



Bill No. 21-02

Concerning: Amending Chapter 1-2 of the Frederick County Code (Administration) to Comply with State and Federal Laws (Kari's Law)

Introduced: January 19, 2021

Revised: \_\_\_\_\_ Draft No. \_\_\_\_\_

Enacted: \_\_\_\_\_

Effective: \_\_\_\_\_

Expires: April 19, 2021

Frederick County Code, Chapter 1-2

Section(s) 69.1

## COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President M. C. Keegan-Ayer on behalf of County Executive Jan Gardner

**AN ACT** to: amend Chapter 1-2 of the Frederick County Code (Administration) to comply with State and Federal laws concerning multiple telephone line systems direct dial of 9-1-1 (Kari's Law).

Executive: \_\_\_\_\_ Date Received: \_\_\_\_\_

Approved: \_\_\_\_\_ Date: \_\_\_\_\_

Vetoed: \_\_\_\_\_ Date: \_\_\_\_\_

By amending:

Frederick County Code, Chapter, 1-2 Section(s) 69.1

Other: \_\_\_\_\_

**Boldface**

Underlining

[Single boldface brackets]

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*Heading or defined term.*

*Added to existing law.*

*Deleted from existing law.*

*Existing law unaffected by bill.*

1 Bill No. 21-02

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3        The County Council of Frederick County, Maryland, finds it necessary and appropriate to  
4    amend the Frederick County Code, to amend Chapter 1-2 of the Frederick County Code  
5    (Administration), and specifically § 69.1 (County Fire Prevention Code) for the implementation  
6    and enforcement of Kari's Law.

7           NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF  
8           FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby,  
9           amended as shown on the attached Exhibit 1.

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3 **§ 1-2-69.1. COUNTY FIRE PREVENTION CODE.**

4 (A) There is hereby adopted the Frederick County Fire Prevention Code. The purpose and intent  
5 of this code is to prescribe minimum requirements and controls to safeguard life, property or public  
6 welfare from the hazard of fire, panic and explosion from the storage, handling or use of  
7 substances, materials or devices and from conditions hazardous to life, property or public welfare  
8 in the use or occupancy of buildings, structures, sheds, tents, lots or premises.

9 (B) The Maryland State Fire Prevention Code, Code of Maryland Regulations, ~~Title 12, Subtitle 03, Chapter 01~~ Title 29, Subtitle 06, Chapter 01, including all subsequent revisions, is  
10 hereby adopted as the Frederick County Fire Prevention Code.

11 (C) The County Fire Prevention Code shall apply within the entire territory of Frederick  
12 County, including within the municipalities.

13 (D) (1) Building and construction plans for all buildings shall be submitted to the Frederick  
14 County Permits Department for plan review unless the buildings are to be used wholly as dwelling  
15 houses containing no more than 2 families.

16 (2) Shop drawings, hydraulic calculations and cut sheets for all fire protection/detection/  
17 notification systems and devices shall be submitted to the County Fire Protection Engineer for plan  
18 review prior to construction or installation.

19 (E) No use and occupancy permits shall be issued until the Frederick County Division of Fire  
20 and Rescue Services has certified that either no plan review or inspection under the Frederick  
21 County Fire Prevention Code is required or, following an appropriate plan review, the structure  
22 has complied with all provisions of the Frederick County Fire Prevention Code.

23 (F) The county governing body shall, by resolution, establish and administer a fee schedule for  
24 conducting inspections and plan reviews to ensure compliance with the County Fire Prevention  
25 Code.

26 (G) This subsection shall apply to all structures and buildings, including 1- and 2-family  
27 dwellings, within the county.

28 (1) All new and existing buildings, structures or properties shall have approved address  
29 numbers placed in a position at the front entrance, which is to be plainly visible from the sidewalk  
30 (if any), the street or road fronting the property and the opposite side of the street, day or night.

31 (2) If the address number cannot be posted on a building, structure or property in a manner  
32 that makes it clearly visible from the street, then the address number shall be displayed on the  
33 building or structure and at the end of each driveway nearest the street or ingress/egress easement  
34 providing access to the building, structure or property. Display of a street address at the corner of  
35 a driveway shall be such that clear identification can be made of the location of the building,  
36 structure or property to which the address is assigned from either direction. Directional address  
37 signs with at least 3-inch high numbers shall be posted on the property directing people to the  
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*Underlining* indicates matter added to existing law.

*[Single boldface brackets]* indicates matter deleted from existing law.

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**BILL NO. 21-02**

1 building, structure or property if the building, structure or property is not clearly visible when  
2 traveling on the property.

3 (3) The numbers shall be posted within 3 feet of the main entrance thereto unless the  
4 structure is more than 75 feet from the street or not visible from the street. In such cases, the remote  
5 address signs shall also be posted within 10 feet of the street and within 5 feet of either side of the  
6 driveway to the building, structure, or property and visible from either direction of travel along the  
7 main roadway. Remote address signs shall be at least 6 inches wide and 18 inches long, with 3-  
8 inch high reflective numbers.

9 (4) Address numbers shall be posted separate of the mailbox.

10 (5) Address numbers shall contrast with the background.

11 (6) Address numbers shall be Arabic numerals or alphabet letters (e.g.,  
12 12122A). Numbers shall not be spelled out (e.g. twelve thousand one hundred twenty-two).

13 (7) Primary address numerals displayed on a building or structure shall be at least the size  
14 identified below and clearly legible:

- 15 (a) One and 2-family dwellings — 4 inches high;
- 16 (b) Multi-family residential structures — 6 inches high;
- 17 (c) Commercial and industrial properties — 8 inches high.

18 (8) Numbers shall be posted in an area not subject to coverage by vegetation (limbs, vines,  
19 and the like). Posting areas shall be maintained regularly to ensure that numbers are visible.

20 (9) If more than 2 structures are addressed on a road or driveway, each driveway shall be  
21 posted (with a directional arrow if needed) with its own address number.

22 (10) A certificate of occupancy for any structure erected, altered, or repaired shall be  
23 withheld until the permanent and proper numbers have been affixed to such structure in accordance  
24 with the requirements of this section.

25 (11) No zoning or building permit shall be issued for any addressable structure until the  
26 owner or developer has procured the official premises address of such structure from the county  
27 and such address is presented to the Department of Permits and Inspections.

28 (12) Addresses shall be posted in a timely manner. Addresses shall be temporarily posted  
29 for any addressable structure or property under construction as soon as work on the property  
30 commences and prior to the first building inspection. Addresses shall be permanently posted in  
31 accordance with this section prior to the final building inspection.

32 (13) If numbers designating the address of a 1- or 2-family dwelling residence on February  
33 1, 2005 were at least 3 inches high, those numbers comply with the size requirement of this section  
34 as long as they remain in place.

35 (14) Where a structure or dwelling unit shares a common entry or driveway, numbers must  
36 designate the addresses in sequence.

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**BILL NO. 21-02**

1       (15) Non-residential properties shall have the address or address range incorporated into  
2 any new or modified monumental property signage. In any case, the numbers or alphabet letters  
3 shall not be less than 6 inches in height, visible from either direction of travel and must be clearly  
4 visible from the street. The street name may be incorporated into the posting to further aid in  
5 premise identification.

6       (16) In cases where conditions (shadows, overgrown vegetation, building location, and the  
7 like) adversely affect the legibility of numbers, the Division of Fire and Rescue Services has the  
8 authority to prescribe larger numbers.

9       (17) It shall be the responsibility of each and every property owner, trustee, lessee, agent  
10 and occupant of each residence, multi-family residential building, business, commercial or  
11 industrial structure to purchase, post and maintain address numbers as required under this policy  
12 at all times.

13       (18) When a street sign is replaced or a new sign installed, the county must cause the  
14 address range of each street sign to be displayed on each street sign the county erects or maintains.

15       (19) When a street sign is replaced or a new sign installed, the owner, developer, property  
16 manager or homeowners association (HOA) must cause the address range of each street sign to be  
17 displayed on each street sign the owner, developer, property manager or homeowners association  
18 (HOA) erects or maintains.

19       (20) Address numbers at least 6 inches in height shall be installed on the rear access doors  
20 to all commercial establishments. Those doors which are located inside of a mall, office building  
21 or similar space with assigned suite numbers shall have their suite numbers posted with numerals  
22 or alphabet letters at least 2½ inches tall.

23       (21) Apartment or condominium numbers for individual units within a housing complex  
24 shall be displayed on, above, or to the side of the doorway of each unit and shall not be less than  
25 2½ in height.

26       (H) Residential sprinkler systems.

27       (1) The requirement for fire sprinkler systems shall apply to all building permits for new  
28 residential occupancies including, but not limited to, 1- and 2-family residential construction,  
29 mobile homes, modular homes or manufactured homes. This requirement shall not apply to the  
30 rebuilding, refurbishment, renovation, addition or alteration of a residence in existence as of the  
31 effective date of this section unless such existing structure is destroyed and replaced by a new  
32 principal structure.

33       (2) The requirement for interior sprinkler systems shall not apply to accessory or non-  
34 habitable structures (e.g., detached carports or garages, greenhouses, and sheds).

35       (3) Fire sprinkler systems shall be installed and maintained in all new residential  
36 occupancies in accordance with the most recent version of the applicable fire sprinkler standard as  
37 promulgated by the National Fire Protection Association (NFPA), and as modified and adopted by  
38 the Frederick County Fire Prevention code, as amended from time to time.

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(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 (H)(5) shall be effective from July 20, 2006 until July 1, 2007 and shall be of no further legal effect after July 1, 2007.

### (I) Multiple-line telephone systems – Direct dial (Kari's Law)

(1) "Multiple-line telephone system" defined. -- In this section, "multiple-line telephone system" means a system that:

(a) consists of common control units, telephone sets, control hardware and software, and adjunct systems, including network and premises-based systems; and

(b) is designed to aggregate more than one incoming voice communication channel for use by more than one telephone.

(2) A person that installs or operates a multiple-line telephone system shall ensure that the system is connected to the public switched telephone network in such a way that when an individual using the system dials 9-1-1, the call connects to the public safety answering point without requiring the user to dial any other number or set of numbers.

[⊕] (J) Civil fire code infractions.

(1) Pursuant to § 2-2-29 of this code, any violation of the provisions of this section is a civil infraction and shall be called a civil fire code infraction. If after investigation, a civil fire code infraction is believed to exist, the Frederick County Fire Marshal or his or her representative shall deliver a citation or a warning to the person or persons responsible for the infraction.

(2) The citation or warning, as provided for in this section, shall be in writing and shall contain the following:

- (a) The name and address of the person charged (or warned);
- (b) The nature of the violation;
- (c) The location of the violation;
- (d) The date(s) of the violation;
- (e) The amount of the fine to be assessed (or possible of assessment);
- (f) The manner, location and time in which the fine may be paid;
- (g) The person's right to stand trial for the violation (if applicable); and
- (h) A certification by the Fire Marshal or authorized designee attesting to the truth of the facts set forth.

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(3) (a) A fine is hereby imposed upon any person responsible for a civil fire code infraction for each violation as follows:

1. For a violation of [division]subsection (G) (premises identification), \$25;
2. For a violation of subsection (I) (Kari's Law), \$200;
- [2.]3. For obstructing a fire department access road/fire lane/fire hydrant, \$250;
- [3.]4. For a violation of any other provision of this section, \$500.

(b) All fines shall be payable to the county, in the office of the Fire Marshal, which shall remit same on a daily basis to the County Treasurer. Each day such violation is permitted to exist shall be considered a separate infraction.

(4) A person who receives a citation may elect to stand trial for the offense by filing with the Fire Marshal a notice of intention to stand trial. The notice shall be given at least 5 days before the date of payment of the fine as set forth in the citation. On receipt of the notice of intention to stand trial, the Fire Marshal shall forward to the District Court for Frederick County, Maryland, a copy of the citation and the notice of intention to stand trial. On receipt of the citation, the District Court shall schedule the case for trial and notify the defendant of the trial date. All fines, penalties or forfeitures collected by the District Court for fire code infractions shall be remitted to the county, through the Frederick County Treasurer.

(5) If a person who receives a citation for an infraction fails to pay the fine by the date of payment set forth on the citation and fails to file a notice of intention to stand trial, a formal notice of the infraction shall be sent to the person's last known address. If the citation is not satisfied within 15 days from the date of the notice, the person is liable for a fine double that as provided above for each infraction. If after 35 days, the citation is not satisfied, the Fire Marshal may request adjudication of the case through the District Court. The District Court shall schedule the case for trial and summon the defendant to appear.

(6) Adjudication of an infraction under this section is not a criminal conviction, nor does it impose any of the civil disabilities ordinarily imposed by a criminal conviction.

(7) In a proceeding before the District Court, the violation shall be prosecuted in the same manner and to the same extent as set forth for municipal infractions in Md. Ann. Code, Local Government Article, Title 6. However, the County Attorney is hereby authorized to prosecute fire code infractions under this section.

(8) If a person is found by the District Court to have committed a civil fire code infraction, he or she shall be liable for the costs of the proceedings in the District Court.

(9) Depending on the circumstances of each case and after consultation with the county attorney, the fire marshal has the discretionary authority to reduce or suspend all or a portion of the fine.

(10) Nothing contained in this section shall prohibit or prevent the fire marshal or authorized agent, or anyone else, from seeking other legal remedies, such as injunctions or criminal prosecution.

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**BILL NO. 21-02**

1                   (11) The fines specified in this section can be modified at any time by resolution of the  
2 county governing body, after a duly advertised public hearing.

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