

SENATE BILL 722

E4

7lr3002
CF 7lr2074

By: **Senator Conway**

Introduced and read first time: February 3, 2017

Assigned to: Education, Health, and Environmental Affairs

A BILL ENTITLED

1 AN ACT concerning

2 **Public Safety – Light Frame Combustible Construction – Requirements**

3 FOR the purpose of requiring the Department of Housing and Community Development to
4 adopt by regulation a certain statewide building code relating to certain buildings
5 constructed with or being constructed by certain light frame combustible
6 construction; providing requirements for the construction of certain buildings;
7 prohibiting a certain construction project from using a certain type of construction
8 to proceed unless a certain fire watch warden is present; establishing qualifications
9 and responsibilities for the fire watch warden; authorizing the State Fire Marshal to
10 take certain actions; requiring the Department to adopt by regulation a statewide
11 building code relating to the affixing of a certain emblem and certain placard to
12 certain structures; providing for the application of this Act; defining certain terms;
13 and generally relating to building codes.

14 BY adding to

15 Article – Public Safety

16 Section 12–1201 through 12–1206 to be under the new subtitle “Subtitle 12. Light
17 Frame Combustible Construction”

18 Annotated Code of Maryland

19 (2011 Replacement Volume and 2016 Supplement)

20 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
21 That the Laws of Maryland read as follows:

22 **Article – Public Safety**

23 **SUBTITLE 12. LIGHT FRAME COMBUSTIBLE CONSTRUCTION.**

24 **12–1201.**

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



(A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

(B) "DEPARTMENT" MEANS THE DEPARTMENT OF HOUSING AND COMMUNITY DEVELOPMENT.

(C) "INSTITUTIONAL GROUP I" MEANS AN OCCUPANCY CLASSIFICATION UNDER THE INTERNATIONAL BUILDING CODE FOR BUILDINGS INTENDED FOR PROVIDING CARE OR LIVING ACCOMMODATIONS TO PERSONS WITH PHYSICAL LIMITATIONS BECAUSE OF HEALTH OR AGE.

(D) "INTERNATIONAL BUILDING CODE" HAS THE MEANING STATED IN § 12-501 OF THIS TITLE.

(E) "LIGHT FRAME COMBUSTIBLE CONSTRUCTION" HAS THE SAME MEANING AS "TYPE V" OR "LIGHT FRAME WOOD CONSTRUCTION" AS DEFINED IN THE INTERNATIONAL BUILDING CODE.

(F) "LOCAL ENFORCEMENT AGENCY" MEANS AN AGENCY OF THE GOVERNING BODY OF A COUNTY OR MUNICIPAL CORPORATION THAT ENFORCES LAWS GOVERNING THE CONSTRUCTION OF BUILDINGS.

(G) (1) "RESIDENTIAL GROUP R" MEANS AN OCCUPANCY CLASSIFICATION UNDER THE INTERNATIONAL BUILDING CODE FOR BUILDINGS INTENDED FOR SLEEPING PURPOSES.

(2) "RESIDENTIAL GROUP R" INCLUDES THE FOLLOWING SUBGROUPS:

(I) R-1, IN WHICH OCCUPANTS ARE TRANSIENT IN NATURE;

(II) R-2, IN WHICH THE OCCUPANCY CONTAINS SLEEPING UNITS OR MORE THAN TWO DWELLING UNITS WHERE THE OCCUPANTS ARE NONTRANSIENT;

(III) R-3, IN WHICH THE OCCUPANCY IS A ONE- OR TWO-FAMILY DWELLING, OR AN ADULT OR CHILD CARE FACILITY THAT PROVIDES ACCOMMODATIONS FOR FIVE OR FEWER PERSONS OF ANY AGE FOR LESS THAN 24 HOURS; AND

(IV) R-4, WHICH IS INTENDED FOR OCCUPANCY AS RESIDENTIAL CARE OR AN ASSISTED LIVING FACILITY, INCLUDING MORE THAN FIVE BUT NOT MORE THAN 16 OCCUPANTS, EXCLUDING STAFF.

(H) “TYPE III CONSTRUCTION” MEANS CONSTRUCTION IN WHICH THE EXTERIOR WALLS ARE OF NONCOMBUSTIBLE MATERIALS AND THE INTERIOR BUILDING ELEMENTS ARE OF ANY MATERIAL PERMITTED BY THE MODEL PERFORMANCE CODE UNDER § 12-201 OF THIS TITLE.

(I) “TYPE IV CONSTRUCTION” MEANS CONSTRUCTION IN WHICH THE EXTERIOR WALLS ARE OF NONCOMBUSTIBLE MATERIALS AND THE INTERIOR BUILDING ELEMENTS ARE OF SOLID OR LAMINATED WOOD WITHOUT CONCEALED SPACES.

(J) “TYPE V CONSTRUCTION” MEANS CONSTRUCTION IN WHICH THE STRUCTURAL ELEMENTS, INCLUDING THE EXTERIOR AND INTERIOR WALLS, ARE OF ANY MATERIALS PERMITTED BY THE MODEL PERFORMANCE CODE UNDER § 12-201 OF THIS TITLE.

(K) “TYPE V-A” AND “TYPE V-B” CONSTRUCTION HAVE THE SAME MEANING AS DEFINED IN THE INTERNATIONAL BUILDING CODE.

12-1202.

THIS SUBTITLE APPLIES TO BUILDINGS CLASSIFIED AS RESIDENTIAL GROUP R OR INSTITUTIONAL GROUP I UNDER THE INTERNATIONAL BUILDING CODE.

12-1203.

FOR PURPOSES OF THIS SUBTITLE:

(1) A BUILDING IS NOT A SEPARATE AND DISTINCT BUILDING FOR THE PURPOSE OF DETERMINING THE MAXIMUM BUILDING HEIGHT IN FEET OR THE NUMBER OF STORIES OF THE BUILDING IF THE BUILDING OR A PORTION OF THE BUILDING:

(I) IS A RESIDENTIAL OCCUPANCY R-1 OR R-2; AND

(II) INVOLVES THE USE OF TYPE III, TYPE IV, OR TYPE V CONSTRUCTION;

(2) THE NUMBER OF STORIES USED IN DETERMINING THE MINIMUM TYPE OF CONSTRUCTION FOR BUILDINGS, INCLUDING “PEDESTAL” OR “PODIUM” TYPE CONSTRUCTION, IS MEASURED FROM THE GRADE PLANE; AND

(3) MEZZANINE OR LOFT FLOORS ARE COUNTED AS FLOORS ABOVE GRADE.

12-1204.

(A) BY OCTOBER 1, 2018, THE DEPARTMENT SHALL ADOPT BY REGULATION A STATEWIDE BUILDING CODE REQUIRING A BUILDING THAT HAS MORE THAN THREE STORIES AND THAT WAS CONSTRUCTED USING LIGHT FRAME COMBUSTIBLE CONSTRUCTION TO CONTAIN:

(1) VERTICAL FIRE BARRIERS EXTENDING FROM THE TOP OF THE FOUNDATION THROUGH THE ROOF, AND CONSTRUCTED OF NONCOMBUSTIBLE MATERIALS WITH A MINIMUM 2-HOUR FIRE RATING INSTALLED BETWEEN WALLS SEPARATING DWELLING UNITS IN THE SAME BUILDING AND WALLS SEPARATING DWELLING UNITS FROM OTHER OCCUPIED AREAS CONTIGUOUS TO THOSE UNITS IN THE SAME BUILDING;

(2) HORIZONTAL FIRE BARRIERS CONSTRUCTED OF NONCOMBUSTIBLE MATERIALS WITH A MINIMUM 2-HOUR FIRE RATING INSTALLED BETWEEN FLOORS SEPARATING DWELLING UNITS OR OTHER OCCUPANCIES; AND

(3) AN AUTOMATIC SPRINKLER SYSTEM INSTALLED THROUGHOUT THE STRUCTURE IN ACCORDANCE WITH NATIONAL FIRE PROTECTION ASSOCIATION 13, TO INCLUDE OPEN AND EXPOSED ATTICS AND UNPROTECTED COMBUSTIBLE SPACES SUCH AS INTERSTITIAL SPACES BETWEEN STRUCTURAL MEMBERS.

(B) BY OCTOBER 1, 2018, THE DEPARTMENT SHALL ADOPT BY REGULATION A STATEWIDE BUILDING CODE CONTAINING THE FOLLOWING REQUIREMENTS:

(1) A BUILDING OR STRUCTURE OF TYPE V CONSTRUCTION THAT HAS MORE THAN THREE STORIES, MEASURED FROM GRADE PLANE TO THE AVERAGE HEIGHT OF THE HIGHEST ROOF SURFACE, MAY NOT HAVE LESS THAN 25% OF ITS PERIMETER ON A PUBLIC WAY AND IS NOT ELIGIBLE FOR OPEN AREA PERIMETER INCREASES THAT ARE OTHERWISE ALLOWED BY THE MODEL PERFORMANCE CODE UNDER § 12-201 OF THIS TITLE;

(2) (I) A TYPE V BUILDING THAT HAS MORE THAN THREE STORIES AND IS CONSTRUCTED USING COMBUSTIBLE FRAMING MEMBERS ABOVE THE HORIZONTAL SEPARATION SHALL HAVE ALL AUTOMATIC FIRE SPRINKLERS IN PLACE AND OPERABLE BEFORE CONTINUING CONSTRUCTION ON ANY PART OF THE BUILDING; AND

1 (II) THE COMBUSTIBLE FRAMING MEMBERS DESCRIBED IN
2 SUBPARAGRAPH (I) OF THIS PARAGRAPH SHALL BE PROTECTED BY EXTERIOR AND
3 INTERIOR FINISHES OR COVERINGS BEFORE THE TOTAL HEIGHT OF THE BUILDING
4 IS ALLOWED TO EXCEED THREE STORIES ABOVE GRADE PLANE AND BEFORE A
5 CERTIFICATE OF OCCUPANCY IS ISSUED FOR ANY PART OF THE BUILDING;

6 (3) A TYPE V BUILDING WITH COMBUSTIBLE STRUCTURAL ELEMENTS
7 ABOVE A PERMITTED HORIZONTAL SEPARATION, AS DEFINED IN PARAGRAPH (2) OF
8 THIS SUBSECTION, SHALL BE SEPARATED FROM LOT LINES AND BUILDINGS ON THE
9 SAME LOT BY A MINIMUM OF 50 FEET;

10 (4) THE MAXIMUM BUILDING HEIGHT IN FEET OF A TYPE V-A
11 BUILDING SHALL NOT EXCEED 50 FEET MEASURED FROM THE GRADE PLANE, OR
12 THREE STORIES, WITH ALLOWABLE AREA OF 12,000 SQUARE FEET PER FLOOR;

13 (5) THE MAXIMUM BUILDING HEIGHT IN FEET OF A TYPE V-B
14 BUILDING SHALL NOT EXCEED 40 FEET, OR TWO STORIES, MEASURED ABOVE THE
15 GRADE PLANE, WITH A MAXIMUM ALLOWABLE AREA OF 7,500 SQUARE FEET PER
16 FLOOR; AND

17 (6) FIRE-RETARDANT-TREATED WOOD FRAMING MAY BE USED AS
18 NONLOAD-BEARING ELEMENTS WITHIN EXTERIOR WALL ASSEMBLIES OF A 2-HOUR
19 RATING OR LESS.

20 12-1205.

21 (A) (1) A CONSTRUCTION PROJECT INVOLVING A MULTIFAMILY
22 STRUCTURE THAT USES LIGHT FRAME COMBUSTIBLE CONSTRUCTION MAY NOT
23 PROCEED UNLESS THE PROJECT IS MONITORED BY AN APPROVED FIRE WATCH
24 WARDEN 24 HOURS A DAY TO ALERT FIREFIGHTERS, MEDICAL, RESCUE, OR LAW
25 ENFORCEMENT PERSONNEL IF A FIRE OR OTHER EMERGENCY OCCURS.

26 (2) THE DUTIES OF A FIRE WATCH WARDEN UNDER THIS SECTION DO
27 NOT CONCLUDE UNTIL THE FINAL SPRINKLER INSPECTION HAS BEEN COMPLETED
28 AND A CERTIFICATE OF OCCUPANCY IS ISSUED.

29 (B) A FIRE WATCH WARDEN UNDER THIS SECTION SHALL:

30 (1) HOLD A CERTIFICATE OF FITNESS ISSUED FOR THAT PURPOSE BY
31 THE STATE FIRE MARSHAL; AND

(2) BE TRAINED IN AND RESPONSIBLE FOR MAINTAINING A FIRE WATCH AND PERFORMING FIRE SAFETY DUTIES AS MAY BE PRESCRIBED BY THE STATE FIRE MARSHAL.

(C) (1) A FIRE WATCH WARDEN UNDER THIS SECTION IS REQUIRED TO MAKE REGULAR INSPECTIONS AND PATROLS OF THE CONSTRUCTION PROJECT DESCRIBED IN SUBSECTION (A) OF THIS SECTION.

(2) A FIRE WATCH WARDEN UNDER THIS SECTION MAY NOT BE ASSIGNED ANOTHER RESPONSIBILITY THAT WOULD INTERFERE OR PREVENT THE FIRE WATCH WARDEN FROM CARRYING OUT REQUIRED DUTIES.

(D) (1) A FIRE WATCH WARDEN UNDER THIS SECTION SHALL MAINTAIN A RECORD OF ACTIVITIES IN CONNECTION WITH THE CONSTRUCTION PROJECT THAT SERVE AS A POTENTIAL THREAT TO FIRE SAFETY.

(2) THE RECORDS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION SHALL BE SUBMITTED TO THE STATE FIRE MARSHAL ON A WEEKLY BASIS.

(3) BASED ON THE RECORDS DESCRIBED IN PARAGRAPH (1) OF THIS SUBSECTION OR ON THE RECEIPT OF ANY OTHER RELEVANT INFORMATION, THE STATE FIRE MARSHAL MAY TAKE APPROPRIATE ACTION TO ABATE ANY FIRE SAFETY ISSUES THAT ARISE DURING THE CONSTRUCTION PROJECT, INCLUDING REQUESTING THAT THE APPROPRIATE LOCAL ENFORCEMENT AGENCY REVOKE THE CONSTRUCTION PERMIT FOR THE PROJECT.

(E) (1) THE DEVELOPER OR OWNER OF THE CONSTRUCTION PROJECT DESCRIBED IN SUBSECTION (A) OF THIS SECTION IS RESPONSIBLE FOR HIRING, TRAINING, AND COMPENSATING THE FIRE WATCH WARDEN AND ANY RELATED EXPENSES.

(2) THE STATE FIRE MARSHAL MAY ASSESS THE DEVELOPER OR OWNER OF THE CONSTRUCTION PROJECT DESCRIBED IN SUBSECTION (A) OF THIS SECTION REASONABLE ADMINISTRATIVE FEES INCURRED BY THE STATE FIRE MARSHAL IN PERFORMING DUTIES UNDER THIS SECTION.

12-1206.

(A) (1) BY OCTOBER 1, 2018, THE DEPARTMENT SHALL ADOPT BY REGULATION A STATEWIDE BUILDING CODE REQUIRING THAT AN IDENTIFYING EMBLEM BE AFFIXED TO THE FRONT OF EACH EXTERIOR ENTRANCE OF

1 STRUCTURES THAT UTILIZE LIGHT FRAME COMBUSTIBLE CONSTRUCTION TO
2 CLEARLY COMMUNICATE THAT THE STRUCTURE IS KNOWN TO POSE A FIRE HAZARD.

3 (2) THE EMBLEM DESCRIBED IN PARAGRAPH (1) OF THIS
4 SUBSECTION SHALL BE OF A BRIGHT AND REFLECTIVE COLOR OR BE MADE OF
5 REFLECTIVE MATERIAL.

6 (B) (1) BY OCTOBER 1, 2018, THE DEPARTMENT SHALL ADOPT BY
7 REGULATION A STATEWIDE BUILDING CODE REQUIRING THAT A PLACARD
8 DELINEATING THE PRIMARY STRUCTURAL SYSTEM OF A BUILDING DESCRIBED IN
9 SUBSECTION (A) OF THIS SECTION BE INSTALLED IN AN APPROVED LOCATION
10 ADJACENT TO THE FIRE ALARM CONTROL PANEL AND MOUNTED ON AN EXTERIOR
11 WALL WITHIN 10 FEET OF THE MAIN ENTRANCE TO THE BUILDING.

12 (2) THE PLACARD SHALL BE 8 INCHES HIGH BY 11 INCHES LONG IN
13 SIZE WITH A WHITE BACKGROUND, BLACK LETTERS, AND A BLACK BORDER.

14 (3) THE LETTERS AND BORDER OF THE PLACARD DESCRIBED IN THIS
15 SUBSECTION SHALL BE VISIBLE AND READABLE AT 10 FEET AND THE LETTERS
16 SHALL BE IN BOLDFACE FONT AND NOT LESS THAN 72 POINT TYPE.

17 (4) THE PLACARD SHALL:

18 (I) STATE ONE OF THE FOLLOWING DESCRIPTIONS:

- 19 1. "LOAD-BEARING CONCRETE WALLS";
- 20 2. "LOAD-BEARING MASONRY WALLS";
- 21 3. "LOAD-BEARING STEEL STUD WALLS";
- 22 4. "LOAD-BEARING LIGHT-FRAMED COMBUSTIBLE
23 WALLS";
- 24 5. "STRUCTURAL CONCRETE FRAME";
- 25 6. "STRUCTURAL STEEL FRAME"; OR
- 26 7. "TIMBER/CROSS-LAMINATED TIMBER"; AND

27 (II) CONTINUE WITH THE FOLLOWING TEXT ON SUBSEQUENT
28 LINES "SERVE(S) AS THE PRIMARY STRUCTURAL SYSTEM OF THIS BUILDING."

1 **(5) IF THE PRIMARY STRUCTURAL SYSTEM IS NOT ONE OF THE**
2 **SYSTEMS LISTED IN PARAGRAPH (4) OF THIS SUBSECTION, A DIFFERENT**
3 **DESCRIPTION SHALL BE APPROVED BY THE APPROPRIATE LOCAL ENFORCEMENT**
4 **AGENCY.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
6 October 1, 2017.