

HOUSE BILL 19

E4

6lr1031

(PRE-FILED)

By: **Delegates Adams, Otto, Ghrist, Arentz, and Buckel**

Requested: November 2, 2015

Introduced and read first time: January 13, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Building Performance Standards – Local Amendments to Fire**
3 **Sprinkler Systems Provisions**

4 FOR the purpose of repealing the prohibition on adoption by a local jurisdiction of certain
5 local amendments to the Maryland Building Performance Standards regarding fire
6 sprinkler systems in certain buildings; providing that if a local jurisdiction adopts a
7 local amendment to the Maryland Building Performance Standards that weakens
8 certain fire sprinkler systems provisions for certain dwellings, the local amendment
9 shall require the builder of a new dwelling to provide certain information to a buyer
10 at a certain time and to install a fire sprinkler system under certain circumstances;
11 requiring the State Fire Marshal to prepare certain written materials; providing for
12 the application of this Act; defining certain terms; making conforming changes; and
13 generally relating to local amendments to the Maryland Building Performance
14 Standards.

15 BY repealing and reenacting, with amendments,
16 Article – Public Safety
17 Section 12–504
18 Annotated Code of Maryland
19 (2011 Replacement Volume and 2015 Supplement)

20 BY adding to
21 Article – Public Safety
22 Section 12–504.1
23 Annotated Code of Maryland
24 (2011 Replacement Volume and 2015 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 **Article – Public Safety**

2 12–504.

3 (a) (1) A local jurisdiction may adopt local amendments to the Standards if the
4 local amendments do not:5 (i) prohibit the minimum implementation and enforcement
6 activities set forth in § 12–505 of this subtitle;7 (ii) weaken energy conservation and efficiency provisions contained
8 in the Standards; **OR**9 [(iii) except as provided in paragraph (3) of this subsection, weaken
10 the automatic fire sprinkler systems provisions for townhouses and one– and two–family
11 dwellings contained in the Standards; or12 (iv)] **(III)** weaken wind design and wind–borne debris provisions
13 contained in the Standards.14 (2) (i) Regardless of whether the International Green Construction
15 Code is adopted by the Department under § 12–503(d) of this subtitle, a local jurisdiction
16 may adopt the International Green Construction Code.17 (ii) A local jurisdiction may make local amendments to the
18 International Green Construction Code.19 **[(3) Paragraph (1)(iii) of this subsection does not apply to:**20 (i) standards governing issuance of a building permit for a property
21 not connected to an electrical utility; or22 (ii) until January 1, 2016, standards governing issuance of a
23 building permit for a new one– or two–family dwelling constructed on:24 1. a lot subject to a valid unexpired public works utility
25 agreement that was executed before March 1, 2011; or26 2. a lot served by an existing water service line from a water
27 main to the property line that:

28 A. is less than a nominal 1–inch size;

29 B. is approved and owned by the public or private water
30 system that owns the mains;

31 C. was installed before March 1, 2011; and

1 D. is fully operational from the public or private main to a
2 curb stop or meter pit located at the property line.]

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

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

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

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

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

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

14 **12-504.1.**

15 (A) (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (2) “BUILDER” MEANS A PERSON THAT CONTRACTS WITH A BUYER
18 FOR THE CONSTRUCTION OF A NEW DWELLING.

19 (3) “BUYER” MEANS A PERSON THAT PURCHASES ANY ESTATE OR
20 INTEREST IN A NEW DWELLING.

21 (4) “NEW DWELLING” MEANS A NEW ONE- OR TWO-FAMILY
22 RESIDENTIAL DWELLING HAVING THREE STORIES OR FEWER, NOT PREVIOUSLY
23 OCCUPIED, AND CONSTRUCTED FOR RESIDENTIAL USE.

24 (B) (1) THIS SECTION APPLIES IN A LOCAL JURISDICTION THAT ADOPTS
25 A LOCAL AMENDMENT TO THE STANDARDS THAT WEAKENS THE AUTOMATIC FIRE
26 SPRINKLER SYSTEMS PROVISIONS FOR TOWNHOUSES AND ONE- AND TWO-FAMILY
27 DWELLINGS CONTAINED IN THE STANDARDS.

28 (2) UNLESS OTHERWISE PROVIDED IN THE LOCAL AMENDMENT, THIS
29 SECTION APPLIES TO ANY NEW DWELLING IN THE LOCAL JURISDICTION FOR WHICH
30 A CONTRACT HAS BEEN SIGNED BETWEEN THE BUILDER AND THE BUYER ON OR
31 AFTER THE EFFECTIVE DATE OF THE LOCAL AMENDMENT.

1 **(C) THE LOCAL AMENDMENT SHALL REQUIRE THAT, AT THE TIME OF OR**
2 **BEFORE AGREEING ON A FINAL PRICE FOR CONSTRUCTION OF A NEW DWELLING,**
3 **THE BUILDER OF A NEW DWELLING IN THE LOCAL JURISDICTION SHALL PROVIDE**
4 **THE BUYER WITH:**

5 **(1) A COPY OF THE WRITTEN MATERIAL PREPARED BY THE STATE**
6 **FIRE MARSHAL UNDER SUBSECTION (E) OF THIS SECTION; AND**

7 **(2) WRITTEN DOCUMENTATION OF THE COSTS ASSOCIATED WITH THE**
8 **INSTALLATION AND MAINTENANCE OF AN AUTOMATIC FIRE SPRINKLER SYSTEM.**

9 **(D) THE LOCAL AMENDMENT SHALL REQUIRE THAT, ON REQUEST OF THE**
10 **BUYER, THE BUILDER SHALL INSTALL AN AUTOMATIC FIRE SPRINKLER SYSTEM OR**
11 **OTHER REQUESTED FIRE SUPPRESSION SYSTEM AT THE BUYER'S EXPENSE.**

12 **(E) THE STATE FIRE MARSHAL SHALL PREPARE WRITTEN MATERIAL THAT**
13 **DETAILS THE BENEFITS OF AN AUTOMATIC FIRE SPRINKLER SYSTEM.**

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
15 1, 2016.