

ORDINANCE NO. 2523

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 8.11 – THE FIRE PREVENTION CODE, SECTIONS.020 AND .060 OF THE CITY OF SALISBURY MUNICIPAL CODE BY UPDATING THE REFERENCE TO THE STATE FIRE PREVENTION CODE, ADDING NEW PERMITS THAT ARE REQUIRED TO BE OBTAINED FROM THE FIRE MARSHAL, AND REPLACING THE ENFORCEMENT AND ASSISTANCE REQUIREMENTS IN 8.11.060 WITH THIRD-PARTY INSPECTION REQUIREMENTS.

WHEREAS, the ongoing application, administration and enforcement of the City of Salisbury Municipal Code demonstrates the need for periodic review, evaluation and amendment; and

WHEREAS, the City of Salisbury adopts the State Fire Prevention Code with local amendments; and

WHEREAS, the City of Salisbury wishes to prohibit open burning other than cooking and recreational fires compliant with the provisions of the State Fire Prevention Code; and

WHEREAS, the City of Salisbury desires to establish and list the specific permits required from the Fire Marshal's Office; and

WHEREAS, the City of Salisbury desires to collect all third party inspection reports through a vendor system data collection company.

NOW, THEREFORE, be it enacted and ordained by the City of Salisbury, that Chapter 8.11 of the City of Salisbury Municipal Code is hereby amended as follows:

Chapter 8.11 - THE FIRE PREVENTION CODE

8.11.010 - Adoption of the Fire Prevention Code.

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 National Fire Protection Association Life Safety Code 101 as referenced, amended, and promulgated by the State Fire Prevention Commission is adopted by the City with the following local amendments.
 - 1. Fire prevention fees shall be established by resolution of the City Council.

B. The National Fire Protections Association Fire Code 1 as referenced, amended, and promulgated by the State Fire Prevention Commission is adopted by the City with the following local amendments:

1. The board of appeals shall be the building board of adjustments and appeals.
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 five hundred dollars (\$500.00) each day the violation continues.
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 five hundred dollars (\$500.00) each day the violations/s continue 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. Include Annex E: Fire Fighter Safety Building Marking System, with local amendments.
 - a. Local amendments to Annex F are:
 - i. Add E. 1.3.6.1. The following letters shall be used to indicate special hazards assigned to the center of the Maltese cross:
 - A) "F" — Floor hazard
 - B) "R" — Roof hazard
 - C) "W" — Wall hazard
 - D) "H" — Holes in structure
 - E) "S" — Stairs compromised
 - F) "M" — Maze like, confusing layout
 - ii. Add E. 1.3.6.2. Where the AHJ determines the conditions to be severe enough to limit all operational activity to a defensive mode only, a red "X" shall be placed through the center section of the Maltese cross.
5. Replace Subsection '10.10.1 Permits.' with 10.10.1 Open Burning Prohibited. Open burning, other than cooking and recreational fires compliant with the provisions of this Code, is prohibited.
6. Permits from the Fire Marshal are required for the following:
 - a. Installation/Modification of fire alarm and detection systems;
 - b. Installation/Modification of sprinkler or water spray systems;
 - c. Installation/Modification of standpipe systems;
 - d. Installation/Modification fire pumps;
 - e. Installation/Modification of water storage tanks for fire protection;

- f. Installation/Modification of gaseous and chemical extinguishing systems;
- g. Installation/Modification of foam systems;
- h. Installation/Modification of smoke control systems;
- i. Installation/Modification of flammable and combustible liquid storage tanks;
- j. Installation/modification of emergency generators for fire protection systems.

C. The International Building Code is incorporated by reference, and is adopted with state and local amendments.

8.11.030 - Authority having jurisdiction.

The Chief of the Fire Department (CoF) shall serve as the Authority Having Jurisdiction over the Fire Prevention Code.

8.11.040 - Inspections.

A. To the full extent permitted by law, the Fire Department and the Housing and Community Development Department shall have the authority to enter and examine, at all reasonable times, any building, structure, marine vessel, vehicle or premises for the purpose of making fire safety inspections.

Exception: One and two family dwelling units.

- B. Personnel responsible for administering and enforcing this code shall be trained to a minimum level of Fire Inspector I in accordance with the National Fire Protection Code.
- C. Personnel will periodically inspect all buildings and structures as herein set forth in this code on a schedule derived from life safety and fire risk assessment.

8.11.050 - 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.

8.11.060 ~~Enforcement and assistance.~~ Third-Party Inspections

~~When conducting plan review and pre-occupancy inspections, the County Department of Planning, Zoning and Community Development — Fire Protection Division shall have authority to enforce this code when requested to do so by and in coordination with the Director of the Department of Infrastructure and Development.~~

~~When conducting post-occupancy inspections, the County Department of Planning, Zoning and Community Development — Fire Protection Division shall have authority to enforce this code in coordination with the Director of the Department of Housing and Community Development.~~

A report of all third party inspections required by this code shall be submitted to the Fire Marshal's office for review. A third-party or vendor system data collection agency/company may be utilized for the collection of completed third-party inspection reports and associated collection filing fees.

Explanation:

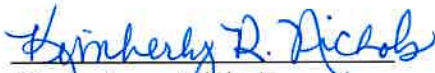
* ITALICIZED AND UNDERLINED PRINT INDICATES MATERIAL ADDED TO EXISTING LAW.


Bold and strikethrough language indicates material deleted from the existing.

AND BE IT FURTHER ORDAINED AND ENACTED BY THE CITY OF SALISBURY, MARYLAND, THAT this ordinance shall take effect immediately upon adoption.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on this 14th day of January, 2019, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 28th day of January, 2019.

ATTEST:


Kimberly R. Nichols
CITY CLERK


John R. Heath
PRESIDENT, City Council

APPROVED BY ME THIS 29th day of JAN, 2019


Jacob R. Day, Mayor



City of
Salisbury
Jacob R. Day, Mayor

MEMORANDUM

To: Andy Kitzrow, Deputy City Administrator
From: John W. Tull, Fire Chief *JWT*
Subject: Municipal Code Revision Chapter 8.11 – The Fire Prevention Code
Date: November 14, 2018

Attached you will find an ordinance to amend the Salisbury Municipal Code Chapter 8.11 – The Fire Prevention Code. The ongoing application, administration and periodic review of this Code has identified several areas where revisions are needed. Below are the requested changes:

- Subsection 0.20 (5) – Clarifying open burning
- Subsection 0.20 (6) – Adding specific list of permit requirements
- Subsection 060 – Eliminating Enforcement and Assistance
- Subsection 0.60 – Adding Third Party Inspections

If you should have any changes or concerns, please do not hesitate to contact me.