

ORDINANCE NO. 34

AN ORDINANCE TO AMEND THE CODE OF ORDINANCES OF THE TOWN OF MARDELA SPRINGS, BY DELETING AND REVOKING CHAPTER 6, SECTIONS 6-101 THROUGH 6-202 IN THEIR ENTIRETY AND SUBSTITUTING IN LIEU THEREOF THE FIRE PREVENTION CODE OF WICOMICO COUNTY AS SET FORTH IN CHAPTER 144 OF THE WICOMICO COUNTY CODE AND TO PERMIT THE FIRE MARSHALL OF WICOMICO COUNTY TO ADMINISTER AND ENFORCE IT IN THE TOWN.

WHEREAS, the Commissioners of Mardela Springs believe it is in the best interest of the residents of the Town to be protected by a Fire Prevention Code and a Fire Marshall to enforce same; and

WHEREAS, the Commissioners have determined that the most effective method to provide such protection is to adopt the Fire Protection Code of Wicomico County and to request and permit the Fire Marshall of the County to administer and enforce same within the Town's corporate limits.

NOW THEREFORE, BE IT ENACTED AND ORDAINED BY THE COMMISSIONERS OF MARDELA SPRINGS:

SECTION ONE: That Chapter 6, Articles 1 and 2, Sections 6-101 through 6-202, of the Code of Ordinances of Mardela Springs are hereby revoked and deleted in their entirety.

SECTION TWO: That the provisions of the Wicomico County Code, Chapter 144, Sections 144-1 through 144-12, inclusive, as amended from time to time, be and hereby are adopted as fully as if set forth herein and said provisions shall be known as the Mardela Springs Fire Prevention Code.

SECTION THREE: That the Fire Marshall for Wicomico County, Maryland, as appointed from time to time, shall administer and enforce the Mardela Springs Fire Prevention Code within the corporate limits of the Town of Mardela Springs in the same manner as it is administered and enforced in the County as a whole.

SECTION FOUR: That this Ordinance shall be effective from the date of passage.

The above Ordinance was introduced at a regular meeting of the Commissioners of Mardela Springs, Maryland, on the 21<sup>st</sup> day of September, 1992, was duly published, and was finally passed on the 19<sup>th</sup> day of October, 1992.

ATTEST:

COMMISSIONERS OF MARDELA SPRINGS

Shirley M. Bailey  
Town Clerk

By: L. L. H. S. A. L.  
Leland Smith, President

The Wicomico County Fire Prevention Code, as attached hereto, is hereby adopted. It shall read as follows.

§ 144-1. Code adopted.

Authority — See Anno. Code of Md. (1957), Art. 25, § 11.

STATUTORY REFERENCES

Fire Marshal — See Ch. 41.  
Fires — See Ch. 146.

GENERAL REFERENCES

[HISTORY: Adopted by the County Council of Wicomico County 9-4-73 as Ord. No. 42. Section 144-9 amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I. Other amendments noted where applicable.]

- § 144-1. Code adopted.
- § 144-2. Fire Marshal.
- § 144-3. Inspectors.
- § 144-4. General powers and responsibilities.
- § 144-5. Specific powers of Fire Marshal.
- § 144-6. Storage of explosives.
- § 144-7. Incorporation of other standards.
- § 144-8. Applications for permits.
- § 144-9. Terms defined.
- § 144-10. Modification of provisions.
- § 144-11. Appeals.
- § 144-12. Violations and penalties.

FIRE PREVENTION

Chapter 144

§ 144-1 FIRE PREVENTION § 144-1

**§ 144-2. Fire Marshal.**

The Wicomico County Council shall appoint one (1) person, who shall be that person designated as Fire Marshal by the County Council of Wicomico County and the Mayor and Council of Salisbury as provided by Section 90A of Article 23 of the Code of Public Local Laws of Maryland, titled "Wicomico County," as enacted by Chapter 836 of the Acts of the General Assembly of 1945, who shall be known as the "Chief of the Bureau of Fire Prevention of Wicomico County." Such officer shall hold office for such period of time as he shall be Fire Marshal for Wicomico County and until his successor is duly appointed and confirmed.

**§ 144-3. Inspectors.**

The Wicomico County Council may appoint, as inspectors, such other persons as may be necessary for the enforcement of this chapter who shall be thoroughly experienced in fire prevention and life safety regulations in connection with hazardous materials and processes.

**§ 144-4. General powers and responsibilities.**

- A. It shall be the duty of the officers of the Fire Marshal to enforce all laws and ordinances covering the following:
- (1) The prevention of fires.
  - (2) The storage and use of explosives and flammables.
  - (3) The installation and maintenance of automatic and other private fire alarm systems, and fire extinguishing equipment.
  - (4) The maintenance and regulation of fire escapes.
  - (5) The means and adequacy of exit, in case of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theaters, amphitheaters, and all other places in which numbers of persons work, live or congregate from time to time for any purpose.

- (6) The investigation of the cause, origin and circumstances of fires.
- B. They shall have such other powers and perform such other duties as are set forth in other sections of this chapter and as may be conferred and imposed from time to time by law.

§ 144-5. Specific powers of Fire Marshal.

- A. The Fire Marshal may at all reasonable hours enter any building or premises, except those actually occupied for private dwelling purposes, within his jurisdiction for the purpose of making an inspection which, under the provisions of this chapter, he may deem necessary to be made.
- B. The Fire Marshal may at any time investigate as to the origin or circumstances of any fire or explosion or attempt to cause fire or explosion occurring in Wicomico County. The Fire Marshal shall have authority at all times of the day or night, in performance of the duties imposed by the provisions of this chapter, to enter upon and examine any building or premises where any fires or attempt to cause fires shall have occurred, or which at the time may be burning, and also the power to enter upon at any time any building adjacent to that in which fire or attempt to cause fires occurred, should he deem it necessary in the proper discharge of his duties; and he may, in the exercise of his discretion, take full control and custody of said buildings and premises and place such person in charge thereof as he may deem proper, until his examination and investigation shall be completed.
- C. The Fire Marshal may, in making said inspection or investigation, when in his judgment said proceedings are necessary, take the testimony on oath of all persons supposed to be cognizant of any facts or to have the means of knowledge in relation to the matter herein required to be examined and inquired into and cause said testimony to be reduced to writing; and when, in his judgment, such examination discloses that the fire or explosion was of

incendiary origin, the Fire Marshal may arrest the supposed incendiary or cause him to be arrested and charged with the crime and shall transmit a copy of the testimony so taken to the state's Attorney for Wicomico County.

- D. The Fire Marshal shall have the power to subpoena witnesses and to compel their attendance before him to testify in relation to any matter which is, by the provision of this chapter, a subject of inquiry and investigation by the Fire Marshal and shall also have power to cause to be produced before him such papers as he may require in making such examination. The Fire Marshal is hereby authorized to administer oaths and affirmations to persons appearing as witnesses before him; and false swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punishable as such.
- E. The Fire Marshal may deputize a member of any fire department, duly organized and operating in Wicomico County, who is approved by the Chief of his department and who is properly qualified through a training course of not less than three (3) days and who has successfully passed an examination upon the same, or other suitable persons and investigations and carrying out such orders as may be prescribed by him to enforce and make effective the provisions of this chapter.

**§ 144-6. Storage of explosives.**

Except as otherwise permitted in this chapter, the storage of compressed gases, explosives, ammunition, blasting agents, flammable and combustible liquids, hazardous chemicals, liquefied petroleum gases and magnesium above ground is prohibited within the fire zone limits as established by the County Council.

**§ 144-7. Incorporation of other standards.**

The Fire Prevention Code of the State of Maryland, originally adopted in September 1964, and all amendments thereto, and the

rules and regulations promulgated by the State Fire Prevention Commission, pursuant to Article 38A of the Annotated Code of Maryland, as amended, by the latest editions of the National Fire Protection Association Standards and National Fire Protection Association Standard No. 304-L, "Ordinance for Petroleum Wharves," 1938 Edition, as amended, at least one (1) copy of which has been or is now filed in the office of the Administrative Director for Wicomico County, be and the same are hereby adopted and incorporated as fully as if set forth herein, and from the day on which this chapter shall take effect, the provisions thereof shall be controlling within the corporate limits of Wicomico County, Maryland, insofar as the same may be applicable and not hereinafter modified or amended.

**§ 144-8. Applications for permits.**

Applications for permits required by this chapter shall be made on forms to be supplied by the Fire Marshal. A fee of five dollars (\$5.) shall be charged to the applicant for each permit issued under the terms of this chapter. The Fire Marshal shall account monthly and pay over to the Director of Finance all fees collected by him as required by this chapter.

**§ 144-9. Terms defined.<sup>1</sup>**

Wherever the words "Chief of Fire Department" or "Chief of Bureau of Fire Prevention" appear, substitute the words "Fire Marshal"; and wherever the word "municipality" is used, it shall be held to mean Wicomico County; and wherever "N.F.P.A." is used, it means "National Fire Protection Association"; and wherever "A.I.A." is used, it means "American Insurance Association."

**§ 144-10. Modification of provisions.**

The Fire Marshal shall have the power to modify any of the provisions of this code upon application in writing by the owner;

<sup>1</sup> Editor's Note: Amended at time of adoption of Code; see Ch. 1, General Provisions, Art. I.

manager or lessee of property within the corporate limits of said county where there are practical difficulties in the way of carrying out the strict letter of the code, provided that the spirit of the code shall be observed, public safety secured and substantial justice done. The particulars of such modification when granted or allowed and the decision of the Fire Marshal thereon shall be given to the applicant and a copy thereof given to the Fire Marshal.

**§ 144-11. Appeals.**

Whenever the Fire Marshal disapproves an application or refuses to grant a permit applied for or when it is claimed that the provisions of this code do not apply or that the true intent and meaning of the code have been misconstrued or wrongly interpreted, the applicant may appeal in writing, specifying the grounds thereof, from the decision of the Fire Marshal to the Wicomico County Council, within thirty (30) days from the date of the decision appealed.

**§ 144-12. Violations and penalties.**

Any person who shall violate any of the provisions of this code or fail to comply therewith or who shall violate or fail to comply with any order made hereunder or who shall fail to comply with such order as affirmed or modified by the Fire Marshal or by a court of competent jurisdiction, within the time fixed therefor, shall, for each and every such violation and noncompliance, respectively, be guilty of a misdemeanor, punishable by a fine of not less than one dollar (\$1.) nor more than one hundred dollars (\$100.) or by imprisonment for not more than ten (10) days, or by both fine and imprisonment. The imposition of one (1) penalty for any violation shall not excuse the violation or permit it to continue; and all such persons guilty of such violation shall be required to correct or remedy such violations or defects within a reasonable time; and when not otherwise specified, each forty-eight (48) hours that prohibited conditions are maintained shall constitute a separate offense. The application of the above penalty shall not be held to prevent the enforced removal of prohibited conditions.