

COUNTY ORDINANCE NO. 09-13

A BILL ENTITLED

AN ACT CONCERNING the Queen Anne's County Fire Prevention Code;

FOR THE PURPOSE of adopting and implementing a Fire Prevention Code for Queen Anne's County, Maryland; providing for the scope, administration and implementation thereof; providing for inspection and other fees; providing for protection against fires and the removal of fire hazards; providing for appointment of inspectors to enforce the Fire Prevention Code and establishing penalties for violations thereof;

BY REPEALING AND REENACTING Section 10-1 D. of the Code of Public Local Laws of Queen Anne's County; adopting anew Section 10-6, redesignating Section 10-6 as Section 10-7; and amending Section 10-7 of the Code of Public Local Laws of Queen Anne's County;

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that Section 10-1 D. of the Code of Public Local Laws be and is hereby repealed and reenacted to read as follows:

10-1. Adoption of standards.

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D. NFPA 1, Uniform Fire Code as published by the National Fire Protection Association; NFPA 101, Life Safety Code as published by the National Fire Protection Association; and NFPA 303, Fire Protection Standards for Marinas and Boat Yards as published by the National Fire Protection Association; and IBC Chapters 5 and 9 as published by the International Code Council, Inc.

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SECTION II

BE IT FURTHER ENACTED that a new Section 10-6 be added to the Code of Public Local Laws to read as follows:

10-6. Fire Protection Code.

**§ 10-6.1 Definitions.**

In this title, the following words have the meanings indicated.

(1) "Existing building, condition, or facility" means any building, plant, condition, or equipment that existed before February 1, 2008 or any building, plant, condition, or equipment for which a building, electrical, mechanical, or plumbing permit was issued before February 1, 2008.

(2) "New building, condition, or facility" means any building, plant, condition, or equipment for which a building, electrical, mechanical, or plumbing permits was issued on or after February 1, 2008

(3) "NFPA" means National Fire Protection Association,

(4) Fire Marshal means the Division Commander of the Queen Anne's County Office of the Fire Marshal

(5) Deputy Fire Marshal means those qualified and appointed by the Fire Marshal with the duties and powers to enforce the Code.

### **§ 10-6.2 Scope.**

(a) **Applicability.** This section applies to new buildings, conditions, or facilities. Except as provided in subsections (b), (c), and (d), this title does not apply to existing buildings, conditions, or facilities unless:

(1) the Fire Marshal or Deputy Fire Marshal has found that the continuation of an existing condition constitutes a distinct hazard adverse to life, property, public safety, or welfare as to require correction; or

(2) the building undergoes a change from one occupancy classification to another or from one occupancy sub-classification to another.

(b) **Inapplicability.** This section does not apply to one- and two-family dwellings, except for the installation and maintenance of smoke detectors and residential sprinklers when required by any Code.

(c) **Inapplicability to Maryland Building Rehabilitation Code.** The requirements of this section do not apply to work areas that are subject to the Maryland Building Rehabilitation Code as found at Subtitle 10 of Title 12 of the Public Safety Article of the Maryland Annotated Code and associated regulations.

### **§ 10-6.3 Administration.**

Except as otherwise provided in this Code, The Fire Marshal, or Deputy Fire Marshal shall enforce and administer the provisions of this title.

### **§ 10-6.4 Fire Prevention Code.**

(a) **Adoption.** The following codes and standards as amended and republished from time to time are adopted by reference as the Fire Prevention Code for Queen Anne's County

(1) NFPA 1, Uniform Fire Code, as published by NFPA;

(2) NFPA 101, Life Safety Code, as published by NFPA;

(3) NFPA 303, Fire Protection Standards for Marinas and Boat Yards as

published by NFPA;

(4) IBC Chapters 5 and 9;

(5) Those portions of the Maryland Building Performance Standards related to fire safety;

(b) Conflicts. If there are conflicts within the documents set forth in subsection (a) of this section, the most restrictive provision shall apply.

(c) Matters not provided for. Any requirement essential for fire safety that is not specifically covered by this Code shall be determined by the Queen Anne's County Fire Marshal in accordance with the NFPA National Fire Codes or other NFPA technical publications.

(d) Modifications. Section 1-10 of NFPA 1, Uniform Fire Code, shall be deleted and all appeals under the Fire Prevention Code shall be to The Queen Anne's County Board of Building Appeals. Any person shall be permitted to appeal a decision of the Fire Marshal or Deputy Fire Marshal when it is claimed that any one or more of the following conditions exist:

- (1) The true intent of the Fire Prevention Code has been incorrectly interpreted.
- (2) The provisions of the Fire Prevention Code do not fully apply.
- (3) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

#### **§ 10-6.5 Implementation.**

The implementation of this title shall be in accordance with the inspection priority and frequency policy of the Office of the Fire Marshal.

#### **§ 10-6.6 Re-inspection fee.**

A fee shall be charged for re-inspections for each called-for inspection that is not ready for inspection. Re-inspection may not be scheduled or conducted without payment of the fee. Notice that a re-inspection fee is required shall be provided in writing on a form prescribed by the County, and adjusted from time to time to be consistent with the Maryland State Fire Marshal fees.

#### **§10-6.7 Flammable and hazardous chemicals storage - Signs.**

All establishments storing or handling flammable or hazardous chemicals shall be plainly marked with signs at entrances to storage or use areas and at other points that are recommended by the Fire Marshal or the Deputy Fire Marshal. These signs shall be in accordance with the "Standard System for the Identification of the Hazards of Materials for Emergency Response".

#### **§ 10-6.8 Fire Investigations.**

The Queen Anne's County Office of the Fire Marshal, Fire Investigation Unit has the authority to investigate the origin, cause, and circumstances of every fire, explosion, or hazardous materials emergency in Queen Anne's County. When the fire investigator has reason to believe that a fire, explosion, or hazardous materials incident may be the result

of a violation of any law, the investigator may immediately take custody of and safeguard all physical evidence in connection with the incident.

**§ 10-6.9 Fee Schedule**

The Queen Anne's County Office of the Fire Marshal shall utilize the fee schedule set forth in COMAR 29.06.04 as the same may be amended from time to time.

**SECTION III**

BE IT FURTHER ENACTED that Section 10-6 of the Code of Public Local Laws be redesignated as Section 10-7 and amended to read as follows:

**§ 10-7. Violations and penalties.**

**A. Civil penalties.**

(1) Any person who shall erect, construct, alter, extend, repair, move, remove, demolish or occupy any building structure or equipment regulated by this chapter, or cause the same to be done, in conflict with or in violation of any of the provisions of this chapter shall be guilty of a civil violation and subject to an original present fine, not to exceed \$500. In the case of any violation of the Queen Anne's County Fire Prevention Code, Section 10-6 hereof, the pre-set fines shall be \$100.00 for a first offense, \$250.00 for a second offense, \$500.00 for a third offense and \$1,000.00 for a fourth or subsequent offense.

(2) Each day on which a violation continues constitutes a separate violation.

**B. Collection of civil penalties.**

(1) The procedures, duties and provisions of § 18-1-213 of the Code of Public Local Laws of Queen Anne's County respecting collection of civil zoning violations shall apply to civil violations issued hereunder.

**SECTION IV**

BE IT FURTHER ENACTED that this Bill shall take effect on the forty-sixth (46<sup>th</sup>) day following its enactment.

INTRODUCED BY: Commissioner Fordonski

DATE: May 26, 2009

PUBLIC HEARING HELD: June 23, 2009 @ 7:20 p.m.

VOTE: 5 YEA 0 NAY

DATE OF ADOPTION: July 14, 2009