

COUNCIL OF THE CITY OF ABERDEEN
Ordinance No. 24-O-03

Date Introduced:	March 11, 2024
Sponsored By:	Council President Adam Hiob and Councilman William Montgomery, III
Public Hearing:	March 25, 2024
Amendments Adopted:	None
Date Adopted:	April 8, 2024
Date Effective:	April 29, 2024

AN ORDINANCE concerning.

FIRE PROTECTION AND RELATED FEES

FOR the purpose of revising regulations regarding Fire Protection and related fees in the City of Aberdeen.

* * * * *

BY repealing
Chapter 269, Fire Prevention
Code of the City of Aberdeen (2010 Edition as amended)

BY adding
Chapter 269, Fire Protection
Articles I through IV
Sections 269-1 through 269-13, inclusive
Code of the City of Aberdeen (2010 Edition as amended)

BY repealing and reenacting, with amendments
Chapter A550, Fees.
Section A550-1 A.
Code of The City of Aberdeen (2010 Edition as amended)

SECTION 1. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN that Chapter 269, Fire Prevention, of the Code of the City of Aberdeen (2010 Edition as amended), is repealed in its entirety.

SECTION 2. BE IT FURTHER ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN that new Chapter 269, Fire Protection, consisting of Sections 269-1 through 269-12, inclusive, to be under Articles I through IV, is hereby added to the Code of the Code of the City of Aberdeen (2010 Edition as amended), to read as follows:

CHAPTER 269, FIRE PROTECTION

ARTICLE I GENERAL PROVISIONS

§ 269-1 DEFINITION.

FOR THE PURPOSES OF THIS CHAPTER, THE FOLLOWING WORDS AND PHRASES SHALL HAVE THE MEANINGS RESPECTIVELY ASCRIBED TO THEM BY THIS SECTION:

PUBLIC WATER SYSTEM: A SOURCE OF WATER AND A DISTRIBUTION SYSTEM, INCLUDING TREATMENT FACILITIES AND STORAGE FACILITIES, SERVING TWO OR MORE INDIVIDUAL PROPERTIES.

PUBLIC WORKS: THE DEPARTMENT OF PUBLIC WORKS.

DEVELOPER: A PERSON OR BUSINESS ENTITY THAT HAS AS AN OBJECTIVE OR THE PROMOTION OF THE DEVELOPMENT OF LAND FOR NONPUBLIC USES OR CONSTRUCTION OF STRUCTURES ON PARCELS OF LAND.

DEVELOPMENT: ALL OF THE PROCESSES INVOLVED IN THE CHANGING OF THE USE OF LAND FOR PRIVATE PURPOSES LEADING UP TO AND INCLUDING THE CONSTRUCTION OF STRUCTURES ON THE LAND.

DIRECTOR: THE DIRECTOR OF THE DEPARTMENT OF PUBLIC WORKS.

POINT OF SERVICE: THE PHYSICAL LOCATION DESIGNATED BY PUBLIC WORKS THAT DELINEATES THE BOUNDARY BETWEEN PUBLIC AND PRIVATE SYSTEMS.

PRIVATE FIRE HYDRANT: ANY HYDRANT LOCATED WITHIN THE CORPORATE LIMITS OF ABERDEEN; NOT OWNED BY THE CITY.

PRIVATE WATER SYSTEM: ANY NETWORK OF WATER PIPES AND PUMPS THAT OCCUPY A PROPERTY SERVING ONE OR MULTIPLE TENANTS ON A LOT THAT ARE NOT OWNED BY THE CITY.

ARTICLE II FIRE HYDRANTS

§ 269-2. AUTHORITY

THE CITY SHALL HAVE FULL AND COMPLETE JURISDICTION OVER ALL FIRE HYDRANTS CONNECTED TO THE CITY'S PUBLIC WATER SYSTEM. NO PERSON MAY OPERATE, USE, MAKE CONNECTION WITH OR WITHDRAW WATER FROM THE SYSTEM WITHOUT THE WRITTEN AUTHORITY OF THE DIRECTOR OR THE

DIRECTOR'S DESIGNEE, EXCEPT THAT THIS RESTRICTION SHALL NOT APPLY TO ANY BONA FIDE FIRE DEPARTMENT IN THE DISCHARGE OF ITS DUTIES.

§ 269-3. SERVICE AREA

THE DIRECTOR, UPON A DETERMINATION THAT PUBLIC SAFETY WILL BE SERVED, MAY REQUIRE THE INSTALLATION OF FIRE HYDRANTS TO PUBLIC OR PRIVATE WATER SYSTEMS, EXISTING OR TO BE CONSTRUCTED, AND MAY PRESCRIBE SUCH RULES AND REGULATIONS FOR THE USE AND MAINTENANCE THEREOF AS THE DIRECTOR DEEMS NECESSARY.

§ 269-4 TAMPERING.

NO PERSON MAY USE, TAMPER WITH, DEFACE, DAMAGE OR OTHERWISE OBSTRUCT THE USE OF ANY FIRE HYDRANT, EXCEPT AS MAY BE PROVIDED BY LAW, REGULATION OR PERMISSION SIGNED BY THE DIRECTOR.

§ 269-5 METERING.

NO PERSON MAY WITHDRAW OR USE WATER FROM A PUBLIC WATER SYSTEM WITHOUT A METER EXCEPT PUBLIC WORKS AND ANY BONA FIDE FIRE DEPARTMENT IN THE DISCHARGE OF ITS DUTIES.

§ 269-6 VIOLATIONS AND PENALTIES

A PERSON WHO VIOLATES THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 DAYS OR A FINE NOT EXCEEDING \$1,000, OR BOTH.

ARTICLE III PRIVATE FIRE HYDRANTS

§ 269-7 FIRE HYDRANT METERING.

ALL PRIVATE WATER SYSTEMS THAT SERVE PRIVATE FIRE HYDRANTS SHALL BE METERED. ALL PLANS SHALL BE REVIEWED AND APPROVED THROUGH PUBLIC WORKS.

- A. FOR NEW DEVELOPMENTS, APPROVAL OF METERING VAULT, ISOLATION VALVES, BACKFLOW PREVENTER, AND METERING DEVICES (AT A MINIMUM) SHALL BE ADDRESSED THROUGH THE DEVELOPMENT AND/OR REDEVELOPMENT PROCESS OF A PROPERTY.
- B. FOR EXISTING PROPERTIES, WITH A PRIVATE WATER SYSTEM, WHICH DOES NOT HAVE THE ABILITY TO METER THE PRIVATE FIRE HYDRANTS PRIOR TO DECEMBER 31, 2023, SHALL INSTALL A METER VAULT,

ISOLATION VALVE, BACKFLOW PREVENTER, AND WATER METER (AT A MINIMUM) AT THE PROPERTY OWNER'S EXPENSE BY JUNE 30, 2028.

- C. WATER METER AND ASSOCIATED APPURTENANCES SHALL COMPLY WITH STANDARD DETAILS AND SHALL BE INSTALLED AT THE POINT OF SERVICE TO THE PRIVATE SYSTEM.

§ 269-8 PRIVATE FIRE HYDRANT SECURITY DEVICES.

TO PROTECT THE INTEGRITY OF THE PUBLIC WATER SYSTEM, EACH PRIVATE FIRE HYDRANT SHALL BE SECURED WITH A LOCKABLE SECURITY DEVICE APPROVED BY PUBLIC WORKS.

- A. A PROPERTY OWNER SHALL OBTAIN A SECURITY DEVICE BY SUBMITTING THE APPLICABLE FEE TO THE CITY. SECURITY DEVICES SHALL BE SOLD ONLY TO AUTHORIZED WATER PROVIDERS. THE CITY SHALL CHARGE THE OWNER THE COST OF THE DEVICE AND SHIPPING. PUBLIC WORKS SHALL INSTALL THE DEVICE ON THE PRIVATE FIRE HYDRANT ON THE PROPERTY UPON RECEIPT OF PAYMENT OF THE APPLICABLE INSTALLATION FEE.

- B. A PROPERTY OWNER SHALL INFORM PUBLIC WORKS IF A SECURITY DEVICE BREAKS OR IS TAMPERED WITH. THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR REPLACEMENT. IF PUBLIC WORKS OR THE FIRE DEPARTMENT IDENTIFIES AN ISSUE WITH THE SECURITY DEVICE DURING NORMAL USE, PUBLIC WORKS SHALL PROVIDE GUIDANCE TO THE OWNER REGARDING REPAIRS OR REPLACEMENT OF THE SECURITY DEVICE.

- C. A PROPERTY OWNER SHALL COORDINATE WITH PUBLIC WORKS TO TEMPORARILY REMOVE SECURITY DEVICE DURING PERIODS OF ROUTINE MAINTENANCE.

- D. IF A PROPERTY OWNER FAILS TO COMPLY WITH THIS SECTION, AFTER NOTICE TO THE PROPERTY OWNER PUBLIC WORKS MAY PROCURE AND INSTALL A SECURITY DEVICE ON EACH PRIVATE FIRE HYDRANT. THE CITY SHALL LEVY UPON THE RESPONSIBLE OWNER THE CHARGE FOR THE PERFORMANCE OF SAID WORK AND THE COSTS OF NECESSARY SECURITY DEVICES PLUS AN ADMINISTRATIVE FEE OF 15%, NOT TO EXCEED \$250.

§ 269-9. MAINTENANCE.

EACH PRIVATE FIRE HYDRANT SHALL BE MAINTAINED IN OPERABLE CONDITION BY THE PROPERTY OWNER. THE OWNER SHALL BE PROMPTLY REPAIR, AND REPORT IMMEDIATELY TO THE FIRE DEPARTMENT AND THE DEPARTMENT OF PUBLIC WORKS, ANY LEAKS OR MALFUNCTIONS.

§ 269-10. TESTING.

EVERY PRIVATE FIRE HYDRANT SHALL BE EXERCISED, TESTED, AND INSPECTED TO ENSURE THAT THE DEVICE IS IN GOOD, SAFE AND OPERABLE CONDITION.

- A. THE TESTING SHALL BE PERFORMED BY A LICENSED WATER UTILITY CONTRACTOR IN ACCORDANCE WITH THE NATIONAL FIRE PROTECTION ASSOCIATION 25; STANDARD FOR THE INSPECTION, TESTING, AND MAINTENANCE OF WATER-BASED FIRE PROTECTION SYSTEM (CURRENT EDITION).
- B. THE PROPERTY OWNER SHALL CONTACT PUBLIC WORKS IN ADVANCE FOR ANY TESTING. BARRING ANY EMERGENCIES OR OPERATIONAL ISSUES WITH THE PUBLIC WATER SYSTEM, FLUSHING OF PRIVATE HYDRANTS MAY ONLY OCCUR DURING THE MONTHS OF APRIL TO OCTOBER WITH A 72-HOUR PRIOR NOTICE TO PUBLIC WORKS. THE CITY SHALL HAVE THE AUTHORITY TO CEASE AND/OR SUSPEND TESTING IN THE EVENT OF AN EMERGENCY TO THE PUBLIC WATER SYSTEM.
- C. A CERTIFICATE INDICATING COMPLIANCE WITH SECTION 268-9 OF THIS ARTICLE, SIGNED BY THE AGENT OF THE TESTING ORGANIZATION, SHALL BE PROVIDED TO PUBLIC WORKS BY DECEMBER 31 OF EACH CALENDAR YEAR.
- D. IN THE EVENT THAT A PROPERTY OWNER FAILS TO COMPLY WITH SECTION 268-9 OF THIS ARTICLE, PUBLIC WORKS, AFTER NOTICE TO THE OWNER, MAY HIRE A THIRD-PARTY CONTRACTOR TO ENTER ONTO OWNER'S PROPERTY AND TEST THE PRIVATE FIRE HYDRANT. THE CITY SHALL LEVY UPON THE RESPONSIBLE PARTY THE CHARGE FOR THE PERFORMANCE OF SAID WORK AND THE COSTS OF NECESSARY REPAIRS PLUS AN ADMINISTRATIVE FEE OF 15%, NOT TO EXCEED \$250.

§ 269-11 EMERGENCY ACTIONS.

PUBLIC WORKS SHALL HAVE THE AUTHORITY TO PERFORM EMERGENCY ACTIONS NECESSARY TO SECURE AND/OR ISOLATE A PRIVATE WATER SYSTEM DUE TO AN UNCONTROLLED LOSS OF WATER CAUSED BY A BREAK. THE RESPONSIBLE PARTY SHALL PROVIDE PUBLIC WORKS WITH PLANS REGARDING THE LOCATION OF PRIVATE WATER LINES, VALVES, AND PRIVATE FIRE HYDRANTS. UPON THE COMPLETION OF EMERGENCY ACTIONS, REPAIR OF LINES AND HYDRANTS SHALL BE THE RESPONSIBILITY OF THE PROPERTY OWNER.

ARTICLE IV FIRE PREVENTION

§ 269-12. ADOPTION OF STATE OF MARYLAND FIRE PREVENTION CODE AND LIFE SAFETY CODE

A. THE CITY OF ABERDEEN HEREBY ADOPTS THE FOLLOWING:

(1) THE STATE OF MARYLAND FIRE PREVENTION CODE, COMAR 29.06.01 EFFECTIVE OCTOBER 7, 2019 (ADOPTION NFPA 101 AND NFPA 1, 2018, EDITION WITH AMENDMENTS).

(2) THE LIFE SAFETY CODE, NFPA 101, 2021 EDITION WITH AMENDMENTS, PUBLISHED BY THE NATIONAL FIRE PREVENTION ASSOCIATION.

B. NOTHING HEREIN SHALL BE CONSTRUED TO IMPAIR THE EFFECT AND ENFORCEABILITY OF ANY FIRE CODE OR REGULATIONS NOW OR HEREAFTER ADOPTED BY THE APPROPRIATE AGENCIES OF THE STATE.

§ 269-13 VIOLATIONS AND PENALTIES

A PERSON WHO VIOLATES THIS ARTICLE IS GUILTY OF A MISDEMEANOR AND ON CONVICTION IS SUBJECT TO IMPRISONMENT NOT EXCEEDING 10 DAYS OR A FINE NOT EXCEEDING \$1,000, OR BOTH.

SECTION 3. BE IT ENACTED BY THE COUNCIL OF THE CITY OF ABERDEEN, that Section A550-1 A, of Chapter A550 of the Code of the City of Aberdeen (2010 Edition as amended), is repealed and reenacted, with amendments, to read as follows:

Chapter A550. FEES

§ A550-1 Schedule of rates and charges.

The following fees, rates and charges shall apply in the City:

A. Water and sewers. The following rates and charges are established pursuant to Chapter 450, Sewers and Water, AND CHAPTER 269, FIRE PREVENTION, of the City's Code :

* * *

(15) FAILURE TO MAINTAIN PRIVATE FIRE HYDRANT

A. FAILURE TO INSTALL PRIVATE HYDRANT SECURITY LOCKING DEVICE:

1 COST PLUS 15% ADMINISTRATIVE FEE (NOT TO EXCEED \$200) PER
2 EVENT.

3
4 B. FAILURE TO TEST AND MAINTAIN PRIVATE HYDRANT: COST PLUS 15%
5 ADMINISTRATIVE FEE (NOT TO EXCEED \$200) PER EVENT.

6
7 * * *

8
9 **SECTION 4: AND BE IT FURTHER ENACTED BY THE MAYOR AND**
10 **COUNCIL OF THE CITY OF ABERDEEN** that this Ordinance shall become effective at the
11 expiration of twenty (20) calendars days following adoption.

EXPLANATION:

CAPS INDICATES MATTER ADDED TO EXISTING LAW

((Double Parenthesis)) indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

* * * indicates existing unmodified text omitted from Ordinance

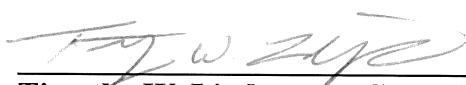
COUNCIL OF THE CITY OF ABERDEEN




Patrick L. McGrady, Mayor



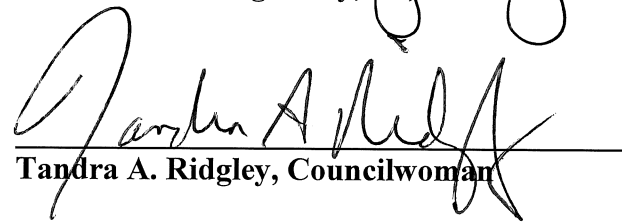
Adam M. Hiob, Council President



Timothy W. Lindecamp, Councilman



William H. Montgomery, III, Councilman



Tandra A. Ridgley, Councilwoman

ATTEST:

SEAL:



Monica A. Correll, City Clerk

Date April 8, 2024