

CHAPTER 38B

CITY OF PRESQUE ISLE

Life Safety Code Ordinance



Adopted by the City Council:	September 4, 1996
Repassed by the City Council:	February 7, 2000
Amended by the City Council:	September 18, 2000
Amended by the City Council:	March 4, 2002
Repassed by the City Council:	January 21, 2004
Amended by the City Council:	November 15, 2004
Amended by the City Council:	July 9, 2007
Repassed by the City Council:	January 7, 2008
Repassed by the City Council:	January 3, 2012
Amended by the City Council:	June 3, 2013
Repassed by the City Council:	January 4, 2016
Repassed by the City Council:	January 8, 2020

Attest: _____
Thomas C. King, City Clerk

City Seal

CHAPTER 38B

LIFE SAFETY CODE

An Ordinance governing the construction, protection, and occupancy features to minimize danger to life from fire, smoke, fumes, or panic before buildings are vacated: providing for the making of inspections, and providing penalties for the violation thereof; known as the *Life Safety Code*; repealing the existing Chapter 38B, *NFPA 101 Life Safety Code, 2006 Edition* of the City of Presque Isle, State of Maine.

PREAMBLE: This Ordinance is intended to replace and repeal all prior ordinance(s) dealing with any subject matter dealt with herein, and shall supersede the same, whether specifically repealed or referenced herein:

Be it ordained by the City Council of the City of Presque Isle as follows:

SECTION 1. ADOPTION OF THE LIFE SAFETY CODE

That a certain document, three (3) copies of which are on file in the office of the City Clerk of the City of Presque Isle being marked and designated as *Life Safety Code, 2009 Edition*, as published by The National Fire Protection Association; be and is hereby adopted as the Life Safety Code of the City of Presque Isle in the State of Maine; for the control of buildings and structures as hereby provided; and each and all of the regulations, provisions, penalties, conditions and terms as said in the Life Safety Code, are hereby referred to, adopted and made a part hereof as is fully set out in this Ordinance.

SECTION 2. AUTHORITY HAVING JURISDICTION

The authority having jurisdiction over this Code shall be the Code Enforcement Officer and the Fire Chief.

SECTION 3. ORGANIZATION

The Code Enforcement Officer or Fire Chief shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of this Code, as authorized by the City Manager.

SECTION 4. RIGHT OF ENTRY

In the discharge of his duties, and reasonable cause, the Code Enforcement Officer, the Fire Chief or his authorized representative shall have the authority to enter at any reasonable hour any building, structure, or premises in the jurisdiction to enforce the provisions of this Code.

SECTION 5. DELETIONS

Chapter 24, Section 3.5.1 One and Two Family Dwellings

SECTION 6. INCONSISTENT ORDINANCE REPEALED

That Chapter 38B of the City of Presque Isle entitled *NFPA 101 Life Safety Code, 2006 Edition* and all other ordinances or parts of ordinances in conflict herewith are hereby repealed.

SECTION 7. CONFLICT OF ORDINANCE

In any case where a provision of this Ordinance is found to be in conflict with a provision of any Ordinance of the City of Presque Isle or of any law applicable to this municipality, the provision which establishes the higher standard for the promotion and protection of the health and safety of the people shall prevail.

SECTION 8. SEPARABILITY

That if any section, subsection, sentence, clause, phrase or portion of this Code is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision and such holding shall not effect the validity of the remaining portions hereof.

SECTION 9. VIOLATIONS, PENALTIES

Any person who shall violate, or cause, permit, or suffer any such violation to be committed, to a provision of this Code, or any supplements or amendments thereto, or shall fail to comply with any requirements thereof or in violation of any approved plan or directive of the Code Enforcement Officer shall be punished by a fine of not less than one-hundred dollars (\$100.00), or more than twenty-five hundred dollars (\$2,500.00). A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.

SECTION 10. RIGHT OF APPEAL

Appeals of this Code shall be before the State of Maine Building Board of Appeals as outlined in Chapter 25, Section 113 of the *International Building Code 2009* and is adopted by the City of Presque Isle except for Section 121.2.1 and 121.2.2.

Application for Appeal: Any person shall have the right to appeal to the Building Board of Appeals for a decision of the Code Official. An application for appeal shall be based on a claim that the true intent of this Code or rules legally adopted thereunder have been incorrectly interpreted, the provisions of this Code do not fully apply, or an equally good or better method of construction is used.

SECTION 11. SAVING CLAUSE

That nothing in this Ordinance or in the *Life Safety Code* hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 5 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 12. DATE OF EFFECT

That the City Clerk shall certify to the adoption of this Ordinance and cause the same to be published as required by law and this Ordinance shall take full force and effect after this date or final passage and approval.

SECTION 13. SUNSET PROVISION

This Ordinance shall be in force for the term of four (4) years from its effective date noted. This Ordinance shall become null and void upon the expiration of four (4) years from said effective date: unless recommended and required by the City Council to remain effective prior to such expiration date.