SAFETY ADVISORY AND TRANSPORTATION COMMITTEE
A G E N D A

AUGUST 29, 2012 - 5:00 P.M.

CITY HALL CONFERENCE ROOM
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

AGENDA ADDITIONS/DELETIONS

1. Proposed Ordinance #2012-05 Amending Chapter 46 - Fire Prevention and Protection

2. Prioritization of City of Dover State Capital Transportation Program (CTP) Projects

3. Update - Dover High School Construction

4. Briefing on Delaware Department of Transportation (DelDOT) Projects
   A. DelDOT Repaving Project
   B. West Dover Connector
   C. Route 8/Hazlettville Road Connector

5. Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects - *Richard Vetter*

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S:\AGENDAS-MINUTES-PACKETS\Committee-Agendas\2012\08-29-2012 SA&T.wpd

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

ACTION FORM

PROCEEDING: Safety Advisory & Transportation Committee
DEPARTMENT OF ORIGIN: Planning & Inspections (Fire Marshal) **DATE SUBMITTED**: Aug. 17, 2012
PREPARED BY: David Truax, Fire Marshal
SUBJECT: Housekeeping of Fire Prevention and Protection Ordinances
REFERENCE: Dover Code, Chapter 46 – Fire Prevention and Protection; and Appendix F – Fees and Fines
RELATED PROJECT: N/A
APPROVALS: Ann Marie Townshend, AICP, Director of Planning & Community Development
EXHIBITS: N/A
EXPENDITURE REQUIRED: $ **AMOUNT BUDGETED**: $ **FUNDING SOURCE (Dept./Page in CIP & Budget)**: N/A
TIMETABLE: First reading September 10, 2012 and the Second reading September 24, 2012
RECOMMENDED ACTION: Staff recommends that the Committee forward the proposed ordinance to the City Council with a recommendation for adoption.

BACKGROUND AND ANALYSIS

This proposed ordinance would amend Chapter 46 - Fire Prevention and Protection and Appendix F - Fees and Fines to clarify existing language and create new subsections which would make it unlawful for any person to tamper with or impair any fire protection system from operating as designed; specify the authority of the fire marshal; prohibit open burning, commercial barbecuing, and outdoor fireplaces to be unattended at any time and authorize the fire marshal, code official, fire officer, or police to order the open burning extinguished; and remove the requirement for fire alarm installation reports. It would also create new sections to address fire hydrants and fire department connections; the report of a fire and spreading of alarm; unlawful regulations or orders; maintaining records for inspections; and marking rated walls.

CITY OF DOVER PROPOSED ORDINANCE #2012-05

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-3 - Impairment of Fire Protection Equipment, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 46-3. - Impairment of fire protection equipment.

(a) *Prohibited*. It shall be a violation of this chapter for any owner, renter, lessor, or contractor, after having been notified, in writing, by the fire marshal or code enforcement officer of any impairment to fire protection equipment, including but not limited to fire hydrants, fire alarm systems, sprinkler systems, commercial cooking ventilation and fire suppression systems, standpipes, and smoke removal or pressurization systems, to allow it to remain impaired for any time beyond that allowed by the fire marshal for repair. For the purposes of this section, the term "impairment" means any effective lessening of the equipment to operate as designed, including times of maintenance and annual testing.

(b) Impairment of fire protection systems. All fire protection systems, devices, units, and service equipment shall be maintained in an operational condition at all times, and it shall be unlawful for any person owning, controlling, or otherwise having charge of any fire protection system to willfully or knowingly tamper with or impair the system from operating as designed without proper approval. An approval form may be obtained from the fire marshal's office. Approvals will not be required for temporary impairments caused by periodic testing and inspection. Any impairment which will render the system non-operational or out of service for more than eight hours for testing and inspection purposes must be approved prior to the start of work.

(~~b~~*c*) *Notification required*. The owner, tenant, or contractor shall notify the Robbins Hose Company ~~of the city~~ of any impaired fire protection equipment, and shall renotify the Robbins Hose Company when the fire protection equipment has been restored to normal service. Certification from the repairing contractor shall be required to verify that the system has been fixed and is functioning as designed.

(~~c~~*d*) *Fire watch required*. When any impairment would cause a sprinkler system not to operate or a fire alarm system not to detect and signal a fire, and if the building is to remain occupied, a fire watch shall be established in that building or that portion of a building affected. It shall be the responsibility of the owner or tenant to set up the fire watch. The fire watch shall consist of an hourly check of the building or portion of the building affected, and a log kept, there stating the date, time of the checks, and who was making the checks. This log shall be accessible for immediate inspection by the fire chief, fire marshal, or code enforcement officer.

(e) Authority of fire marshal. The fire marshal or his/her designee is authorized to close any such building or property where fire protection equipment is found to be impaired or non-operational to ensure the life safety of the occupants.

(~~d~~*f*) *Fines*. Any owner, occupant, contractor or body corporate found to be in violation of this section shall be issued a summons as provided for in Appendix F—Fees and Fines.

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BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-5 - Open burning, Paragraph (f) - Prohibited, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 46-5. - Open burning

(a) *Definitions*. The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Barbecuing - Commercial. The preparation and cooking of food by way of gas grill, charcoal grill, or other apparatus used for the cooking of food by way of flame produced through wood, charcoal, or gas for the purpose of cooking food for the sale to and/or consumption by the general public.

Barbecuing—Recreational. The preparation and cooking of food by way of gas grill, charcoal grill, or other apparatus used for the cooking of food by way of flame produced through wood, charcoal, or gas for the purpose of cooking food for the consumption by a family and/or guests or by the membership of a private organization or church congregation.

Open burning. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber.

Outdoor fireplace. Any homemade or commercially produced fireplace, fire pit, or fire ring used for the kindling of wood.

(b) *Permit required*. Open burning of structures, brush, or bonfires shall not be permitted without a permit obtained from the fire marshal.

(c) *Fire dimensions*. Open burning, when permitted, shall be kindled in such a manner as not to be a danger to other campers, recreational vehicles, tents, or structures and shall not be of a size greater than 18 inches by 18 inches by 18 inches. Height of the fire shall be measured from the ground or from the bottom of the inside of the container being used to kindle the fire. Open burning shall not be kindled directly on the ground unless contained in a fire ring.

(d) *Fire clearances and time restrictions*. Outdoor fireplaces shall have 36 inches clearance from all combustibles when in use. Portable fireplaces, fire pits, or fire rings shall be extinguished in a residential area between the hours of 12:00 midnight and 8:00 a.m.

(e) *Commercial barbecuing.* Commercial barbecuing shall be permitted under the following conditions:

(1) The location has been approved by city licensing and inspections and the fire marshal and an outdoor public gathering permit has been obtained.

(2) One fire extinguisher of not less than five pounds ABC is to be located within ten feet of the cooking area. Cooking area and cooking fuels shall be secured from public access.

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(3) Approval from the board of public health has been obtained.

(4) The operator shall make all reasonable attempts to avoid causing a nuisance to nearby property owners with smoke, fumes, or sparks.

(5) All compressed flammable gas containers used for cooking shall be secured in such a way as to prevent them from being knocked, tipped, or blown over.

Any commercial barbecuing operations which are a continual nuisance because of smoke, fumes, or sparks shall be terminated by the code official or fire marshal and the outdoor public gathering permit revoked until such time as the director of licensing and inspections is satisfied that the problem has been corrected.

Barbecuing of any kind shall not be kindled within 200 feet of any fuel pump or storage tank fill. Cooking grease shall not be disposed of by placing it directly on the ground or in storm water drains.

(f) *Prohibited.* ~~**Multifamily residential dwelling units. In apartment buildings, condominiums, or any other multifamily residential dwelling of three or more units by any other name, the storage of propane tanks inside units or on balconies is prohibited. Recreational barbecuing shall be prohibited on any balcony or under any overhanging portion or within 15 feet of any structure, except that the use of electrical ranges or electrical grills shall be permitted. The use of outdoor fireplaces on balconies is prohibited.**~~

(1) Multifamily residential dwelling units. In apartment buildings, condominiums, or any other multifamily residential dwelling of three or more units by any other name, the storage of propane tanks inside units or on balconies is prohibited. Recreational barbecuing shall be prohibited on any balcony or under any overhanging portion or within 15 feet of any structure, except that the use of electrical ranges or electrical grills shall be permitted. The use of outdoor fireplaces on balconies is prohibited.

(2) Unattended burning. It shall be prohibited for open burning, commercial barbecuing, and outdoor fireplaces to be unattended at any time. In the event that any open burning, commercial barbecuing, or outdoor fireplaces are found to be unattended, the fire marshal, code official, fire officer, or police shall order the open burning extinguished.

(g) *Fines*. Any owner, occupant, contractor, or body corporate found to be in violation of this section shall be issued a summons as provided for in Appendix F—Fees and Fines.

(h) *Authority of the fire marshal*. The fire marshal is authorized to impose a ban on open burning if weather conditions do not safely permit open burning. The fire marshal or fire officer shall order any fire extinguished that is deemed unsafe or not in compliance with this section of the Dover Code.

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BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, Section 46-7 - Preventable and Malfunctioning Alarms to the Fire Company, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikeout as follows:

Sec. 46-7. - Preventable and malfunctioning alarms to the fire company.

(a) *Definitions*. The following words, terms and phrases, when used in this section, shall have the meanings ascribed to them in this subsection, except where the context clearly indicates a different meaning:

Automatic telephone dialing device and *digital alarm communicator system* mean an alarm system which automatically sends a prerecorded voice message or coded signal over regular telephone lines, by direct connection or otherwise, indicating the existence of the emergency situation that the alarm system is designed to detect.

~~*Fee*~~ ***Fine*** means the assessment of a monetary charge, payable to the city, authorized pursuant to this section, to defray the expenses of responding to a preventable alarm or alarm malfunction.

Fire alarm installation report means a report, in a form approved by the fire marshal, with the following minimum information:

(1) The name, address, business and home telephone number of the owner, lessee, operator, manager or person in possession of the premises wherein the alarm system is installed.

(2) The name***,*** address***,*** and telephone number of a minimum of two persons who can be notified by the Robbins Hose Company in the event of the activation of the alarm system, who shall be capable of responding to the premises within 30 minutes, and who ~~is~~ ***are*** authorized to enter the premises to ascertain the status thereof.

Fire alarm malfunction means the activation of any alarm, which results in the response of the fire department, caused by mechanical failure, malfunction, improper installation, or lack of proper maintenance.

Fire alarm system means any mechanical, electrical or radio-controlled device which is designed to emit a sound or transmit a signal or message when activated or any such device which emits a sound and transmits a signal or message when activated because of smoke, heat or fire. Without limiting the generality of the foregoing, the term "fire alarm system" shall be deemed to include audible alarms at the site of the installation of the detection device, proprietor alarms and automatic telephone direct dial devices or digital alarm communicator systems. A single station alarm device shall not be deemed to be an alarm system under this section.

Fire alarm technician means any person who inspects, installs, repairs or performs maintenance on fire alarm systems and is licensed by the state or works under a state licensed alarm contractor.

Operative alarm system means an alarm system which the owner of a premises is required to maintain in an operative condition pursuant to statute, law, ordinance, rule or regulation of the state or the city.

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Owner means any person who owns the premises in which an alarm system is installed or the person or persons who lease, operate, occupy or manage the premises.

Premises means any building or structure, or combination of buildings and structures, which serve as dwelling units, single-family or multifamily, or any other area within a building or structure, or combination thereof, which is used for any purpose, other than residential, wherein an alarm system is installed.

~~***Preventible***~~ ***Preventable*** *alarm* means the activation of any alarm, which results in the response of the fire department, caused by the negligence or intentional misuse of the system by the owner or his***/her*** employees, servants or agents; or any other activation not caused by heat, smoke or fire, exclusive of a "fire alarm malfunction" as defined in this section. An alarm is not considered a ~~***preventible***~~ ***preventable*** alarm if the alarm is activated due to malicious causes beyond the control of the owner.

Serve means hand-delivery, by a representative of either the fire department or police department, to the owner or authorized representative who responded to the premises. In the event the owner or authorized representative fails to respond to the premises within 30 minutes, the term "serve" shall mean placing the form or other matter in the United States mail, addressed to the owner or authorized representative.

Single-station alarm device means an assembly incorporating the detector, control equipment and alarm-sounding device in one unit, operated from a power supply either in the unit, or obtained at the point of installation.

~~**(b) *Fire alarm installation report.***~~

~~**(1) *Required*. Every person who installs, owns, leases, possesses or operates any fire alarm system within the city shall notify the office of the fire marshal of the alarm system and necessary information about the system through a fire alarm installation report, which shall be completed and forwarded to the office of the fire marshal. When any of the information required has changed, it shall be reported by the owner within 15 days of such change.**~~

~~**(2) *Test*. No fire alarm system acceptance test shall be performed until the fire alarm installation report is complete. It shall be the duty of the fire alarm installation company to provide the owner with a current copy of the fire alarm installation report.**~~

(~~***c***~~***b***) *Responsibility for malfunctioning and* ~~***preventible***~~ ***preventable*** *alarms, owner response, and corrective action.*

(1) *Generally*. The responsibility for a preventable or malfunctioning alarm shall be that of the owner of the premises in which the fire alarm system is installed. A response to a preventable or malfunctioning alarm shall result when any fire marshal or member of the fire department shall be dispatched to the premises where the alarm has been activated or learns of the activation of the alarm system, by any means whatsoever, and responds thereto by traveling to that premises. After responding to a malfunctioning or preventable alarm, the responding official shall notify the owner or his***/her*** authorized representative and such person shall thereupon travel to the premises to ascertain the status thereof. Should the person notified fail to appear at said

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premises within 30 minutes after being notified to do so, the ~~city may charge~~ ***fire marshal may issue*** the owner of the premises a ~~fee~~ ***fine*** as provided for in Appendix F—Fees and Fines. The official or member of the fire department who responded to said premises shall ~~forward a fire alarm activation report to~~ ***notify*** the fire marshal's office.

(2) *Malfunction*. In the event of a fire alarm deemed by the responding official to be the result of a fire alarm malfunction, the owner will be served a ~~fire alarm activation report~~ ***notice of violation form***, indicating that the activation was deemed to be the result of a fire alarm malfunction, and requiring the owner to ~~return a completed affidavit of service/repair within 15 days of said alarm activation, which can verify~~ ***provide documentation that the fire alarm component that caused the fire alarm malfunction has been corrected***, to the satisfaction of the fire marshal, ***and*** that the fire alarm system in question has actually been examined by a fire alarm technician and that a bona fide attempt has been made to identify and correct any defect of design, installation or operation of the fire alarm system which was identifiable as the cause of the fire alarm malfunction. Failure to return ~~an affidavit~~ ***documentation*** of service/repair within ~~said 15-day period,~~ ***the period of time stated on the notice of violation,*** which is satisfactory to the fire marshal, will result in assessment against the owner of a ~~fee~~ ***fine*** for the fire alarm malfunction as provided for in Appendix F—Fees and Fines.

(~~d~~*c*) ~~Fee~~ ***Fine*** *charges; multiple fire alarm malfunctions or* ~~preventible~~ ***preventable*** *alarms.*

(1) *Amount of* ~~fee~~ ***fine***. A ~~fee~~ ***fine*** may be assessed for the third and subsequent malfunctioning or preventable alarms at the same premises responded to by the fire department within the prior 12-month period. Thereafter, the ~~fees~~ ***fines***, as provided for in Appendix F - Fees and Fines, shall be paid by the owner for each preventable or malfunctioning fire alarm responded to by the fire department at the same premises during a 12-month period beginning with the date of the first alarm.

(2) *Panel reset*. Once a preventable alarm or fire alarm malfunction has been responded to by the fire department, it shall be unlawful for the alarm panel to be reset by any person until the authorization of the fire department has been obtained. A ~~fee~~ ***fine*** as provided for in Appendix F—Fees and Fines may be assessed to the owner of a premises where the fire alarm has been reset before the fire department or assisting fire department arrives.

(3) *Insufficient alarms*. When any premises are protected by a fire alarm system that, in the opinion of the fire marshal or his***/her*** deputy(ies), will not safely alarm the occupants of a fire, the fire marshal or his***/her*** deputy(ies) may close said building, or a portion of said building, to human occupancy until the problem with the fire alarm is corrected and a written report from a licensed fire alarm company is submitted to the fire marshal.

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, be amended by inserting a new Section 46-9 - Fire Hydrants and Fire Department Connections, to read as follows:

Sec. 46-9. - Fire hydrants and fire department connections.

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(a) It shall be unlawful for any person to park, place, or keep any vehicle or object within ten feet of a fire hydrant or fire department connection on any city street or public property.

(b) Fire hydrants public and private shall have their tops painted with the appropriate color to indicate flow, and the remainder of the hydrant shall not be painted any color other than red unless approved by the fire marshal and public works department.

(c) It shall be unlawful to knowingly impair or tamper with a fire hydrant or fire department connection so as to make it non-operational when needed.

(d) It shall be unlawful for any person other than members of a fire department engaged in the performance of their duties, any person in the event of an emergency endangering life or property, or any city department for authorized purposes to open, use or take water from any fire hydrant.

(e) During times of inclement weather, snow shall not be plowed or piled as to obstruct the use of fire hydrants on private property.

(f) Fire hydrants shall be installed per the requirements of City of Dover Public Utilities Water/Wastewater Handbook, NFPA requirements, and Delaware State Fire Prevention Regulations.

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, be amended by inserting a new Section 46-10 - Notifying the Fire Department, to read as follows:

Sec. 46-10. - Report of fires required; spreading of alarm.

It shall be the duty of the owner, manager, occupant, responsible person or any person in direct control of any building or premises of any kind, upon discovery of a fire or evidence of there having been a fire even though it has apparently been extinguished, or upon receiving information that there is or was a fire on the premises, to immediately and with all reasonable dispatch and diligence call or otherwise notify the fire department of the existence, circumstances, and location of such fire and to spread an alarm to all occupants of the building. This requirement shall not be construed to forbid any person to use all diligence necessary to extinguish such fire prior to the arrival of the fire department.

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, be amended by inserting a new Section 46-11 - Unlawful Regulation or Order, to read as follows:

Sec. 46-11. - Unlawful regulation or order.

No person shall make, issue, post, or maintain any regulation or order, written or verbal, that would require any person to take any unnecessary delaying action prior to reporting a fire to the fire department.

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BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article I - In General, be amended by inserting a new Section 46-12 - Maintaining Records for Inspections, to read as follows:

Sec. 46-12. - Maintaining records for inspections.

The building or property owner or manager of any occupancy required to have an annual fire/life safety inspection conducted by the fire marshal's office shall maintain a fire inspection log with the documentation pertinent to that occupancy for the preceding three years, as follows:

(a) Annual fire alarm system certificate of inspections
(b) Annual fire suppression system certificate of inspections
(c) Annual hood suppression system certificate of inspections
(d) Annual elevator certification of inspection
(e) Annual fire extinguisher inspection paperwork
(f) Six-month steam cleaning paperwork for hood suppression system
(g) Two year boiler inspection paperwork
(h) Three or five year electrical inspection paperwork
(i) Current respondent information
(j) Monthly fire extinguishers visual check
(k) Monthly exit lights test
(l) Monthly emergency lighting test.
(m) Monthly generator run
(n) Self-closing fire door & exit hardware
(o) Fire drills

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, Section 46-124 - Fire Marshal, be amended by inserting the text indicated in bold, blue, italics as follows:

Sec. 46-124. - Fire marshal.

(a) *Selection*. There shall be a fire marshal, who shall be selected by the city council at its annual meeting.

(b) *Fire prevention*. The fire marshal or his***/her*** authorized agent shall enforce this article and any other fire prevention provisions of this Code and any other fire prevention regulations applicable to the city.

(c) *Investigation of fires*. The fire marshal or his***/her*** deputies shall be responsible for the investigation of the origins and causes of fires and explosions within the corporate limits of the city, which involve the loss of life or injury or cause destruction or damage to property. Such investigation shall be initiated immediately upon the occurrence of such fire or explosion. Upon request of the fire marshal, the city police shall be authorized to assist the fire marshal in the performance of his***/her*** duties. When any fire or explosion is found to be suspicious or criminal in nature or causes serious injury or death, the fire marshal or his***/her*** deputies shall contact the city police and, per the

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agreement of the fire marshal and chief of police, conduct a joint investigation into the origin and cause of the fire or explosion.

(d) *Hazardous conditions*. When, in the opinion of the fire marshal or code official, a fire or life safety hazard is of imminent danger to occupants of a building, structure or outdoor event, the fire marshal or code official may order the unsafe condition removed, said building or structure evacuated or outdoor event terminated.

(e) Right of entry. The fire marshal or his/her designee is authorized at all reasonable times to enter and examine any building, marine vessel, vehicle, or premises for the purposes of making fire safety inspections. Before entering a private building or dwelling, the fire marshal or his/her designee shall obtain the consent of the occupant thereof or obtain a search warrant authorizing his/her entry for the purpose of inspection, except in those instances where an emergency exists. As used in this section, "emergency" means circumstances which the fire marshal or his/her designee knows or has reason to believe exist, and which reasonably may constitute immediate and grave danger to life or property.

(f) Implied consent. Application for, or acceptance of, any license or permit requested or issued pursuant to City Code constitutes agreement and consent by the person making the application or accepting the license or permit to allow the fire marshal or his/her designee to enter the premises at any reasonable time to conduct such inspections as required by this code or deemed necessary by the fire marshal or his/her designee to determine compliance with the requirements for such license or permit.

(g) The fire marshal or code official may placard any building damaged by fire or explosion as being a health hazard and unsafe to enter. No one shall enter any building having been placarded by the fire marshal or code official as being a health hazard and unsafe without first contacting the fire marshal.

(h) It shall be unlawful to enter any premise, structure, building, or vehicle which has been damaged by fire or explosion for the purpose of removing, altering or tampering with any part of the structure, appliance, or object identified and tagged by the fire marshal as being a possible ignition source or cause of the fire or explosion, without approval of the fire marshal, until the conclusion of the investigation.

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, be amended by inserting a new Section 46-128 - Marking Rated Walls, to read as follows:

Sec. 46-128. - Marking Rated Walls

(a) Fire walls, fire barriers, shaft enclosures, fire partitions, and smoke barriers shall be labeled with their rating. Markings shall be red in color, located on both sides of the separation wall, a minimum of four inches in height, and no more than fifteen feet apart for the length of the wall. Markings shall be visible when ceiling tiles are removed for inspection.

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(b) Ratings are to be marked as follows:

One hour separation. 1HR
Two hour separation. 2HR
Three hour separation. 3HR
Four hour separation. 4HR
Smoke Barriers. . . . . SB

BE IT FURTHER ORDAINED THAT

Chapter 46 - Fire Prevention and Protection, Article IV - Public Occupancies, Section 46-168 - Reinspection Fee, be amended by inserting the text indicated in bold, blue, italics and deleting the text indicated in bold, red, strikeout as follows:

Sec. 46-168. - Reinspection fee.

(a) *Amount*. There is hereby created a reinspection fee as provided for in Appendix F—Fees and Fines that shall be charged for any repeated violation cited by the fire marshal, determined to be a violation and which requires a follow up inspection to confirm the correction of the violation.

(b) ~~***Sending of bill.* Reinspections for the above referenced violations shall cause the fire marshal to direct a bill to be sent to the operator having had such violations.~~ ***Fee attached. A fee may be attached to any summons written for any violation found to still be uncorrected upon reinspection.***

~~**(c) *Failure to pay*. Failure to pay the reinspection fee within ten days from the receipt of such bill may permit the city's fire marshal to suspend, without warning, notice or hearing, any permit to operate a public occupancy for noncompliance with the requirement of this section**~~.

BE IT FURTHER ORDAINED THAT

Appendix F - Fees and Fines, be amended by inserting the text indicated in bold, blue, italics, as follows:

Sec. 46-3	Impairment of Fire Protection Equipment		
	Subsec. ~~(d)~~***(f)***	Fines	$50.00 first offense; $100.00 second and subsequent offenses
Sec. 46-7	Preventable and malfunctioning alarms to the fire company		
	Subsec. ~~(c)~~***(b)***(1)	Responsibility for malfunctioning and preventable alarms, owner response, and corrective action; Generally	Should the person notified fail to appear at said premises within 30 minutes after being

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				notified to do so, the city may charge the owner of the premises a ~~fee~~ ***fine*** of $75.00
	Subsec. ~~(c)~~***(b)*** (2)	Responsibility for malfunctioning and preventable alarms, owner response, and corrective action; Malfunction		Failure to return ~~an affidavit~~ ***documentation*** of service/repair within ~~said 15-day period,~~ ***the period of time stated on the notice of violation,*** which is satisfactory to the fire marshal, will result in assessment against the owner of a ~~fee~~ ***fine*** for the fire alarm malfunction
	Subsec. ~~(d)~~***(c)*** (d)(1)	~~Fee~~ ***Fine*** charges; multiple fire alarm malfunctions or preventable alarms; Amount of ~~fee~~ ***fine***		
		Number of preventable or malfunctioning fire alarms		~~Fee~~ ***Fine*** per preventable or malfunctioning fire alarm
			Third	$75.00
			Fourth	$100.00
			Fifth	$200.00
			All over fifth, each	$250.00
	Subsec. ~~(d)~~***(c)***(2)	~~Fee~~ ***Fine*** charges; multiple fire alarm malfunctions or preventable alarms; Panel reset		A $25.00 ~~fee~~ ***fine*** may be assessed to the owner of a premises where the fire alarm has been reset before the fire department or assisting fire department arrives

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Sec. 46-168	Reinspection Fee		
	Subsec. (a)	Amount	$25.00 for any repeated violation cited by the fire marshal, determined to be a violation and which requires a followup inspection to confirm the correction of the violation
	Subsec. (b)	***Fee Attached***	***A fee may be attached to any summons written for any violation found to be uncorrected upon reinspection.***

ADOPTED: *

S:\ORDINANCES\2012\Draft\2012-05 - Chapter 46 - Fire Prevention and Protection - Revised 08-16-2012.wpd

SYNOPSIS

This proposed ordinance would amend Chapter 46 - Fire Prevention and Protection and Appendix F - Fees and Fines to clarify existing language and create new subsections which would make it unlawful for any person to tamper with or impair any fire protection system from operating as designed; specify the authority of the fire marshal; prohibit open burning, commercial barbecuing, and outdoor fireplaces to be unattended at any time and authorize the fire marshal, code official, fire officer, or police to order the open burning extinguished; and remove the requirement for fire alarm installation reports. It would also create new sections to address fire hydrants and fire department connections; the report of a fire and spreading of alarm; unlawful regulations or orders; maintaining records for inspections; and marking rated walls.

(SPONSORS: STAFF)

Actions History

August 29, 2012 - Scheduled for Consideration by the Safety Advisory and Transportation Committee

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MEMORANDUM

City of Dover
P.O. Box 475
Dover, Delaware 19903
Phone: 302.736.7010 Fax: 302.736.4217

Date: August 20, 2012

To: Safety Advisory and Transportation Committee

From: Ann Marie Townshend, AICP, Director of Planning & Community Development
Scott D. Koenig, P.E., City Manager

RE: 2012 Transportation Prioritization

Each year, the City Council develops a list of transportation priorities and shares these priorities with the Secretary of Transportation for consideration as the Department of Transportation develops the State's Capital Transportation Plan. We have reviewed the priorities approved in September 2011 by City Council, and we recommend the following priority ranking for the coming year.

1. West Dover Connector
2. Sidewalks on Route 8 in Vicinity of New Dover High School (new)
3. Route 8/Hazlettville Road Connector Garrison Oak Connector Road
4. Garrison Oak Connector Road
5. US Route 13 Sidewalk Construction
6. Loockerman Street/Forest Street Improvements
7. Dover Transit Hub – Public/Private Partnership for Building
8. US Route 13 Service Road Corridor
9. Kenton Road Corridor Upgrades
10. College Road Corridor Upgrades
11. Kings Highway/Route 13 Intersection Improvements (new)
12. Crawford Carroll Avenue Extension

We look forward to discussing this prioritization with the Committee on August 29th.

STATE OF DELAWARE
DEPARTMENT OF TRANSPORTATION
800 BAY ROAD
P.O. BOX 778
DOVER, DELAWARE 19903

SHAILEN P. BHATT
SECRETARY

August 7, 2012

Mr. Thomas J. Leary
Council President, City of Dover
P.O. Box 475
Dover, Delaware 19903

Dear Mr. Leary,

I am in receipt of your July 9, 2012 correspondence regarding safety concerns associated with the opening of the new Dover High School on State Route 8. We certainly understand the need to provide safe ingress and egress for vehicular, pedestrian and bicycle traffic on all of our roads.

As indicated in your letter, the traffic signal warrant analysis performed by the Capital School District does not support the installation of a traffic signal at the eastern school entrance. This does not mean that a traffic signal will never be warranted at this location, just not at this time. Installation of a traffic signal can sometimes have negative consequences, such as increased delays and rear end crashes. For these reasons, the Department must follow adopted guidance and standards when making the determination to install a traffic signal. There are certain pedestrian and vehicular warrants that may trigger the need for a standard traffic signal, but without the school being open, we can only estimate the volumes of pedestrian and vehicle traffic that may cross SR 8 in this area. The study completed by the school district and their engineer did just that based upon their local and best knowledge of the student population in the area. We can reevaluate the vehicular and pedestrian traffic volumes in this location once the school opens and traffic stabilizes. As you are aware a traffic signal will be installed at the western entrance to the new school by the planned opening.

Regarding your request for sidewalk installation along the north side of SR 8, we do not disagree that it would be preferable to have a sidewalk in this location for the reasons stated in your letter. This installation will likely require right of way acquisition, and possibly utility and drainage relocations in addition to the actual sidewalk construction. A project such as this requires funding that is not currently programmed in our capital transportation program. We did investigate funding the work through the federal Safe Routes to School Program; however high schools are not eligible to receive those funds. In the absence of readily available funds, we suggest that you work with the Dover/Kent Metropolitan Planning Organization (MPO) to prioritize this project against other needs in the City and County. The MPO is directly involved with the development of our capital transportation program each year. Another

option may be to obtain legislative funding through the Community Transportation Fund (CTF). I have directed my staff to prepare a cost estimate for this work so that you can discuss this with the MPO and/or legislators. We will forward the estimate in the next few weeks.

Thank you for expressing your concerns. We look forward to working with you to find satisfactory solutions.

Sincerely,

Shailen Bhatt
Secretary

NB

cc: Senator Brian Bushweller
Representative Darryl Scott
Nicole Majeski, Acting Chief of Staff
Natalie Barnhart, Chief Engineer
Jennifer Cohan, Acting Director, Planning
Geoff Sundstrom, Director, Public Relations
Joseph Wright, Director, Maintenance & Operations
Brian Urbanek, Assistant Director
Donald Weber, Assistant Director, Traffic
Tina Shockley, Legislative Liaison
Scott Koenig, City Manager, City of Dover
Ann Marie Townshend, Director of Planning and Community Development

City of Dover

MAYOR AND COUNCIL

July 9, 2012

Mr. Shailen P. Bhatt, Secretary
Department of Transportation
800 Bay Road
Dover, DE 19901

Dear Secretary Bhatt:

As we have previously discussed, the new Dover High School is under construction on Forrest Avenue (Delaware Route 8) on the west side of Dover. The location of the school on the City's primary east/west route creates significant challenges to ensuring that traffic in this area continues to flow smoothly and does not adversely affect the many residents and businesses along the corridor that rely on Route 8 for their daily travel. To this end, monthly coordination meetings among City of Dover staff, DelDOT staff, and the consultants for the Capital School District have helped to keep this large, complex project on schedule and address design concerns before they become problematic.

For the past several months, there has been discussion about the installation of a traffic signal at the east entrance of the school site, which would line up with Heatherfield Way. As required by DelDOT, the Capital School District completed a signal warrant analysis for this location. The analysis indicates that the intersection does not meet the warrants for a traffic signal.

Dover City Council firmly believes that a signal at the east entrance location is imperative in order to provide safe pedestrian access to the Dover High School. We also request that DelDOT install sidewalks along the north side of Route 8 to facilitate safe pedestrian access to this location. There are a number of residential developments on the north side of Route 8, from which students will be expected to walk to school. The absence of a signal at this location and the absence of sidewalks to provide safe access to this signal will likely create an unacceptable safety risk for students and other members of the community accessing the school property. This safety risk extends beyond simply accessing the school at the beginning and end of the school day and also includes access to the athletic fields and the school grounds for events held on the campus before and after hours.

Further, we are concerned that the lack of safe pedestrian access through sidewalks and a signalized crossing will result in unnecessary vehicle traffic due to parents driving their children to school rather than allowing them to walk.

Sincerely,

Thomas J. Leary
Council President

cc: Senator Brian Bushweller, 17th District
Representative Darryl Scott, 31st District
Scott D. Koenig, City Manager
Ann Marie Townshend, Director of Planning & Community Development