

**BOARD OF GARRETT COUNTY COMMISSIONERS
SPECIAL PUBLIC MEETING
Monday, July 11, 2022**

Meeting was also Live Streamed at <https://www.facebook.com/garrettcountygovernment/>

IN ATTENDANCE

**Chairman Paul C. Edwards
Commissioner James C. Hinebaugh
Commissioner S. Larry Tichnell

County Administrator Kevin G. Null**

CALL TO ORDER OF PUBLIC SESSION at 1:30 PM

PUBLIC SESSION

1. Mr. Null indicated there was no addition or deletion to the Public Meeting Agenda. The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the Public Meeting Agenda for July 11, 2022.

The purpose of this special public meeting was for the adoption of the Ordinances that were introduced at the Board of County Commissioners Public Hearing held on June 28, 2022.

2. **RESOLUTION/ORDINANCE ADOPTIONS:**

ORDINANCE - GARRETT COUNTY FIRE MARSHAL – RESOLUTION 2022 - 7

AN ACT CONCERNING the Garrett County Fire Marshal for the purpose of authorizing the appointment of a Fire Marshal for Garrett County, Maryland; establishing the scope of the duties as well as the administration and implementation of the Office of the Fire Marshal for Garrett County, Maryland, and authorizing the Office of Fire Marshal to investigate the origin, cause and circumstances of fires, explosions, and hazardous materials emergencies in Garrett County.

Chairman Edwards noted that staff had met with the Garrett County Fire Chiefs, and they supported the proposal. They also met with the State Fire Marshal. The Memorandum of Understanding (MOU) between the State Fire Marshal has been approved and signed. Garrett County Fire Marshal Christopher Cieslarczyk has been appointed as Assistant State Fire Marshal.

The Board of County Commissioners, on a motion by Commissioner Hinebaugh which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the Resolution/Ordinance 2022 – 7 with the effective date of July 11, 2022.

ORDINANCE - GARRETT COUNTY POLICE ACCOUNTABILITY BOARD – RESOLUTION 2022 - 8

AN ACT CONCERNING the Garrett County Police Accountability Board for the purpose of establishing a Police Accountability Board for Garrett County, Maryland; establishing the scope of the duties as well as the administration and implementation of the Garrett County Police Accountability Board and authorizing the Garrett County Police Accountability Board to work with law enforcement agencies and the county government to improve matters of policing in Garrett County.

The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, approved the Resolution/Ordinance 2022 – 8 with the effective date of July 11, 2022.

ORDINANCE - BUILDING REGULATIONS – RESOLUTION 2022 - 9

AN ACT CONCERNING the Garrett County Fire Prevention Code; for the purpose of adopting and implementing a Fire Prevention Code for Garrett County, Maryland; providing for the scope, administration, and implementation thereof; providing for inspection and other fees; providing for protection against fires and the removal of fire hazards; providing for appointment of inspectors to enforce the Fire Prevention Code and establishing penalties for violations thereof.

The Board of County Commissioners, on a motion by Commissioner Hinebaugh, which was seconded by Commissioner Tichnell, and made unanimous by Chairman Edwards, approved the Resolution/Ordinance 2022 – 9 with the effective date of July 11, 2022.

3. **PUBLIC COMMENTARY:** None
4. **ANNOUNCEMENT:** The Board of County Commissioners next Public Meeting will be held on Monday, August 1, 2022, at 4:00 p.m. at the Avilton Community Center.

ADJOURNMENT: The Board of County Commissioners, on a motion by Commissioner Tichnell, which was seconded by Commissioner Hinebaugh, and made unanimous by Chairman Edwards, adjourned the Public Meeting at 1:41 P.M.

Attest:

By Order of the Board,

KEVIN G. NULL
County Administrator

PAUL C. EDWARDS, Chairman
Board of County Commissioners

THE BOARD OF GARRETT COUNTY COMMISSIONERS

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Board of Commissioners

Paul C. Edwards
James C. Hinebaugh, Jr
S. Larry Tichnell

County Administrator

Kevin G. Null

County Attorney

Gorman E. Getty III

RESOLUTION 2022-7

GARRETT COUNTY FIRE MARSHAL

A Resolution establishing and creating the Office of the Fire Marshal for Garrett County

EXPLANATION

AN ACT CONCERNING the Garrett County Fire Marshal **FOR THE PURPOSE** of authorizing the appointment of a Fire Marshal for Garrett County, Maryland; establishing the scope of the duties as well as the administration and implementation of the Office of the Fire Marshal for Garrett County, Maryland, and authorizing the Office of Fire Marshal to investigate the origin, cause and circumstances of fires, explosions, and hazardous materials emergencies in Garrett County;

BY amending Section 35 of the Code of Public Local Laws of Garrett County, Maryland, the same being Article 12 of the Code of Public Local Laws of the State of Maryland (the "County Code") and adopting a new Section 35.12.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the state of Maryland (the "County Commissioners") that Section 35 of the County Code be and is hereby amended by adding Subsection 35.12

NOW THEREFORE, be it enacted and ordained that the Board of County Commissioners do hereby enact the following ordinance with amendments to be included within the County Code of Ordinance, Title XV, Chapter 35, Sections 35.12.

BE IT FURTHER RESOLVED AND ORDAINED, that this Resolution shall be effective July 11, 2022, by the Board of County Commissioners of Garrett County, Maryland.

ADOPTED this 11th day of July 2022.

BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND

By

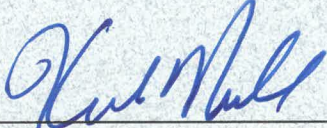

PAUL C. EDWARDS, Chairman

By


JAMES C. HINEBAUGH, Commissioner

By


S. LARRY TICHNELL, Commissioner


Kevin G. Null
County Administrator

PROPOSED ORDINANCE**GARRETT COUNTY CODE OF ORDINANCE NO. 35.12****GARRETT COUNTY FIRE MARSHAL**

AN ACT CONCERNING the Garrett County Fire Marshal **FOR THE PURPOSE** of authorizing the appointment of a Fire Marshal for Garrett County, Maryland; establishing the scope of the duties as well as the administration and implementation of the Office of the Fire Marshall for Garrett County, Maryland, and authorizing the Office of Fire Marshal to investigate the origin, cause and circumstances of fires, explosions and hazardous materials emergencies in Garrett County;

BY amending Section 35 of the Code of Public Local Laws of Garrett County, Maryland, the same being Article 12 of the Code of Public Local Laws of the State of Maryland (the "County Code") and adopting a new Section 35.12.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the state of Maryland (the "County Commissioners") that Section 35 of the County Code be and is hereby amended by adding Subsection 35.12 to read, as follows:

35.12. Department Authorized-Fire Marshal

- (a) The Office of the Fire Marshal (the "Fire Marshal") is hereby authorized and established as an office (the "Office") within the Garrett County Department of Emergency Services (the "Department"). The Fire Marshal shall be responsible for the functions of the Office as prescribed by the Code of Maryland Regulations (COMAR) Title 6; and in accordance with the Memorandum of Understanding between the Office of the State Fire Marshal (the "State Fire Marshal") and the County Commissioners acting on behalf of the Department Regarding the Roles and Responsibilities of the Office and the State Fire Marshal in Carrying Out their Respective Missions in Garrett County, Maryland.
- (b) The Fire Marshal has the authority to investigate the origin, cause, and circumstances of every fire, explosion, or hazardous materials emergency in Garrett County. When the fire investigator has reason to believe that a fire, explosion, or hazardous materials incident may be the result of a violation of any law, the investigator may immediately take custody of and safeguard all physical evidence in connection with the incident.

35.12.1. General powers and responsibilities.

- (a) It shall be the duty of the Fire Marshal to enforce all laws and ordinances covering the following:
 - (1) The prevention of fires.
 - (2) The storage and use of explosives and flammables.
 - (3) The installation and maintenance of automatic and other private fire alarm systems, and fire extinguishing equipment.

- (4) The maintenance and regulation of fire escapes.
 - (5) The means and adequacy of exit, in case of fire.
 - (6) The investigation of the cause, origin and circumstances of fires.
- (b) They shall have such other powers and perform such other duties as are set forth in other sections of this chapter and as may be conferred and imposed from time to time by law.

35.12.2. Specific powers of Fire Marshal.

- (a) General. Whenever the maintenance, operation or use of any land, building, structure, material or other object or any part thereof constitutes a fire hazard which is dangerous or unsafe or a menace to either the public health, safety or security and the action to be taken to eliminate such dangerous or unsafe condition or conditions which creates or tends to create the same is not specifically provided for in the Fire Prevention Code, the Fire Marshal is hereby authorized and empowered to take such action as may be necessary to eliminate such dangerous or unsafe condition or conditions in accordance with the provisions of the Fire Prevention Code.
- (b) Enforcement by Fire Marshal.
- (1) The Fire Marshal is hereby authorized, empowered and charged with the duty of enforcing the provisions of the Fire Prevention Code in the form and manner herein prescribed.
 - (2) The Fire Marshal is hereby authorized and empowered to institute or cause to be instituted any and all legal or equitable actions or proceedings of every kind and character which may be necessary and proper to enforce any and all provisions of the Fire Prevention Code.
 - (3) In any case where an emergency, as contemplated by the Fire Prevention Code, does not exist and any person fails in any respect to fully comply with any and all provisions of any notice, decision or order issued or made by the Fire Marshal, the Fire Marshal is hereby authorized and empowered to do or perform or have done or performed any and all work or operations and to take any other action which may be necessary to eliminate or make safe and secure any and all conditions of every kind and character which are in violation of the terms and provisions of the Fire Prevention Code.
 - (4) Nothing contained in the Fire Prevention Code shall be taken or construed to stop or prevent the Fire Marshal from instituting or causing to be instituted or fully prosecuting any and all legal or equitable actions or proceedings of every kind or character which may be necessary or proper to compel full compliance with any and all of the provisions of the Fire Prevention Code even though criminal proceedings of any kind or character may be pending or may have been completed.
- (c) Right of entry. The Fire Marshal or his authorized representatives, when in uniform or upon exhibiting the proper credentials, subject to the requirements of state and federal law, shall have the right to enter any building, structure or premises, except private residences, at any time during business or operating hours, or at such other times as may be necessary in an emergency resulting from or arising out of any causes that endanger or tend to endanger the public health or safety, for

the purpose of performing his duties under the Fire Prevention Code or enforcing the provisions of the Fire Prevention Code.

- (d) Duty to make inspections and tests. The Fire Marshal shall make any and all inspections and tests or cause any and all inspections and tests to be made as required by the provisions of the Fire Prevention Code.
- (e) Authority to issue orders and notices. The Fire Marshal is hereby authorized and empowered to issue such orders and notices as may be necessary and proper to carry out the intent and purpose of the Fire Prevention Code.
- (f) Duty to keep records and make reports. The Fire Marshal shall keep any and all and make any and all reports that may be necessary for the proper administration of the Fire Prevention Code.
- (g) Deputies. The County Commissioners are hereby authorized and empowered to appoint such Deputy Fire Marshals as, in their judgment, may be necessary to make any and all of the examinations and inspections which are required to be made or which may be made in accordance with the provisions of the Fire Prevention Code, which deputies shall report, in writing, the results of their examinations or inspections so made to the Fire Marshal. For the purpose of making such examinations or inspections, such deputies as may be so appointed are hereby fully authorized and clothed with the same power and authority to enter upon or into and examine or inspect any premises, buildings or structures within the limits of Garrett County as is given to the Fire Marshal and his authorized representatives by the Fire Prevention Code.

35.12.3. Inspection and Test

- (a) Scope of inspections and tests. Inspections and tests shall include any and all inspections, examinations, tests and investigations of the use, maintenance and operation of any and all land, buildings or other structures, or any and all parts thereof, or of any and all materials, types or kinds of methods of construction, electrical work, machinery, appliances, accessories or equipment therein or thereon, as well as any matter or thing pertaining or relating to any of the foregoing to determine if any or all of the aforesaid conform to the requirements of the Fire Prevention Code.
- (b) Routine inspections by the Fire Marshal. The Fire Marshal or his duly authorized deputies shall make any and all routine inspections necessary to properly enforce the provisions of the Fire Prevention Code.
- (c) Periodic inspections by the Fire Marshal. In order to ensure compliance with all laws, rules and regulations pertaining to fire and fire safety which are in effect in Garrett County, the Fire Marshal shall make such periodic inspections in accordance with the State Fire Prevention Code. All sprinkler, standpipe and foam systems and all water curtains required by law shall be inspected annually and, if deemed necessary, tested annually by and at the convenience of the owner of such systems in the presence of the Fire Marshal and in the manner prescribed by him. The owner of such systems or water curtains shall pay any and all costs for labor and materials, not usually furnished by the Fire Department, incurred in connection with making such tests.
- (d) Quality assurance program. The quality assurance program is implemented in order to guarantee that fire protection systems are receiving consistent, quality service testing, inspection and

maintenance, thereby helping to ensure that such fire protection systems will function as intended in the event of an emergency.

- (1) The quality assurance program shall be administered by the Office.
- (2) In implementing the quality assurance program, the Office may use a third-party vendor system and/or data collection agency as approved by the County Commissioners.
- (3) All fire protection system inspection agencies, whether required to be licensed or not by an authorized state or County agency, shall comply with all regulations of the quality assurance program approved by the County Commissioners and administered by the Office and shall:
 - A. Complete all necessary forms;
 - B. Submit such forms within the established time period to the Office; and
 - C. Pay any and all fees associated with the quality assurance program as established by resolution by the County Commissioners.

35.12.4. Complaints

- (a) Scope and records of complaints.
 - (1) Complaints shall include any and all written or oral complaints or information pertaining to any and all matters or things provided for by the provisions of the Fire Prevention Code.
 - (2) A record shall be made of any and all complaints received by the Fire Marshal. All complaints received by fire companies or any other County agency or municipality subject to the jurisdiction of the Fire Marshal dealing with violations of the Fire Prevention Code or other fire hazards shall be promptly forwarded to the Fire Marshal. The Fire Marshal shall maintain an orderly filing system for such complaints.
- (b) Investigation of complaints. Every written, signed complaint which is received by the Fire Marshal shall be investigated by the Fire Marshal, and his findings with respect to such investigation shall be made in the form of a written report.
- (c) Action on complaints. The Fire Marshal shall make a decision, in writing, on all complaints filed in accordance with the provisions of the Fire Prevention Code within ten (10) days after the date on which a complaint is received.

35.12.5. General requirements of notices.

- (a) Every notice issued by the Fire Marshal shall be in such form as he may direct and shall set forth the pertinent facts relating to the matter covered thereby, the requirements which must be complied with in order to correct the conditions set forth therein and the period of time in which the same shall be complied with.
- (b) Serving of notices.

- (1) All notices issued by the Fire Marshal pursuant to or in connection with the provisions of the Fire Prevention Code shall be served on the owner or any one of several owners of the property which is the subject of any such notice or on any duly authorized agent of any such owner or owners. In the event that the property which is the subject of any such notice is occupied by some person other than the owner thereof, and the condition which caused the issuance of any such notice was created or permitted to occur or exist by the occupant of the property involved, then any and all notices issued by the Fire Marshal as aforesaid shall be served on the occupant of said property or on his duly authorized agent as well as on the owner of said property as aforesaid.
- (2) All notices shall be served by registered or certified mail or by a representative of the Fire Marshal or by the Garrett County Sheriff or one of his deputies. When personal service is so made, the party serving the notice shall note upon a copy of the notice the date, time and person served, as well as his own name, and return said copy to the Fire Marshal.
- (3) Nothing contained in the Fire Prevention Code shall be taken or construed to excuse or relieve any person from fully complying with any and all of the provisions of the Fire Prevention Code at any and all times, regardless of whether or not any notice has been issued by the Fire Marshal in any particular case.

35.12.6. Procedure for emergency work.

- (a) When notices cannot be served. In the event that the owner or occupant of any land, building or structure upon which a notice is to be served under the terms and provisions of the Fire Prevention Code does not reside in Garrett County or the whereabouts of any such owner or occupant cannot be ascertained by the Fire Marshal by examining the tax records of said Garrett County and the latest telephone directories and making inquiry of the occupants, if any, of any such land, building or structure, then any such notice shall be conspicuously posted by a duly authorized representative of the Fire Marshal upon that part of any land, building or structure to which such notice related, which is closest to a street, public highway or the usual entrance to said premises, so that such notice will be visible to the general public.

After any such notice has been posted as aforesaid, the Fire Marshal shall take no action in connection with any premises so posted until and after the expiration of a period of thirty (30) days, except that, in cases of emergency, the Fire Marshal shall proceed in accordance with the provisions of the Fire Prevention Code. In all cases where any such notice is posted on any land, building or structure as herein above provided, such posting shall be deemed to be adequate and sufficient service of such notice.

- (b) Failure to comply with notices. In the event that any person fails to comply with the requirements of any notice issued pursuant to the provisions of the Fire Prevention Code, each failure shall constitute a violation of the Fire Prevention Code, and the Fire Marshal shall take any and all action that he may deem necessary or expedient and shall, with the consent of the County Commissioners, institute or cause to be instituted any and all appropriate legal actions or proceedings which may be necessary, expedient or proper to prevent the commencement or the continuation of or to eliminate, abate or correct the condition or conditions which are complained of or which are the subject matter of such notice.

- (c) Extension of time limit on notices. The Fire Marshal may extend the period or periods of time within which the requirements of any notice must be complied with.
- (d) Power of the Fire Marshal in emergencies. In case of the existence of an emergency where life or property is in immediate danger from any cause or thing covered or contemplated to be covered by the Fire Prevention Code and there is not sufficient time to comply with the provisions of the Fire Prevention Code, the Fire Marshal is hereby authorized and empowered to and shall promptly and immediately take any and all action that may be necessary to protect such life and property without complying with the provisions of the Fire Prevention Code.
- (e) Labor and material for emergency work. In all such cases of emergency where life or property is in immediate danger and it is necessary to perform any work or operation to protect life or property (the "Work"), the Fire Marshal is hereby authorized and empowered to temporarily employ such persons and purchase such material, either directly or by contract, as may be necessary to perform the Work. In any and all such cases, the entire amount or amounts of all costs or expenses associated with the Work may be assessed against the party responsible for having caused the Work to be performed.

35.12.7. Violations and penalties.

State Fire Prevention Code adopted. The State Fire Prevention Code, as adopted by the State Fire Prevention Commission, is hereby adopted as a part of the Fire Prevention Code of Garrett County and enforceable pursuant to this Subtitle in Garrett County.

35.12.8 Authorization for additions and changes to State Code.

The County Commissioners and the Garrett County Fire Marshal shall have all rights, powers, duties and authorities prescribed by the Code of Maryland Regulations (COMAR) and all Codes of Ordinance of Garrett County, Maryland. The County Commissioners shall have the power and authority to make changes in and expended or incurred by the Fire Marshal in avoiding, abating, correcting or removing or having avoided, abated, corrected or removed such dangerous condition shall be and become a debt, jointly and severally, due and owing by each and every owner of the premises, building or other structure whereon or wherein the dangerous condition exists and by any other person responsible for the creating of said condition to the County Commissioners upon the completion of the work or operation necessary to eliminate such dangerous condition. The amounts of any and all of the aforesaid debts due and owing to the County Commissioners shall be collected or enforced in the same manner as any other debts due and owing to the County Commissioners are collected or enforced.

- (a) Violations of Fire Prevention Code. Every person shall fully comply with all of the terms and provisions of the Fire Prevention Code and with all the terms and provisions of any notice, order or decision issued by the Fire Marshal or the County Commissioners. Any act or actions which are contrary to any provision or requirement of and any and all failures to comply with any provisions or requirements of the Fire Prevention Code or any such notice, order or decision shall constitute a violation of the Fire Prevention Code.
- (b) Violations. Any person who violates the provisions of this Subtitle shall be guilty of a civil infraction.

THE BOARD OF GARRETT COUNTY COMMISSIONERS

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Board of Commissioners

Paul C. Edwards

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S. Larry Tichnell

County Administrator

Kevin G. Null

County Attorney

Gorman E. Getty III

RESOLUTION 2022-8**GARRETT COUNTY POLICE ACCOUNTABILITY BOARD**

A Resolution adopting and implementing the Garrett County Police Accountability Board, Administrative Charging Committee and Trial Board.

EXPLANATION

AN ACT CONCERNING the Garrett County Police Accountability Board **FOR THE PURPOSE** of establishing a Police Accountability Board for Garrett County, Maryland; establishing the scope of the duties as well as the administration and implementation of the Garrett County Police Accountability Board and authorizing the Garrett County Police Accountability Board to work with law enforcement agencies and the County Government to improve matters of policing in Garrett County;

BY amending Section 32 of the Code of Public Local Laws of Garrett County, Maryland, the same being Article 12 of the Code of Public Local Laws of the State of Maryland (the "County Code") and adopting a new Section 32.95.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the State of Maryland (the "County Commissioners") that Section 32 of the County Code be and is hereby amended by adding Subsection 32.95.

NOW THEREFORE, be it enacted and ordained that the Board of County Commissioners do hereby enact the following ordinance with amendments to be included within the County Code of Ordinance, Title XV, Chapter 32, Sections 32.95.

BE IT FURTHER RESOLVED AND ORDAINED, that this Resolution shall be effective July 11, 2022, by the Board of County Commissioners of Garrett County, Maryland.

ADOPTED this 11th day of July 2022.

**BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND**

By


PAUL C. EDWARDS, Chairman

By


JAMES C. HINEBAUGH, Commissioner

By


S. LARRY TICHNELL, Commissioner


 Kevin G. Null
 County Administrator

PROPOSED ORDINANCE

GARRETT COUNTY CODE OF ORDINANCE NO. 32.95

GARRETT COUNTY POLICE ACCOUNTABILITY BOARD

GARRETT COUNTY ADMINISTRATIVE CHARGING BOARD

AND

GARRETT COUNTY TRIAL BOARD

AN ACT CONCERNING the Garrett County Police Accountability Board **FOR THE PURPOSE** of establishing a Police Accountability Board for Garrett County, Maryland; establishing the scope of the duties as well as the administration and implementation of the Garrett County Police Accountability Board and authorizing the Garrett County Police Accountability Board to work with law enforcement agencies and the County Government to improve matters of policing in Garrett County;

BY amending Section 32 of the Code of Public Local Laws of Garrett County, Maryland, the same being Article 12 of the Code of Public Local Laws of the State of Maryland (the “County Code”) and adopting a new Section 32.95.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the State of Maryland (the “County Commissioners”) that Section 32 of the County Code be and is hereby amended by adding Subsection 32.95 to read, as follows:

32.95. POLICE ACCOUNTABILITY BOARD

A Garrett County Police Accountability Board (“GCPAB”) is established to serve countywide and local law enforcement agencies as defined in Section 3-201 of the Public Safety Article of the Annotated Code of Maryland (the “State Code”).

I. GARRETT COUNTY POLICE ACCOUNTABILITY BOARD

A. The GCPAB shall be comprised of five (5) Members appointed by the Board of County Commissioners as regular voting members for a three (3) year term, including:

- (1) One (1) individual to serve as the Board Chairperson who shall have familiarity with the criminal justice system.
- (2) One (1) retired, sworn law enforcement officer.
- (3) Three (3) citizens with familiarity or experiences with human resources, the operation of a government agency, criminal justice agency, or community service organization.

B. Membership requirements:

- (1) Members of the GCPAB must:
 - (a) Be Garrett County residents and registered to vote;
 - (b) Be at least twenty-five (25) years of age;
 - (c) Have familiarity or experience with human resources, the operation of a government agency, criminal justice agency, or community service organization;
 - (d) Submit to a vetting process that includes intensive in-person interviews by the Board of County Commissioners or their designee and appropriate criminal background research; and
 - (e) Complete training on matters related to police procedures from the Maryland Police Training and Standards Commission.
- (2) An individual may not be a member of the GCPAB if they:
 - (a) Are an active police officer as defined in Section 3-201 of the State Code; or
 - (b) Have been convicted of, or received a probation before judgement for, a felony or a misdemeanor with a statutory penalty of more than two (2) years.
- C. To the extent practicable, the membership of a police accountability board shall reflect the racial, gender, and cultural diversity of the County.
- D. Of the initial appointees to the Board, one (1) appointee shall have a term of one (1) year, two (2) appointees shall have a term of two (2) years, and two (2) appointees shall have a term of three (3) years one of which shall be the chairperson. A member may be reappointed but may not serve more than two (2) full consecutive three (3) year terms.
- E. A member may be removed from the Board if at any time they fail to meet the requirements of this section or any other requirements of the Board, or fail to attend at least fifty percent (50%) of the meetings during any period of twelve (12) consecutive months.
- F. Vacancies shall be filled on the same basis as the original appointments for the unexpired terms. Members shall continue in office until their successors are appointed and qualified.

II. GENERAL POWERS AND RESPONSIBILITIES

- A. The Board shall:
 - (1) Hold quarterly meetings with heads of law enforcement agencies and otherwise work with law enforcement agencies and the County Government to improve matters of policing.
 - (2) Appoint civilian members to charging committees and trial boards.

- (3) Receive complaints of police misconduct filed by members of the public and forward that complaint to the appropriate law enforcement agency within three (3) days of receipt.
- (4) On a quarterly basis, review outcomes of disciplinary matters considered by charging committees.
- (5) On or before December 31 each year, the GCPAB shall submit a report to the governing body of the County that:
 - (a) Identifies any trends in the disciplinary process of police officers in Garrett County; and
 - (b) Makes recommendations on changes to policy that would improve police accountability in Garrett County.

III. MEETINGS, QUORUM, RECORDS

- A. The Board shall meet at least quarterly.
 - (1) A majority of the Board members shall constitute a quorum for the transaction of regular business.
 - (2) The meetings of the Board shall be subject to the Open Meetings Act.
 - (3) The Board shall be prohibited from creating sub or ad hoc committees.
 - (4) Records shall be maintained by the Secretary pursuant to a records retention schedule of Garrett County in accordance with State law. The Board and its staff shall keep confidential any records prohibited from disclosure under the Maryland Public Information Act.

IV. COMPLAINTS

- A. The Board shall receive complaints of police misconduct filed by members of the public.
- B. The Board, in conjunction with the law enforcement agencies located within the County, shall establish a uniform procedure for allowing members of the public to file complaints of police misconduct.
- C. A complaint of police misconduct filed with the Board or law enforcement agency shall include:
 - (1) The name of the police officer accused of misconduct.
 - (2) A description of the facts on which the complaint is based.

- (3) Contact information of the complainant or a person filing on behalf of the complainant for investigative follow-up.
- D. A complaint of police misconduct filed with the Board shall be forwarded to the appropriate law enforcement agency within three (3) business days after receipt by the Board.

32.95.1 ADMINISTRATIVE CHARGING COMMITTEE

A Garrett County Administrative Charging Committee (“GCACC”) is established to serve countywide law and local law enforcement agencies as defined in Section 3-201 of the State Code.

I. ADMINISTRATIVE CHARGING COMMITTEE

- A. The GCACC shall be composed of five (5) regular voting members who will serve for a three (3) year term, including:
- (1) The Chairperson of the GCPAB, or a member designated by the Chairperson of the GCPAB, shall serve as the Chairperson of the GCACC.
 - (2) The Board of County Commissioners shall appoint two (2) citizens as members of the GCACC.
 - (3) The GCPAB shall appoint two (2) civilians to the GCACC by majority vote.
- B. Membership requirements:
- (1) Members of the GCACC must:
 - (a) Be Garrett County residents and registered to vote;
 - (b) Be at least twenty-five (25) years of age;
 - (c) Have familiarity or experience with human resources, the operation of government agency, criminal justice agency, or community service organization;
 - (d) Submit to a vetting process that includes intensive in-person interviews by the Board of County Commissioners or the GCPAB and appropriate criminal background research; and
 - (e) Complete training on matters related to police procedures from the Maryland Police Training and Standards Commission.
 - (2) An individual may not be a member of the GCACC if they:

- (a) Are an active police officer as defined in Section 3-201 of the State Code; or
- (b) Have been convicted of, or received a probation before judgement for, a felony or a misdemeanor with a statutory penalty of more than two (2) years.

II. GENERAL POWERS AND RESPONSIBILITIES

A. The Committee shall:

- (1) Meet as needed, but at least once per quarter.
- (2) Adopt rules of procedure and conduct for hearings that provide procedural and substantive due process (including the procedures required by Section 3-104(e) of the Public Safety Article), which may be amended from time to time as a majority of the GCACC may deem necessary and appropriate.
- (3) Review the findings of a law enforcement agency investigation conducted and forwarded to the GCACC in accordance with Section 3-104(d) of the State Code:
 - (a) Make a determination that the police officer who is subject to investigation shall be:
 - (i) Administratively charged; or
 - (ii) Not administratively charged;
 - (b) If the police officer is charged, recommend discipline in accordance with the law enforcement agency's disciplinary matrix;
 - (c) Issue a written opinion that describes in detail its findings, determinations, and recommendations;
 - (d) Forward a written opinion to the Chief of the law enforcement agency, the police officer, and the complainant; and
 - (e) Maintain confidentiality of a matter being considered until final disposition of that matter.

32.95.2. GARRETT COUNTY TRIAL BOARD

There is a Garrett County Trial Board ("GCTB") to serve countywide law enforcement agencies and local law enforcement agencies within Garrett County.

I. GARRETT COUNTY TRIAL BOARD

- A. The GCTB shall be composed of three (3) regular voting members who will serve for a three (3) year term, including:

- (1) The Board of County Commissioners shall appoint one (1) member to the GCTB. That member shall be an active or retired administrative law judge or a retired District or Circuit Court Judge.
- (2) The GCPAB shall appoint a civilian who is not a member of the GCACC.
- (3) The Garrett County Sheriff shall appoint a police officer of equal rank to the police officer who is accused of misconduct.

B. Membership requirements:

- (1) The civilian Members of the GCTB must:
 - (a) Be Garrett County residents and registered to vote;
 - (b) Be at least twenty-five (25) years of age;
 - (c) Have familiarity or experience with human resources, the operation of a government agency, criminal justice agency, or community service organization;
 - (d) Submit to a vetting process that includes intensive in-person interviews by the Board of County Commissioners or the GCPAB and appropriate criminal background research; and
 - (e) Complete training on matters related to police procedures from the Maryland Police Training and Standards Commission.

II. GENERAL POWERS AND RESPONSIBILITIES

A. Procedures:

- (1) If the police officer does not accept the Chief's offer of discipline, then the matter shall be referred to the GCTB.
- (2) At least thirty (30) days before the GCTB proceedings begin, the police officer shall be:
 - (a) Provided a copy of the investigatory record;
 - (b) Notified of the charges against the police officer; and
 - (c) Notified of the disciplinary action being recommended.
- (3) The GCTB may administer oaths and issue subpoenas as necessary to complete its work.

- (4) A complainant has the right to be notified of a GCTB hearing and, except as provided by Section 3-106(d) of the State Code, the right to attend the hearing.
- (5) Except as otherwise provided by law, the law enforcement agency has the burden of proof by a preponderance of the evidence.
- (6) A police officer may be disciplined only for cause.
- (7) Within thirty (30) days after the date of the issuance of the decision of the GCTB, the decision may be appealed by the police officer to the Circuit Court for Garrett County, Maryland.
- (8) A GCTB decision that is not appealed is final.

III MEETINGS, QUORUM, RECORDS

- A. The meetings of the GCTB shall be open to the public and subject to the Open Meetings Act, except as provided in Section 3-106(d) of the State Code.
- B. Records shall be maintained by the Secretary pursuant to a records retention schedule of Garrett County in accordance with State law. The Board and its staff shall keep confidential any records prohibited from disclosure under the Maryland Public Information Act.

THE BOARD OF GARRETT COUNTY COMMISSIONERS

203 South Fourth Street – Courthouse – Room 207, Oakland, Maryland 21550

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Board of CommissionersPaul C. Edwards
James C. Hinebaugh, Jr
S. Larry Tichnell**County Administrator**Kevin G. Null
County Attorney
Gorman E. Getty III**RESOLUTION 2022 – 9****ADOPTION OF THE STATE FIRE PREVENTION CODE FOR GARRETT COUNTY****A Resolution adopting and implementing the Fire Prevention Code and the relevant National Fire Prevention Codes as listed in the attached Ordinance.****EXPLANATION**

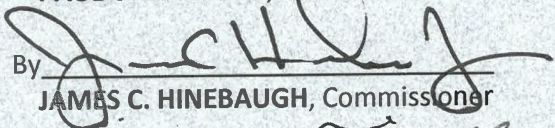
AN ACT CONCERNING the Garrett County Fire Prevention Code; **FOR THE PURPOSE** of adopting and implementing a Fire Prevention Code for Garrett County, Maryland; providing for the scope, administration and implementation thereof; providing for inspection and other fees; providing for protection against fires and the removal of fire hazards; providing for appointment of inspectors to enforce the Fire Prevention Code and establishing penalties for violations thereof;

BY Amending Section 150 of the Code of Public Local Laws for Garrett County, Maryland the same being Article 12 of the Code of Public Local Laws of the State of Maryland (the "County Code") and adopting new Sections 150.05 and 150.06.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the State of Maryland (the "County Commissioners") that Section 150 of the County Code be and is hereby amended by adding Section 150.05.

NOW THEREFORE, be it enacted and ordained that the Board of County Commissioners do hereby enact the following ordinance with amendments to be included within the County Code of Ordinance, Title XV, Chapter 150, Sections 150.05 and 150.06.

BE IT FURTHER RESOLVED AND ORDAINED, that this Resolution shall be effective July 11, 2022, by the Board of County Commissioners of Garrett County, Maryland.

ADOPTED this 11th day of July 2022.**BOARD OF COUNTY COMMISSIONERS
OF GARRETT COUNTY, MARYLAND**By 
PAUL C. EDWARDS, ChairmanBy 
JAMES C. HINEBAUGH, CommissionerBy 
S. LARRY TICHNELL, CommissionerKevin G. Null
County Administrator

GARRETT COUNTY CODE OF ORDINANCE NO. 150.05
BUILDING REGULATIONS

AN ACT CONCERNING the Garrett County Fire Prevention Code; **FOR THE PURPOSE** of adopting and implementing a Fire Prevention Code for Garrett County, Maryland; providing for the scope, administration and implementation thereof; providing for inspection and other fees; providing for protection against fires and the removal of fire hazards; providing for appointment of inspectors to enforce the Fire Prevention Code and establishing penalties for violations thereof;

BY Amending Section 150 of the Code of Public Local Laws for Garrett County, Maryland the same being Article 12 of the Code of Public Local Laws of the State of Maryland (the "County Code") and adopting new Sections 150.05 and 150.06.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the State of Maryland (the "County Commissioners") that Section 150 of the County Code be and is hereby amended by adding Section 150.05 to read, as follows:

150.05. Adoption of standards.

105.05.1. National Fire Protection Association.

- (1) NFPA 1, Uniform Fire Code as published by the National Fire Protection Association;
- (2) NFPA 101, Life Safety Code as published by the National Fire Protection Association;
- (3) NFPA 303, Fire Protection Standards for Marinas and Boat Yards as published by the National Fire Protection Association; and
- (4) IBC Chapters 5 and 9 as published by the International Code Council, Inc.

105.05.2. Incorporation of other standards.

The Fire Prevention Code of the State of Maryland (COMAR 29.06.01), as amended, by the latest editions of the National Fire Protection Association Standards be and the same are hereby adopted and incorporated as fully as if set forth herein, and from the day on which this chapter shall take effect, the provisions thereof shall be controlling within Garrett County, Maryland, insofar as the same may be applicable and not hereinafter modified or amended.

BE IT FURTHER ENACTED that a new Section 150.06 be added to the Code of Ordinances to read, as follows:

150.06. Fire Protection Code.

150.06.1. Definitions.

In this title, the following words have the meanings indicated.

- (1) “NFPA” means National Fire Protection Association;
- (2) “Fire Marshal” means the Office of the Fire Marshal; and
- (3) “Deputy Fire Marshal” means those qualified and appointed by the County Commissioners to serve as Deputy Fire Marshal for Garrett County, Maryland, with the duties and powers to enforce the Code.

150.06.2. Scope.

- (a) Applicability. This section applies to new buildings, conditions, or facilities. Except as provided in subsections (b), (c), and (d), this title does not apply to existing buildings, conditions, or facilities unless:
 - (1) the Fire Marshal or Deputy Fire Marshal has found that the continuation of an existing condition constitutes a distinct hazard adverse to life, property, public safety, or welfare as to require correction; or
 - (2) the building undergoes a change from one occupancy classification to another or from one occupancy sub-classification to another.
- (b) Inapplicability. This section does not apply to one- and two-family dwellings, except for the installation and maintenance of smoke detectors and residential sprinklers when required by any Code
- (c) Inapplicability to Maryland Building Rehabilitation Code. The requirements of this section do not apply to work areas that are subject to the Maryland Building Rehabilitation Code as found at Subtitle 10 of Title 12 of the Public Safety Article of the Maryland Annotated Code and associated regulations.

150.06.3 Administration.

Except as otherwise provided in this Code, the Fire Marshal, or Deputy Fire Marshal, shall enforce and administer the provisions of this title.

- (a) Conflicts. If there are conflicts within the documents set forth in subsection (a) of this section, the most restrictive provision shall apply.
- (b) Matters not provided for. Any requirement essential for fire safety that is not specifically covered by this Code shall be determined by the Garrett County Fire Marshal in accordance with the NFPA National Fire Codes or other NFPA technical publications.
- (c) Modifications. Section 1-10 of NFPA 1, Uniform Fire Code, shall be deleted and all appeals under the Fire Prevention Code shall be to the State Fire Prevention Commission. Any person shall be

permitted to appeal a decision of the Fire Marshall or Deputy Fire Marshall when it is claimed that any one or more of the following conditions exist:

- (1) The true intent of the Fire Prevention Code has been incorrectly interpreted;
- (2) The provisions of the Fire Prevention Code do not fully apply; or
- (3) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

150.06.4. Implementation.

The implementation of this title shall be in accordance with the inspection priority and frequency policy of the Office of the Fire Marshal.

150.06.5. Flammable and hazardous chemicals storage - Signs.

All establishments storing or handling flammable or hazardous chemicals shall be plainly marked with signs at entrances to storage or use areas and at other points that are recommended by the Fire Marshal or the Deputy Fire Marshal. These signs shall be in accordance with the "Standard System for the Identification of the Hazards of Materials for Emergency Response".

150.06.6. Fire Investigations.

The Garrett County Office of the Fire Marshal has the authority to investigate the origin, cause, and circumstances of every fire, explosion, or hazardous materials emergency in Garrett County. When the fire investigator has reason to believe that a fire, explosion, or hazardous materials incident may be the result of a violation of any law, the investigator may immediately take custody of and safeguard all physical evidence in connection with the incident.

150.06.7. Fee Schedule

The Garrett County Office of the Fire Marshal shall utilize the fee schedule set forth in COMAR 29.06.04 as the same may be amended from time to time or as established by the County Commissioners.

150.06.8. Re-inspection Fee.

A fee shall be charged for re-inspections for each called-for inspection that is not ready for inspection. Re-inspection may not be scheduled or conducted without payment of the fee. Notice that a re-inspection fee is required shall be provided in writing on a form prescribed by the County, and adjusted from time to time to be consistent with the Maryland State Fire Marshal fees.

150.06.9. Violations and penalties.

- (a) Civil penalties. In the case of any violation of the Garrett County Fire Prevention Code, § 150.05 hereof, the pre-set fines shall be \$100 for a first offense, \$250 for a second offense, \$500 for a third offense, and \$1,000 for a fourth or subsequent offense.