
By: **Delegates Weir, Malone, and Moe**
Introduced and read first time: February 10, 1999
Assigned to: Economic Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Sprinkler Systems - New Single-Family Residential Dwellings**

3 FOR the purpose of requiring builders of certain new single-family residential
4 dwellings to offer to a prospective buyer, prior to the signing of a construction
5 contract, the option of having certain sprinkler systems installed; defining
6 certain terms; authorizing certain exceptions to local fire and building codes
7 under certain circumstances; requiring that installations of certain sprinkler
8 systems meet certain standards; requiring certain disclosures by a builder
9 under certain circumstances; and generally relating to the option of installing
10 sprinkler systems in new single-family residential dwellings.

11 BY repealing and reenacting, with amendments,
12 Article 38A - Fires and Investigations
13 Section 12B
14 Annotated Code of Maryland
15 (1997 Replacement Volume and 1998 Supplement)

16 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
17 MARYLAND, That the Laws of Maryland read as follows:

18 **Article 38A - Fires and Investigations**

19 12B.

20 (a) (1) In this section the following words have the meanings indicated.

21 (2) (i) "Dormitory" means a building or space in a building where
22 group sleeping accommodations are provided with or without meals, but without
23 individual cooking facilities, for more than 16 persons not members of the same
24 family group in 1 room or in a series of closely associated rooms under joint occupancy
25 and single management.

26 (ii) "Dormitory" includes a school dormitory, a fraternity house, or a
27 military barrack.

1 (3) "Dwelling unit" means a single unit providing complete, independent
2 living facilities for 1 or more persons including permanent provisions for living,
3 sleeping, eating, cooking, and sanitation.

4 (4) (i) "Hotel" means a building or group of buildings under the same
5 management in which there are more than 16 sleeping accommodations for hire,
6 primarily used by transients who are lodged with or without meals.

7 (ii) "Hotel" includes an inn, motel, club, or apartment hotel.

8 (5) (i) "Lodging or rooming house" means a building in which separate
9 sleeping rooms are rented providing sleeping accommodations for a total of 16 or
10 fewer persons on either a transient or permanent basis, with or without meals but
11 without separate cooking facilities for individual occupants.

12 (ii) "Lodging or rooming house" includes an inn, club, or bed and
13 breakfast establishment.

14 (6) (i) "Multifamily residential dwelling" means a building or portion
15 of a building that contains more than 2 dwelling units and is not classified as a 1 or
16 2 family dwelling.

17 (ii) "Multifamily residential dwelling" does not include a town
18 house.

19 (7) (i) "Public water system" means a system that:

20 1. Provides to the public piped water for human
21 consumption; and

22 2. A. Has at least 15 service connections; or

23 B. Regularly serves at least 25 individuals.

24 (ii) "Public water system" includes:

25 1. Any collection, treatment, storage, or distribution facility
26 that is under the control of the operator of the system and is used primarily in
27 connection with the system; and

28 2. Any collection or pretreatment storage facility that is not
29 under the control of the operator of the system and is used primarily in connection
30 with the system.

31 (8) (I) "SINGLE-FAMILY RESIDENTIAL DWELLING" MEANS A
32 BUILDING OR PORTION OF A BUILDING WHICH CONTAINS 1 OR 2 DWELLING UNITS.

33 (II) "SINGLE-FAMILY RESIDENTIAL DWELLING" DOES NOT
34 INCLUDE A TOWN HOUSE.

35 [(8)] (9) "Sprinkler system" means a device that:

- 1 (i) Opens automatically by operation of a heat responsive releasing
2 mechanism;
- 3 (ii) Discharges water in a specific pattern over a designated area to
4 extinguish or control fire;
- 5 (iii) Uses the same service water supply pipe to the dwelling unit
6 that the public water system uses;
- 7 (iv) Meets the requirements of current National Fire Protection
8 Association standards; and
- 9 (v) Is approved by the State Fire Marshal or the local authority
10 having jurisdiction over the enforcement of fire codes.

11 [(9)] (10) "Town house" means a single family dwelling unit constructed
12 in a horizontal series of attached units with property lines separating the units.

13 (b) (1) Except as provided in paragraphs (2) and (3) of this subsection, a
14 sprinkler system shall be installed in accordance with accepted engineering practices
15 that meet the standard for the installation of sprinkler systems in residential
16 occupancies as adopted in the regulations of the State Fire Prevention Commission or
17 the local authority having jurisdiction over the enforcement of fire and building codes
18 in:

- 19 (i) Every newly constructed dormitory for which the initial
20 building permit is issued on or after July 1, 1990;
- 21 (ii) Every newly constructed hotel for which the initial building
22 permit is issued on or after July 1, 1990;
- 23 (iii) Every newly constructed lodging or rooming house for which the
24 initial building permit is issued on or after July 1, 1990;
- 25 (iv) Every newly constructed multifamily residential dwelling for
26 which the initial building permit is issued on or after July 1, 1990; and
- 27 (v) Every newly constructed town house for which the initial
28 building permit is issued on or after July 1, 1992.

29 (2) Within a jurisdiction in which building permits are not issued, a
30 sprinkler system required under paragraph (1) of this subsection shall be installed in:

- 31 (i) Every dormitory, hotel, lodging or rooming house, or
32 multifamily residential dwelling on which construction begins on or after July 1,
33 1990; and
- 34 (ii) Every town house on which construction begins on or after July
35 1, 1992.

1 (3) The provisions of paragraphs (1) and (2) of this subsection do not
2 apply if a dwelling unit is not serviced by a public water supply system.

3 (C) (1) PRIOR TO THE SIGNING OF A CONTRACT FOR THE CONSTRUCTION OF
4 A SINGLE-FAMILY RESIDENTIAL DWELLING CONTAINING ALTERNATING CURRENT
5 (AC) ELECTRICAL SERVICE, A BUILDER SHALL OFFER TO A PROSPECTIVE BUYER THE
6 OPTION OF HAVING THE BUILDER INSTALL A SPRINKLER SYSTEM IN THE
7 SINGLE-FAMILY RESIDENTIAL DWELLING THAT THE BUILDER CONSTRUCTS IF:

8 (I) A BUILDING PERMIT FOR THE SINGLE-FAMILY RESIDENTIAL
9 DWELLING IS ISSUED ON OR AFTER OCTOBER 1, 1999; OR

10 (II) IN A JURISDICTION IN WHICH BUILDING PERMITS ARE NOT
11 ISSUED, CONSTRUCTION ON THE SINGLE-FAMILY RESIDENTIAL DWELLING BEGINS
12 ON OR AFTER OCTOBER 1, 1999.

13 (2) IF A BUILDER INSTALLS A SPRINKLER SYSTEM IN A SINGLE-FAMILY
14 RESIDENTIAL DWELLING, THE SPRINKLER SYSTEM SHALL BE INSTALLED IN
15 ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICES THAT MEET THE
16 STANDARD FOR THE INSTALLATION OF SPRINKLER SYSTEMS IN RESIDENTIAL
17 OCCUPANCIES AS ADOPTED IN THE REGULATIONS OF THE STATE FIRE PREVENTION
18 COMMISSION OR THE LOCAL AUTHORITY HAVING JURISDICTION OVER THE
19 ENFORCEMENT OF FIRE AND BUILDING CODES.

20 (3) IF, UNDER SUBSECTION (D) OF THIS SECTION, AN EXCEPTION TO A
21 REQUIREMENT OF A STATE OR LOCAL FIRE AND BUILDING CODE IS GRANTED OR IS
22 EXPECTED TO BE GRANTED, A BUILDER SHALL DISCLOSE THE EXCEPTION TO A
23 PROSPECTIVE BUYER BEFORE THE SIGNING OF A CONTRACT FOR:

24 (I) THE CONSTRUCTION OF A SINGLE-FAMILY RESIDENTIAL
25 DWELLING; OR

26 (II) THE PURCHASE OF A SINGLE-FAMILY RESIDENTIAL
27 DWELLING.

28 [(c)] (D) (1) Except as provided in paragraph (2) of this subsection, if there
29 is clear evidence that an exception will not adversely affect the fire safety of the
30 building or its occupants, the State Fire Marshal or a local authority having
31 jurisdiction over the enforcement of fire and building codes may grant an exception to:

32 (i) A requirement of a State or local fire and building code if a
33 sprinkler system is installed in a building as required by this section; or

34 (ii) The sprinkler system requirement of this section if, on or before
35 June 30, 1990:

36 1. The local authority gave approval to a construction plan of
37 a building covered by this section; and

