

Bill No. 25-03
Concerning: Buildings -- Residential Fire Sprinkler Systems
Revised: 10/7/03 Draft No. 6
Introduced: July 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	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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.**

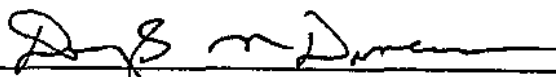
111 The amendments to Section 8-29A of the Code made by this Act apply to
112 residential building permits issued on or after January 1, 2004.

113 *Approved:*

114  10/9/03

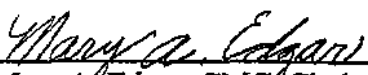
Michael L. Subin, President, County Council Date

115 *Approved:*

116  10/15/03

Douglas M. Duncan, County Executive Date

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

118  10/21/03

Mary A. Edgar, CMC, Clerk of the Council Date