

HOUSE BILL 1472

E4

6lr3599

By: **Delegate Branch**

Introduced and read first time: February 12, 2016

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Fire Safety Construction Act of 2016**

3 FOR the purpose of prohibiting a multifamily dwelling from being constructed using light
4 framed combustible construction in an area with a certain population; authorizing a
5 multifamily dwelling to be constructed using light framed combustible material in
6 an area with a certain population under certain circumstances; requiring the number
7 of stories of a certain building to be measured from the grade plane for a certain
8 purpose; establishing that a certain building may not be considered separate and
9 distinct for certain purposes; limiting the size of a building that includes certain
10 construction except under certain circumstances; requiring a construction project
11 involving a certain multifamily dwelling to have a fire watch guard present during
12 all phases of construction to perform certain duties; authorizing a fire watch to
13 conclude at a certain time; requiring that a fire watch guard submit certain records
14 to the Office of the State Fire Marshal at certain times; authorizing the Office to take
15 certain actions to abate fire safety issues reported by a fire watch guard; requiring
16 that the Office create a training and certification procedure for fire watch guards;
17 requiring a construction project involving a certain multifamily dwelling to have a
18 certain sign affixed to the exterior entrance of certain structures; requiring the
19 Department of Housing and Community Development to adopt the provisions of this
20 Act as a part of the Maryland Building Performance Standards; defining certain
21 terms; and generally relating to fire safety construction.

22 BY adding to
23 Article – Public Safety
24 Section 12–511
25 Annotated Code of Maryland
26 (2011 Replacement Volume and 2015 Supplement)

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

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



Article – Public Safety

12-511.

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

(2) “FIRE WATCH GUARD” MEANS A PERSON WHO IS TRAINED AND CERTIFIED BY THE OFFICE OF THE STATE FIRE MARSHAL IN MAINTAINING A FIRE WATCH AND PERFORMING FIRE SAFETY DUTIES DURING A CONSTRUCTION PROJECT.

(3) “LIGHT FRAMED COMBUSTIBLE CONSTRUCTION” MEANS A TYPE OF CONSTRUCTION IN WHICH VERTICAL AND HORIZONTAL STRUCTURE ELEMENTS ARE PRIMARILY FORMED BY A SYSTEM OF REPETITIVE MEMBERS COMPOSED OF COMBUSTIBLE MATERIAL.

(4) “RESIDENTIAL GROUP R-1” MEANS RESIDENTIAL OCCUPANCIES WHERE OCCUPANTS ARE PRIMARILY TRANSIENT, INCLUDING BOARDING HOUSES, HOTELS, AND MOTELS.

(5) “RESIDENTIAL GROUP R-2” MEANS RESIDENTIAL OCCUPANCIES CONTAINING SLEEPING UNITS OR MORE THAN TWO DWELLING UNITS WHERE OCCUPANTS ARE PRIMARILY PERMANENT IN NATURE, INCLUDING APARTMENTS, CONVENTS, AND DORMITORIES.

(6) “TYPE III CONSTRUCTION” MEANS CONSTRUCTION THAT HAS EXTERIOR WALLS OF NONCOMBUSTIBLE MATERIALS AND INTERIOR BUILDING ELEMENTS THAT ARE OF ANY MATERIAL PERMITTED BY THE MARYLAND BUILDING PERFORMANCE CODE.

(7) “TYPE IV CONSTRUCTION” MEANS CONSTRUCTION THAT HAS EXTERIOR WALLS OF NONCOMBUSTIBLE MATERIALS AND INTERIOR BUILDING ELEMENTS THAT ARE OF SOLID OR LAMINATED WOOD WITHOUT CONCEALED SPACES.

(8) “TYPE V CONSTRUCTION” MEANS CONSTRUCTION THAT HAS STRUCTURAL ELEMENTS, EXTERIOR WALLS, AND INTERIOR WALLS OF ANY MATERIALS PERMITTED BY THE MARYLAND BUILDING PERFORMANCE CODE.

(B) (1) A MULTIFAMILY DWELLING MAY NOT BE CONSTRUCTED USING LIGHT FRAMED COMBUSTIBLE CONSTRUCTION IN A MUNICIPALITY THAT HAS A POPULATION OF 5,000 OR MORE PERSONS PER SQUARE MILE.

1 **(2) A MULTIFAMILY DWELLING MAY BE CONSTRUCTED USING LIGHT**
2 **FRAMED COMBUSTIBLE CONSTRUCTION IN A MUNICIPALITY THAT HAS A**
3 **POPULATION OF FEWER THAN 5,000 PERSONS PER SQUARE MILE IF:**

4 **(I) THE MULTIFAMILY DWELLING IS NO MORE THAN THREE**
5 **STORIES;**

6 **(II) VERTICAL FIRE BARRIERS MADE OF NONCOMBUSTIBLE**
7 **MATERIALS WITH A MINIMUM TWO-HOUR FIRE RATING THAT EXTEND FROM THE TOP**
8 **OF THE FOUNDATION THROUGH THE ROOF ARE INSTALLED BETWEEN THE WALLS**
9 **THAT SEPARATE A DWELLING UNIT FROM ANOTHER DWELLING UNIT AND FROM**
10 **OTHER CONTIGUOUS AREAS IN THE BUILDING;**

11 **(III) HORIZONTAL FIRE BARRIERS MADE OF NONCOMBUSTIBLE**
12 **MATERIALS WITH A MINIMUM TWO-HOUR FIRE RATING ARE INSTALLED BETWEEN**
13 **THE FLOOR OF A DWELLING UNIT AND THE CEILING OF ANOTHER DWELLING UNIT;**
14 **AND**

15 **(IV) AN AUTOMATIC SPRINKLER SYSTEM IS INSTALLED**
16 **THROUGHOUT THE STRUCTURE IN ACCORDANCE WITH THE CURRENT NATIONAL**
17 **FIRE PROTECTION ASSOCIATION STANDARDS.**

18 **(C) (1) IN DETERMINING THE MINIMUM TYPE OF CONSTRUCTION FOR A**
19 **BUILDING THAT IS RESIDENTIAL GROUP R-1 OR RESIDENTIAL GROUP R-2 AND**
20 **USES TYPE III, TYPE IV, OR TYPE V CONSTRUCTION, THE NUMBER OF STORIES**
21 **SHALL BE MEASURED FROM THE GRADE PLANE.**

22 **(2) A BUILDING THAT IS RESIDENTIAL GROUP R-1 OR RESIDENTIAL**
23 **GROUP R-2 AND USES TYPE III, TYPE IV, OR TYPE V CONSTRUCTION MAY NOT BE**
24 **CONSIDERED SEPARATE AND DISTINCT IN DETERMINING BUILDING HEIGHT.**

25 **(3) EXCEPT AS PROVIDED IN PARAGRAPH (4) OF THIS SUBSECTION, A**
26 **BUILDING THAT INCLUDES TYPE V CONSTRUCTION AND IS EQUIPPED WITH AN**
27 **AUTOMATIC SPRINKLER SYSTEM MAY NOT EXCEED:**

28 **(I) THREE STORIES AS MEASURED FROM THE GRADE PLANE;**
29 **AND**

30 **(II) A PER-STORY FLOOR AREA OF 36,000 SQUARE FEET.**

31 **(4) A BUILDING THAT INCLUDES TYPE V CONSTRUCTION AND IS**
32 **EQUIPPED WITH AN AUTOMATIC SPRINKLER SYSTEM MAY EXCEED A PER-STORY**

1 AREA OF **36,000** SQUARE FEET IF CONSTRUCTED WITH A SEPARATE AND DISTINCT
2 BUILDING.

3 (D) (1) A CONSTRUCTION PROJECT INVOLVING A MULTIFAMILY
4 DWELLING THAT USES LIGHT FRAMED COMBUSTIBLE CONSTRUCTION SHALL HAVE
5 A FIRE WATCH GUARD PRESENT DURING ALL PHASES OF CONSTRUCTION, 24 HOURS
6 PER DAY, UNTIL THE FIRE WATCH CONCLUDES TO:

7 (I) ALERT FIREFIGHTERS, MEDICAL, RESCUE, OR LAW
8 ENFORCEMENT PERSONNEL IF A FIRE OR ANY OTHER EMERGENCY OCCURS;

9 (II) MAINTAIN A RECORD OF ACTIVITIES PERFORMED IN
10 CONNECTION WITH THE CONSTRUCTION PROJECT THAT SERVE AS A POTENTIAL
11 THREAT TO FIRE SAFETY;

12 (III) MAKE REGULAR INSPECTIONS OF THE CONSTRUCTION; AND

13 (IV) MAKE REGULAR PATROLS OF THE ASSIGNED
14 CONSTRUCTION AREA.

15 (2) A FIRE WATCH MAY CONCLUDE WHEN THE FIRE WATCH GUARD
16 RECEIVES A CERTIFICATE OF OCCUPANCY BY THE DEVELOPER OR OWNER OF THE
17 CONSTRUCTION PROJECT.

18 (3) RECORDS MAINTAINED BY THE FIRE WATCH GUARD UNDER
19 PARAGRAPH (1)(II) OF THIS SUBSECTION SHALL BE SUBMITTED TO THE OFFICE OF
20 THE STATE FIRE MARSHAL ONCE PER WEEK UNTIL THE CONSTRUCTION PROJECT
21 CONCLUDES.

22 (4) THE OFFICE OF THE STATE FIRE MARSHAL MAY TAKE
23 APPROPRIATE ACTION TO ABATE ANY FIRE SAFETY ISSUES RECORDED BY THE FIRE
24 WATCH GUARD, INCLUDING REQUESTING THE REVOCATION OF A CONSTRUCTION
25 PERMIT ISSUED FOR THE PROJECT.

26 (E) THE OFFICE OF THE STATE FIRE MARSHAL SHALL CREATE A TRAINING
27 AND CERTIFICATION PROCEDURE FOR FIRE WATCH GUARDS.

28 (F) A CONSTRUCTION PROJECT INVOLVING A MULTIFAMILY DWELLING
29 THAT USES LIGHT FRAMED COMBUSTIBLE CONSTRUCTION SHALL HAVE AFFIXED TO
30 THE FRONT OF THE EXTERIOR ENTRANCE OF EACH STRUCTURE THAT USES LIGHT
31 FRAMED COMBUSTIBLE CONSTRUCTION AT LEAST ONE SIGN AT A HEIGHT BETWEEN
32 4 FEET AND 6 FEET ABOVE GROUND THAT:

1 **(1) IS MADE OF BRIGHT, REFLECTIVE MATERIAL AND COLOR;**

2 **(2) MEASURES AT LEAST 12 INCHES BY 10 INCHES;**

3 **(3) INCLUDES A LETTER “F” OR “R” IN BOLD, CONSPICUOUS WRITING**
4 **INDICATING THAT THE LIGHT FRAMED COMBUSTIBLE CONSTRUCTION IS IN THE**
5 **FLOOR OR ROOF, RESPECTIVELY; AND**

6 **(4) INCLUDES A WARNING MESSAGE THAT STATES: “WARNING:**
7 **THIS STRUCTURE IS BUILT WITH LIGHT FRAMED COMBUSTIBLE CONSTRUCTION**
8 **KNOWN TO THE STATE OF MARYLAND TO POSE A FIRE RISK TO OCCUPANTS.”.**

9 **(G) THE DEPARTMENT SHALL ADOPT THE PROVISIONS OF THIS SECTION AS**
10 **A PART OF THE MARYLAND BUILDING PERFORMANCE STANDARDS.**

11 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2016.