

Bill No. 25-03  
Concerning: Buildings – Residential Fire  
Sprinkler Systems  
Revised: 10/7/03 Draft No. 6  
Introduced: Jul 22, 2003  
Enacted: October 7, 2003  
Executive: October 15, 2003  
Effective: January 14, 2004  
Sunset Date: None  
Ch. 23, Laws of Mont. Co. 2003

## COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmember Andrews, Council President Subin, and Councilmembers Knapp and Perez.

**AN ACT** to:

- (1) require new single-family detached houses to incorporate an approved fire sprinkler system;
- (2) require property tax notices to include information about the County tax credit available for installing a fire sprinkler system in existing residential buildings; and
- (3) make conforming changes and generally amend County law regarding fire safety, prevention, and suppression and tax credits to promote fire safety.

By amending

Montgomery County Code  
Chapter 8, Buildings  
Sections 8-4 and 8-29A  
Chapter 52, Taxation  
Section 52-18K

**Boldface**

Underlining

[Single boldface brackets]

Double underlining

[[Double boldface brackets]]

\* \* \*

*Heading or defined term.*

*Added to existing law by original bill.*

*Deleted from existing law by original bill.*

*Added by amendment.*

*Deleted from existing law or the bill by amendment.*

*Existing law unaffected by bill.*

*The County Council for Montgomery County, Maryland approves the following Act:*

1           **Section 1. Sections 8-4, 8-29A, and 52-18K are amended as follows:**

2   **8-4.           Installation of service equipment.**

3           When the installation, extension, alteration, or repair of an elevator, moving  
 4   stairway, mechanical equipment, refrigeration, air conditioning or ventilating  
 5   apparatus, plumbing, gas piping, electric wiring, heating system, fire sprinkler  
 6   system, or any other equipment is [specifically controlled by the provisions] subject  
 7   to a requirement of this [chapter] Chapter, it shall be unlawful to use [such] the  
 8   equipment until the Director issues a certificate [of approval has been issued therefor  
 9   by the director] approving the work.

10 **8-29A.       Residential fire sprinklers.**

11       (a)   In this [section] Section, [:]

12           [(1)   *Townhouse* means a dwelling unit that:

- 13           a.   Adjoins another dwelling unit but is divided from that
- 14                other dwelling unit by a party wall or fire separation wall;
- 15                and
- 16           b.   Has a separate entrance that leads directly to the outdoors.]

17           [(2)   *Fire*]

18           fire sprinkler system means equipment that includes [one (1)] 1 or more  
 19   devices that:

20           [a.   Open]

21           (1)   open automatically by operation of a heat-responsive releasing  
 22                mechanism;

23           [b.   Discharge]

24           (2)   discharge water in a specific pattern over a designated area to  
 25                extinguish or control fire;

26           [c.   Use]

- 27           **(3) use the same service water supply pipe to the building that the**  
 28           **domestic water system uses;**  
 29           **[d. Meet]**
- 30           **(4) meet the requirements of current National Fire Protection**  
 31           **Association standards as modified by the [[director of fire and**  
 32           **rescue services]] Director of Fire and Rescue Services; and**  
 33           **[e. Are]**
- 34           **(5) are approved by the [director of fire and rescue services] Director**  
 35           **of Fire and Rescue Services.**
- 36           **[(3) Group home includes any group residential care facility,**  
 37           **protective care home, board and care facility, halfway house,**  
 38           **social rehabilitation facility, alcohol or drug residential treatment**  
 39           **center, or convalescent facility.]**
- 40           **(b) [A] The County must not issue a building permit [must not be issued]**  
 41           **for the construction or reconstruction of any [multiunit] residential**  
 42           **building[, townhouse, or group home,] unless the plans include the**  
 43           **installation in each dwelling unit and any attached accessory structure of**  
 44           **a fire sprinkler system. [Under method (2), the County Executive must**  
 45           **adopt regulations to implement this subsection, including inspection and**  
 46           **maintenance requirements.]**
- 47           **(c) The County Executive must issue regulations [implementing subsection**  
 48           **(b)] to implement this Section. The regulations may authorize the**  
 49           **Director to approve the use of specific construction alternatives that**  
 50           **[will achieve] provide equivalent or greater protection of the public in**  
 51           **residential buildings in which fire sprinkler systems will be installed.**
- 52           **[(d) Before a contract for construction or sale is signed, the builder of each**  
 53           **detached single- family dwelling unit must offer to install, at the buyer's**

54 option, a fire sprinkler system that complies with this Section. The  
 55 builder must list the fire sprinkler system as an option on sales  
 56 brochures, and the builder or an agent must provide each buyer point-of-  
 57 sale information that clearly and fairly explains the benefits and costs of  
 58 the sprinkler system.]

- 59 [(e) (1) The builder of each subdivision that contains more than 4  
 60 detached single-family dwelling units must install in the primary  
 61 sales model a fire sprinkler system that complies with this  
 62 Section before any model home is shown to a prospective buyer.  
 63 (2) If the primary sales model is sold or otherwise cannot be shown  
 64 to prospective buyers, the builder must install a fire sprinkler  
 65 system that complies with this Section in another model home in  
 66 the subdivision.  
 67 (3) Before a building permit is issued, the Director of Fire and  
 68 Rescue Services must approve plans and specifications for  
 69 installation of a fire sprinkler system that complies with this  
 70 Section in each model of dwelling unit that will be built in the  
 71 subdivision.]
- 72 (d) After inspection and final approval of a fire sprinkler system  
 73 required under this Section, the inspector must provide to the  
 74 initial occupant of the dwelling unit written information approved  
 75 by the Fire Administrator about the proper care and maintenance  
 76 of a residential fire sprinkler system. If the dwelling unit has  
 77 never been occupied, the builder or other current owner must not  
 78 accept payment or rent for the unit until the inspector has  
 79 transmitted this fire sprinkler information to the initial occupant.  
 80 The Fire Administrator must make the information widely

81 available to residents who purchase or lease a previously  
 82 occupied unit with an installed fire sprinkler system, and other  
 83 County residents.

84 **52-18K. Property tax credit - fire sprinkler systems.**


- 85 (a) A taxpayer may receive a one-time property tax credit against the  
 86 general county tax for any [detached single-family dwelling unit, and  
 87 any attached dwelling unit or multi-family] residential building in which  
 88 a fire sprinkler system was not legally required to be installed, if an  
 89 approved [complete automatic] fire sprinkler system [that is used for  
 90 fire protection] is installed on or after July 1, 2000.
- 91 (b) For each [dwelling unit or multi-family] residential building where a  
 92 sprinkler system is installed, the credit must not exceed the lower of:  
 93 (1) the total cost of installing the sprinkler system; or  
 94 (2) 50[%] percent of the general county property tax attributable to  
 95 the [dwelling unit or] residential building.
- 96 (c) The Department of Finance must administer this credit and include with  
 97 each residential property tax bill a notice of the availability of the credit  
 98 and where to obtain more information.
- 99 (d) A taxpayer must apply for the tax credit in the year the sprinkler system  
 100 is installed to receive the credit in that tax year or the next tax year. The  
 101 taxpayer must:  
 102 (1) show that the installed sprinkler system complies with codes and  
 103 standards established by the State Fire Prevention Commission  
 104 and any applicable County building and fire safety codes, and  
 105 (2) document the cost to the taxpayer of the sprinkler system.
- 106 (e) The County Executive may adopt regulations under method (2) to  
 07 implement this Section.

108 (f) The Executive must report annually to the County Council on the use of  
109 this tax credit.

110 **Sec. 2. Transition.**


111 The amendments to Section 8-29A of the Code made by this Act apply to  
112 residential building permits issued on or after January 1, 2004.

113 *Approved:*

114   
Michael L. Subin, President, County Council

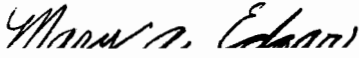
10/9/03  
Date

115 *Approved:*

116   
Douglas M. Duncan, County Executive

10/15/03  
Date

117 *This is a correct copy of Council action.*

118   
Mary A. Edgar, CMC/Clerk of the Council

10/21/03  
Date