

Department of Legislative Services  
Maryland General Assembly  
2005 Session

FISCAL AND POLICY NOTE

House Bill 118 (Delegate D. Davis) (By Request)  
Health and Government Operations

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**Fire Marshal - Fire Retardant or Fire Resistant Materials**

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This bill authorizes the State Fire Marshal, or a county fire marshal, on a case-by-case basis, to require the use of fire resistant, fire retardant, or noncombustible materials for a structure planned: (1) with an exposure distance of 50 feet or less in an area that has a high density of structures; or (2) where it is not feasible for the developer of the structure to provide a water supply that is adequate for fire suppression.

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**Fiscal Summary**

**State Effect:** None. The bill's additional authorization for the State Fire Marshal could be handled with existing budgeted resources.

**Local Effect:** The bill's additional authorization for local fire marshals could be handled with existing budgeted resources.

**Small Business Effect:** Potential meaningful. A requirement for the use of fire resistant, fire retardant, or noncombustible materials may cause the planning and building of such a structure to incur additional costs for materials, but only to the extent the use of those materials was not originally slated for use.

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**Analysis**

**Current Law:** If there is clear evidence that an exception will not adversely affect the fire safety of a building or its occupants, the State Fire Marshal or a local authority with jurisdiction over the enforcement of fire and building codes may grant an exception to: (1) a requirement of a State or local fire and building code if a required sprinkler system is installed in a building; or (2) the sprinkler system requirement if, on or before June 30,

1990, the local authority gave approval to a construction plan for a dormitory, hotel, lodging or rooming house, multifamily residential unit, or town house, and the approved plan did not include the installation of a required sprinkler system. The State Fire Marshal or a local authority may not grant an exception under these provisions to a smoke detector requirement.

Under provisions relating to fast response residential fire sprinkler systems, each hotel or motel with 10 or more units for which a contract for construction is executed after July 1, 1989, must have installed a fast response residential fire sprinkler system that is intended: (1) to detect and control a fire automatically; (2) to provide improved protection against injury, loss of life, and property damage; (3) to maintain survivable conditions in the room of fire origin; and (4) to improve the chance for occupants to escape or be evacuated. A hotel or motel need not install a fast response residential fire sprinkler system if the hotel or motel is a one or two story building, and all occupants are able to exit directly to the exterior of the building and not only to a central corridor through an approved exit door.

If there is clear evidence that equivalent protection of human life will be provided, exceptions to provisions relating to fast response residential fire sprinkler systems may be made by: (1) the State Fire Prevention Commission; (2) the State Fire Marshal; (3) a county fire chief; (4) a fire administrator with responsibility for code enforcement; and (5) in Baltimore City, the Board of Fire Commissioners or the Chief of the Fire Department. These provisions do not prevent a county or municipal corporation from enacting more stringent laws to govern the installation of fire sprinkler systems.

Based upon certain legislative findings that state, in part, that most fire fighting and rescue operations are conducted inside the high-rise building, where there are greater obstacles to rescuing occupants and controlling and extinguishing the fire, and many tragedies could be avoided by installation of automatic fire extinguishing equipment in these situations, usually at no great additional cost to builders, each high-rise building constructed after July 1, 1974, must be protected by a complete automatic sprinkler system installed in accordance with accepted engineering practices as approved by the authority with jurisdiction. This provision does not apply to a building that is less than 75 feet in height above grade level if: (1) the local fire department has at least one approved first line piece of aerial equipment that is capable of reaching the roof of the building; and (2) accessibility to the building is provided on two sides of the perimeter of the building by a public way that is kept accessible at all times to the local fire department and close enough to the building to allow the fire department aerial equipment to reach 75 feet in height.

## **Additional Information**

**Prior Introductions:** None.

**Cross File:** None.

**Information Source(s):** Montgomery County, Charles County, Department of State Police (State Fire Marshal), Department of Legislative Services

**Fiscal Note History:** First Reader - January 25, 2005  
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