

Resolution No.: 15-1720
Introduced: November 28, 2006
Adopted: November 28, 2006

COUNTY COUNCIL
FOR MONTGOMERY COUNTY, MARYLAND

By: County Council

SUBJECT: Approval of Executive Regulations:
Regulation 5-06AM, Fire Safety Code – Fee Schedule for Inspections, Permits
Licenses, Certificates and Exceptions
Regulation 6-06AM, Fire Safety Code – Fire Protection Systems
Regulation 7-06AM, Fire Safety Code – Building Construction

Background

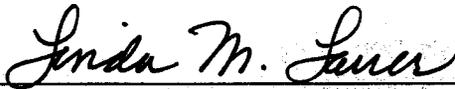
1. On October 9, 2006, the Council received proposed Executive Regulations 5-06, Fire Safety Code - Fee Schedule for Inspections, Permits Licenses, Certificates and Exceptions, 6-06, Fire Safety Code – Fire Protection Systems, and 7-06, Fire Safety Code – Building Construction.
2. The Council must review Regulations 5-06, 6-06, and 7-06 under method (2) of Section 2A-15 of the County Code.
3. The Public Safety Committee received overviews of the proposed regulations and the Executive's implementation plan on July 17 and 31 and September 18 and 25.
4. The Public Safety Committee reviewed the proposed regulations on October 9 and 16, and requested certain amendments. The Committee recommended approval with the requested amendments.
5. The Council held a worksession on the proposed regulations on October 24, and concurred with the Public Safety Committee's recommendations.
5. The Executive amended Regulations 5-06, 6-06, and 7-06 as the Council requested, and reissued and re-numbered them Executive Regulations 5-06AM, 6-06AM, and 7-06AM to indicate that they were amended after transmittal to the Council.

Action

The County Council for Montgomery County, Maryland, approves the following resolution:

Executive Regulations 5-06AM, *Fire Safety Code - Fee Schedule for Inspections, Permits Licenses, Certificates and Exceptions*, 6-06AM, *Fire Safety Code – Fire Protection Systems*, and 7-06AM, *Fire Safety Code – Building Construction*, are approved.

This is a correct copy of Council action.



Linda M. Lauer
Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

Offices of the County Executive • 101 Monroe Street • Rockville, Maryland 20850

Subject	Fire Safety Code – Fee Schedule for Inspections, Permits, Licenses, Certificates & Exceptions	Number	5-06AM
Originating Department	Montgomery County Fire and Rescue Service	Effective Date	November 28, 2006

Montgomery County Regulations on:

**FIRE SAFETY CODE - FEE SCHEDULE FOR INSPECTIONS, PERMITS, LICENSES,
CERTIFICATES & EXCEPTIONS
MONTGOMERY COUNTY FIRE AND RESCUE SERVICE**

Issued by: County Executive
 Regulation No:
 COMCOR: Division 06
 Authority: Code Section 22-13
 Supersedes: Executive regulation 28-03
 Council Review: Method (2) under Code Section 2A-15
 Register Vol. 23, Issue 8
 Effective date: November 28, 2006
 Sunset date: None

SUMMARY: Changes to the existing fee schedule regulation include:

- Sec. 2. Establish and implement an invoicing system for payment for services and penalties for non-payment;
- Sec. 2. Revise and update re-inspection fees for non-compliance;
- Sec. 4. Revise and update existing fees by 15% to adjust for labor costs;
- Sec. 4. Establish and implement new hourly-based fees for complex structure inspections;
- Sec. 4. Establish and implement a risk-based schedule for regular inspections and associated fees as required by the Montgomery County Fire Safety Code, Section 22-23;
- Sec. 4. Establish and implement annual operational permits for all fire protection systems;
- Sec. 5. Establish and implement new activity-based general permit fee categories and revise and update existing term limits to no longer than 12 calendar months;
- Sec. 6. Establish and implement corporate and employee license requirements to work on any fire protection system;



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- Sec.6. Revise and update agency required inspection fees to include hourly inspector costs;
- Sec.9. Establish and implement new fees for development plan review, consultation services, and property information research; and
- Sec.11. Index the fees charged to labor costs.

ADDRESSES: Division Chief Michael Love, Fire Marshal
Montgomery County Fire and Rescue Service
Executive Office Building, 101 Monroe Street, 12th Floor
Rockville, Maryland 20850

STAFF: For further information, contact:
Battalion Chief Michael Donahue
Fire Code Enforcement Section
Montgomery County Fire and Rescue Service
255 Rockville Pike, 2nd Floor
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240-777-2457.



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Sec. 1 Statement of Purpose.

The following schedule of required inspections, permits, licenses, fees, and plan review is adopted pursuant to the authority contained in Chapter 22, "Fire Safety Code", of the Montgomery County Code, 1996, as amended. Fees included in the schedule are for fire safety code required permits, certificates, licenses, exceptions, examinations, plans review, inspections and testing specified in the Fire Safety Code and adopted regulations as enforced by the Montgomery County Fire and Rescue Service.

Sec. 2. General Provisions.

The following provisions apply to all types of permits, licenses, certificates, and fees:

- a. Display. All required permits, licenses, and certificates must be prominently displayed in all buildings or sites. Copies of permits, licenses, and certificates must be readily accessible upon demand when prominent display is not feasible.
- b. Fee Payment. All fees authorized in this regulation must be paid as specified below.
 - 1. All fees listed under Section 4.a. and Section 8 of this regulation must be paid before any construction, installation or work is started, and before a permit, certificate, license, examination, plans review, inspection, test or other service, is provided.
 - 2. Additional fees due as a result of additional devices not identified at time of application must be paid prior to approval or acceptance of permitted activity.
 - 3. Fire Safety Code Exception request fees must be paid in full at time of application.
 - 4. All other fees will be invoiced and must be paid by cash, check or money order within 30 days after the invoice date, unless otherwise required under this regulation.
 - 5. 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.
 - 6. Failure to pay a required fee within 90 days after the invoice date will result in the revocation of any permit, certificate, or license, and the suspension of future services until the fee is paid in full.



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7. All activities of municipal, county, and state government requiring a permit, license, certificate, exception, examination, plans review, inspection or testing are fee exempt.
8. The Fire Chief or the Fire Chief's designee may waive or reduce any fee required under this regulation if:
 - A. Payment of the fee would cause the applicant undue hardship;
 - B. The fee is incurred because of circumstances beyond the applicant's control (for example, severe weather); or
 - C. It otherwise would be in the public interest to reduce or waive the fee.

The Fire Chief's decision regarding any reduction or waiver of a fee is final.

- c. Refund. If a building project or permitted activity has been abandoned or discontinued, the person who has paid the total fee for a permit may return the permit for cancellation. When it has been cancelled, 50 percent of the fee must be refunded, if:
 1. No work has been done under the permit; and
 2. The written request is made within six months of the issuance of the permit or during the term of the permit (whichever is less).
 3. Revoked, suspended or invalid permits are not eligible for refunds.
- d. Reissuance. If a permit, license, or certificate becomes void, is lost or stolen, the document may be reissued at a flat charge of \$50, provided all conditions of issuance can still be met and no code changes have occurred. Otherwise, the charge for reissuance is the original permit fee.
- e. Extensions. The fee to extend the term of plan review, testing/inspection, tank, and special permits (after written application and before the expiration of the original permit) is \$50.
- f. Transfer. Permits and Permit fees are not transferable.
- g. New Construction Reinspection and Overtime Inspection Fees.
 1. Resinspection for non-compliance \$35 per 1/4 hour, including travel time



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2. Overtime inspection (When available) \$75.00 per 1/4 hour, including travel time
3. A cancellation within 48 hours before an inspection will be counted as an inspection.
4. These fees are per unit or portion of system involved, minimum \$25. It is the responsibility of the person requesting the reinspection/retest to provide the inspector with a fee paid receipt from this office, when a reinspection/retest fee is required.
- h. Permit Application Revisions. Revision for change of legal description and/or ownership must pay the minimum permit fee.
- i. Exemptions. There is no fee for any plan review or test/inspection for any fire protection system that is not required by Montgomery County Code or Regulations or Maryland State Code or Regulations. This exemption does not apply to any system which is installed for reasons of a Code alternative or exception, or equivalency.
- j. Duplicate Plans. After the original review, applicants must pay 25% of the original fee, minimum \$25, subject to availability of original reviewed plans.

Sec. 3 Exception Requests.

All requests for code exceptions must include a non-refundable processing fee of \$300 per Code section, or subsection involved.

Sec. 4 Code Required Fire Protection Systems Permit and Inspection Fees.

- a. New Systems and Modifications – Term - Field installation must be started within 1 year or permit becomes void. The base fee for a code required fire protection system inspection is \$60.00. The base fee for townhomes and single family detached dwellings is \$85.00. The fees below also apply to the initial inspection per phase of construction of fire protection systems that are required by law:
 1. Fire Alarm and Detection Systems (including main control panel). \$115.00 per story to be controlled, plus \$6.00 per device (maximum \$250 per story).



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2. Fire Alarm and Detection Systems (devices or household control panel). \$12.00 per device, minimum \$115.00 (maximum \$250.00 per story).
 3. Halon, CO2, or Clean Agent Systems (including controls, alarms, detection). \$0.60 per pound of agent.
 4. Fire Sprinkler and Combined Sprinkler/Standpipe Systems. \$2.30 per head. For single family detached homes and townhouses, where a use and occupancy fee is not assessed, a fee of \$.015 per square foot of occupancy space will also be collected.
 5. Standpipe Systems.
 - A. \$115.00 per standpipe riser.
 - B. \$30.00 per each addition of a hose valve to an existing system
 6. Fire Pump. \$230.00
 7. Dry or Wet Chemical Extinguishing Systems (including hood & duct). \$230.00 per system.
 8. Fire Main Flush Test. \$50.00 per test witnessed.
 9. Underground Fire Main Hydrottest. \$60.00 per test witnessed.
 10. Smoke Control System. \$500.00 per individual system.
 11. Emergency Generator Test. \$115.00 per generator.
- b. Complex Structures – Structures requiring the integration and interoperability of two or more fixed fire protection and/or life safety systems, and requiring on-going inspections to ensure compliance are complex structures. After the initial inspection per phase of construction, inspections will be at the rate of \$140.00 per inspector-hour.
 - c. Systems Maintenance – All code required fire protection systems must be maintained in good working order at all times and must be inspected annually for compliance with the applicable NFPA standard. Annual inspections and tests are the responsibility of the building owner.
 - d. Systems inspections and tests must be witnessed by the Fire Marshal according to the schedule below. A permit to operate each fire protection system must be issued annually



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after the required inspection has been satisfactorily completed and documented. A single permit document may be issued to operate multiple fire protection systems in a single occupancy operated by a single owner or tenant.

1. Assembly occupancies – annually.
2. Educational occupancies – annually.
3. Institutional occupancies – annually.
4. High hazard occupancies – annually.
5. Mercantile occupancies – every other year after initial inspection.
6. Business occupancies – every third year after initial inspection.
7. Storage occupancies – every third year after initial inspection.
8. For all occupancies not requiring witnessed systems inspections in a given year, owners must forward documentation to the Fire Marshal verifying an inspection was conducted. The Fire Chief must issue a permit after receipt of the inspection documentation and fee.
9. The permit fee to operate a fire protection system is \$50.
10. A fee of \$140.00 per inspector-hour will be charged for witnessed inspections and tests, calculated in quarter-hour increments and rounded to the nearest dollar.

Sec. 5 General Permit Fees and Terms.

Fees for the following items are \$70.00 except as noted:

Amusement and entertainment

- a. To conduct or operate any scary (haunted) house, crop maze, carnival, fair, exhibit, trade show, concert, or other public event that presents an unusual life safety or fire hazard. Permit Term – 3 calendar months.
- b. To conduct or operate any fireworks shoot. Permit Term – 30 calendar days.
- c. To use any flame effects before an audience. Permit Term – 30 calendar days.



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Flammable and combustible liquids and gasses

- d. To install, remove, repair or alter a stationary tank for the storage of flammable or combustible liquids, dispensing devices, or associated piping. Permit Term - 6 months.
- e. For placing any flammable or combustible liquid stationary tank temporarily or permanently out of service. Permit Term - 3 months.
- f. To remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. Permit Term - 3 months.
- g. To conduct floor resurfacing and refinishing operations involving the use and application of flammable liquids or materials. Permit Term - 30 days.
- h. For spraying or dipping operations utilizing more than one gallon of flammable or combustible liquids on any working day. Permit Term – 12 calendar months.
- i. For the operation of a bulk storage plant and/or for storage and dispensing of any formulation of natural gases or liquefied petroleum gases. Permit Term – 12 calendar months.

Flammable and combustible solids

- j. To store or handle combustible fibers in excess of 100 cubic feet. Permit Term – 12 calendar months.
- k. To conduct or maintain any tire recapping or rebuilding plant. Permit Term – 12 calendar months.
- l. To store in excess of 100,000 board feet of lumber. Permit Term – 12 calendar months.
- m. To use explosives for up to one month, \$100.00; \$5 for each additional month. Permit Term - not to exceed 12 calendar months.
- n. To operate any commercial rubbish-handling facility or site. Permit Term – 12 calendar months.

Hot Work

- o. To conduct any cutting or welding operations except those activities contained in a fabrication shop. Permit Term – Site specific, 12 calendar months.



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- p. To use an open flame torch for the application of roofing materials or stripping of paint. Permit Term – Site specific, 6 calendar months.
- q. To place and operate a tar kettle. Permit Term – Site specific, 3 calendar months.

Motor vehicles

- r. To use any building, shed, or enclosure as a place of business for the purpose of repairing or refurbishing any motor vehicle, including aircraft. Permit Term – 12 calendar months.
- s. To operate any motor vehicle wrecking yard. Permit Term – 12 calendar months.
- t. To operate any motor vehicle refueling facility, including aircraft. Permit Term – 12 calendar months.

Miscellaneous

- u. To operate any commercial establishment not elsewhere covered in this regulation. \$25.00. Permit Term – 12 calendar months, or change in ownership or use group.

Sec. 6 License Fees.

Fire protection systems and equipment

- a. Corporate – For a firm to engage in the business of servicing portable fire extinguishers. \$100 per year. License Term – 12 calendar months.
- b. Corporate – For a firm to engage in the business of installing, repairing, modifying, or servicing any fixed fire protection systems. \$200 per year. License Term – 12 calendar months.
- c. Employee – To install, repair, modify, or service any fixed fire protection system or portable fire extinguishers. \$50.00 per year. License Term – 12 calendar months.

Agency required license inspections

- d. Family or Group Day Care. \$50.00, plus hourly inspector fee of \$140
- e. Nursery or Day Care Centers. \$50.00, plus hourly inspector fee of \$140



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- f. Board & Care, 6-16 residents. \$50.00, plus hourly inspector fee of \$140
- g. Board & Care, over 16 residents. \$50.00, plus hourly inspector fee of \$140
- h. Health Care, Detentional. \$50.00, plus hourly inspector fee of \$140
- i. Other licensed facility. \$50.00, plus hourly inspector fee of \$140
- j. Private Educational Institutions.
 - 1. Preschool. \$50.00, plus hourly inspector fee of \$140
 - 2. Elementary School. \$50.00, plus hourly inspector fee of \$140
 - 3. Middle School. \$50.00, plus hourly inspector fee of \$140
 - 4. High School. \$50.00, plus hourly inspector fee of \$140

Sec. 7 Certificate Fees.

Capacity certificate. \$115.00 per assembly room; \$5.00 for each duplicate certificate. Permit Term – 12 calendar months, or change of ownership or use group.

Sec. 8 Use and Occupancy Fees.

Fees for Use and Occupancy or other inspections not covered by other sections of this regulation, except enforcement generated inspections:

- a. 0 - 5,000 sq. ft. \$210.00
- b. 5,001 - 10,000 sq. ft. \$345.00
- c. 10,001 - 20,000 sq. ft. \$415.00
- d. 20,000 sq. ft. or larger \$415.00, plus \$0.01 per sq. ft.
- e. Inspector-hour fee \$140.00
- f. The fee for a use and occupancy fire code inspection must be paid at the time of application. The maximum fee is \$5,000.00.



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Sec. 9 Miscellaneous Fees.

- a. Photocopies (file documents, etc.) \$1.00/ page.
- b. Photo evidence copies. \$50.00 per request, plus \$15.00 per DVD.
- c. Development Plan Review. Review of planned building group developments for fire code compliance. \$175.00 per hour, calculated in quarter-hour increments rounded to the nearest dollar.
- d. Consultation services. Pre-design and construction consultation, or plan reconciliation with Fire Protection Engineer. \$175.00 per hour, calculated in quarter-hour increments rounded to the nearest dollar.
- e. Property Research. Research of premise files for fire and life safety history to third party companies. \$140.00 per hour, calculated in quarter-hour increments rounded to the nearest dollar.

Sec. 10 Automation Fee.

An automation enhancement fee is 10% of the regular fee, which is set by this Executive Regulation, for any permit, license, or activity for which the Fire Safety Code requires a fee. The automation enhancement fee is in addition to the regular fee and must be paid at the same time that the regular fee is due.

Sec. 11 Indexing of Fees to Labor Costs

The Fire Chief must adjust the fees in this regulation on July 1 of each year.

- a. The fees may be raised annually by a percentage that does not exceed the rate of increase, if any, in the approved personnel costs for the MCFRS Code Enforcement Section between the then-current fiscal year which begins on July 1 and the preceding fiscal year. Fees may be raised only to the extent necessary to fund the cost of operating the MCFRS Code Enforcement Section.
- b. For any fee of \$100 or more, the revised fee must be calculated to the next highest five dollars. For any fee under \$100, the revised fee must be calculated to the next highest dollar.



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- c. The Fire Chief must publish the amount of the fee adjustment in the Montgomery County Register and notify the County Council not later than July 1 of each year, beginning with July 1, 2007.
- d. Except for the fee adjustment authorized in this section, all revisions to the Fire Safety Code fees must be processed as amendments to this regulation.

Sec. 12 Program Quality Assurance

The Fire Chief must ensure that the inspection and systems testing requirements of regulations adopted under the Fire Safety Code are performed to the highest practicable standard. Program measures must include evaluations of program results, service quality and efficiency.

Approved:

Douglas M. Duncan,
County Executive

APPROVED AS TO FORM AND LEGALITY.
Montgomery County Attorney's Office

By: