

**TOWN OF HAMPDEN, MAINE
LIFE SAFETY CODE ORDINANCE**

- ADOPTED: Hampden Town Council, April 5, 1993
Effective Date: May 5, 1993
- AMENDED: Hampden Town Council, February 12, 2001
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- AMENDED: Hampden Town Council, April 6, 2015
Effective Date: May 6, 2015

CERTIFIED BY: Denise R. Hodsdon
Denise Hodsdon
Town Clerk

Affix Seal

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TOWN OF HAMPDEN LIFE SAFETY CODE

Section 1. Life Safety Code Adopted.

In accordance with 30-A, M.R.S.A., Section 3003, the Town of Hampden hereby ordains that NFPA 101, *Life Safety Code*, 2009 Edition, published by the National Fire Protection Association, Inc., as adopted and amended by the State of Maine by 16-220 C.M.R. ch 20 (effective 7/27/11), be and is hereby adopted and incorporated by reference for the purpose of establishing minimum requirements to provide a reasonable degree of safety from fire and other emergencies in new and existing buildings and structures.

Section 2. Definitions for the Life Safety Code.

2.1. The term "authority having jurisdiction" used in the Life Safety Code and this ordinance shall mean the Town of Hampden Building/Fire Inspector, Code Enforcement Officer, Public Safety Director or other person designated by the Public Safety Director or Town Manager.

2.2. The term "legal counsel" used in the Life Safety Code shall mean the Town Attorney.

Section 3. Amendments to the Life Safety Code.

3.1. The NFPA 101, *Life Safety Code*, 2009 Edition is adopted in its published form, as amended by the State of Maine by 16-220 C.M.R. ch 20 (effective 7/27/11), as if fully set forth herein except as follows:

- i. Provisions of the Life Safety Code shall not apply to one- and two-family dwellings existing prior to adoption of this amendment, unless the dwellings are being used for a purpose which requires a State of Maine License.

Section 4. Administration and Enforcement.

4.1 It shall be the duty and responsibility of the authority having jurisdiction to enforce the provisions of the Life Safety Code as herein set forth. The designated enforcement officer of this code is herein referred to as the authority having jurisdiction.

4.2. The authority having jurisdiction shall have the legal authority to inspect all structures and premises, except existing owner occupied single family dwellings, for the purpose of ascertaining and causing to be corrected any conditions that endanger life from fire, smoke, fumes, panic or any violations of the provisions or intent of this Code, or any other ordinance affecting fire and life safety.

4.3. In cases where new construction or change of use of an existing building is proposed, the authority having jurisdiction shall require plans prepared and certified by a registered State of Maine Architect or registered State of Maine Professional Engineer, be submitted to the Office of State Fire Marshal for review. Once reviewed by the Office of State Fire Marshal the

applicant shall submit a copy of said plans bearing the stamp of the Office of State Fire Marshal with application for either a building permit or certificate of compliance. The requirements of this section shall not pertain to one- and two-family dwellings.

4.4. Whenever necessary for the purpose of enforcing the provisions of this Code, or whenever the authority having jurisdiction has reasonable cause to believe that there exists in any structure or premises unsafe conditions, the authority having jurisdiction shall be permitted to enter such structure or premises at all reasonable times to inspect the same or to perform any duty imposed upon the authority having jurisdiction by this Code; provided that if such structure or premises be occupied, the authority having jurisdiction shall first present proper credentials and request entry. If such entry is refused, the authority having jurisdiction shall have recourse to every remedy provided by law to secure entry.

4.5. The authority having jurisdiction, duly authorized representative or employee charged with enforcement of this code, while acting for the jurisdiction, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damages to persons or property as a result of any act required or permitted in the discharge of official duties. Any suit instituted against any employee because of an act performed in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The authority having jurisdiction or any subordinates of the authority having jurisdiction shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code; any employee acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of the official duties in connection therewith.

4.6. The authority having jurisdiction, and the Town of Hampden, shall not be liable under this Code for damage to persons or property, by reason of the inspection or reinspection of buildings, structures or equipment authorized herein, or failure to inspect or reinspect such buildings, structures or equipment by reason of the approval or disapproval of any building, structure or equipment authorized herein.

4.7. The Municipal Officers shall have the authority as necessary in the interest of public safety, health and the general welfare to promulgate rules and regulation, to interpret and implement the provisions of this Code, to secure the intent thereof and to designate requirements applicable because of climatic or other conditions. Such rules shall not have the effect of waiving any life safety requirements specifically provided in this Code, or violating accepted engineering practice involving public safety.

4.8. Whenever the authority having jurisdiction observes an apparent or actual violation of a provision of this Code or other codes or ordinances under the authority having jurisdiction, the authority having jurisdiction shall prepare written notice of violation describing the condition deemed unsafe and specifying time limits for the required repairs or improvements to be made to render the building, structure or premises safe and secure. The written notice of violation of this Code shall be served upon the owner, a duly authorized agent, or upon the occupant or other party responsible for the conditions under violation. Such notice of violations shall be served

either by delivering a copy of same to such person or persons by ordinary mail to the last known post office address, delivery to a person in charge of the premises, or by posting a copy of the notice in a conspicuous place at the entrance door or avenue of access; and such procedure shall be deemed the equivalent of personal notice.

4.9. If the notice of violation is not complied with within the time specified by the authority having jurisdiction, the authority having jurisdiction shall request the legal counsel of the jurisdiction to institute the appropriate legal proceedings to restrain, correct or abate such violation or to require removal or termination of the unlawful use of the building or structure in violation of the provisions of this Code or any of order or direction made pursuant thereto.

Section 5. Civil Penalties.

5.1. Any person, firm or corporation violating any of the provisions of the Code, or failing to comply with any order issued pursuant to any section thereof, shall be guilty of a civil violation and upon conviction thereof shall be subject to a fine. The requirements of 30-A, M.R.S.A., Section 4452 shall apply to the determination of penalties for violations of this Ordinance. The minimum penalty for a specific violation of this Ordinance shall be \$100 and a maximum of \$2,500; provided, however, the maximum penalty may exceed \$2,500, but shall not exceed \$25,000, when it can be shown that there has been a previous conviction of the same party within the past two (2) years for violation of the same ordinance provision. Each day of violation shall constitute a separate offense. All penalties shall inure to the benefit of the Town of Hampden.

5.2. The imposition of the penalties herein described, shall not prevent the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation; or prevent illegal occupancy of a building, structure or premises; or stop an illegal act, conduct of business or use of a building or structure in or about any premises.

Section 6. Appeals.

6.1. Except as expressly provided in this Ordinance, all appeals shall be subject to the provisions of the Town of Hampden Board of Appeals Ordinance including but not limited to filing deadlines, application requirements, fees, appeal procedures. Any aggrieved person shall have the right to appeal to the Board of Appeals from a decision of the authority having jurisdiction. The right of appeal does not include the right to appeal enforcement decisions. Any appeal shall be commenced on a form provided by the authority having jurisdiction.

6.2. The Board of Appeals may modify or reverse the decision of the authority having jurisdiction upon making a determination that: (1) the true intent of this Code or the rules, regulations, or ordinances adopted by the Town have been incorrectly interpreted, (2) the provisions of this Code do not fully apply, or (3) an equally good or better method of providing for life safety can be used.

Section 7. Effective Date.

In accordance with Section 213 of the Town Charter, this Ordinance shall become effective at the expiration of thirty (30) days after the date of adoption by the Town Council.