

**TOWN OF PORTSMOUTH, RI**

**ORDINANCE # 2006-05-09 A**

**ORDINANCE REGULATING FALSE FIRE AND CARBON MONOXIDE  
ALARMS**

**Adopted November 6, 1995 (2000-3-13 and 97-2-18) Repealed**

It is hereby ORDAINED by the Town Council of the Town of Portsmouth, Rhode Island as follows:

**1. STATEMENT OF PUBLIC POLICY.**

The Portsmouth Town Council finds and declares that false fire and carbon monoxide alarms consume the time and resources of the Portsmouth Fire Department to an unwarranted degree and constitutes a danger to the public health, safety and welfare.

**2. PURPOSE AND SCOPE.**

A. The purpose of this ordinance is to limit the amount of false fire and carbon monoxide alarms, as described herein, and encourage the proper care, installation, and maintenance of these alarm systems.

B. This ordinance shall apply to all fire and carbon monoxide alarm systems, commercial, industrial or residential that are connected to the Portsmouth Fire Department by either radio transmitter, automatic dialer, or central receiving station.

**3. DEFINITIONS.**

The words and phrases used in this ordinance shall have the meaning stated in this section unless explicitly noted otherwise.

A. Fire Alarm System: Any equipment or assembly of equipment designed to detect and signal a fire in or upon the premises on which it is located, or designed to detect and signal a trouble condition of the system itself.

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B. Carbon Monoxide Detector: A device that detects the presence of carbon monoxide and sounds an alarm when a predetermined level is reached.

C. Radio Transmitter: A device used to send a radio signal or signals to the fire station in the event the fire alarm system has been activated.

D. Automatic Dialer: A device which is interconnected to telephone lines and is programmed to dial the fire station and transmit a pre-recorded message that a fire alarm system or carbon monoxide detector has been activated.

E. Central Receiving Station: A supervised station that monitors fire alarm systems and carbon monoxide detectors and reports them to the fire department if activated.

F. False Alarm: The activation of a fire alarm system or carbon monoxide detector caused by the mechanical failure, malfunction, improper installation, insufficient or improper maintenance, or the negligence of the owner or lessee, or their employees, agent or representatives of such owner or lessee.

G. Owner: The record owner of the realty upon which the fire alarm system or carbon monoxide detector is located shall be deemed to be the owner.

H. Owner's Representative: Any person, firm, corporation or entity empowered or designated by the owner to act on the owner's behalf in regards to the fire alarm system and carbon monoxide detector, including, in the appropriate cases, but not limited to: tenants, rental agents, property managers, etc.

**4. RADIO TRANSMITTER ALARMS, MAINTENANCE FEE.**

Every owner of a radio transmitter fire alarm shall pay to the Town of Portsmouth on or before July 1 of each year, an annual fee of One Hundred Dollars (\$100.00), for each such transmitter. All funds collected from the imposition of this fee shall be deposited in a special, restricted account to be used for the maintenance of the radio transmitters and maintenance and/or replacement of receivers. The Portsmouth Fire Department shall provide all labor to ensure that the radio transmitter is in working order and will replace backup batteries as needed. Provided however, that it shall be the responsibility of the owner of the transmitter to provide all repair parts, other than the backup batteries. Nothing herein shall be construed to relieve the owner of his/her obligation to maintain the entire fire alarm system, and have said system, including the radio transmitter, inspected by a reliable inspector in accordance with Rhode Island law.

**5. INVESTIGATION OF ALARMS.**

For the purpose of investigating the source and/or cause of any alarm or trouble indications received by the Fire Department, the Fire Chief, or his designee, shall have the authority to enter onto any premises from which the alarm or trouble indication was received and determine the source and/or cause of the alarm or trouble indication. It is the responsibility of the building owner or his or her representative to provide immediate access to the Fire Department for the purpose of such investigation.

**6. KEY LOCK BOXES REQUIRED.**

Any building required by the Rhode Island State Fire Alarm Code to have a fire alarm system installed shall be provided with a key lock box. Such boxes shall be of the design acceptable to the Fire Department and keyed to the specifications required by the Fire Department. This department highly recommends that residential building, not covered under the Rhode Island Fire Alarm Code that have a fire alarm and/or carbon monoxide system that automatically transmit the alarm to either the fire department or a central monitoring station, be provided with a key lock box.

**7. LIMITED LIABILITY.**

The Town of Portsmouth shall not be liable for any damages to any building or property resulting from the Fire Department personnel's attempt to investigate an alarm or trouble indication as required by section 5 hereof. The Town shall not be responsible for any damage or malfunction to alarm components that the Fire Department must remove or alter in any attempt to restore the alarm to a working condition after an alarm. The Fire Department will make all reasonable efforts to notify the building owner or his or her representative of any action taken on the premises by the Fire Department. Building owners and/or their representatives shall immediately notify a qualified alarm technician to restore the alarm to fully operable condition.

**8. VIOLATIONS.**

It shall be a violation of this ordinance for any owner or owner's representative to allow any fire alarm system or carbon monoxide detector to suffer more than three (3) false alarms within any twelve (12) month period. The Fire Chief shall notify the owner, or his or her representative, in writing, after the occurrence of three (3) false alarms within any twelve (12) month period that any further false alarms within said twelve (12) month period shall constitute a violation of this ordinance and will be subject to penalty.

**9. PENALTY FOR VIOLATION.**

Any person convicted of a violation of this ordinance shall be subject to a fine of not more than One Hundred Dollars (\$100.00) per violation. Each false alarm in excess of three (3) in any twelve (12) month period shall constitute a separate offense.

**10. EFFECTIVE DATE.**

This ordinance shall take effect upon passage and any ordinance or part thereof inconsistent herewith is hereby repealed (2000-3-13 and 97-2-18).

APPROVED BY TOWN COUNCIL ACTION  
ON MAY 9, 2006.

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Kathleen Viera Beaudoin, Town Clerk

**TOWN OF PORTSMOUTH, RI**

**ORDINANCE # 2006-05-09 B**

**FIRE DEPARTMENT PLAN REVIEW FEE ORDINANCE**

**(#2004-10-12 A-Repealed)**

Be it ORDAINED by the Town Council of the Town of Portsmouth, Rhode Island, in accordance with Section 1.14.3 of the Rhode Island Uniformed Fire Code, as follows:

**SECTION 1. GENERAL.**

Every request for plan review, except 1, 2, or 3 family dwellings, by the Portsmouth Fire Department, shall be accompanied by a complete set of building plans, a completed building plan review form, and the appropriate plan review fee as outlined in Section 2 of this ordinance.

**SECTION 2. PLAN REVIEW FEES.**

Plan review fees shall be as follows:

Cost of Construction	Required Fee:
\$500 or less	\$ 25.00
Over \$500, but not over \$1,000	\$ 35.00
Over \$1,000, but not over \$2,000	\$ 45.00
Over \$2,000, but not over \$500,000 (plus \$6.00 per \$1,000 or fraction thereof over \$2,000)	\$ 45.00+
Over \$500,000 (plus \$4.00 per \$1,000 or fraction thereof over \$500,000)	\$3,033.00+

Town owned buildings are exempt from the fee requirements of this ordinance.

The Town Council may waive all or part of the fee requirements of this ordinance to any nonprofit organization that is in accordance with the Rhode Island Nonprofit Corporation Act, Chapter 7-6 of the Rhode Island General Laws.

**SECTION 3. USE OF FEES COLLECTED.**

All such fees collected by the Portsmouth Fire Department for plan reviews in accordance with Section 2 shall be deposited into a restricted account to be used to support the operations of the fire prevention office.

**SECTION 4. EFFECTIVE DATE.**

This ordinance shall take effect upon passage and any ordinance or part of an ordinance that is inconsistent herewith is hereby repealed (2004-10-12-A).

APPROVED BY TOWN COUNCIL ACTION  
ON MAY 9, 2006.

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Kathleen Viera Beaudoin, Town Clerk

**TOWN OF PORTSMOUTH, RI**

**ORDINANCE # 2006-05-09 C**

**ORDINANCE REQUIRING FIRE LANES**

**Adopted November 6, 1995 (95-11-6 C) Repealed**

It is hereby ORDAINED by the Town Council of the Town of Portsmouth, Rhode Island as follows:

**1. DEFINITIONS.**

Building Size. For the purpose of this ordinance building size refers to the building "footprint" or area of the lot that the building covers.

Fire Lane. For the purpose of this ordinance, a fire lane is a road, path or other passageway developed to allow the passage of fire apparatus. A fire lane will be a minimum of twenty (20) feet in width with the road edge closest to the building at least ten (10) feet from the building. Fire lanes shall be constructed of a hard, all weather surface adequately designed to support at least seventy-five thousand (75,000) pounds and capable of being maintained in all weather conditions. Grid type systems and compacted gravel are not permitted.

**2. POWER TO DESIGNATE FIRE LANES.**

Fire lanes shall be designated by the Chief of the Portsmouth Fire Department or his/her designee. The owner of any property on which a fire lane has been so designated shall be required to create the required fire lane within such time as shall be set in notice to the owner by the Fire Chief or his/her designee.

**3. FIRE LANE REQUIREMENTS.**

All new and existing commercial buildings greater than five thousand (5,000) square feet in size located within the Town of Portsmouth shall be accessible on at least two (2) sides by the use of fire lanes.

All new and existing commercial buildings greater than ten thousand (10,000) square feet in size located within the Town of Portsmouth shall be accessible on at least three (3) sides by the use of fire lanes.

All new and existing commercial buildings greater than twenty thousand (20,000) square feet in size located within the Town of Portsmouth shall be accessible on all four (4) sides by the use of fire lanes.

At least one (1) required fire lane shall lead directly to the emergency access point of the building as determined by the Chief of the Fire Department, and at least one (1) fire lane shall lead to the sprinkler or standpipe connection if the building is so equipped.

**4. PARKING PROHIBITED.**

No parking shall be allowed within the boundaries of any fire lane or within twenty (20) feet of emergency access points to buildings, sprinkler or standpipe connections. All fire lanes, emergency access points to buildings, sprinkler connections and standpipe connections shall be kept clear and unobstructed at all times.

**5. FIRE HYDRANTS.**

All fire hydrants shall be kept clear and visible at all times. No parking shall be allowed within ten (10) feet of any fire hydrant. No vegetation, fences, or other obstructions shall be planted or constructed in front of any hydrant, extending ten (10) feet on either side of the hydrant, and within three (3) feet, extending vertically, of the sides and back of any hydrant. The water authority having jurisdiction of the hydrant and the Town of Portsmouth are authorized to remove any and all obstructions at the property owner's expense that is in violation of this section.

**6. POSTING OF FIRE LANES.**

All fire lanes, emergency access points to buildings, and access to sprinkler and standpipe connections shall be clearly marked and posted with the words "FIRE LANE - NO PARKING - TOW AWAY ZONE." These markings will consist of painted lines and wording directly on the surface of the fire lane and clearly distinguishable from other markings. Letters are to be at least six (6) inches in height and uniform in height and width. Signs reading "FIRE DEPARTMENT CONNECTION - NO PARKING - TOW AWAY ZONE" shall be posted above all Fire Department connections. Letters are to be at least three (3) inches in height and uniform in height and width.

**7. VARIANCES.**

The Chief of the Fire Department may authorize, upon application, in specific cases of hardship, variances in the application of the terms of this ordinance. In case of such application, the Chief shall give a written decision to the applicant. The applicant shall have ten (10) days from the date of that decision to appeal the Chief's decision to the Town Council.

**8. PENALTY FOR VIOLATION.**

The owner of any building who fails or refuses to comply with the requirements of this ordinance shall be punished by a fine of not more than one hundred dollars (\$100.00) to be recovered to the use of the town, and each day any violation of the ordinance continues shall constitute a separate offense.

Any motor vehicle or other property which obstructs any fire lane, emergency access to a building, a sprinkler or standpipe connection, or any fire hydrant shall be immediately moved or towed away at the expense of the owner of the vehicle or other property causing the obstruction. Removal may be made by the owner of the building, the Chief of the Fire Department or the Portsmouth Police Department.

**9. EFFECTIVE DATE.**

This ordinance shall take effect upon passage and any ordinance or part of an ordinance that is inconsistent herewith is hereby repealed (95-11-6 C).

APPROVED BY TOWN COUNCIL ACTION  
ON MAY 9, 2006.

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Kathleen Viera Beaudoin, Town Clerk

**TOWN OF PORTSMOUTH, RI**

**ORDINANCE # 2006-05-09 D**

**ORDINANCE CONCERNING THE NUMBERING OF BUILDINGS**

**Adopted November 6, 1995 (95-11-6 B) Repealed**

It is hereby ORDAINED by the Town Council of the Town of Portsmouth, Rhode Island as follows:

**1. APPLICABILITY**

This ordinance shall apply to all buildings, new and existing, located within the limits of the Town of Portsmouth, Rhode Island.

**2. POWER TO ASSIGN NUMBERS.**

All building numbers shall be assigned by the Chief of the Portsmouth Fire Department or his/her designee. All new construction shall be assigned numbers as the construction occurs. The Fire Department shall keep records of all numbers so assigned.

**3. DISPLAY OF NUMBERS REQUIRED.**

Within thirty (30) days of notification of the proper assigned number of an existing building, and prior to occupying of a new building, the owner of that building shall be required to display on the building numbers in accordance with the provisions of this ordinance.

**4. NUMBERING SYSTEM.**

Buildings shall be numbered in accordance with the following system:

A) One (1) number shall be allowed for each ten (10) linear feet of street or highway frontage.

B) Numbering shall commence at the beginning of each street. The beginning of each street shall be determined by its approach from the center of Town, or by Fire Chief or his/her designee, except for East Main Road, which shall be numbered from south to north, and West Main Road, which shall be numbered from north to south.

C) Odd numbers shall be assigned on the right side of the streets traveling down the street from the beginning, and even numbers assigned to the left side.

**5. TYPE AND SIZE OF NUMBERS.**

All numbers shall be of the numerical type. Alphabetical type will not be acceptable. The numerals shall be at least three (3) inches in height and uniform in height and width. They shall be placed on a contrasting background.

**6. LOCATION OF NUMBERS.**

Numbers shall be located on the street side of the building, between five (5) and eight (8) feet from ground level and shall be clearly visible from the street. If the street side of the building is not visible from the street, the building number shall be displayed on a post at the entrance to the building at least three (3) feet back from the edge of the street. Numbers on mail boxes or mail box posts will be acceptable only if the mail box is directly in front of the building on the same side of the street as the building, the number is on the side of the mail box visible from the approaching side, and the number is also on the driveway side of the house and visible from the driveway. Numbers on mail boxes must also comply with Section 5 of this ordinance.

**7. DISPLAY OF OTHER NUMBERS PROHIBITED.**

No owner, occupant, lessee, tenant or subtenant of any building shall display any number other than the proper number designated by the Fire Chief or his/her designee for that building.

**8. PENALTY FOR VIOLATION.**

The owner of any building who fails or refuses to comply with the requirements of this ordinance shall be punished by a fine of not more than one hundred dollars (\$100.00) to be recovered to the use of the town, and each day any violation of this ordinance continues shall constitute a separate offense.

**9. EFFECTIVE DATE.**

This ordinance shall take effect upon passage and any ordinance or part of an ordinance that is inconsistent herewith is hereby repealed (95-11-6 B).

APPROVED BY TOWN COUNCIL ACTION  
ON MAY 9, 2006.

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Kathleen Viera Beaudoin, Town Clerk

**TOWN OF PORTSMOUTH, RI**

**ORDINANCE # 2006-05-09 E**

**ORDINANCE FOR THE CONTROL OF OUTDOOR BURNING  
AND BONFIRES**

**Adopted December 27, 1983 (#83-3) Repealed**

The Town Council of the Town of Portsmouth hereby ordains:

**1. FIRE SAFETY REQUIREMENTS.**

All persons shall comply with the following fire protection and safety requirements.

**2. BONFIRES AND OTHER OUTDOOR FIRES.**

Outdoor burning of yard waste and bonfires shall be permitted only under the conditions set forth in this ordinance. Only clean brush and untreated wood may be burned.

**3. PERMIT REQUIRED.**

No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on or in public or private property without having obtained a permit from the Fire Department. Permits can only be issued to residential homeowners in accordance with this ordinance. Commercial and industrial operations are not permitted to burn. During construction or demolition of building or structures, no waste materials or rubbish shall be disposed of by burning on the premises or in the immediate vicinity.-

**4. INSPECTIONS.**

No holder of a bonfire permit shall ignite the fire before it has been inspected by the Chief of the Fire Department or his designee, and no additional material shall be added to the fire subsequent to said inspection.

**5. OWNER TO SIGN PERMIT.**

All permits shall be signed by the owner of the land on which the fire is located. The Chief of the Fire Department or his designee may require proof of ownership.

**6. LOCATION RESTRICTED.**

No person shall kindle or maintain any open fire or authorize any such fire to be kindled or maintained on any private land unless:

(1) The location is not less than fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading to within fifty (50) feet of any structure.

**7. CONTAINED BURNING ALLOWED WITHOUT PERMIT.**

Burning is allowed when the fire is contained in a waste burner with a properly screened top or a outdoor fireplace, and located safely on private property no less than twenty-five (25) feet from any structure, fence or property line. All such burning shall be permitted before 10:00AM and after 5 PM, unless the Chief or Deputy Chief of the Fire Department prohibits such burning for reasons hereafter set forth in Section 9.

**8. ATTENDANCE OF OPEN FIRES.**

Any open fire shall be constantly attended by a competent person until such fire is extinguished. This person shall have a garden hose connected to a water supply or other extinguishing equipment readily available for use.

**9. CHIEF MAY PROHIBIT.**

The Chief of the Fire Department, or his designee, may prohibit any or all bonfires and outdoor fires whether in the open air or in Fire Department approved waste burners or outdoor fireplaces, when atmospheric conditions or local circumstances make such fires hazardous or the smoke or fumes from such fires are a nuisance to adjoining or surrounding property or persons.

**10. EXTINGUISHING BY FIRE DEPARTMENT.**

The Chief of the Fire Department or his designee may extinguish or cause to be extinguished any or all bonfires and outdoor fires, whether in the open air or in Fire Department approved rubbish or waste burners or outdoor fireplaces, when atmospheric conditions or local circumstances make such fires hazardous or the smoke or fumes from such fires a nuisance to adjoining or surrounding property or persons.

**11. KINDLING IF FIRE ON LAND OF OTHERS RESTRICTED.**

No person shall kindle a fire upon the land of another without written permission of the owner. The Chief of the Fire Department or his designee may require proof of ownership and agency.

**12. PENALTY FOR VIOLATIONS.**

Any person convicted of a violation of this ordinance shall be subject to a fine as outlined below:

First offense: ONE HUNDRED DOLLARS (\$100.00) fine or ten (10) days in jail or both. Any offense thereafter: up to FIVE HUNDRED DOLLARS (\$500.00) fine or ten (10) days in jail or both.

**13. EFFECTIVE DATE, REPEAL OF PRIOR ORDINANCE.**

This ordinance shall take effect upon passage and any ordinance or part thereof inconsistent herewith is hereby repealed (#83-3).

APPROVED BY TOWN COUNCIL ACTION  
ON MAY 9, 2006.

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Kathleen Viera Beaudoin, Town Clerk