



Legislation Details (With Text)

File #: O-3-20 **Version:** 1 **Name:**

Type: Ordinance **Status:** Withdrawn

File created: 1/22/2020 **In control:** City Council

On agenda: 4/27/2020 **Final action:** 4/27/2020

Title: Fire Prevention Code - For the purpose of encouraging property owners to solicit bids from licensed minority business enterprises; identifying loan eligibility requirements under the sprinkler assistance revolving fund; clarifying costs that may be funded; establishing a loan amount; identifying loan repayment criteria; setting a date for sprinkler installation compliance; identifying the responsibility of applicable property owners; identifying the appropriate body for appeals; providing that certain catchlines or captions are not law and may not be considered to have been enacted as part of this Ordinance; requiring the publisher of the Code of the City of Annapolis, in consultation with and subject to the approval of the City of Annapolis Office of Law, to correct any cross-references and terminology rendered incorrect by this ordinance and to describe any corrections made in an editor's note following the section affected; making certain stylistic changed; and generally related to the Fire Prevention Code.

Sponsors: Elly Tierney, Rhonda Pindell Charles

Indexes: Economic Matters Committee

Code sections:

Attachments: 1. O-3-20 Sprinklers First Reader.pdf, 2. O-3-20 MainStreetSprinklerMap Appendix A.pdf, 3. O-3-20 Staff Report.pdf, 4. O-3-20 Fiscal Impact Note.pdf, 5. O-3-20 Amendment 1 Tierney.pdf

Date	Ver.	Action By	Action	Result
4/27/2020	1	City Council	adopt on second reader	Pass
2/10/2020	1	City Council	declare the public hearing closed	
1/27/2020	1	City Council	adopt on first reader	Pass
1/27/2020	1	City Council	refer	

Fire Prevention Code - For the purpose of encouraging property owners to solicit bids from licensed minority business enterprises; identifying loan eligibility requirements under the sprinkler assistance revolving fund; clarifying costs that may be funded; establishing a loan amount; identifying loan repayment criteria; setting a date for sprinkler installation compliance; identifying the responsibility of applicable property owners; identifying the appropriate body for appeals; providing that certain catchlines or captions are not law and may not be considered to have been enacted as part of this Ordinance; requiring the publisher of the Code of the City of Annapolis, in consultation with and subject to the approval of the City of Annapolis Office of Law, to correct any cross-references and terminology rendered incorrect by this ordinance and to describe any corrections made in an editor's note following the section affected; making certain stylistic changed; and generally related to the Fire Prevention Code.

**CITY COUNCIL OF THE
City of Annapolis**

Ordinance 3-20

Introduced by: Alderwoman Tierney and Alderwoman PindellCharles

Co-sponsored by:

Referred to
Economic Matters Committee
90 day Rule: 4/27/20

AN ORDINANCE concerning

Fire Prevention Code

FOR the purpose of encouraging property owners to solicit bids from licensed minority business enterprises; identifying loan eligibility requirements under the sprinkler assistance revolving fund; clarifying costs that may be funded; establishing a loan amount; identifying loan repayment criteria; setting a date for sprinkler installation compliance; identifying the responsibility of applicable property owners; identifying the appropriate body for appeals; providing that certain catchlines or captions are not law and may not be considered to have been enacted as part of this Ordinance; requiring the publisher of the Code of the City of Annapolis, in consultation with and subject to the approval of the City of Annapolis Office of Law, to correct any cross-references and terminology rendered incorrect by this ordinance and to describe any corrections made in an editor's note following the section affected; making certain stylistic changed; and generally related to the Fire Prevention Code.

BY repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2020 Edition

- 17.20.020
- 17.20.030
- 17.20.050
- 17.20.060
- 17.20.070
- 17.20.080
- 17.20.090
- 17.20.100
- 17.20.110
- 17.20.120
- 17.20.150

BY repealing and re-enacting without amendments the following portions of the Code of the City of Annapolis, 2020 Edition

- 17.20.010

BY adding the following portions to the Code of the City of Annapolis, 2020 Edition

- 17.20.040
- 17.20.130
- 17.20.140

BY: renumbering the following portions of the Code of the City of Annapolis, 2020 Edition

- 17.20.050
- 17.20.060
- 17.20.070
- 17.20.080

- 17.20.090
- 17.20.100
- 17.20.110
- 17.20.120
- 17.20.150
- 17.20.160
- 17.20.170

SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the Code of the City of Annapolis shall be amended to read as follows:

Title 17 - BUILDINGS AND CONSTRUCTION
Chapter 17.20 - FIRE PREVENTION CODE

Section 17.20.010 - Uniform Fire Code adopted.

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 Annapolis.

17.20.020 - Life Safety Code adopted and amended.

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 Annapolis, SUBJECT TO AMENDMENTS SET FORTH IN THIS CHAPTER.

17.20.030 - Life Safety Code amended.

The National Fire Protection Association Life Safety Code 101 ~~ADOPTED BY SECTION 17.20.020 as referenced, amended, and promulgated by the State Fire Prevention Commission~~ is adopted by the City of Annapolis and is amended to add the following:

- A. The occupant load of an assembly occupancy ~~shall~~ MAY not be exceeded.
- B. Fire sprinkler systems installed in accordance with National Fire Protection Association Standards 13D OR 13R ~~are required to~~ SHALL pass a "bucket test" to ensure that the actual performance of the system meets or exceeds the hydraulic calculation of the system.
- C. Fire sprinkler systems installed in accordance with National Fire Protection Association Standard 13 or 13R shall have an exterior audible device located above the Fire Department connection initiated by the flow switch, unless otherwise approved.
- D. Fire sprinkler systems installed in accordance with National Fire Protection Association Standard 13 or 13R shall be monitored by an approved listed remote monitoring company for water flowS and tamperS, unless otherwise approved.
- E. ~~For the purpose of determining the applicability of National Fire Protection Association Standard 13R, all levels of a building including levels below grade shall be counted as a story.~~
- FE. Pier standpipe systems installed in accordance with National Fire Protection Association Standards 14 and 303 shall be designed with a fire hose valve at the pier land intersection.

~~17.20.050~~17.20.040 - Inspections.

- A. **ENTRY AND EXAMINATION.** THIS SUBSECTION DOES NOT APPLY TO SINGLE-

FAMILY DWELLINGS OR TWO-FAMILY DWELLINGS. OTHERWISE, ~~To~~TO the full FULLEST extent permitted by law, the Fire 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. **CREDENTIALS REQUIRED.** Persons ~~authorized to~~ WHO enter and inspect ~~buildings, structures, marine vessels, vehicles and premises as herein set forth in this code~~ AS PROVIDED IN SUBSECTION A shall be identified by credentials issued by the Fire Department.

C. **TRAINING.** Fire Department personnel responsible for administering and enforcing this ~~code~~ CODE shall be trained to a minimum level of Fire Inspector I in accordance with the National Fire Protection Association Standard 1031 Professional Qualifications for Fire Inspector and Plans Examiner.

D. **Timing of inspections.** ~~The Fire Department 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. Within~~ IN the Historic District, all commercial buildings shall be inspected at least once a year by qualified personnel of the Fire Department.

~~E.~~ D. **ORDERS.** The Fire Department shall have the authority to order any person(s) to remove or remedy conditions that are in violation of this ~~code~~CODE. ~~Any A person(s) failing~~ WHO FAILS to comply with ~~such~~ AN order ISSUED BY THE FIRE DEPARTMENT IS ~~shall be~~ in violation of this ~~code~~ CODE.

~~17.20.060~~ 17.20.050 - Permit-When Required.

Permits are required for:

A.1. Kindling or maintaining an open fire; OR conducting open burning;

~~B. Outdoor dumpsters for trash, garbage, debris all uses, all locations, covered or uncovered;~~

~~C.~~ 2. THE ~~Installation~~ INSTALLATION or modification of any fire sprinkler system or fire standpipe system;

~~D.~~ 3. THE ~~Installation~~ INSTALLATION or modification of any automatic fire suppression system;

~~E.~~ 4. THE ~~Installation~~ INSTALLATION or modification of any fire alarm and detection system ~~and/or~~ related equipment;

~~F.~~ 5. THE ~~Use~~ USE of flame effects before an audience;

~~G.~~ 6. The display and use of pyrotechnic materials before a proximate audience;

~~H.~~ 7. Fireworks displays;

~~I.~~ 8. Hot work processes, such as welding and allied processes, heat treating, hot riveting, thawing pipe, and other similar applications producing a spark, flame, or heat;

~~J.~~ 9. The use of a torch for THE application of roofing materials;

~~K.~~ 10. Conducting a spraying or dipping operation utilizing flammable or combustible liquids or powder coating; AND FOR ~~for~~ THE installation or modification of any spray room, spray booth, or preparation work station, EXCEPT THAT ~~1. Exception. Portable~~ PORTABLE grills, ovens, and similar devices do not require a permit AND ~~2. Exception. Hot~~ HOT work processes performed under a use and occupancy permit do not require a separate permit. ;

11. THE INSTALLATION OR MODIFICATION OF KITCHEN HOODS OR EXHAUST DUCTS.

~~17.20.070~~ 17.20.060 - Permit-Application-Fee-Start of work.

A. **APPLICATION FEE.** A person installing or erecting an item or engaging in any activity for which a permit is required under this chapter shall apply for and receive the permit before initiation of the work. The Director of the Department of Planning and Zoning or his or her designee shall receive a written application for each permit and a permit fee as established by resolution of the City Council. A PERSON WHO ENGAGES IN AN ACTIVITY FOR WHICH A PERMIT IS REQUIRED UNDER THIS CHAPTER SHALL OBTAIN, PRIOR TO THE INITIATION OF ANY WORK, A PERMIT FROM THE DEPARTMENT OF PLANNING AND ZONING AND PAY THE PERMIT FEE ESTABLISHED BY RESOLUTION OF THE CITY COUNCIL.

B. **COMMENCEMENT OF WORK.** A permit is valid for work commenced within a period of ~~one hundred twenty~~ 120 days after issuance.; otherwise, ~~it~~ IF WORK IS NOT COMMENCED WITHIN 120 DAYS, THE PERMIT is void and of no effect.

~~17.20.080~~ 17.20.070- Permit-Term-Display-INSPECTION.

~~Each~~ A permit under this chapter shall be for A periods NOT TO EXCEED ONE YEAR, UNLESS EXTENDED BY as the Fire Chief determines, not to exceed one year. The permit at all times shall be kept on the premises designated in the permit and THE PREMISES ARE at all times is subject to inspection by ~~any officer of~~ the Fire Department or THE Police Department.

~~17.20.090~~ 17.20.080 - Sprinkler contractor license - Required MINORITY BUSINESS ENTERPRISES.

A. **LICENSE.** ~~No~~ A person shall ~~do~~ MAY NOT DO ANY work in the City as a sprinkler contractor without first applying for and receiving a license of the appropriate class from the State Fire Marshal's Office.

B. **MINORITY BUSINESS ENTERPRISES.** OWNERS OF PROPERTY IN THE CITY ARE ENCOURAGED TO SOLICIT BIDS FROM LICENSED MINORITY BUSINESS ENTERPRISES.

~~17.20.100~~ 17.20.090 - Plan review and fire inspection fees.

THE FEES FOR ~~Plan~~ PLAN review, to ensure compliance with applicable Fire Prevention Codes, and FOR fire inspectionS fees shall be established by resolution of the City Council.

~~17.20.110~~ 17.20.100 - Re-inspection fees.

A. A fee, as established by resolution of the City Council, ~~must~~ SHALL be paid before ~~another~~ A RE-inspection is made if, for the original inspection, one or more of the following occurred:

1. THE REQUESTING ~~Requesting~~ party called for AN inspection, but THE work was not ready;
2. THE REQUESTING ~~Requesting~~ party was not on site;

3. THE BUILDING ~~Building~~ was locked;
4. Safety features WERE not on site;
5. Approved drawings WERE not on site.
6. THE REQUIRED TEST OR INSPECTION WAS NOT DEEMED AS PASSING.

~~17.20.160~~ 17.20.110 - Sprinkler and Electrical Assistance Revolving Funds FUND.

A. **Purpose.** The Director of Finance shall establish and maintain a Sprinkler Assistance Revolving Fund and an Electrical Assistance Revolving Fund and necessary procedures for the purpose of encouraging the installation of sprinklers and upgrading of electrical systems in ~~older~~ EXISTING buildings so as to increase the safety of residents, FIRE FIGHTERS AND FIRST RESPONDERS, and to minimize damage resulting from fire, and to allow greater utilization of currently vacant or underutilized space. The Sprinkler Assistance Revolving Fund will operate by making low cost loans to developers or property owners of ~~older~~ EXISTING buildings that do not currently have sprinkler systems installed at the time of AN application. The Electrical Assistance Revolving Fund will operate by making low cost loans to developers or property owners of ~~older~~ buildings in the Historic District that do not currently have modern electrical systems installed at the time of application.

B. **Financing of Revolving Fund.** Through the normal City budgeting and amendment process, ~~funds FUNDS~~ are authorized IN THE BUDGET FOR to be allocated to the SPRINKLER Assistance Revolving Funds from the General Fund. Funds FUND may be made available for eligible COSTS purposes during any budget year. As loans are repaid back into the respective funds, those amounts become available for new loans. At no time may the total outstanding balance of all loans exceed the total amounts made available in the budget process.

C. **Interest Rate.** The interest rate to be charged to the borrower is to be one percent per annum YEAR unless otherwise established by resolution of the City Council.

D. **THOSE ELIGIBLE TO RECEIVE ASSISTANCE FROM THE FUND. Eligibility.** Loans may ~~only~~ be made to developers or owners for the rehabilitation of existing commercial or residential buildings. LOANS MAY NOT BE MADE FOR NEW BUILDINGS. ~~Further, loans~~ LOANS may only be made where such WHEN THE loans are part of a funding package that will result in the affected building being fully sprinkled consistent with Chapter 17.20 and/or being fully brought into compliance with electrical requirements in Chapter 17.16. Loans may not be made for new buildings.

E. **COSTS THAT MAY BE FUNDED USING THE REVOLVING FUND.** Eligible costs that may be funded with the BY A loan proceeds are limited to the installation of electrical systems in the Historic District for the Electrical Assistance Revolving Fund, and COSTS DIRECTLY RELATED TO THE installation of sprinklers, including labor and materials and hook-up to the City water supply for the Sprinkler Assistance Revolving Fund. LESS ANY CITY PROPERTY TAX CREDITS FOR WHICH THE PROPERTY OWNER MAY BE ELIGIBLE PURSUANT TO SECTION 6.04.130 AND 6.04.230 OF THIS CODE.

F. **LOAN AMOUNTS.** LOAN AMOUNTS MAY NOT EXCEED \$20,000.

EG. Loan Approval. THE DIRECTOR OF FINANCE, IN CONSULTATION WITH THE FIRE CHIEF, MAY APPROVE AN APPLICATION FOR A LOAN, IF FUNDS ARE AVAILABLE AND THE APPLICATION IS Applications that are complete and meet MEETS all appropriate requirements. may be approved by the Director of Finance on a first come, first served basis. If the loans requested in complete applications in hand exceed the amount available for new loans, the applications shall be ranked by age of

building, location of building, historical significance, and other relevant factors as determined by the Director of Finance. A loan may be recalled by the Director of Finance if the Chief of the Fire Department and/or the Director of Planning and Zoning find that any element of the rehabilitation of the building for which a sprinkler or electrical loan is requested is not in compliance with applicable provisions of the City Code.

FH. Loan Disbursement. Upon issuance of the A building FIRE permit by the Department of Planning and Zoning, the Director of Finance may disburse the funds for the approved loan to the borrower. The borrower ~~must~~ SHALL request disbursement of the loan within one year of notification of loan approval unless the Chief of the Fire Department ~~and/or~~ the Director of Planning and Zoning ~~find~~ FINDS that the delay in the borrower's request for disbursement is not due to factors under the borrower's control.

GI. Repayment. THE BORROWER SHALL REPAY Repayment of the loan by the borrower will be made on a monthly basis according to terms and procedures established by the Director of Finance. A THE TERM OF THE loan period may not exceed five years from the date the funds are disbursed to the borrower. However, if IF the property for which the loan is made is TRANSFERRED BEFORE THE OUTSTANDING PRINCIPAL AND INTEREST HAS BEEN REPAYED, sold within the loan period, then the outstanding PRINCIPAL AND INTEREST balance of the loan on the date of sale must SHALL BE IMMEDIATELY DUE AND PAYABLE AND SHALL BE FULLY REPAYED AT OR BEFORE THE TRANSFER OF THE PROPERTY. be repaid within thirty days The amount of the outstanding balance of the loan shall be secured by a lien placed upon ON the property and shall be collected and enforced in the same manner as real property taxes. THE BORROWER SHALL BE IN DEFAULT ON THE LOAN FOR FAILURE TO ADHERE TO THE TERMS ESTABLISHED BY THE DIRECTOR OF FINANCE, AND ALL PRINCIPAL AND INTEREST AMOUNTS OWED SHALL BE IMMEDIATELY DUE AND PAYABLE. THE DIRECTOR OF FINANCE MAY ALSO FIND THE BORROWER IN DEFAULT, AND ALL PRINCIPAL AND INTEREST AMOUNTS SHALL BE IMMEDIATELY DUE AND PAYABLE IF THE CHIEF OF THE FIRE DEPARTMENT OR THE DIRECTOR OF PLANNING AND ZONING FINDS THAT ANY ELEMENT OF THE REHABILITATION OF THE BUILDING IS NOT IN COMPLIANCE WITH THIS CODE.

~~17.20.170~~ **17.20.120 Fire suppression SPRINKLER systems in the Historic District.**

A. Applicability. This section applies only to ALL buildings and structures in the Historic District which are subject to the requirement of a building permit issued by the City of Annapolis WITHIN THE AREA SHOWN ON THE MAP ATTACHED AS APPENDIX A.

B. REQUIREMENT TO HAVE FIRE SPRINKLER SYSTEM. All new construction and all renovations which have a value of at least ten percent of the assessed value of the existing building or structure are subject to the requirement that upon completion of construction or renovation, there will have been installed a fully functioning interior fire suppression system throughout the structure. For purposes of this section, "renovation" includes an addition to the existing structure. The term "value" does not include the cost of the fire suppression system. In applying for a building permit, the owner shall submit plans for an appropriate interior fire suppression system which will be capable of containing a fire until the fire suppression personnel can respond and extinguish the fire. When activated, the system shall immediately and automatically alert a monitoring service of the occurrence of a fire and the location of the structure. The proposed fire suppression system shall be one which can be installed with the least damage to the existing interior fabric and still perform the intended function. The plans shall be approved by the Fire Chief. In consultation with the Historic Preservation Officer, the Fire Chief shall interior fire suppression systems which meet recognized national standards. These regulations shall be posted on the City's website. The recognition of specific interior fire suppression systems does not preclude an owner from proposing a system which is not the subject of the regulation nor does it preclude the Fire Chief from approving the proposed system. This section shall not take

effect until the State and/or Federal governments have enacted legislation which grants a credit against income tax liability for at least seventy-five percent of the cost of installing an appropriate fire suppression system. BY DECEMBER 31, 2025, ALL BUILDINGS TO WHICH THIS SECTION APPLIES SHALL HAVE A FULLY FUNCTIONING INTERIOR FIRE SPRINKLER SYSTEM. WHEN ACTIVATED, THE SYSTEM SHALL IMMEDIATELY AND AUTOMATICALLY ALERT A MONITORING SERVICE.

C. PLANS. IN APPLYING FOR A PERMIT, THE OWNER SHALL SUBMIT PLANS FOR AN INTERIOR FIRE SPRINKLER SYSTEM CAPABLE OF CONTAINING A FIRE UNTIL THE FIRE SUPPRESSION PERSONNEL CAN RESPOND.

D. RESPONSIBILITY OF PROPERTY OWNER. THE PROPERTY OWNER SHALL PAY FOR INSTALLATION OF THE ENTIRE FIRE SPRINKLER SYSTEM, INCLUDING THE LATERAL FROM THE WATER MAIN INTO THE BUILDING, AND MAY NOT TRANSFER OR ASSIGN THIS RESPONSIBILITY TO A TENANT.

~~17.20.120~~**17.20.130 - Fire Prevention Code violation.**

A. A violation of any provision of this chapter is declared a municipal infraction subject to a civil fine as established by resolution of the City Council. Each day that a violation continues constitutes a separate offense.

B. It is unlawful to ignore or deface a stop work order, unsafe order, or unfit order issued by the Code Official.

~~17.20.150~~**17.20.140 - Appeals to the State Fire Prevention Commission.**

A. A person aggrieved by a decision of the Fire Chief under this chapter may appeal the decision within ~~thirty~~ 30 days after the decision to the ~~Board of Building Appeals~~ STATE FIRE PREVENTION COMMISSION PURSUANT TO THE PROCEDURES SET FORTH IN STATE LAW, as provided for in ~~Article II of Chapter 2.48 of this code.~~

SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that sections 17.20.050 through 17.20.110, respectively, be renumbered to be 17.20.040 through 17.20.100, sections 17.20.160 and 17.20.170, respectively, be renumbered to be 17.20.110 and 17.20.120, and sections 17.20.120 and 17.20.150, respectively, be renumbered to be 17.20.130 and 17.20.140.

SECTION III: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the catchlines or captions contained in this ordinance are not law and may not be considered to have been enacted as part of this ordinance.

SECTION IV: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that the publisher of the Code of the City of Annapolis, in consultation with and subject to the approval of the City of Annapolis Office of Law, shall correct, with no further action required by the City Council, cross-referenced and terminology rendered incorrect by this ordinance. The publisher shall adequately describe any correction that is made in an editor's note following the section affected.

SECTION V: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL that this ordinance shall take effect from the date of its passage.

Explanation:

UPPERCASE indicates matter added to existing law.

~~Strike through~~ indicates matter stricken from existing law.

Underlining indicates amendments.