

**COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND**

**1995 Legislative Session**

Bill No. \_\_\_\_\_ CB-51-1995

Chapter No. \_\_\_\_\_ 37

Proposed and Presented by Chairwoman MacKinnon (by request - County Executive)

Introduced by Council Members MacKinnon and Del Giudice

Co-Sponsors

Date of Introduction \_\_\_\_\_ July 5, 1995

**BILL**

AN ACT concerning

**Code Enforcement**

For the purpose of providing for the designation of Building Code Official and Fire Code Official in the Building Code, providing for the Fire Chief or his authorized representative to approve the use of certain materials or construction methods, and providing for the Fire Chief to approve certain training and qualifications of certain personnel with responsibility for certain plans review and inspection functions.

BY repealing and reenacting with amendments:

**SUBTITLE 4. BUILDING.**

Sections 4-112 and 4-113,

The Prince George's County Code  
(1991 Edition, 1994 Supplement).

**SUBTITLE 11. FIRE SAFETY.**

Section 11-251,

The Prince George's County Code  
(1991 Edition, 1994 Supplement).

SECTION 1. BE IT ENACTED by the County Council of Prince George's County, Maryland, that Sections 4-112, 4-113, and 11-251, of the Prince George's County Code be and the same are hereby repealed and reenacted with the following amendments:

**SUBTITLE 4. BUILDING.**

## DIVISION 1. BUILDING CODE.

### Subdivision 2. Amendments to the BOCA Code.

#### **Sec. 4-112. Same; Section 109.0, Building Inspection.**

(a) The following amendments, additions, and/or deletions are made to Section 109.0 of the BOCA Code:

(1) Section 109.0 is to be retitled "Building Inspection."

(2) The text of Subsection 109.1, "Code Official," is amended to read as follows:

The Building Code Official shall be [the Chief, Construction Standards Division of the Department of Environmental Resources, or] such [other] person as the Director of the Department of Environmental Resources shall designate. The Fire Code Official shall be such person as the Director of the Department of Environmental Resources shall designate with the concurrence of the Fire Chief. References in this Code to the term "Building Official or Code Official" shall be meant to refer to the Building Code Official except in references to fire safety provisions in which case the term "Building Official or Code Official" shall be meant to refer to the Fire Code Official.

#### **Sec. 4-113. Same; Section 110.0, Duties and Powers of Code Official; Fire safety provisions.**

(a) The following amendments, additions, and/or deletions are made to Section 110.0 of the BOCA Code:

\*            \*            \*            \*            \*            \*            \*

(2) A new Subsection 110.1.1, titled "Fire Safety Provisions," is added to read as follows: The Fire [Chief] Code Official or his authorized representative shall enforce all fire safety provisions of this Code. Where references to fire safety provisions in this Code indicate the term "Building Official or Code Official," they shall be meant to refer to the Fire [Chief] Code Official or his authorized representative. In any conflict of opinion concerning fire safety of structures, the decision of the Fire [Chief] Code Official shall supersede. In all other matters relating to structures, the decision of the Building [Official or] Code Official shall supersede. The [Chief] Fire [Protection Engineer, or such other person as the Fire Chief may designate,] Code Official shall be responsible for the final technical interpretation of all

fire safety provisions within this code.

**SUBTITLE 11. FIRE SAFETY.**

**DIVISION 4. FIRE PREVENTION CODE.**

**Sec. 11-251. Purpose; intent.**

(a) The purpose and intent of this Division is to prescribe minimum requirements and controls to safeguard life, property, and the public welfare from the hazards of fire and explosion.

(b) The provisions of this Division shall not prevent the use of any material or method of construction not prescribed by this Division when the permittee can demonstrate, to the satisfaction of the Fire Chief or his authorized representative, that the proposed method or material is, for the purpose intended, at least the equivalent of the material or method otherwise prescribed, in quality, strength, effectiveness, fire resistance, durability, and safety.

(c) Where existing standards or requirements, adopted herein, have been updated or superseded by the promulgating authority, such revised standard or requirement shall be deemed as prima facie evidence of compliance with the intent of the Subtitle.

(d) Whenever it is determined, however, that there is documentary evidence that the use of a material or method approved herein would constitute a distinct hazard to life or property, the Fire Chief or his authorized representative shall have the authority to administratively suspend approval granted herein of such material or method. The Fire Chief or his authorized representative shall, within five (5) working days, request the County Council to confirm such administrative suspension by resolution of the Council. Such written request of the Fire Chief or his authorized representative shall be accompanied by sufficient technical data and record of national or local testing to substantiate that the use of an approved method or material would constitute a distinct hazard to life or property.

SECTION 2. BE IT FURTHER ENACTED that all personnel in the Department of Environmental Resources assigned responsibility for plans review and inspection related to fire prevention and fire safety shall meet all training criteria and qualifications as established

by the Fire Chief.

SECTION 3. BE IT FURTHER ENACTED that the Director of Environmental Resources and the Fire Chief shall jointly provide a written report to the County Council on or before January 1, 1996, on the training of personnel and implementation of the provisions of this Act.

SECTION 4. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after it becomes law.

Adopted this 26th day of July , 1995.

COUNTY COUNCIL OF PRINCE  
GEORGE'S COUNTY, MARYLAND

BY:

Anne T. MacKinnon  
Chairwoman

ATTEST:

Joyce T. Sweeney  
Clerk of the Council

APPROVED:

DATE: \_\_\_\_\_

BY:

Wayne K. Curry  
County Executive

KEY:

Underscoring indicates language added to existing law.

[Brackets] indicate language deleted from existing law.

Asterisks \*\*\* indicate intervening existing Code provisions that remain unchanged.