

Chapter 33
FIRE PREVENTION

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[HISTORY: Adopted 1-20-54, effective 2-1-54. Amended and revised 2-6-95. Amendment history noted where applicable.]

REFERENCES

Municipal infractions -- See Chapter 46.

§ 33-1. Fire Department established; Prince George's County Fire Prevention Code adopted. [Amended 12-7-64. Amended 2-6-95.]

A Fire Department to be known as "The Riverdale Fire Department, Incorporated" is hereby authorized pursuant to Article 23A of the Annotated Code of the Public General Laws of Maryland, as amended and supplemented, and § 302 of the town charter. The Fire Safety Law of Prince George's County, Maryland, as amended, is hereby adopted as the Fire Prevention Code of the Town of Riverdale Park. The term "permit" or "license" referred to therein shall mean a permit or license required by the Fire Prevention Code of Prince George's County, as amended, except where a different interpretation is evident from the context.

§ 33-2. Officers; how selected and confirmed. [Amended 4-7-69; 8-31-70; 2-1-71. Amended 2-6-95.]

The officers of the Fire Department shall consist of a Chief, Deputy Chief, Town Fire Marshal, and such subordinate officers as the Fire Department may determine to elect or appoint. The appointment of the Chief, the Deputy Chief, and the Town Fire Marshal shall be confirmed by the Mayor and Council. The Chief, Deputy Chief, and Town Fire Marshal shall reside in the incorporated limits of the Town of Riverdale Park. It shall be required that either the Chief or Deputy Chief shall possess the same qualifications as the Mayor to hold office or that, in lieu thereof, the Chief and Deputy Chief shall each be required to be at least twenty-five (25) years of age, shall each have resided within the corporate limits of the Town of Riverdale Park for at least two (2) years, and shall each post a bond of ten thousand dollars (\$10,000) for the faithful performance of his duties. The residency requirements may be waived at any public meeting by the Mayor and Council.

§ 33-3. Rules and regulations; concurrence by Council. [Amended 4-7-69.]

The Fire Department shall have the right to make and adopt, from time to time, amend, alter and repeal the Departmental Constitution and Bylaws, rules and regulations for its government and discipline, for the election, punishment, suspension and expulsion of members and for defining their duties, and for the management, preservation, and protection of all public property entrusted to the care of the Department. Such Constitution and Bylaws, rules and regulations, however, shall not be inconsistent with any town ordinance, any Prince George's County law, or any law of the State of Maryland or of the United States.

§ 33-4. Duties of Chief.

The Chief shall be the commanding officer of the Fire Department and shall be responsible for the proper conduct and management thereof at all times. He shall, upon assuming the duties of his office, receipt to the Mayor and Council for all public property belonging to the town and used by the Fire Department, and thereafter he shall be responsible for the safe-keeping, preservation and protection thereof, and shall account therefore to the Mayor and Council upon the expiration of his term of office or at such time during his tenure of office as may be required. The Chief shall have within the town at all times the police authority of a bailiff of the town.

§ 33-5. Periodical reports by Chief. [Amended 4-7-69.]

The Chief shall once each month make a report to the Mayor and Council of the needs and operations of the Fire Department, and such report shall show the number of fires attended and the cause thereof, when known; the character of the property burned and the approximate amount of the loss; the names of the owners and occupants, the amount of the insurance carried thereon, if any, and the casualties, if any. The Chief shall also have charge of all tests of hose, tools or implements and apparatus proposed to be purchased for the use of the Fire Department.

§ 33-6. Duties of Deputy Chief.

The Deputy Chief shall be the second officer in charge of the Fire Department, and in the absence or disability of the Chief, he shall perform all duties and have all the powers of Chief. In the event of a vacancy in the office of Chief by reason of death, resignation or other cause, the Deputy Chief shall assume the duties of the office until the Fire Department has duly elected and the Mayor and Council have ratified the election of a successor to the vacated office. Should the Deputy Chief also be unable to fulfill the duties required, the chain of command of the Constitution and Bylaws of the department shall be implemented to provide that fire and emergency services be maintained at all times.

§ 33-7. Department without authority to pledge town credit.

Neither the Fire Department nor any of its officers or members nor any organization formed among themselves shall have any power to incur any expense or contract any debt or obligation or pledge the credit in any way of the town, unless specifically authorized to do so by the Mayor and Council.

§ 33-8. [Repealed 4-7-69.]

§ 33-9. Right-of-way in streets; fire lines.

The Fire Department, while responding to an alarm of fire, shall have the right-of-way over all streets, avenues, alleys, and other public places. While engaged in extinguishing a fire,

the department shall have the right and power to divert traffic and to rope off and close to the public any street, avenue, alley, or other public or private place, dwelling or building.

§ 33-10. Impeding department.

It shall be unlawful as a misdemeanor for any person to impede or interfere with the Fire Department by doing any of the following;

- (a) To hinder, delay, impede or interfere with the Fire Department or any members thereof in the performance of his or their duties at any time.
- (b) To injure, deface, improperly use or destroy any property of any kind used by the Fire Department or to appropriate any such property for personal use or to use such property without lawful authority.
- (c) To knowingly or willfully give any false alarm of fire or other emergency.
- (d) To turn on the water at any fire hydrant or to interfere with, injure or destroy any fire hydrant or to remove the cap or caps there from without lawful authorization.
- (e) To block or obstruct any fire hydrant.
- (f) To operate any vehicle over any unprotected hose line.
- (g) To enter any building or other place or to cross into or enter any area from which the public is excluded by order of the Fire Department while the department is engaged in extinguishing a fire or investigating the incidence of fire.
- (h) To wear any of the insignia, uniform or equipment of the Fire Department without authorization of the Fire Chief.
- (I) To impersonate or falsely represent oneself as a member of the Fire Department.

§ 33-11. Rights reserved by Mayor and Council. [Amended 4-7-69.]

The right is reserved by the Mayor and Council to amend, alter or repeal this chapter at any time, after consultation with the Fire Department. Any changes proposed by the Mayor and Council shall not conflict with county, state, or federal laws or regulations.

§ 33-12. Town Fire Marshal; duties and authority. [Amended 4-7-69.]

The department shall provide in its Constitution and Bylaws for the election or appointment of the town Fire Marshal. The duty of the town Fire Marshal shall be to represent the Fire Department in the prevention of fires, and for this purpose he is authorized to examine all buildings hereafter erected or altered in the town, to require that they conform to the

ordinances of the town and the National Fire Protection Association, International, for the prevention of fire hazards.

The Fire Marshal is also authorized at all reasonable times to enter upon and into any and all premises, buildings or structures within the town for the purpose of examining and inspecting them to ascertain the conditions thereon or therein with regard to the presence or arrangement or deposits of any articles, materials, substances, goods, wares, merchandise or other thing or things that may, in his judgment, tend to create danger of fire or unnecessarily or unreasonably interfere with the work of the Fire Department in the event of fire upon the premises, buildings or structures, or the loss of life of the occupants or other persons on the premises, buildings or structures in the event of fire, as well as for the purpose of examining and inspecting with the regard to the condition, size, arrangement and efficiency of any and all fire-prevention appliances or of the need for such equipment. After inspections of private dwellings, the Fire Marshal shall report, in writing, the results of his inspections to the Mayor and Council and to the Chief of the Fire Department.

On emergency alarms, or during incidental inspections, if an infraction be observed and should the situation require that action be taken to correct a life, safety, or property hazard, a correction order may be written in accordance with the Prince George's County Code, Subtitle 11, Fire Safety Code, by any member of the Riverdale Fire Department observing the infraction. Compliance, fines, and appeals to the correction order shall conform with and be sustained by Prince George's County laws.

§ 33-13. Procedure for abatement of fire hazard.

If, as a result of any inspection authorized by this chapter, the Fire Marshal shall be of the opinion that on or in any premises, buildings or structures within the town any rubbish, debris, waste, inflammable or combustible material found thereon is not so kept or arranged as to afford a reasonable safeguard against the danger of fire; or that the articles, materials, goods, wares and merchandise found on or in the premises, buildings, or structures are so deposited or arranged that the occupants thereof or persons in or on the same would not, because of such disposition or arrangement, be afforded reasonable access to the exits from the premises, buildings or structures in case of fire; or that by reason of such disposition or arrangement the members of any Fire Department would be unnecessarily and unreasonably interfered with or obstructed in the discharge of their duties in and about the premises, buildings or structures in the event of fire on or in the same, then it shall be the duty of the Fire Marshal or other Fire Department official to issue a correction order. Notice shall be given in writing to the Mayor and Council of all correction orders written.

The Mayor and Council, if in their judgment the conditions warrant, shall immediately cause written notice to be given the owner or owners, occupier or occupiers of the premises, buildings or structures whereon or wherein the conditions have been found to exist, warning such interested person or persons of the existence of the conditions with a description thereof, and the Mayor and Council may also order, in writing, that such conditions be abated, corrected or removed within the time and in the manner prescribed in the notice.

If the owner or owners, occupier or occupiers, his, her or their agent or agents consider themselves aggrieved by the order, he, she, or they may, within three (3) days after the receipt of the notice, appeal to the Mayor and Council, in writing, for the revocation or modification of the order affecting the property; whereupon the Mayor and Council shall grant a hearing upon the appeal within twenty-one (21) days, following which they shall enter such order as the public safety may require. If any person shall refuse to comply with the terms of such order, the Fire Marshal is hereby directed and empowered to remove or correct the dangerous condition found to exist upon the property at the expense of the owner, owners, occupier or occupiers, and the cost of removing or correcting the condition may be recovered by the Mayor and Council from the owner, owners, occupier or occupiers by suit, if necessary, and such suit shall also include all expenses incurred in the recovery of funds, such as attorneys' fees, court costs, and the like.

In addition, any person responsible for the existence of such a fire hazard who refuses to abate it when ordered, as herein provided, or who shall interfere with or obstruct the Fire Marshal in the making of any inspection authorized by this chapter, shall be guilty of a misdemeanor and be subject to the penalties prescribed by this chapter.

§ 33-14. Fire escapes and fire extinguishers.

It shall be unlawful for any person to permit the use of any building or structure within the town for any purpose unless the building or structure is equipped with such fire escapes or other safety device, fire extinguishers and fire-fighting equipment as may be required with respect to buildings or structures of its kind by county, state, and federal fire regulations.

§ 33-15. Vacant buildings to be locked or secured.

It shall be unlawful for the owner or agent of any property to knowingly permit any vacant to unoccupied building to be unsecured, unlocked or unbarred against entry by vagrants or unauthorized persons. It shall be the duty of the police whenever they shall have cause to believe that any vacant or unoccupied building is inadequately secured against such entry to notify the owner or agent thereof of the condition by written or printed notice to their address, if known, or if unknown, by notice to the person in whose name the property is assessed for town taxes, advising that action be taken immediately to secure the property against unauthorized entry. Any person responsible for the property who shall fail to act within twenty-four (24) hours after the receipt of such notice to secure, lock or bar such vacant or unoccupied building shall, upon conviction, be subject to the penalties provided by this Code.

§ 33-16. Inflammable ash containers unlawful.

No person shall keep ashes in any wooden or inflammable container or on any wooden or inflammable material of which the building where they are kept is constructed; provided that, before subjecting such person to the penalties of this Code, a notice shall be given the offending party and a reasonable time be allowed to permit compliance with the requirements of this

section. Failure to comply with this section shall be a misdemeanor and shall correspond to the penalties for misdemeanors contained in this chapter.

§ 33-17. When carrying ignited smoking materials or open flame unlawful.

It shall be unlawful for any person to carry or have any lighted match, pipe, cigar, or cigarette or to carry or use any open flame in any warehouse or storeroom wherein may be stored any rags, hay, spirits of turpentine, petroleum, tar, pitch, rosin, gunpowder, gasoline or illuminating oils or other such combustible materials, or in any moving-picture or public assembly theater or auditorium.

§ 33-18. Disposal of residue from dry-cleaning establishments.

The owner or operator of every dry-cleaning establishment shall provide for the immediate disposal of the residue from dry cleaning by the removal of such residue in secure metal containers to some safe place of disposal outside of the town. Disposal shall conform to county, state, and federal regulations and laws.

§ 33-19. Place of public meeting or assembly. [Amended 6-17-65.]

It shall be unlawful to build or construct any auditorium, assembly room, church, school, theater, lodge hall or other building of any kind in which there is any assembly room capable of seating at any one (1) gathering more than seventy-five (75) people if the wall or any portion of the building within which it is situated shall in any residential zone be within twenty-five (25) feet of any property line of a residence designed or used as sleeping quarters for human beings. No auditorium, assembly room, church, school, theater, lodge hall or other building proposed to be used as a place of public meetings or assemblage, regardless of its seating capacity, shall hereafter be built or erected within the town unless, in addition to the parking areas required by county zoning or other regulations there is provided space for a fire lane of a width of twenty-five (25) feet so arranged as to permit adequate turning space and the ready ingress and egress of fire-fighting equipment and other emergency vehicles, and there be available a fire hydrant within six hundred (600) feet of any building used as a place of public meetings.

§ 33-20. House numbers. [Added 2-6-95.]

The owner or occupant of any building or structure within the town shall have and keep affixed thereto the appropriate house number of a size and type and so placed as to be clearly legible from the street. The size shall not be less than four (4) inches in height and of a bold character, and the color shall be of a contrasting shade so that the number is easily discernable. The numbers shall be placed on the front of the house or the side that faces the street to which the address is assigned. The numbers shall conform to the plan of house numbering prepared by the Maryland-National Park and Planning Commission pursuant to its authority and applicable laws.

§ 33-21. Violations; penalties. [Amended 9-13-65. Amended 2-6-95.]

(a) Violations of the provisions of §§ 33-10, 33-13, 33-16, and 33-17 are misdemeanors and, upon conviction thereof, violators shall be subject to a fine of not more than one thousand dollars (\$1,000) or imprisonment of not more than six (6) months, or both.

(b) Violations of the provisions of §§ 33-14, 33-15, and 33-20 are infractions, the fines for which shall be one hundred dollars (\$100) for any single, initial violation and two hundred dollars (\$200) for each repeat or continuing violation.