

## CITY OF SALISBURY

### ORDINANCE NO. 2047

AN ORDINANCE of the City of Salisbury for the adoption of a Fire Prevention Code as part of the Code of the City of Salisbury.

WHEREAS, the Annotated Code of Maryland, Article 23A, § 6, authorizes municipalities to adopt a Fire Prevention Code and said Code may be a standard or model Fire Prevention Code prepared by a governmental agency or a qualified trade or professional association; and

WHEREAS, the State of Maryland has adopted a State Fire Prevention Code, as authorized by the *Annotated Code of Maryland*, Article 38A, Fires and Investigations, and the regulations promulgated in COMAR Title 12, Section 3, Chapter 01. The State of Maryland has also adopted, with certain amendments, all the regulations/documents in COMAR 29.06.01, Fire Prevention Code, COMAR 29.06.02 Procedural Regulations, COMAR 29.06.03 Approval of Testing Laboratories, COMAR 29.06.05 Fire Sprinkler Contractor Licensing Regulation; and COMAR 29.06.06 Fresh Cut and Live Tree Fire Safety Regulations; and

WHEREAS, the Director of Building, Permits & Inspections and the Fire Chief of the City of Salisbury have reviewed the State Fire Prevention Code and regulations and have determined it is in the best interest of the citizens of the City of Salisbury to request that the City Council adopt the State Fire Prevention Code, with amendments to address matters of local concern, as the Fire Prevention Code of the City of Salisbury.

NOW THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, in regular session, that Chapter 8.11 be deleted in its entirety and replaced to read as follows:

### CHAPTER 8.11

#### THE FIRE PREVENTION CODE

**Sections:**

**8.11.010 Adoption of the Fire Prevention Code.**

**8.11.020 Amendments to the State Fire Prevention Code.**

### **8.11.030 Setbacks.**

#### **8.11.010 Adoption of the Fire Prevention Code.**

The City of Salisbury adopts the State Fire Prevention Code as promulgated pursuant to the Annotated Code of Maryland, Article 38A, § 3 together with related COMAR regulations:

COMAR Title 12, Section 3, Chapter 01

COMAR 29.06.01 Fire Prevention Code

COMAR29.06.02 Procedural Regulations

COMAR 29.06.03 Approval of Testing Laboratories

COMAR 29.06.05 Fire Sprinkler Contractor Licensing Regulation; and

COMAR 29.06.06 Fresh Cut and Live Tree Fire Safety Regulations

#### **8.11.020 Amendments to the State Fire Prevention Code.**

A. The NFPA 101 Life Safety Code (2006 Edition) is incorporated by reference, and is adopted with state amendments with the exception of COMAR 20.06.04 - **Fees for Fire Prevention Services.**

B. The NFPA 1, Uniform Code (2006 Edition) is incorporated by reference, and is adopted with state and local amendments.

The local amendments are:

1. Amend Section 1.10, Board of Appeals, by deleting the text thereof in its entirety and replacing it with the following:

The Board of Appeals shall be the Building Board of Adjustments & Appeals as created by the International Building Code (2006 Edition).

2. Amend Section 1.16.4, by deleting the text thereof in its entirety and replacing it with the following:

Any person who fails to comply with the provisions of this 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 of occupancy may be subject to municipal infractions not to exceed \$500.00 each day and be guilty of a misdemeanor.

3. Add Section 1.16.6, Notice of Violations and Penalties to read:

Failure to comply with the time limits of an abatement notice or other corrective notice issued by the City may result in a municipal infraction not to exceed \$500.00 each day that the

violation continues, and the City shall have the authority to evacuate, vacate and order such building or structure to be closed to the public.

4. Amend Section 10.11, Open Fires, Incinerators, and Commercial Fireplaces by deleting § 10.11.1, 10.11.1.2, 10.11.1.3, and 10.11.1.4 to read:

§ 10.11.1 Allowable Burning. Open burning shall be allowed only for the limited purpose of disposing of tree trunks, branches, stumps and other debris associated with the clearing of land for commercial, industrial and residential development. Prior to such open burning, the owner or developer of the land shall obtain a permit or other proper authorization from the Director of Building, Permits & Inspections.

§ 10.11.1.1 Application. Applications for open burning shall be submitted in writing at least seven (7) days before the fire is set and shall be in such form and contain such information as required by the Director of Building, Permits & Inspections. Such applications shall contain, at a minimum, information regarding: the purpose of the proposed burning, the nature and quantities of material to be burned, the date when such burning will take place, the location of the burning site and the on site fire-extinguishing equipment to be provided.

§ 10.11.1.2 Conditions for Approval. The Director of Building, Permits & Inspections, upon receipt of an application, may issue or approve a permit in writing allowing an open fire, provided all of the following conditions are met:

1. The Director of Building, Permits & Inspections is satisfied that there is no practical method to dispose of the material to be burned or to conduct desired activities;
2. A hazardous condition or nuisance will not be created;
3. Fire control laws or regulations of other government agencies will not be violated.
4. Materials which produce dense smoke when burned, including, but not limited to, tires and roofing material, will not be burned.
5. The material to be burned shall have originated on the premises on which it is to be burned. The Director of Building, Permits & Inspections may impose other conditions to minimize the creation of smoke, to prevent nuisances and air pollution and to protect the health, safety, comfort and property of any persons.

§ 10.11.1.1 Open Burning Prohibited. The Director of Building, Permits & Inspections shall prohibit open burning that will be offensive or objectionable due to smoke or odor emissions when atmospheric conditions or local circumstances make fires hazardous. The Director of Building, Permits & Inspections shall order the extinguishment by the permit holder

or the Fire Department, of any open burning which creates or adds to a hazardous or objectionable situation.

C. The International Building Code (2006 edition) is incorporated by reference and is adopted with state amendments.

**8.11.030 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.

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this 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 \_\_\_\_ day of \_\_\_\_\_, 2008, and having been published as required by law, in the meantime, was finally passed by the Council on the day of \_\_\_\_\_, 2008.

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Brenda J. Colegrove, City Clerk

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Louise Smith, President  
Salisbury City Council

Approved by me, this  
day of \_\_\_\_\_, 2008

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Barrie P. Tilghman  
Mayor of the City of Salisbury