



Legislation Text

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Explanation: Capitals indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

* **Warning:** This is an unofficial, introductory copy of the bill.
The official copy considered by the City Council is the first reader copy.

Introductory*

**City of Baltimore
Council Bill**

Introduced by: Councilmember McCray

A Bill Entitled

An Ordinance concerning
Firefighter Safety Act

For the purpose of establishing basic operational approaches to risk assessments; outlining emergency response rules of engagement; requiring all fire suppression personnel employed by the Baltimore City Fire Department to be equipped with digital audio and video recording devices by a certain date; requiring the implementation of a safety and risk management system; defining certain terms establishing reporting requirements; and providing for a special effective date.

By adding

Article 9 - Fire Suppression and Prevention
Section(s) 7-1 through 7-7, to be under the new subtitle designation,
“Subtitle 7. Firefighter Safety Act”
Baltimore City Code
(Edition 2000)

Section 1. Be it ordained by the Mayor and City Council of Baltimore, That the Laws of Baltimore City read as follows:

Baltimore City Code

Article 9. Fire Suppression and Prevention

Subtitle 7. Firefighter Safety Act

§ 7-1. Definitions.

(a) *In general.*

In this subtitle, the following terms have the meanings indicated.

(b) *Abandoned or derelict building.*

(1) *In general.*

“Abandoned” or “derelict” building means a structure that is not being used for any purpose, and is not being maintained or preserved for some future use or occupancy.

(2) *Value.*

A building in abandoned or derelict condition typically has no value or negligible value.

(c) *Department.*

“Department” means the Baltimore City Fire Department.

(d) *Defensive exterior attack.*

“Defensive exterior attack” means a firefighting strategy where personnel contain a fire from outside the structure that is aflame and prioritize:

- (1) the safety of Department personnel and civilians;
- (2) the rescue of individuals in close proximity to the fire; and
- (3) mitigating the spread of the fire to nearby areas.

(e) *Offensive interior attack.*

“Offensive interior attack” means a firefighting strategy where personnel are inside a structure that is aflame and prioritize:

- (1) the safety of Department personnel and civilians;
- (2) the rescue of individuals inside the structure; and
- (3) mitigating the spread of the fire throughout the remainder of the structure.

(f) *Rules of engagement.*

“Rules of engagement” means the policies and procedures set by the Chief of the Department that provide parameters for decision-making and action that protect Fire Department personnel and minimize the occurrence of:

- (1) injuries;
- (2) deaths; and
- (3) duty-related illnesses.

(g) *Safety and risk management system.*

“Safety and risk management system” means a set of internal policies and programs that set and enforce safety and health standards for Department personnel.

(h) *Vacant building.*

(1) *In general.*

“Vacant building” means a building that is not currently in use, but which could be used in the future.

(2) *Value.*

A vacant building has inherent property value, even though it may not contain valuable contents or human occupants.

(I) *Unoccupied building.*

(1) *In general.*

“Unoccupied building” means a structure that is not occupied by any individual at the time an incident requiring action by the Department occurs.

(2) *Value.*

An unoccupied building has inherent property value, as well as valuable contents.

§ 7-2. Basic operational approach.

The Department shall use the following policies to guide operations:

- (1) the Department recognizes and accepts that a basic level of measured and controlled risk is present in efforts to save lives and property;
- (2) if Department personnel reasonably believe an individual’s life is in danger, a higher level of risk is acceptable and operations shall be directed towards rescuing the individual in danger;
- (3) if there is no possibility for the Department to save an individual whose life is in danger, the Department may not put personnel at risk; and
- (4) an evaluation of safety conditions shall be an ongoing part of all tactical and strategic decision making at an incident or incident simulated for training purposes.

§ 7-3. Rules of engagement.

The Chief of the Fire Department shall develop policies and procedures that include the following requirements:

- (1) Department personnel may not travel more than 15 miles per hour over the posted speed limit when responding to an emergency;
- (2) offensive interior attacks may not be initiated at abandoned, derelict, vacant, or unoccupied structures unless:
 - (i) the Department has confirmed there is an occupant inside the location;
 - (ii) fire conditions are incipient and consume less than 25% of the structure; and

- (iii) structural and hazardous conditions permit a safe entry;
- (3) when a structure is abandoned, derelict, vacant, or believed to be unoccupied and fire conditions consume more than 25% of the structure, Department personnel shall perform a defensive exterior attack;
- (4) Department personnel may not enter a collapsed structure, unless:
 - (i) an individual's life is immediately in danger; and
 - (ii) the personnel entering the structure have the appropriate training and equipment;
- (5) Department personnel may not enter a hazardous environment, unless:
 - (i) an individual's life is immediately in danger;
 - (ii) the hazardous material or substance has been identified; and
 - (iii) the personnel entering the structure have the appropriate training and equipment.

§ 7-4. Audio and video recording device.

(a) *In general.*

Each firefighter employed by the Department and assigned to fire suppression must be equipped with a digital audio and video portable recording device.

(b) *Limitations.*

The device required by this section shall be used only at the scene of a fire.

§ 7-5. Safety and risk management system.

The Chief of the Fire Department shall:

- (1) identify a Safety and Risk Management Officer who shall:
 - (i) report directly to the Chief; and
 - (ii) be responsible for managing the Department's safety and risk management system;
- (2) empower the Safety and Risk Management Officer to enforce compliance with the safety and risk management system;
- (3) require that an annual Department-wide risk management plan be developed to:
 - (i) define and categorize the different tasks assigned to the Department;
 - (ii) determine the level of risk associated with each task; and
 - (iii) develop policies and procedures to minimize risk through internal control systems;
- (4) ensure that the development of an unsafe building marking program is implemented as part of this

system to address firefighting in abandoned, derelict, vacant, and unoccupied structures; and

(5) require that there is a non-lapsing audit, inspection, and review process of the Department's:

- (i) administration of policies;
- (ii) operational procedures; and
- (iii) compliance with all local, State, and federal laws.

§ 7-6. Disciplinary actions.

(a) *Unsafe action.*

Disciplinary action may not be taken against any member of the Department who questions an action at an emergency, if the member reasonably believes the action could put Department personnel or members of the public at risk of injury.

(b) *Violation of safety directives.*

Disciplinary action shall be taken against any member of the Department who is found to have:

- (1) intentionally violated safety directives at an incident; or
- (2) intentionally given a directive that violates a safety-related policy or procedure, even if it does not result in the injury of Department personnel.

§ 7-7. Reporting requirements.

(a) *In general.*

On or before March 1st of each year, the Department shall report the following information to the Mayor and City Council:

- (1) the Department's agency-wide risk management plan;
- (2) a comprehensive list of action items, including policies and procedures that have been adopted to minimize the occurrence of unsafe practices;
- (3) the number of incidents that resulted in disciplinary action as a result of unsafe practices;
- (4) the total number of firefighters that were injured:
 - (i) on the scene of a fire or other incident at an occupied structure; and
 - (ii) on the scene of a fire or other incident at an abandoned or vacant structure; and
- (5) the annual amount of Worker's Compensation that was paid to Department personnel for injuries at the scene of a fire or other incident, disaggregated between:
 - (i) injuries that occurred at occupied structures; and
 - (ii) injuries that occurred at abandoned or vacant structures.

(b) *Report to be made public.*

The report required by subsection (a) of this section shall be made available to the public on the Department's website.

Section 2. And be it further ordained, That, notwithstanding any other provision of this Ordinance:

(a) for the 1st year following the effective date of the Ordinance, § 7-4 {"Audio and video recording device"} of this Ordinance only applies to:

- (1) battalion chiefs assigned to fire suppression;
- (2) personnel assigned to the Office of Safety and Risk Management;
- (3) Fire Academy training personnel; and
- (4) the firefighters assigned to the fire suppression companies in the Third Battalion; and

(b) beginning on the 1st anniversary of the effective date of this Ordinance, the devices required by § 7-4 {"Audio and video recording device"} of this Ordinance must be provided to all firefighters assigned to the Baltimore City Fire Department's suppression division.

Section 3. And be it further ordained, That this Ordinance takes effect on the 180th day after the date it is enacted.