

AMENDMENT NO. 1 TO
COUNTY ORDINANCE NO. 09-13

AN AMENDMENT TO
A BILL ENTITLED

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

FOR THE PURPOSE of amending pending County Ordinance 09-13; 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 AMENDING pending County Ordinance 09-13.

SECTION I

BE IT ENACTED BY THE COUNTY COMMISSIONERS OF QUEEN ANNE'S COUNTY, MARYLAND that the proposed provisions of pending County Ordinance 09-13 related to Section 10-1 D. and new Section 10-6 be amended to read as follows:

10-1. Adoption of standards.

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D. NFPA 1, 2009 edition Fire Code as published by the National Fire Protection Association; NFPA 101, 2009 edition Life Safety Code as published by the National Fire Protection Association.

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10-6. Fire Prevention 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. Any such building, plant, condition or equipment shall continue to be classified as new until 1 year after such building, condition, or facility has obtained all final inspections

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

(4) Fire Marshal means the Division Chief 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 Fire Prevention Code.

§ 10-6.2 Scope.

(a) **Applicability.** This section applies both to new and existing buildings, conditions, or facilities, except as set forth below.

(b) **Inapplicability.**

(1) This section does not apply to one- and two-family dwellings, except for the installation and maintenance of smoke alarms and residential sprinklers when required by any Federal, State or local law or regulation.

(2) 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.

(c) Notwithstanding the foregoing Section 10-6.2(b), this Section shall apply to any new or existing building, condition or facility, if:

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

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

§ 10-6.3 Administration.

Except as otherwise provided in the Fire Prevention Code, 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, 2009 edition Fire Code, as published by NFPA;

(2) NFPA 101, 2009 Life Safety Code, as published by NFPA;

(3) 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 the Fire Prevention 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, Fire Code, shall be deleted and all appeals under the Fire Prevention Code shall be to the Maryland State Fire Prevention Commission. Any person shall be permitted to appeal a decision of the Fire Marshal or Deputy Fire Marshall 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.

An appeal and all documentation in support thereof shall be submitted to the Fire Marshal in writing within 30 calendar days of notification of violation outlining the provision of the Fire Prevention Code from which relief is sought and the remedy proposed.

§ 10-6.5 Implementation.

The implementation of the Fire Prevention Code shall be in accordance with the inspection priority and frequency policy as established by the Office of the Fire Marshal.

§ 10-6.6 Fees.

The Office of the Fire Marshal shall charge and collect fees for inspection, re-inspection and plan review in accordance with the fee schedule established by the Office of the Maryland State Fire Marshal as the same may be amended from time to time.

§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", published by NFPA.

§ 10-6.8

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 II

BE IT FURTHER ENACTED that this Amendment shall take effect immediately following its enactment.

AMENDMENT INTRODUCED BY: Commission Fordonski

DATE: July 14, 2009

VOTE: 5 YEA 0 NAY

DATE OF ADOPTION OF AMENDMENT: July 14, 2009

DATE OF ADOPTION OF CO 09-13, as amended (if applicable): July 14, 2009