

ORDINANCE NO. 2007-03

Town of Rising Sun
Cecil County, Maryland

AN ORDINANCE OF THE TOWN OF RISING SUN, ("TOWN") CECIL COUNTY, MARYLAND, AMENDING AND ADDING LANGUAGE TO CHAPTER 6 OF THE CODE OF ORDINANCES OF THE TOWN OF RISING SUN, IN ORDER TO ADOPT THE INTERNATIONAL FIRE CODES AS THE STANDARDS AND REGULATIONS FOR GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE TOWN OF RISING SUN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; REPEALING ANY AND ALL OTHER ORDINANCES AND PARTS OF THE ORDINANCES IN CONFLICT THEREWITH.

WHEREAS, the Town, located in Cecil County, Maryland is a municipality organized under and governed by Article 23A of the Annotated Code of Maryland; and

WHEREAS, the Town is proclaimed as a perpetual entity with the right to pass laws; and

WHEREAS, the Code of Ordinances of the Town, contains Chapter 6, titled Fire Regulations, which establishes rules and regulations governing conditions hazardous to life and property from fire or explosion; and

WHEREAS, the Town desires to amend, modify and add additional language to this chapter, in order to more effectively regulate these conditions.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Town Commissioners of the Town of Rising Sun, Cecil County, Maryland, and it is hereby enacted and ordained by its authority that:

SECTION 2

Sections 6-101 through 6-105, located in Article 1 titled Fire Prevention Code, of Chapter 6, titled Fire Regulations, shall be deleted in their entirety and replaced with the following:

6-100, titled the Adoption of a Fire Prevention Codes, shall be inserted and shall read as follows:

Section 6-100 Adoption of a Fire Prevention Codes: The Commissioners of Rising Sun hereby adopt the terms and provision as set out in the model code, of which one (1) copy is on file in the offices of the Town Hall, being marked and designated as the *International Fire Code*, 2006 edition, including all Appendix Chapters, as published by the International Code Council, and to also include all current supplements and any future supplements provide that the Town Commissioners do not disallow said future supplements within sixty (60) days of publications; are hereby adopted as part of the Fire Prevention Code of the Town of Rising Sun, in the State of Maryland, for the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in the Town of Rising Sun; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Prevention Code on file in the office of the Town of Rising Sun are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 6-100.1 below.

Section 6-100.1 Amendments: The following sections of this code are hereby revised as follows:

- (a) Section 101.1 titled Title, Insert the name "Town of Rising Sun" where indicated.
- (b) Section 113.4 titled Violation Penalties shall be modified by deleting the text after the 5th comma in the first sentence and before section 109.3.1 titled Abatement of Violation; and replacing the text with the following:

" shall be guilty of a summery offence, punishable by a fine of not less than one hundred dollars (\$100.00) nor more than one thousand dollars (\$1000.00) or by imprisonment not exceeding (30) days or both such fine and imprisonment. A separate offense shall be deemed committed each day during or on which a violation or noncompliance occurs or continues."

- (c) Section 111. Titled Stop Work Order, shall be deleted in its entirety and replaced with the following:

**SECTION 111
CEASE AND DESIST**

111.1 Stop work and cease and desist orders. When, in the opinion of the Fire Code Official, there is an unlawful activity being conducted at a property, or work associated with the abatement of a violation is not being performed properly; or there exists an activity or condition that is detrimental to the peace and good order of the community, or is causing a public nuisance, and the continuation of such activities or conditions will only further exasperate the situation, then the Fire Code Official may issue a “Stop Work” or “Cease and Desist” order on those persons responsible for such activities or conditions.

111.2 Issuance. A Stop Work and or a Cease and Desist order shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person performing the work or conducting the activity. Upon issuance of a Stop Work and or a Cease and Desist order, the cited work and or activity shall immediately cease. The stop work order shall state the reason for the order; and the conditions under which the cited work is authorized to resume.

111.2.1 Emergencies. Where an emergency exist, the Fire Code Official shall not be required to give a written notice prior to stopping the work or activity.

111.3 Failure to comply. Any persons responsible for activities or conditions prohibited in a cease and desist order, which fail to obey such orders, shall be subject to the violations and penalties as outlined in section 109.3

111.2.1 Separate Violations. Failure to comply with a “Stop Work” and or “Cease and Desist” order, shall be considered a separate violation independent of the original violation or activity previously cited and do not require prior notice as spelled out in this code, and if found guilty of such violation, the penalties outlined in section 109.3 shall automatically apply.

(d) Section 508.5 titled *Fire hydrant systems*, shall be revised as follows:

(1) Section 508.5.1 titled *Where required*, shall be revised by deleting the word Fire Code Official at the end of the paragraph and replacing it with the words “Fire Chief, or his designee.”

(2) A new section 508.5.91 shall be inserted to read as follows:

508.5.91 Multiple Hydrants Fire systems requiring more than two hydrants shall be looped.

(3) A new section 508.5.93 shall be inserted to read as follows:

508.5.93 Use of Fire Hydrants.

(1) No person other than an authorized employee of the Town or a member of a fire department acting under orders of his proper superior in the performance of his duties, may operate a fire hydrant, unless they are in possession of current and proper permit from the Town of Rising Sun.

(2) Fire Hydrants may not be used for flushing or for any other purpose except by special written permission of the Town of Rising Sun, outlining the specific location, time and expected duration. If such permission is granted, the water used shall be charged at the prevailing water rates, plus an administrative oversight charge.

(e) Section 3204.3.1.1. titled Location, delete all text after the word "prohibited" in the first sentence, and insert "within the incorporated limits of the Town of Rising Sun".

(f) Section 3404.2.9.5.1. titled Location, delete all text after the word "prohibited" in the first sentence, and insert "within any zoning district accept industrial and commercial."

(g) Section 3406.2.4.4 titled Location, delete all text after the word "prohibited" in the first sentence, and insert "within any zoning district accept industrial and commercial."

SECTION 2.

All ordinances or parts thereof inconsistent herewith are repealed, rescinded, canceled and annulled.

SECTION 3.

If any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Town of Rising Sun hereby declares that it would have passed this ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

SECTION 4.

That nothing in this ordinance or in any of the International Codes hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 2 of this ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

SECTION 5.

That the Rising Sun Town Clerk/Treasurer is hereby ordered and directed to cause this ordinance to be published in a newspaper in general circulation.

SECTION 6.

BE IT FURTHER ENACTED that this Ordinance shall become effective twenty

(20) days after is adoption

INTRODUCED this 27th day of November, 2007

ATTEST:

Sandra D. Didra Clerk/Treasurer

APPROVED AND ADOPTED this _____ day of _____,2007.

ATTEST:

Sandra D. Didra, Clerk/Treasurer

Judith M. Cox, Mayor