

HOUSE BILL 366

E4

(2lr1752)

ENROLLED BILL

— *Environmental Matters/Education, Health, and Environmental Affairs* —

Introduced by **Delegate Malone**

Read and Examined by Proofreaders:

Proofreader.

Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

_____ day of _____ at _____ o'clock, _____ M.

Speaker.

CHAPTER _____

1 AN ACT concerning

2 **Public Safety – Building Performance Standards – ~~Fire and Life Safety~~**
3 **Automatic Fire Sprinkler Systems**

4 FOR the purpose of prohibiting a local jurisdiction, ~~with a certain exception~~ *exceptions*,
5 from adopting local amendments to the Maryland Building Performance
6 Standards if the local amendments weaken ~~fire and life safety~~ certain automatic
7 fire sprinkler systems provisions contained in the Standards; providing for the
8 effective date of certain provisions of this Act; providing for the termination of
9 certain provisions of this Act; providing for the application of this Act; and
10 generally relating to the authority of local jurisdictions to amend the Maryland
11 Building Performance Standards.

12 BY repealing and reenacting, with amendments,
13 Article – Public Safety
14 Section 12–504

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.

Italics indicate opposite chamber/conference committee amendments.



1 Annotated Code of Maryland
2 (2011 Replacement Volume)

3 BY repealing and reenacting, with amendments,
4 Article – Public Safety
5 Section 12–504
6 Annotated Code of Maryland
7 (2011 Replacement Volume)
8 (As enacted by Chapter 369 of the Acts of the General Assembly of 2011)

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

11 **Article – Public Safety**

12 12–504.

13 (a) **(1)** A local jurisdiction may adopt local amendments to the Standards
14 if the local amendments do not:

15 ~~(1)~~ **(1)** prohibit the minimum implementation and enforcement
16 activities set forth in § 12–505 of this subtitle; [or]

17 ~~(2)~~ **(II)** weaken energy conservation and efficiency provisions
18 contained in the Standards; **OR**

19 ~~(3)~~ **(III) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
20 **SUBSECTION, WEAKEN ~~FIRE AND LIFE SAFETY~~ THE AUTOMATIC FIRE SPRINKLER**
21 **SYSTEMS PROVISIONS FOR TOWNHOUSES AND ONE- AND TWO-FAMILY**
22 **DWELLINGS CONTAINED IN THE STANDARDS.**

23 **(2) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY**
24 **TO:**

25 **(I) STANDARDS GOVERNING ISSUANCE OF A BUILDING**
26 **PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY; OR**

27 **(II) UNTIL JANUARY 1, 2016, STANDARDS GOVERNING**
28 **ISSUANCE OF A BUILDING PERMIT FOR A NEW ONE- OR TWO-FAMILY DWELLING**
29 **CONSTRUCTED ON:**

30 **1. A LOT SUBJECT TO A VALID UNEXPIRED PUBLIC**
31 **WORKS UTILITY AGREEMENT THAT WAS EXECUTED BEFORE MARCH 1, 2011; OR**

1 (III) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS
 2 SUBSECTION, WEAKEN ~~FIRE AND LIFE SAFETY~~ THE AUTOMATIC FIRE SPRINKLER
 3 SYSTEMS PROVISIONS FOR TOWNHOUSES AND ONE- AND TWO-FAMILY
 4 DWELLINGS CONTAINED IN THE STANDARDS.

5 (2) (i) Regardless of whether the International Green Construction
 6 Code is adopted by the Department under § 12-503(d) of this subtitle, a local
 7 jurisdiction may adopt the International Green Construction Code.

8 (ii) A local jurisdiction may make local amendments to the
 9 International Green Construction Code.

10 (3) PARAGRAPH (1)(III) OF THIS SUBSECTION DOES NOT APPLY
 11 TO:

12 (I) STANDARDS GOVERNING ISSUANCE OF A BUILDING
 13 PERMIT FOR A PROPERTY NOT CONNECTED TO AN ELECTRICAL UTILITY; OR

14 (II) UNTIL JANUARY 1, 2016, STANDARDS GOVERNING
 15 ISSUANCE OF A BUILDING PERMIT FOR A NEW ONE- OR TWO-FAMILY DWELLING
 16 CONSTRUCTED ON:

17 1. A LOT SUBJECT TO A VALID UNEXPIRED PUBLIC
 18 WORKS UTILITY AGREEMENT THAT WAS EXECUTED BEFORE MARCH 1, 2011; OR

19 2. A LOT SERVED BY AN EXISTING WATER SERVICE
 20 LINE FROM A WATER MAIN TO THE PROPERTY LINE THAT:

21 A. IS LESS THAN A NOMINAL 1-INCH SIZE;

22 B. IS APPROVED AND OWNED BY THE PUBLIC OR
 23 PRIVATE WATER SYSTEM THAT OWNS THE MAINS;

24 C. WAS INSTALLED BEFORE MARCH 1, 2011; AND

25 D. IS FULLY OPERATIONAL FROM THE PUBLIC OR
 26 PRIVATE MAIN TO A CURB STOP OR METER PIT LOCATED AT THE PROPERTY LINE.

27 (b) If a local jurisdiction adopts a local amendment to the Standards, the
 28 Standards as amended by the local jurisdiction apply in the local jurisdiction.

29 (c) If a local amendment conflicts with the Standards, the local amendment
 30 prevails in the local jurisdiction.

1 (d) A local jurisdiction that adopts a local amendment to the Standards shall
2 ensure that the local amendment is adopted in accordance with applicable local law.

3 (e) To keep the database established under this subtitle current, a local
4 jurisdiction that adopts a local amendment to the Standards shall provide a copy of
5 the local amendment to the Department:

6 (1) at least 15 days before the effective date of the amendment; or

7 (2) within 5 days after the adoption of an emergency local amendment.

8 SECTION 3. AND BE IT FURTHER ENACTED, That Section 2 of this Act shall
9 take effect on the taking effect of Chapter 369 of the Acts of the General Assembly of
10 2011. If Section 2 of this Act takes effect, Section 1 of this Act shall be abrogated and
11 of no further force and effect.

12 SECTION 4. AND BE IT FURTHER ENACTED, That this Act shall be
13 construed to apply only prospectively and may not be applied or interpreted to have
14 any effect on or application to any building permit for which an application is
15 submitted before the effective date of this Act.

16 SECTION 5. AND BE IT FURTHER ENACTED, That, subject to the provisions
17 of Section 3 of this Act, this Act shall take effect October 1, 2012.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.