Temperature" type. Exceptions are locations where it is normal for rapid change of temperature to exist, such as areas housing; heating ovens, heating coils, boilers, furnaces, etc. A "Fixed Temperature" device of 190 degrees F rating shall be used in locations where these conditions exist. All Heat Detection Devices must be approved and bear the label of "Underwriters Laboratories". They must be installed and spaced according to the recommendations of the manufacturers and the "Underwriters Laboratories."

E. Sprinkler System Alarms. Any alarm bell which shall make local, external notification of a sprinkler system flow shall be of the hydraulically-operated water motor gong type, or an effective substitute acceptable to the Fire Chief in his sole discretion. An electric bell shall not be allowed as a substitute. Eff: 5/13/15

5. Alarms; Evacuations; Access to Premises.

A. Notifications.

(1) Priority. Where a fire alarm system shall be required by code to report, the first communication from the system or central station shall be to the Knox Regional Communications Center (KRCC), and not to the building, building owner, or responsible parties, any of which shall only be notified subsequent to notification of the Department through the KRCC.

(2) Trouble Conditions. Alarm Systems shall not report trouble conditions to the KRCC; only actual alarm activations shall be reported. Trouble conditions include low batteries, supervisory alarms, devices not properly reset, or other system monitoring controls that do not signal a true activation of an emergency alarm condition. Provided, however, that this prohibition of trouble conditions alarms shall not preclude the automatic reporting, as an alarm, in the event an Alarm System remains in a trouble condition for a period of time unacceptable under applicable codes, regulations, or standards.

B. Evacuation. The owner, operator, or Responsible Party for any building or occupancy protected by an Alarm System shall, upon activation of any alarm, cause the immediate evacuation of all occupants to a safe, exterior location, away from the affected building and in a location where their presence shall not impede public safety vehicles or personnel, and where they shall not be at risk of injury. All employees, residents, and other occupants of the areas served by the Alarm System shall be forewarned of the necessity to evacuate and shall be instructed to assist in facilitating the evacuation of the premises by those occupants unfamiliar with the physical location and operation of exits or with the building's emergency evacuation plan. Special provisions for "defending or sheltering in place" and for any procedure contrary to the above must first be approved by the Fire Chief of the City of Rockland after consulting with the Maine State Fire Marshal's Office, and shall be documented with the City Clerk, prior to their implementation.

C. Irrespective of the installation of a Knox Box® or similar device at the premises, one or more of the designated Responsible Parties shall promptly respond to an alarm and represent and act on behalf of the owner or occupant so long as any Department personnel remain on site. Each such RP shall have been trained, upon Department authorization, to reset the Alarm System, to take possession of the building from the Rockland Fire & EMS Department, and to engage a fire alarm technician to make any necessary repairs to the Alarm System within a timeframe to be identified by the Department.

D. Silencing and Resetting Alarms. No owner, manager or otherwise responsible party shall allow any person to silence or reset any activated fire alarm panel without the express permission of the officer in charge of the Department personnel responding to the alarm, including activations believed or known to be false in nature. If an Alarm System has been silenced, and/or evacuation has not occurred, the Department's officer in charge may, at his or her own professional discretion, cause the alarm to again sound in order to facilitate the evacuation of the premises prior to conducting any investigation as to the cause of the original alarm of fire, for the purpose of best assuring the safety of occupants. Upon identifying the cause of an alarm and determining that no hazard exists, the Department's incident commander may cause the alarm to be silenced and allow employees, residents, and other occupants to reenter the building.

E. Fire Watch. The Fire Chief or his or her designee shall have the authority to post a fire watch, the expense of which shall be borne solely by the property owner, or to order the indefinite evacuation of the building's occupants in the event their safety cannot be reasonably assured by a fire watch, so long as the Alarm System protecting the premises may remain inoperable, or another hazard shall continue to exist.

6. Maintenance and Testing. The owner and/or operator of each premises with an Alarm System shall cause the proper maintenance and inspection of such Alarm System with all applicable NFPA Codes and Standards. Such owner or operator shall notify the Rockland Fire & EMS Department any time testing, maintenance, or work of any kind is being undertaken on the fire alarm system. The Department will not respond to alarms received during testing or while maintenance or any other scheduled work on the system is being conducted, unless additional notification of an emergency at the site is made to the Knox Regional Communications Center. It shall be the responsibility of the property owner or operator to notify the Department, through the KRCC, of the presence of a true emergency condition at the premises during such testing or completion of maintenance or other work on the fire alarm system and to notify the Department of completion of said fire alarm system work, once said work or maintenance has been completed, in order to ensure the proper response to any future alarm activations.

7. System Deactivation. No Alarm System shall be discontinued without the prior approval of the Fire Chief, or his or her designee, which shall not unreasonably be withheld, but which may, in the Fire Chief's sole discretion, be contingent upon

A. the submission of satisfactory evidence that the use or occupancy of the premises is not as to require an approved Alarm System,

B. written approval of such deactivation by the fire insurance carrier for the property, and

C. a plan to properly remove any pull stations or other devices that would lead an occupant to believe the property was protected by a compliant fire alarm system. The removal of these system components shall be accomplished within a time frame approved by the Fire Chief, or his or her designee.

8. Violations; Penalty. Any violation of this section shall, pursuant to 30-A M.R.S. § 4452, subject the owner or other responsible operator of the premises to a fine of not less than \$100, an injunction of the violation, and other remedies provided therein. Each day that such violation shall continue shall constitute a separate violation.

9. Liability. The City of Rockland, the Fire & EMS Department, and/or any of its employees shall under no circumstances be liable for the failure of any fire alarm system to operate, notify the Department of a fire or other emergency, or prompt a response by the Department.

### **Sec. 7-108 False Alarms**

A call for emergency fire or EMS services from the Rockland Fire & EMS Department made without an actual and reasonable belief that such service is required is a false alarm, and – irrespective of any criminal proceeding brought pursuant to 17-A M.R.S § 509 – shall be a civil violation, and, at the discretion of the Fire Chief, any person making or conspiring to make the false alarm shall be subject to a minimum fine of \$500. Nothing in the foregoing shall require the imposition of a fine, or foreclose the City from seeking other or additional remedies.

**State Law Reference:** 17-A M.R.S. § 509; 25 M.R.S. §§ 2396, 2453 *et seq.*

## **ARTICLE II Inspections & Enforcement**

### **Sec. 7-201 Fire Chief Responsible For Enforcement; Fire Marshal**

The Fire Chief shall be responsible for the enforcement of the Fire Prevention and Life Safety Codes and other provisions relating to the prevention, suppression, and investigation of fires adopted in Chapter 4 of this Code of Ordinances or imposed by law. The Fire Chief or his designee shall serve as Fire Marshal. The Fire Chief may detail such members of the Fire Department as inspectors as shall from time to time be necessary.

### **Sec. 7-202 Violations**

It shall be unlawful for any person to impede any fire prevention or suppression measure or order undertaken or ordered by authorized personnel of the Fire & EMS Department. At fire or other incident scenes and in other exigent circumstances, the Fire Chief, or his designee, request that the Rockland Police Department enforce the lawful orders of authorized Fire & EMS Department personnel. Other violations of the Fire Prevention and Life Safety Codes or other applicable regulations shall be noted and prosecuted in the same manner as is provided in Chapter 4 for the general enforcement of building codes in the City of Rockland, either by a code enforcement official or designee of the Fire Chief for that purpose.

### **Sec. 7-203 Site Plan and Subdivision Reviews; Building Permits; Existing Structures; Licenses**

The Fire Chief or his designee shall review and approve pertinent materials submitted as part of applications for site plan approval for the provision for emergency vehicle access and compliance with the Fire Prevention and Life Safety Codes. Before a building permit may be issued for any commercial building or multi-family dwelling, the Fire Chief or his designee shall inspect the premises for conformance with the Fire Prevention and Life Safety Codes and other legal requirements relating to the prevention and suppression of fires or the provision of emergency medical, evacuation, emergency management, or similar services. The Fire Chief or his designee shall participate in the inspection of rental housing units pursuant to Chapter 4, Article V, Section 4-505, and assist in the enforcement of the Fire Prevention and Life Safety Codes, generally, pursuant to Chapter 4, Article V, Section 4-504. The Fire Chief or his designee, when requested by or on behalf of the City Council, shall indicate in writing whether an applicant for a business, entertainment, or similar license is and will be in compliance with the Fire Prevention and Life Safety Codes in the event such license is granted.

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