First Reading _____
Second Reading _____

ORDINANCE 2011-

AN ORDINANCE TO AMEND CHAPTER 34,
ENTITLED FIRE PREVENTION AND PROTECTION, OF
THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND CITY COUNCIL OF OCEAN CITY THAT CHAPTER 34, ENTITLED FIRE PREVENTION AND PROTECTION, OF THE CODE OF THE TOWN OF OCEAN CITY, MARYLAND BE, AND THE SAME IS HEREBY AMENDED BY REPEALING AND REENACTING WITH AMENDMENT SECTIONS 34-101 AND 34-104, AS FOLLOWS:

ARTICLE IV
FIRE ALARMS

Sec. 34-101. Definitions.

The following words, terms and phrases, when used herein, shall have their respective definitions, unless a different meaning appears from the context:

(1) Non-Preventable Alarm shall mean:

a. A fire alarm system activation caused by unusually severe weather conditions, malicious acts, and/or other extenuating circumstances.

b. A fire alarm system activation caused by an actual smoke condition, fire condition, or emergency situation.

c. A fire alarm system activation resulting from an unknown cause, unless such activation is deemed preventable by the Fire Marshal.

(2) Preventable Alarm shall mean:

a. A fire alarm system activation, which results in the dispatch of the Fire Department, which is not the result of a non-preventable alarm.

b. A preventable alarm shall include, but not be limited to:

1. A fire alarm system activation that is the result of workers that are performing cleaning, maintenance, construction, or fire protection system testing operations.

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2. A fire alarm system activation that is the result of faulty, malfunctioning, or improperly installed or maintained equipment that is necessary for the proper operation of fire protection systems.

3. A fire alarm system activation resulting from faulty, malfunctioning, or improperly installed or maintained fire protection systems.

4. A fire alarm system activation resulting from a trouble or supervisory condition, which results in the automatic dispatch of the Fire Department.

5. A fire alarm system activation resulting from improper employee action(s).

Fire alarm means a system or portion of a combination system that consists of components and circuits arranged to monitor and annunciate the status of fire alarm or supervisory signal-initiating devices and to initiate the appropriate response to those signals.

Fire alarm system activation shall mean any fire alarm system signal that results in the dispatch of the fire department.

. . .

Sec. 34-104. Preventable Activation of a Fire Alarm System.

(a) In general, fire alarm systems shall be subject to a limited number of preventable alarms, as defined in this article:

(1) Two preventable alarms within a 24-hour period;
(2) Three preventable alarms within a 30-day period; or
(3) Six preventable alarms within one calendar year period (January 1 to December 31).

For preventable alarms that occur thereafter, the owner/operator will be assessed a fee of $100.00 for each of the next two preventable alarms and $200.00 for each additional preventable alarm thereafter.

(b) Where it has been determined that a fire alarm system activation is a preventable alarm or of an unknown cause, the property owner may be required to submit an approved fire alarm activation report to the Office of the Fire Marshal, including the reason for such alarm and any repairs and or corrective measures taken to correct the problem within (15) days of notice. For fire alarm system activations of an unknown cause, where no fire alarm system activation report is received within (15) days of notice the fire alarm system activation shall be reclassified as preventable and shall be subject to the fees prescribed herein.

(c) After receipt and review of the approved fire alarm system activation report by the Fire Marshal, if it is determined that the alarm activation was due to circumstances outside the

control of the building owner/operator, any fees assessed to the property owner for the preventable alarm shall be repealed.

(d) Any person aggrieved by the assessment of such fines may appeal the same to the fire commission within 15 days of the notice of assessment of such fine. The fire commission shall conduct a hearing thereon, and in the event that it determines that the preventable alarm was Non-preventable, the fire commission may abrogate the fine.

(e) In the event that any fine assessed hereunder remains unpaid for a period of 30 days, the Mayor and City Council of Ocean City shall cause a lien in the amount of such unpaid fine to be filed among property tax records, to be collected in the same manner as taxes, with interest from the date of filing. In addition, the Mayor and City Council may institute a civil suit at any time to collect any such fines. No person shall convey or otherwise transfer the ownership of any property within Ocean City unless all such fines, interest and costs are paid prior thereto.

(f) Individuals or companies causing a preventable alarm due to operations being performed in a building such as cleaning, maintenance, construction, or fire protection system maintenance and testing, shall be deemed to have committed a municipal infraction.

INTRODUCED at a meeting of the City Council of Ocean City, Maryland held on March 7, 2011.

ADOPTED AND PASSED by the required vote of the elected membership of the City Council and approved by the Mayor at its meeting held on March 21, 2011.

ATTEST:

KATHLEEN A.P. MATHIAS, Clerk

RICHARD W. MEEHAN, Mayor

Approved as to Form:

JAMES S. HALL, President

GUY R. AYRES III, City Solicitor

LLOYD MARTIN, Secretary