

AN ORDINANCE AMENDING CHAPTER 95 TO INCLUDE IN-BUILDING TWO-WAY RADIO COMMUNICATIONS ENHANCEMENT SYSTEM REQUIREMENTS

WHEREAS, the State of Maryland has adopted NFPA 1, Fire Code, 2021 Edition (NFPA1-2021) as its Fire Code, NFPA 101, Life Safety Code, 2021 Edition (NFPA101-2021) as its Life Safety Code, NFPA1-2021;

WHEREAS, NFPA101-2021 provides requirements for reliable public safety radio system coverage in occupancies, and NFPA1221 2016 provides requirements for the design, installation, and maintenance of communications enhancements systems;

WHEREAS, it has been demonstrated that modern building design and construction techniques, especially those required to satisfy requirements for LEED-certified building designs, impair reliable two-way radio coverage for first responders operating inside of buildings;

WHEREAS, two-way radio communications enhancement systems help ensure the safety of building occupants and first responders by extending the coverage of a public safety communications system to the interior areas of the building through the use of special bi-directional amplifiers (BDAs) and a network of indoor antennas strategically located to provide reliable public safety radio system coverage throughout the interior of a building; the BDA and network of antennas are sometimes collectively known as a Distributed Antenna System (DAS);

WHEREAS, DAS systems must be designed, installed, maintained, and repaired by qualified personnel to ensure that they meet the County's coverage reliability code requirements and do not cause unintended harmful interference to County or State radio systems or other users of the RF spectrum licensed by the Federal Communications Commission (FCC);

WHEREAS, the County operates a digital trunked public safety radio system for first responder communications within the County, and the State of Maryland operates a statewide 700 MHz digital trunked public safety radio system that is also used by local and state first responders in Calvert County;

WHEREAS, the Calvert County Department of Public Safety Emergency Communications Division oversees the day-to-day operation, maintenance, and management of the public safety radio system;

WHEREAS, it has been recommended to the Board of County Commissioners that Calvert County take such measures to ensure that DAS systems are used where necessary throughout the County by authorizing the Calvert County Department of Public Safety Emergency Communications Division to adopt, implement and enforce the provisions of the "Compliant Public Safety In-Building Two Way Radio Communications Enhancement System Requirements" attached hereto as Exhibit A and made a part hereof;

WHEREAS, notice of a public hearing was duly advertised for two consecutive weeks before the public hearing held on March 26, 2024, at which time the Board of County Commissioners received public comment; and

WHEREAS, upon due consideration of the comments of the public and staff, the Board of County Commissioners finds it is in the best interest of the public health, safety, and welfare of the citizens of Calvert County, Maryland to enact and adopt the additions to Chapter 95 of the Calvert County Code as prescribed herein.

NOW, THEREFORE, BE IT ORDAINED that the Board of County Commissioners of Calvert County, Maryland hereby does find that this Ordinance is necessary for the protection of public safety to enact and adopt the additions to Chapter 95 of the Calvert County Code as follows:

- (1) To Chapter 95 of the Calvert County Code, Article I, §95-1 Definitions, append the following:

COMMERCIAL BUILDING

Shall mean all commercial, multi-unit residential, governmental, and educational occupancies that use a combination of building materials that are purposely joined together on, above or below the surface of the land or water including those that do not result in lot coverage.

- (2) To Chapter 95 of the Calvert County Code, add the following, new Article IV:

**ARTICLE IV. COMPLIANT PUBLIC SAFETY IN-BUILDING TWO-WAY
RADIO COMMUNICATIONS ENHANCEMENT SYSTEM REQUIREMENTS**

§95-12. PURPOSE; APPLICABILITY.

1. In order to protect the public health, safety and welfare, the purpose of this Article is to ensure that the public safety radio network utilized by first responders is readily available as, when and where needed.
2. This Article applies to all new commercial buildings, as defined in this Chapter 95, and existing commercial buildings that are modified where the reasonable cost of modifications equals or exceeds 50% of the value of the structure.

§95-13. REQUIREMENTS.

1. All persons to whom this Article applies, shall be required to ensure compliant coverage area reliability for both the County 800 MHz system and the State 700 MHz system, including, without limitation, the requirements of NFPA 1221 (2016) Sections 9.6, 11.3.9, and Annex 11.3.9.
2. Compliance may be demonstrated upon satisfaction of the Calvert County's Department of Public Safety's policies and regulations set forth within "Compliant Public Safety In-Building Two Way Radio Communications Enhancement System Requirements" in effect at time of application, and as amended by the Department from time to time.

§95-11. FINES.

1. Any person who violates this Article is subject to a fine of \$100 for their first offense, and a fine of \$200 for their second and each subsequent offense.
2. Each day the violation exists is a separate offense.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Ordinance is found to be unconstitutional, illegal, null or void, by a court of competent jurisdiction, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Ordinance shall be enforceable and valid, unless deletion of the invalid portion would defeat the clear purpose of the Ordinance, or unless deletion of the valid portion would produce a result inconsistent with the purpose and intent of the Board of County Commissioners in enacting this Ordinance.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are hereby incorporated and adopted as if fully set forth herein.

BE IT FURTHER ORDAINED by the Board of County Commissioners of Calvert County, Maryland that this Ordinance shall be effective upon recordation and publication of a fair summary.

DONE, this 26th day of March, 2024, by the Board of County Commissioners of Calvert County, Maryland, sitting in regular session.

Aye: 5
Nay: 0
Absent/Abstain: 0

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

Katie Brittain
Katie Brittain, Clerk

Earl F. Hance
Earl F. Hance, President

Catherine M. Grasso
Catherine M. Grasso, Vice-President

Approved for form and legal sufficiency:

Mark C. Cox Sr.
Mark C. Cox Sr.

John B. Norris, III
John B. Norris, III, County Attorney

Mike Hart
Mike Hart

Received for Record.....3127....., 2024
at.....11:27.....o'clock.....A.....M. Same day
recorded in Liber KPS No.73.....
Folio.....385-387.....COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Todd Ireland
Todd Ireland

Garry P. Smith