

Resolution No.:	<u>18-1243</u>
Introduced:	<u>October 2, 2018</u>
Adopted:	<u>October 2, 2018</u>

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

Lead Sponsor: County Council

SUBJECT: Approval of Executive Regulation 8-18, Schedule of Fees for Fire Safety Code Permits, Code Modifications, Inspections and Licenses

Background

1. The Montgomery County Code, under Chapter 8 (Buildings), authorizes the County Executive to adopt regulations under Method (2).
2. Regulation 8-18 would amend the fees charged by the Department of Permitting Services' Fire Code Compliance Section.
3. Executive Regulation 8-18 was advertised in the June 2018 Montgomery County Register. No public comments were received. The proposed regulation is unchanged from the advertised regulation.
4. The Council received Executive Regulation 8-18 in a memorandum from the County Executive dated August 13, 2018.
5. The revised fees were anticipated in the approval of the Department of Permitting Services FY19 budget.
6. The Council reviewed the regulation under Method (2) of County Code §2A-15.
7. Under Method (2), the Council may approve, disapprove, or extend the time for action within 60 days of receiving the regulation. In the absence of Council action, the regulation is deemed approved as submitted.

Action

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

The County Council approves Executive Regulation 8-18, Schedule of Fees for Fire Safety Code Permits, Code Modifications, Inspections and Licenses.

This is a correct copy of Council action.



Megan Davey Limarzi, Esq.
Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

Subject: Schedule of Fees for Fire Safety Code Permits, Code Modifications, Inspections and Licenses

Number: 8-18

Originating Department: Department of Permitting Services

Effective Date: October 2, 2018

Montgomery County Regulations on:

SCHEDULE OF FEES FOR FIRE SAFETY CODE PERMITS, CODE
MODIFICATIONS, INSPECTIONS and LICENSES

DEPARTMENT OF PERMITTING SERVICES

Issued by: County Executive

Regulation No: 8-18

COMCOR No: 22.00.03

Authority: Montgomery County Code Section 22-13

Supersedes: Executive regulation 12-12

Council Review: Method (2) under Code Section 2A-15

Register Vol. 35, Issue 6

Comment Deadline: July 10, 2018

Effective date: October 2, 2018

Sunset date: None

SUMMARY:

This regulation repeals and replaces Existing Executive Regulation 12-12. This regulation provides a consistent and efficient method of calculating the fees. This regulation eliminates the 10% technology fee, replaces the current complicated fees based on hourly rate, eliminates the current invoice method of collection of fees and minimizes reliance on the general fund to cover services.

ADDRESSES:

Department of Permitting Services
255 Rockville Pike, 2nd Floor
Rockville, MD 20850

STAFF CONTACT:

Hernal Mustafa, Division Chief
Division of Fire Prevention and Code Compliance
240-777-6226
Hadi Mansouri, Chief Operating Officer
Department of Permitting Services



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BACKGROUND INFORMATION: The Fire Code Compliance (FCC) Section which was transferred to the Department of Permitting Services on April 4th, 2016, was operated under the county general fund. The Department of Permitting Services (DPS) was established as a fee-supported enterprise within the Executive Branch of Montgomery County in 1996. The proposed fee is required for FCC to fully integrate into the DPS enterprise and to minimize dependence on the general fund for funding fire code compliance work. This regulation eliminates the 10% technology fee which is in the current E.R 12-12. It replaces the current complicated fees based on an hourly rate with proposed flat fees and eliminates the current invoice method of collecting fees. The proposed fee regulation will be integrated with DPS automated services. It integrates the FCC into DPS processes and data management, with fee(s) based on average time to process applications, review plans and documents, provide inspections, and issue permits. A single permit fee will eliminate confusion and create consistency across all building and process types. It improves customer service through online capabilities. The proposed fee provides a consistent and efficient method of matching the revenue and cost goals for the Division of Fire Prevention and Code Compliance.

COMCOR No. 22.00.03 SCHEDULE OF FEES FOR FIRE SAFETY CODE PERMITS, CODE MODIFICATIONS, INSPECTIONS and LICENSES

22.00.03.01 Statement of Purpose.

The following fire prevention maintenance inspections, permits and license fees are adopted pursuant to the authority contained in Chapter 22, Fire Safety Code, of the Montgomery County Code as amended. Fees are for inspections, permits, licenses, and code modifications as specified in the Fire Safety Code and regulations adopted by Montgomery County, Department of Permitting Services.

22.00.03.02 General Provisions.

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

- a. **Display.** All required permits and certificates must be readily accessible upon request when not displayed.
- b. **Fee Payment.** All fees required by this regulation must be paid before the issuance of the permit, license, certificate, or code modification.
- c. **Government Activities.** All activities of municipal, county, and state government requiring a permit, license, certificate, exception, inspection or testing must conform to the Maryland State Fire Prevention Code and Montgomery County Fire Safety Code and will be charged the applicable fees except where



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specifically exempted by law. Applicable fees will be charged to the permit, license, certificate, or exception holder.

- d. Refund. All fees are non-refundable, except in the case of an administrative error.
- e. Transfer. Permits and Permit fees are not transferable.

22.00.03.03 Definitions:

- a. Fire Code Compliance Permit: A permit to ensure that any business, school, multi-family residential building, health care facility, place of worship, and other commercial building is in compliance with the applicable fire safety codes.
- b. Operational Permit: A Permit to ensure that each active and passive Fire Protection System is in compliance with the applicable fire safety codes in any business, school, multi-family building, health care facility, place of worship, or other commercial building or occupancy.
- c. General Permit: A permit for particular operations, special events, blasting, including items listed under 22.00.03.05 of this document.

22.00.03.04 Fire Code Compliance and Operational Permits, Terms and Fees.

- a. Systems and Structures Maintenance – All code required fire protection systems and features must be operational and maintained in good working order at all times and must be inspected or tested by an authorized individual or agency in compliance with the Montgomery County Fire Safety Code and applicable NFPA standards.
 - 1. The building owner or representative, occupant, or a Montgomery County licensed fire protection contractor must submit inspection, maintenance, and testing report documents and data in compliance required by the Montgomery County Fire Safety Code and NFPA code requirements to the Department of Permitting Services, Division of Fire Prevention and Code Compliance.
 - 2. The building owner or occupant or both must maintain the documents and data required in paragraph 1 of this subsection for the previous two years and have the documents and data readily available on site.



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3. Failure to submit the documents and data required under paragraph 1 of this subsection, or the failure to maintain the required records, may result in an order to conduct an annual test of the fire protection systems and features witnessed by the Montgomery County Fire Marshal.
- b. Non-compliance. All reported or discovered deficiencies or impairments, or any failures to provide the documentation and data required under subsection a.1, may result in a Notice of Violation being issued to the responsible party.
- c. Fire Code Compliance Permits. A Fire Code Compliance Permit must be renewed annually and in accordance with 22.00.03.04(f) of this document.
- d. Operational Permits. An Operational Permit must be renewed annually and in accordance with 22.00.03.04(f) of this document.
- e. Fire Code Compliance Permits and Operational Permits are valid for one calendar year from the date of issuance and must indicate an expiration date.
- f. Fire Code Compliance Permits and Operational Permits must be renewed immediately when any of the following occur:
 1. The Use and Occupancy for the building or tenant space issued by the Department of Permitting Services is changed,
 2. The owner of the building or tenant changes.
- g. Fees.
 1. Fire Code Compliance Permit
\$95 per year.
\$95 per additional building or tenant space.
 2. Operational Permit.
\$95 per system per year.
\$95 per additional building or tenant space.
 3. Initial structure or existing condition inspections. No charge.
 4. Follow up inspection for non-compliance. \$95



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5. Subsequent re-inspections for non-compliance. \$95

6. Overtime inspection (When available) \$270 Inspection

h. A cancellation within 24 hours before a scheduled inspection will be counted as an inspection.

i. Witnessed Tests of Systems or Structures \$95

22.00.03.05 General Permits, Terms, and Fees.

Fees for the following items are \$95 except as noted. An inspection may be required at the discretion of the Fire Marshal before a permit is issued. For additional Inspections required post event (Example Fireworks), an additional fee will be charged as a reinspection fee.

a. Amusement and entertainment

1. 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 – 30 calendar days.
2. To conduct or operate any fireworks shoot. Permit Term – 30 calendar days.
3. To use any flame effects before an audience. Permit Term – 30 calendar days.

b. Flammable and combustible liquids and gases

1. To install, remove, abandon, repair or alter a stationary tank for storing flammable or combustible liquids, dispensing devices, or associated piping. Permit Term - 30 calendar days.
2. To place any flammable or combustible liquid stationary tank temporarily or permanently out of service. Permit Term – 30 calendar days.
3. To conduct floor resurfacing and refinishing operations involving the use



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and application of flammable liquids or materials. Permit Term - 30 calendar days.

4. For spraying or dipping operations utilizing more than one gallon of flammable or combustible liquids on any working day. Permit Term - 12 calendar months.
5. 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.

c. Flammable and combustible solids

1. To store or handle more than 100 cubic feet of combustible fibers. Permit Term - 12 calendar months.
2. To conduct or maintain any tire recapping or rebuilding plant. Permit Term - 12 calendar months.
3. To store more than 100,000 board feet of lumber. Permit Term - 12 calendar months.
4. To use explosives (for blasting permit) per month, \$95. Permit Term - not to exceed 12 calendar months.
5. To operate any commercial rubbish-handling facility or site. Permit Term - 12 calendar months.

d. Hot Work

1. To conduct any cutting or welding operations except those activities contained in a fabrication shop. Permit Term - Site specific, 12 calendar months.
2. To use an open flame torch for the application of roofing materials or stripping of paint. Permit Term - Site specific, 30 calendar days.
3. To place and operate a tar kettle. Permit Term - Site specific, 30 calendar days.

e. Motor vehicles

1. To use any building, shed, or enclosure as a place of business for the



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purpose of repairing or refurbishing any motor vehicle, including aircraft.
Permit Term – 12 calendar months.

2. To operate any motor vehicle wrecking yard.
Permit Term – 12 calendar months.

3. To operate any motor vehicle refueling facility, including aircraft.
Permit Term – 12 calendar months.

f. To review Fire Department Access and/or Fire hydrant location. Site Specific.

g. Miscellaneous Permits.

1. To operate any commercial establishment or conduct any process or activity that poses an unusual fire or life safety risk not otherwise covered in this regulation is \$95. Permit Term – 12 calendar months, or until a change in ownership or use group.
2. The fee for any inspection associated with the issuance of a permit is included in the permit fee.
3. The fee for any other Permit required by the Fire Marshal, or identified in other reference documents or in NFPA 1 is \$95. Permit Term – 12 calendar months, or as noted on permit.

22.00.03.06 License Fees.

a. Fire protection systems and equipment

1. Fire Extinguisher Corporate License – For a firm to engage in the business of servicing portable fire extinguishers. \$88. License Term – 12 calendar months.
2. Corporate License – For a firm to engage in the business of repairing, servicing or inspecting, maintaining and testing any fixed fire protection system or structural fire protection element or feature. \$88. License Term – 12 calendar months.
3. Individual License – To install, repair, service, inspect, maintain, or test any fixed fire protection system, structural fire protection element or feature, or portable fire extinguishers. \$88. License Term – 12 calendar months.



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b. Fire Safety Permits (Licensing Inspections)

- | | |
|-------------------------------------|------|
| 1. Family or Group Day Care home | \$95 |
| 2. Nursery or Day Care Centers | \$95 |
| 3. Board & Care (Group Home) | \$95 |
| 4. Assisted Living or Nursing Home | \$95 |
| 5. Health Care, Detention | \$95 |
| 6. Other Licensed Facility | \$95 |
| 7. Private Educational Institutions | \$95 |

22.00.03.07 Miscellaneous Fees

a. Additional Inspection fees:

- | | |
|---|------|
| 1. Initial inspection of work or event site or property required before permit issuance | \$95 |
| 2. When a post event inspection is required | \$95 |
| 3. Each re-inspection fee after two disapprovals | \$95 |

22.00.03.08 Indexing of Fees to Labor and Operating Cost Changes and to Manage Reserves

The Director of Permitting Services must calculate an enterprise fund stabilization factor (EFSF) each year to be applied to each fee set in or under this regulation on July 1 of each year. The EFSF is the factor by which the fee calculation is adjusted, up or down, to cover DPS labor and operating costs and to manage the DPS reserve policy under the 2002 Principles of the Fiscal Management of the Permitting Services Fund. The Director must publish the EFSF for each upcoming fiscal year not later than March 15 of the current fiscal year. For any year in which the EFSF will be less than .80 or greater than 1.20, the Department must review its fee rates and functional analysis behind the fee rates to determine if changes need to be made to the fee rates.



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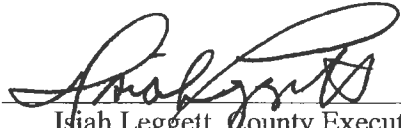
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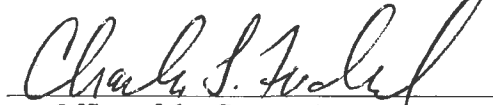
22.00.03.09 Severability

The provisions of these regulations are severable. If a court of competent jurisdiction holds that a provision is invalid or inapplicable, the remainder of the regulation remains in effect.


Isiah Leggett, County Executive

8/13/18
Date

Approved as to form and legality:


Office of the County Attorney

13 July 2018
Date