

**CITY OF SALISBURY
ORDINANCE NO. 2128**

AN ORDINANCE of the City of Salisbury for the adoption of a Fire Prevention Code as part of the Code of the City of Salisbury.

WHEREAS, the Council of the City of Salisbury has determined that there is a need within the City of Salisbury for a Fire Prevention Code; and

WHEREAS, the Annotated Code of Maryland, Public Safety Article, Section 9-701, authorizes municipal corporations to adopt a Fire Prevention Code by reference to a Code or part of a Code prepared by a governmental unit or a trade or a professional association; and

WHEREAS, the State of Maryland has adopted comprehensive regulations as a State Fire Prevention Code, pursuant to Public Safety Article, Section 6-206; said regulations being promulgated in COMAR 29.06.01 Fire Prevention Code; and

WHEREAS, the Director of Building, Permitting and Inspections and the Fire Chief of the City of Salisbury have reviewed the State Fire Prevention Code and regulations and have determined it is in the interest of the citizens of the City of Salisbury that the City Council adopt the State Fire Prevention Code, with amendments to address matters of local concern, as the Fire Prevention Code of the City of Salisbury.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, in regular session, that Chapter 8.11 be deleted in its entirety and reenacted to read as follows:

CHAPTER 8.11

THE FIRE PREVENTION CODE

Sections:

- 8.11.010 Adoption of the Fire Prevention Code**
- 8.11.020 Amendments to the State Fire Prevention Code**
- 8.11.030 Setbacks**

8.11.010 Adoption of the Fire Prevention Code

The city of Salisbury adopts the State Fire Prevention Code as promulgated pursuant to the Annotated Code of Maryland, Article 38A, Section 3 together with related COMAR regulations:

~~COMAR Title 12, Section 3, Chapter 01 COMAR 29.06.01 Fire Prevention Code
COMAR 29.06.02 Procedural Regulations
COMAR 29.06.03 Approval of Testing Laboratories
COMAR 29.06.05 Fire Sprinkler Contractor Licensing Regulation; and
COMAR 29.06.06 Fresh Cut and Live Tree Fire Safety Regulations
(Ord. 2047 (part), 2008)~~

The City of Salisbury adopts the State Fire Prevention Code as promulgated in the Annotated Code of Maryland, Public Safety Article. Section 6-206 and the related COMAR provisions:

COMAR 29.06.01 Fire Prevention Code

8.11.020 Amendments to the State Fire Prevention Code

A. The NFPA 101 Life Safety Code (~~2006 Edition~~) (2009 Edition) is incorporated by reference, and is adopted with state amendments with the exception of COMAR 20.06.04 - **Fees for Fire Prevention Services.**

B. The NFPA 1 Fire Code (~~2006 Edition~~) (2009 Edition) is incorporated by reference, and is adopted with state and local amendments.

The local amendments are:

~~1. Amend Section 1.10, Board of Appeals, by deleting the text thereof in its entirety and replacing it with the following:~~

~~———— The Board of Appeals shall be the Building Board of Adjustments & Appeals as created by the International Building Code (2006 Edition).~~

1. The Board of Appeals shall be the Building Board of Adjustments & Appeals.

~~2. Amend Section 1.16.4, by deleting the text thereof in its entirety and replacing it with the following:~~

~~Any person who fails to comply with the provisions of this Code or who fails to carry out an order made pursuant to this Code or violates any condition attached to a permit, approval, or certificate of occupancy may be subject to municipal infractions not to exceed \$500.00 each day and be guilty of a misdemeanor.~~

2. Any person who fails to comply with the provisions of the Code or who fails to carry out an order made pursuant to this Code or violates any condition attached to a permit, approval, or certificate may be subject to a municipal infraction not to exceed \$500.00 each day the violation continues.

~~3. Add Section 1.16.6, Notice of Violations and Penalties, to read:
Failure to comply with the time limits of an abatement notice or other corrective notice issued by the City may result in a municipal infraction not to exceed \$500.00 each day that the violation continues, and the City shall have the authority to evacuate, vacate and order such building or structure to be closed to the public.~~

3. Failure to comply with the time limits of an abatement notice or other corrective notice issued by the authority having jurisdiction may result in municipal infractions not to exceed \$500.00 each day the violation/s continues and the jurisdiction shall have authority as provided by law to evacuate, vacate and order such building or structure to be closed to the public.

~~4. Amend Section 10.11, Open Fires, Incinerators, and Commercial Fireplaces, by deleting Sections 10.11.1, 10.11.1.2, 10.11.1.3, and 10.11.1.4 to read:
§ 10.11.1 Open Burning Prohibited. Open burning is prohibited within the City.~~

4. Amend Section 10.11 Open Flame, Candles, Open Fires and Incinerators, to read:

Open burning is prohibited within the City.

C. The International Building Code ~~(2006 Edition)~~ (2009 Edition) is incorporated by reference, and is adopted with state and local amendments.

8.11.030 Setbacks

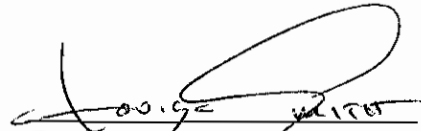
Outside above-ground unprotected flammable liquid storage tanks shall be separated from lot lines and public ways by a minimum of seventy-five (75) feet.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect upon final passage.

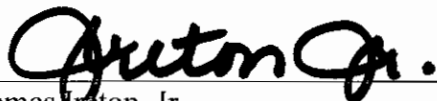
THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 8th day of November, 2010, and having been published as required by law, in the meantime, was finally passed by the Council on the 13th day of December, 2010.

ATTEST:



Brenda J. Colegrove, City Clerk


Louise Smith, President
Salisbury City Council

Approved by me, this 15th
day of December, 2010


James W. Gorton, Jr.
Mayor of the City of Salisbury

Memorandum

To: John Pick
From: William T. Holland 
Date: 10/28/2010
Re: Fire Prevention Code - 2009 Updates

Attached is an ordinance replacing the City's Fire Prevention Code with the most current edition of the Maryland State Fire Prevention Code. The ordinance includes updating the NFPA 1, Fire Code and the NFPA 101, Life Safety Code to reflect the 2009 Editions. In addition, I'm recommending deleting Section 10.11 of the NFPA 1 Fire Code prohibiting open burning within the City limits. In the past, the City issued burn permits for the purpose of disposing of tree trunks, branches, stumps and other debris associated with the clearing of land for development purposes. Removing this section is in accordance with state guidelines which no longer permit open burning for development purposes.

Please contact me if anyone should have any questions.

