

THE EFFECTIVE DATE OF THIS ORDINANCE IS JULY 20, 2006

ORDINANCE NO. 06-26-422

**AN ORDINANCE AMENDING THE FREDERICK COUNTY FIRE
PREVENTION CODE**

PREAMBLE

The Board of County Commissioners of Frederick County, Maryland (Board), has adopted a fire prevention code "to prescribe minimum requirements and controls to safeguard life, property or public welfare from the hazard of fire, panic and explosion from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises." (Frederick County Code, 2004, §1-2-64).

The Board has been advised that according to the National Fire Protection Association ("NFPA") and the Maryland State Fire Marshal's Office that:

- 1) Nationwide, a residential fire occurs every 77 seconds; and
- 2) Nationwide, eighty-three percent (83%) of residential fire property damage occurs in one and two family dwellings; and
- 3) Nationwide, eighty-two percent (82%) of residential fire deaths and fifty-nine percent (59%) of residential fire injuries occur in one and two family dwellings; and
- 4) In Maryland, eighty-four percent (84%) of the fire deaths occur in residential properties and of those deaths, seventy-two percent (72%) occurred in one- and two-family dwellings; and
- 5) Since 1991, residential fire sprinklers have been required in multi-family residential buildings, in Maryland, and there have been no documented fire deaths; and
- 6) Since 1992, residential fire sprinklers have been required in townhouses, in Maryland, and there have been no documented fire deaths; and

- 7) Twenty (20%) of deaths which occur in residential dwellings occur notwithstanding the existence of working smoke alarms in such residence; and
- 8) While the existence of working smoke alarms in residential dwellings reduce the likelihood of an occupant dying in a fire by between forty percent (40%) and fifty percent (50%), the inclusion of automatic residential sprinkler systems in such dwellings increases the likelihood of survival to more than ninety-seven (97%).

The Board of County Commissioners has been presented with data, which confirm that automatic residential sprinkler systems are both technologically and economically viable, will reduce the loss of life and property when fires occur, and are advisable in order to protect the public health, safety and welfare of the citizens of the County.

The Board desires to amend the County Fire Prevention Code to include a section adopting a requirement for **Residential Fire Sprinkler Systems**, which will apply to all new residential occupancies including, but not limited to, one- and two-family dwellings in Frederick County.

A summary of this ordinance was published in the Frederick News Post, a newspaper of general circulation in the County, not less than two weeks prior to the adoption of this Ordinance by the County Commissioners.

A duly advertised public hearing on this Ordinance was held on July 18, 2006. The public had an opportunity to comment on this Ordinance at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Section 1-2-64 of the Frederick County Code (2004) is hereby amended to add a new subsection "H" to read as follows:

(H) RESIDENTIAL SPRINKLER SYSTEMS

1. THE REQUIREMENT FOR FIRE SPRINKLER SYSTEMS SHALL APPLY TO ALL BUILDING PERMITS FOR NEW RESIDENTIAL OCCUPANCIES INCLUDING, BUT NOT LIMITED TO, ONE- AND TWO-FAMILY RESIDENTIAL CONSTRUCTION, MOBILE HOMES, MODULAR HOMES OR MANUFACTURED HOMES. THIS REQUIREMENT SHALL NOT APPLY TO THE REBUILDING, REFURBISHMENT, RENOVATION, ADDITION OR ALTERATION OF A RESIDENCE IN EXISTENCE AS OF THE EFFECTIVE DATE OF THIS SECTION UNLESS SUCH EXISTING STRUCTURE IS DESTROYED AND REPLACED BY A NEW PRINCIPAL STRUCTURE.

2. THE REQUIREMENT FOR INTERIOR SPRINKLER SYSTEMS SHALL NOT APPLY TO ACCESSORY OR NON-HABITABLE STRUCTURES (E.G. DETACHED CARPORTS OR GARAGES, GREENHOUSES, AND SHEDS).

3. FIRE SPRINKLER SYSTEMS SHALL BE INSTALLED AND MAINTAINED IN ALL NEW RESIDENTIAL OCCUPANCIES IN ACCORDANCE WITH THE MOST RECENT VERSION OF THE APPLICABLE FIRE SPRINKLER STANDARD AS PROMULGATED BY THE NATIONAL FIRE PROTECTION ASSOCIATION (NFPA), AND AS MODIFIED AND ADOPTED BY THE FREDERICK COUNTY FIRE PREVENTION CODE, AS AMENDED FROM TIME TO TIME.

4. FOR RESIDENTIAL OCCUPANCIES SERVED BY AN INDIVIDUAL WELL, THIS SUBSECTION SHALL ONLY APPLY TO BUILDING PERMITS REQUESTED ON OR AFTER OCTOBER 1, 2006.


5. THIS REQUIREMENT FOR FIRE SPRINKLER SYSTEMS SHALL NOT APPLY IF THE APPLICANT FOR THE BUILDING PERMIT ESTABLISHES THAT THE COUNTY OR MUNICIPALITY (WHICHEVER IS APPLICABLE) APPROVED THE PUBLIC WATER IMPROVEMENT PLANS FOR THE PROPERTY ON OR BEFORE JULY 20, 2006. THIS SUBSECTION 5 SHALL BE EFFECTIVE FROM JULY 20, 2006 UNTIL JULY 1, 2007 AND SHALL BE OF NO FURTHER LEGAL EFFECT AFTER JULY 1, 2007.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on July 20, 2006.

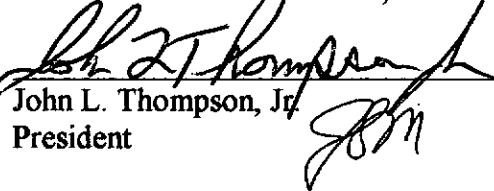
CAPITALS INDICATE ENTIRELY NEW MATTER ADDED TO THE CODE. [Brackets] indicate matter deleted from existing Ordinance.

The undersigned hereby certifies that this Ordinance was approved and adopted
on the 20th day of July, 2006.

ATTEST:



Douglas D. Browning
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND


John L. Thompson, Jr.
President