MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett
County Executive

Thomas W. Carr, Jr.
Fire Chief

FIRE CODE ENFORCEMENT SECTION

ADMINISTRATIVE INTERPRETATION 08-01

CODE REFERENCE: **Montgomery County Executive Regulation 5-06AM**

BACKGROUND: **MCER 5-06AM imposes penalties at the rate of 1.5% per day for failure to pay any fee imposed. Section 2.b.5 states: "Failure to pay a required fee within 30 days after the invoice date will result in the addition of penalty charges at the rate of 1.5% compounded daily, not to exceed three times the original fee amount."**

INTERPRETATION: **The maximum penalty for any unpaid fee will be no more than twice the amount of the original fee (not including technology fund fees).**

JUSTIFICATION: **It has never been the intent to charge penalties that cause a cumulative total of more than three times the amount of the original fee (not including technology fund fees). The wording of this section could possibly be misconstrued to mean that the maximum penalty will be three times the original fee when the intent was that it be no greater than two times the original fee.**

Incorrect Example:

70.00	original fee
7.00	technology fund fee
+ 210.00	maximum penalty
$ 287.00	

Correct Example:

70.00	original fee
7.00	technology fund fee
+140.00	maximum penalty
$ 217.00	

PREPARED BY: Administrative Specialist II, Laura King

DATE July 21, 2008 **FIRE MARSHAL** D.C. Michael Cary

Fire Code Enforcement Section

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Serving with dedication, courage and compassion