

Chapter 10

FIRE PREVENTION AND PROTECTION

- Art. I. In General, §§ 10-1 – 10-15
Art. II. Fire Prevention Code, §§ 10-16 – 10-17.

ARTICLE I. IN GENERAL

Secs. 10-1 – 10-15. Reserved.

ARTICLE II. FIRE PREVENTION CODE

Sec. 10-16. Adoption of Fire Prevention Code.

There is hereby adopted for the purpose of prescribing regulations governing conditions hazardous to life and property from fire or explosion, that certain code known as the Fire Prevention Code NFPA (one) 1 Latest Edition thereof and the whole thereof, without exception. One copy has been and now is filed in the office of the town clerk and the same are hereby adopted and incorporated as fully as if set out at length herein, and shall be controlling within the limits of the Town of Long Island (Code 1968, § 321.1; Ord. No. 389-72, 9-6-72).

State law reference – Authority to adopt codes by reference, 30 M.R.S.A. § 2156.

Sec. 10-17. Definitions.

(a) Wherever the word “municipality” is used in the Fire Prevention Code, it shall be held to mean the Town of Long Island.

(b) Wherever the words “chief of the fire department,” “chief of the bureau of fire prevention,” “bureau of fire prevention,” or “fire marshal” are used in the Fire Prevention Code, they shall be held to mean the chief of the fire department of the Town of Long Island or his or her duly authorized representative.
(Code 1968, § 321.2; Ord. No. 389-72, 9-6-72; Ord. No. 564A-72, 906-72)

Cross reference-Definitions and rules of construction generally, § 1-2, 1-15.

State law references-Fire prevention and fire protection, 25 M.R.S.A. § 2351 et seq.; municipal fire protection, 30 M.R.S.A. § 3771 et seq.

Model Local Ordinance for Aboveground Heating Oil Supply Tanks (AST's)

Sec. 10-18. INSTALLATION OF ABOVEGROUND HEATING OIL SUPPLY TANKS

1. Purpose and authority.

To regulate the installation of aboveground heating oil supply tanks in order to provide reasonable assurance that such tanks will not, by rupture, sagging, collapse, leaking, or other failure, degrade the natural environment and threaten public health and welfare. The authority for this ordinance is municipal home rule authority established under the Maine Constitution and 30-A M.R.S.A. Sec. 3001.

2. Applicability.

This ordinance applies to all aboveground heating oil supply tanks or 660 gallons or less.

3. Findings.

Improperly installed aboveground heating oil supply tanks and piping systems can fail and contaminate important individual and regional groundwater supplies as well as cause extensive property damage. Reasonable regulation of the installation of such tanks and associated systems can aid in ensuring against such failures and consequent contamination. Because of the nature of the threat to groundwater supplies, it is important also to regulate installations in place before the effective date of this ordinance.

4. Definitions.

For purposes of this ordinance, the following words have the following meanings:

Aboveground heating oil supply tank means a tank which supplies fuel to a furnace, boiler, or other oil-burning appliance along with associated piping, filters, valves, and other ancillary equipment which normally contains heating oil. Included in this definition are oil tanks installed inside buildings (including those installed in basements) as well as those located out-of-doors.

Heating oil means kerosene, home heating oil, #1 and #2 fuel oil, and any other grade of liquid petroleum product used as fuel by a furnace, hot water heater, room heater, or boiler. The definition of heating oil does not include waste oil or propane.

Firm sub-grade means a minimum of six inches of well draining gravel or a minimum of six inches of crushed stone.

Town means the Town of Long Island.

5. General Installation Requirements.

The following requirements apply to all aboveground heating oil supply tanks and their associated piping systems.

(a) **Licensed technician required.** All tank and piping systems must be installed by an oil burner technician licensed by the State of Maine Oil and Solid Fuel Board.

(b) **NFPA 31 and Board Rules; applicability.** Except as otherwise provided in this ordinance, all tank and piping systems must be installed in accordance with NFPA 31, the National Fire Protection Association “Standard for the Installation of Oil Burning Equipment” 1997 Edition, and the rules of the Maine Oil and Solid Fuel Board, effective date 2 February 1998.

(c) **Corrosion protection; buried piping.** All piping must be protected against corrosion according to NFPA 31, section 3-1.5. For the purpose of this ordinance, buried piping (including copper piping) is not considered to be protected against corrosion unless it is sleeved in PVC, flexible ABS pipe, or electrical non-metallic tubing (ENT) and the sleeves are installed with the ends of the sleeve extended 2 inches above grade on each end so that any leak from the primary line is contained and discharged to a floor or the ground surface where it can be observed.

6. Outdoor Heating Oil Tanks and Piping.

The following apply to all outdoor installations of aboveground heating oil supply tanks and/or their associated piping systems.

(A) **Protection from snow and ice.** NFPA 31, section 2-4-2, allows tanks of 660 gallons or less to be installed outdoors if the tanks are “suitably protected from the weather and from physical damage.” For the purpose of this ordinance, a tank is considered to be suitably protected from physical damage if:

1. The tank is located such that it is not subject to damage from falling snow or ice. To meet this ordinance the tank and outdoor piping may be:
 - a. Located at the gable end of a building;
 - b. Fully covered by a shed roof determined by the municipal Code Enforcement Officer to meet the requirements of any building code of this jurisdiction applicable to structures; or
 - c. Located such that no portion of the tank or unsupported piping is within two feet of the drip line of the eaves.
2. The requirements of the above paragraph may be met by installing a protective cover over the oil filter and any piping without structural support or not attached to the side of a building.

3. Buildings with flat roofs are considered to have eaves on all sides of the building.

(B) Tank Supports.

1. Outside, horizontal, tanks of 350 gallons or less must:

- a. Be supported by a minimum of four (4) solid 8" x 16" x 4" concrete blocks on a firm sub-grade; and
- b. Be mounted on legs not exceeding 12 inches in length with 1 – ¼ floor flanges; and
- c. Not have the leg brackets of the tank used for support on the blocks; and
- d. Maintain a minimum of 4" clearance between the bottom of the tank and any surface.

2. Outside, vertical, tanks of 350 gallons or less must:

- a. Must be supported by a minimum 3" reinforced concrete slab (one piece construction) on a firm subgrade; and
- b. Be mounted on legs not exceeding 12 inches in length with 1 – ¼ inch floor flanges; and
- c. Not have the leg brackets of the tank used for support on blocks; and

3. Tank support structures may not be constructed of wood.

7. Retrofitting of existing installations required. All components of an aboveground heating oil supply tank comprising an installation in actual existence before the effective date of this ordinance must be brought into compliance with all requirements of this ordinance not later than January 1, 2003. Any piping associated with such an installation must be brought into compliance with all requirements of this ordinance not later than January 1, 2000.

OPTIONAL PERMITTING PROVISION

8. Permit Required. A minimum of five (5) business days before a furnace, boiler, other oil-burning appliance, or heating oil supply tank is installed, either as new construction or as the result of replacement or remodeling, the building owner is required to obtain a permit from the municipal Code Enforcement Officer. No fee may be charged for this permit. The Code Enforcement Officer may waive the 5 day requirement for emergency installations. The permit application must be filed on a form provided by the town. The application must contain the following information:

Description of the installation and equipment involved
Tax map and lot number of building
Street address of building
Mailing address of building
Name, address, and telephone number of owner
Signature of owner
Signature of the Maine Oil burner Technician performing the installation
Certification statement that installation meets the requirements of this ordinance

9. Enforcement; penalty. The municipal Code Enforcement Officer Chief is responsible for enforcement of this ordinance. This ordinance being for the protection of the public health, welfare, and the natural environment, a violation of it may be prosecuted pursuant to 30-A M.R.A.A. Sec. 4452, as the same may be amended from time to time, and the civil penalties established by it and all other provisions of that statute shall apply. Each day of con-compliance with this ordinance shall constitute a separate violation of it.

10. Severability. Should any part of this ordinance be determined by a court of competent jurisdiction to be invalid, such invalidity in part shall not affect the validity of any other part of the ordinance.

11. Effective date. This ordinance shall become effective upon adoption by the municipal legislative body.

Note to CEO or Fire Chief: Any CEO or Fire Chief should give a landowner a notice of violation, explaining the requirement and the violation, specifying what then must be done in order to bring the installation into compliance with the ordinance, specifying a deadline for compliance, and providing information on any route available for appealing or otherwise seeking review of the CEO's or Fire chief's determination that a violation exists. This should be done a reasonable time before initiating a rule 80(k) action or recommending that the municipal officers engage an attorney to prosecute the violation.