

AS AMENDED ON SEPTEMBER 11, 2017
ORDINANCE NO. 2447

AN ORDINANCE OF THE CITY OF SALISBURY TO AMEND CHAPTER 8.11 THE FIRE PREVENTION CODE, SECTIONS .020 AND .030 OF THE SALISBURY CITY CODE BY UPDATING THE REFERENCE TO THE NATIONAL FIRE CODE AND ADDING NEW SECTIONS .030 AND .050 TO ADD THE JURISDICTION AND AUTHORITY TO INSPECT FOR COMPLIANCE WITH THE FIRE PREVENTION CODE, AND ADDING LANGUAGE TO ESTABLISH DUAL RESPONSIBILITY FOR THE FIRE PREVENTION CODE.

WHEREAS, the Mayor and Council of the City of Salisbury desire to re-organize the departmental structure of the City of Salisbury; and

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

WHEREAS, there have been updates to the Fire Prevention Code; and

WHEREAS, the Fire Marshal for the City of Salisbury will now be a part of the Salisbury Fire Department; and

WHEREAS, the Salisbury City Council desires to update the Salisbury Municipal Code to reflect the updated Fire Prevention Code with local amendments; and

WHEREAS, the Salisbury City Council has concluded that it is in the best interest of the City to amend the City Code to accomplish the reorganization plan, which will not result in increased costs under the City's current budget and will allow the Departments to operate in a more efficient manner;

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

Chapter 8.11 – The Fire Prevention Code.

8.11.20 – Amendments to the State Fire Prevention Code.

A. **[[The NFPA 101 Life Safety Code (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.]]** *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 of Salisbury with the following local amendments.*

1. *Fire prevention fees shall be established by resolution of the City Council.*

B. **[[The NFPA 1 Fire Code (2009 Edition) is incorporated by reference, and is adopted with state and local amendments. The local amendments are:]]** *The National Fire Protection Association ~~Uniform~~ Fire Code 1 as referenced, amended, and promulgated by the State Fire Prevention Commission is adopted by the City of Salisbury with the following local amendments:*

1. The Board of Appeals shall be the Building Board of Adjustments & 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 \$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 \$500.00 each day the violations/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 Flame, Candles, Open Fires and Incinerators, to read: Open burning is prohibited within the City]].***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:*
 - (1) "F" – Floor hazard
 - (2) "R" – Roof hazard
 - (3) "W" – Wall hazard
 - (4) "H" – Holes in structure
 - (5) "S" – Stairs compromised
 - (6) "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.*

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

8.11.030 – **[[Setbacks]]***Authority Having Jurisdiction.*

[[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.]]*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 ~~authorization~~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

When conducting plan review and pre-occupancy inspections, the Wicomico County Department of Planning, Zoning & 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 & Development.

When conducting post-occupancy inspections, the Wicomico County Department of Planning, Zoning & 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.

~~*Wicomico County Department of Planning, Zoning, & Community Development – Fire Protection Division shall have authority to render necessary assistance in the enforcement of this code when requested to do so by the City Fire Marshal.*~~

~~*When conducting plan review and pre-occupancy inspections, the Fire Marshal will report to the Director of Infrastructure and Development.*~~

~~*The Housing and Community Development Department shall have authority to enforce this code.*~~

~~*When conducting post-occupancy inspections, the Fire Marshal will report to the Director of the Housing and Community Development Department.*~~

EXPLANATION:

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

Deleted material from the existing Code is indicated by bold double bracketed [[]] language.

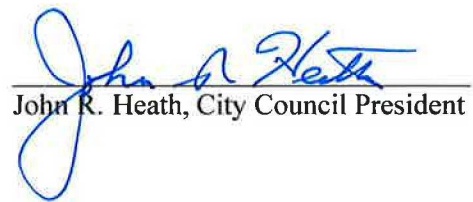
AND BE IT FURTHER ENACTED AND ORDAINED BY THE CITY OF SALISBURY, MARYLAND, that the Ordinance shall take effect upon final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 11th day of September, 2017 and thereafter, a statement of the substance of the ordinance having been published as required by law, in the meantime, was finally passed by the Council on the 9th day of October, 2017.

ATTEST:

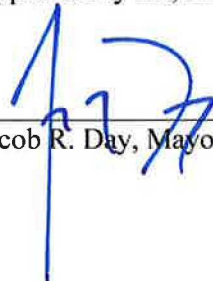


Kimberly R. Nichols, City Clerk



John R. Heath, City Council President

Approved by me, this 10th day of OCTOBER, 2017.



Jacob R. Day, Mayor

To: City Council
From: Julia Glanz, City Administrator
Subject: Reorganization- Charter and Code Changes
Date: August 2, 2017

During the FY18 Budget Process, the Mayor and I proposed a plan to reorganize the departments within our City government in order to more appropriately align them with the City's goals and objectives.

Substantial changes that constitute this reorganization include: a one-stop-shop for all development projects, the consolidation of our code enforcement officers by relocating them all to one department, a reworking and division of the legacy structure of our Public Works department, a new focus on GIS in all City departments, an independent Procurement department, and the revocation of a previous arrangement that placed Parking under Procurement's purview. This reorganization will be evident in the functionality of our City government and will have a minimal impact on the FY18 Budget.

To further explain this reorganization, all proposed City Code and Charter changes are attached for your review, as well as the ordinance necessary to accept those changes.