

Resolution No.: 17-836
Introduced: July 30, 2013
Adopted: July 30, 2013

**COUNTY COUNCIL
FOR MONTGOMERY COUNTY MARYLAND**

By: County Council

SUBJECT: Approval of Executive Regulation 12-12, Fire Safety Code Inspections, Permits, Licenses, Exceptions, and Fees

Background

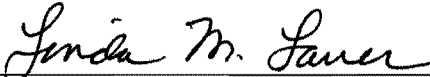
1. Executive Regulation 12-12 would reflect the move of new construction inspections related to Fire Code requirements to the Department of Permitting Services. For inspections, permits, and licenses that remain the responsibility of the Montgomery County Fire and Rescue Service, the regulation clarifies when payments are due, defines total inspection time, reduces the penalty accrual amount, and clarifies fees charged.
2. On June 21, 2013, the County Council received Executive Regulation 12-12, Fire Safety Code Inspections, Permits, Licenses, Exceptions, and Fees.
3. Under Method (2), if the Council does not approve or disapprove a regulation within 60 days after the Council receives the regulation, it is automatically approved and takes effect the day after the deadline for approval or a later date specified in the regulation.
4. On July 18, 2013, the Public Safety Committee reviewed Executive Regulation 12-12 and recommended approval.

Action

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

Executive Regulation 12-12, Fire Safety Code Inspections, Permits, Licenses, Exceptions, and Fees, is approved.

This is a correct copy of Council action.



Linda M. Lauer, Clerk of the Council



MONTGOMERY COUNTY EXECUTIVE REGULATION

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

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Originating Department Montgomery County Fire & Rescue Service	Effective Date July 30, 2013

Montgomery County Regulations on:

**FIRE SAFETY CODE INSPECTIONS, PERMITS, LICENSES, EXCEPTIONS, AND FEES
MONTGOMERY COUNTY FIRE AND RESCUE SERVICE**

Issued by: County Executive
 Regulation No:
 COMCOR: Division 06
 Authority: Code Section 22-13
 Supersedes: Executive regulation 5-06AM
 Council Review: Method (2) under Code Section 2A-15
 Register Vol. 30, Issue 1
 Effective date: July 30, 2013
 Sunset date: None

SUMMARY: Changes to the existing fee schedule regulation include:

- Overall Revises the regulation to reflect the assignment of all new construction permitted work involving fire protection systems to the Department of Permitting Services by amending out several sections related to new construction;
- Overall Revises the inspection and documentation requirements to focus on maintenance of fire protection systems and features;
- Sec.2. Identifies when fee payment is due;
- Sec.2. Defines total inspection time to include travel, testing and data entry;
- Sec.2. Amends the fee-exempt status of other government units and facilities subject to Maryland State and Montgomery County fire code requirements and clarifies responsibility;
- Sec.2. Reduces the penalty accrual amount and specifies the process for late or non-payment of fees due;
- Sec.3. Amends former section 4 and identifies responsibility for fire protection systems and features inspections and testing;
- Sec.3. Clarifies when certain fire protection compliance permits will be issued and associated fees;



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- Sec.4. Clarifies that a fee may be charged for an inspection associated with the issuance of a general permit and sets the amount of the inspection fee;
- Sec.5. Amends the requirements for corporate and employee licenses to perform any inspection, testing, or maintenance of fire protection systems and features;
- Sec.5. Extends the term of a Corporate or employee license;
- Sec.5. Clarifies the fees charged for license required inspections by other government agencies and departments;

ADDRESSES: Division Chief David Steckel, Fire Marshal
 Montgomery County Fire and Rescue Service
 Public Safety Headquarters, 100 Edison Park Drive, 2nd Floor
 Gaithersburg, Maryland 20878

STAFF: For further information, contact:
 Division Chief David Steckel, Fire Marshal
 Montgomery County Fire and Rescue Service
 Office of the Fire Marshal
 Public Safety Headquarters
 100 Edison Park Drive, 2nd Floor
 Gaithersburg, Maryland 20878
 240-777-2457

Sec. 1 Statement of Purpose.

The following fire protection maintenance inspections, permits, licenses, and fees are adopted pursuant to the authority contained in Chapter 22, Fire Safety Code, of the Montgomery County Code, 1996, as amended. Fees are for inspections, testing, permits, licenses, and exceptions 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, license, certificates, and fees:

- a. Display. All required permits and certificates must be prominently displayed in all buildings or sites. Copies of permits and certificates must be readily accessible upon demand when prominent display is not feasible.



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- b. Fee Payment. All fees authorized in this regulation must be paid as specified below.
1. The following inspections and permits will be invoiced and must be paid within 60 days after the invoice date.
 - A. Fire protection maintenance inspections will be invoiced at the time of service.
 - B. Fire protection systems testing will be invoiced at the time of service.
 - C. Agency required license inspections will be invoiced at the time of service.
 - D. Inspections associated with the issuance of any General Permit.
 - E. Operational permits will be invoiced annually on the anniversary of the initial issue date.
 - F. Fire code compliance permits will be invoiced annually on the anniversary of the initial issue date.
 2. The following fees for permits, licenses, and exceptions must be paid at time of application.
 - A. General permits for the term defined in Section 5.
 - B. Fire protection contractor license initial application and annual license renewal on the anniversary of initial approval.
 - C. Fire safety code modifications and exceptions.
 3. Total inspection time includes:
 - A. all inspection and/or testing contact time with the inspector(s) or engineer(s); and
 - B. thirty minutes travel time;
 - C. fifteen minutes data entry time.



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4. Inspections of large or complex systems may require more than one inspector to complete. The building owner or occupant will be notified in advance of inspections requiring more than one inspector.
 5. Inspectors may waive the travel time for inspections of adjacent occupancies.
 6. Additional fees due as a result of additional services not identified at time of application must be paid prior to approval or acceptance of permitted activity.
- 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 specifically exempted by law. Applicable fees will be charged to the permit, license, certificate, or exception holder.
- d. **Penalties for Late or Non-payment.** Failure to pay a required fee within 60 days after the invoice date will result in the addition of penalty charges.
1. On day 61 after the original invoice date a first late notice will be mailed to the responsible party and will include notice of the penalty fee added;
 2. Beginning day 61 through day 90 after the original invoice date a penalty of 50% of the original invoice amount will also be due;
 3. On day 91 after the original invoice date a second late notice will be mailed to the responsible party and will include notice of the additional penalty fee added;
 4. Beginning day 91 through day 120 after the original invoice date an additional 50% of the original invoice amount will be added to the penalty due;
 5. On day 121 after the original invoice date a third late notice will be mailed to the responsible party and will include notice that the amount due has been forwarded to the County Attorney or private collection agency for debt collection;
 6. Penalty charges will not exceed 100% of the original invoice amount.
 7. Failure to pay a required fee and accumulated penalty charges within 150 days after the original invoice date may result in one or more of the



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following:

- A. The revocation of any permit, certificate, or license;
 - B. The suspension of future services until the fee is paid in full; or
 - C. The issuance of a civil citation for non-payment.
- e. The Fire Chief or designee may waive, reduce or approve a payment plan for any fee required under this regulation if:
- 1. Payment of the fee would cause the applicant undue hardship;
 - 2. The fee is incurred because of circumstances beyond the applicant's control (for example, severe weather); or
 - 3. 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.

- f. Refund. If a 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).

Revoked, suspended or invalid permits are not eligible for refunds.

- g. Reissuance. If a permit, license, or certificate becomes void, is lost or stolen, the document may be reissued at a flat charge of \$25, 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.
- h. Transfer. Permits and Permit fees are not transferable.

Sec. 3 Inspections and Permit Fees.

- a. Systems and Structures Maintenance – All code required fire protection systems and features must be maintained in good working order at all times and must be



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inspected or tested in compliance with the applicable NFPA standard.

1. The building owner, occupant, or a Montgomery County licensed fire protection contractor must submit annual inspection data clearly indicating compliance or non-compliance with the Montgomery County Fire Safety Code and NFPA code requirements to the Montgomery County Fire Marshal.
 2. Building owners and/or occupants must maintain the previous two years of records indicating compliance with the applicable codes on site.
 3. Failure to submit the required annual inspection data or maintain the required records may result in an order to conduct an annual test witnessed by the Montgomery County Fire Marshal.
- b. Non-compliance. All reported or discovered conditions of non-compliance or failures to provide required compliance documentation may result in a Notice of Violation being issued to the responsible party.
 - c. Fire Code Compliance Permits. A Fire Code Compliance Permit is required for all businesses, schools, multi-family buildings, health care facilities, places of worship, and all other commercial buildings or occupancies. Fire Code Compliance Permits must be renewed annually and in accordance with Section 3 (g) of this document.
 - d. An Operational Permit is required for each fire protection system in any business, school, multi-family building, health care facility, place of worship, or other commercial building or occupancy. Operational Permits must be renewed annually and in accordance with Section 3 (g) of this document.
 - e. A building or individual occupancy that is issued an Operational Permit will automatically be issued a Fire Code Compliance Permit at no cost.
 - f. Fire Code Compliance Permits and Operational Permits are valid for one calendar year from the date of issuance and must indicate an expiration date.
 - g. 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,



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- 2. The owner of the building or tenant space changes.
- 3. The lessee of the building or tenant space changes.

h. Fees.

- 1. Fire Code Compliance Permits \$25 per occupancy per year.
\$10 per additional building or tenant space operated by the same owner or lessee within a single property.
No charge when issued concurrent with an Operational Permit.
- 2. Operational Permits. \$50 per system per year.
\$10 per additional building or tenant space operated by the same owner or lessee within a single property.
- 3. Initial structure or existing condition inspections. No charge.
- 4. Follow up inspection for non-compliance. No charge.
- 5. Subsequent re-inspections for non-compliance. \$35 per quarter hour.
- 6. Overtime inspection (When available) \$75 per quarter hour.
- 7. A cancellation within 24 hours before a scheduled inspection will be counted as an inspection.
- 8. Witnessed Tests of Systems or Structures \$35 per quarter hour.

Sec. 4 General Permits, Terms, and Fees.

Fees for the following items are \$70 except as noted. An inspection may be required at the discretion of the Fire Marshal prior to issuance of a permit.



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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 – 3 calendar months.
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 gasses

1. 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.
2. For placing any flammable or combustible liquid stationary tank temporarily or permanently out of service. Permit Term - 3 months.
3. To remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank. Permit Term - 3 months.
4. To conduct floor resurfacing and refinishing operations involving the use and application of flammable liquids or materials. Permit Term - 30 days.
5. For spraying or dipping operations utilizing more than one gallon of flammable or combustible liquids on any working day. Permit Term – 12 calendar months.
6. 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 combustible fibers in excess of 100 cubic feet. Permit Term –12 calendar months.



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2. To conduct or maintain any tire recapping or rebuilding plant. Permit Term – 12 calendar months.
3. To store in excess of 100,000 board feet of lumber. Permit Term – 12 calendar months.
4. To use explosives for up to one month, \$100.00; \$5 for each additional month. 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, 6 calendar months.
3. To place and operate a tar kettle. Permit Term – Site specific, 3 calendar months.

e. Motor vehicles

1. 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.
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. Miscellaneous

1. To operate any commercial establishment or conduct any process or activity that poses an unusual fire or life safety risk not otherwise covered



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in this regulation. \$25 Permit Term – 12 calendar months, or until a change in ownership or use group.

- The fee for any inspection associated with the issuance of a general permit is \$35 per inspector quarter-hour.
- The fee for any other Permit found in NFPA 1 is \$25. Permit Term – 12 calendar months, or as noted on permit.

Sec. 5 License Fees.

a. Fire protection systems and equipment

- Corporate – For a firm to engage in the business of servicing portable fire extinguishers. \$100. License Term – 24 calendar months.
- Corporate – 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. \$200. License Term – 24 calendar months.
- Employee – To repair, service, or inspect, maintain, and test any fixed fire protection system, structural fire protection element or feature, or portable fire extinguishers. \$50. License Term – 24 calendar months.

b. Agency required license inspections

- Family or Group Day Care. \$50
- Nursery or Day Care Centers. \$50, plus inspector fee of \$35 per quarter-hour
- Board & Care, 6-16 residents. \$50, plus inspector fee of \$35 per quarter-hour
- Board & Care, over 16 residents. \$50, plus inspector fee of \$35 per quarter-hour
- Health Care, Detention. \$50, plus inspector fee of \$35 per quarter-hour



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6. Other licensed facility. \$50, plus inspector fee of \$35 per quarter-hour

7. Private Educational Institutions. \$50, plus inspector fee of \$35 per quarter-hour

Sec. 6 Miscellaneous Fees.

a. Photocopies (file documents, etc.) \$25 per report.

b. Photo evidence copies. \$50 per request, plus \$15 per CD/DVD.

c. Development Plan Review. Review of planned building group and other developments for fire code compliance. \$35 per quarter hour.

d. Consultation services. Pre-design, construction consultation, Fire Protection Agreements, or plan reconciliation with Engineer. \$35 per quarter hour.

e. Property Research. Research of premise files for fire and life safety history to third party companies. \$35 per quarter hour after two initial hours at no charge

f. Testimony or Expert Testimony. Testimony, pre-trial preparation, or travel of any inspector, investigator or Engineer in any civil proceeding. Expenses and Time charged in one hour increments at \$140 per hour

Sec. 7 Technology Fund.

A technology fund 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 technology fund fee is in addition to the regular fee and must be paid at the same time that the regular fee is due.



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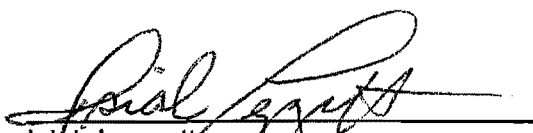
Sec. 8 Indexing of Fees to Labor Costs

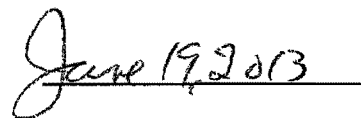
The Fire Chief may adjust the fees in this regulation on July 1 of each year.

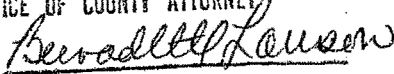
- a. The fees may be raised annually by a percentage that does not exceed the rate of increase, if any, in the approved personnel costs for the MCFRS Code Compliance Section between the then-current fiscal year which begins on July 1 and the preceding fiscal year. Fees may be raised only to the extent necessary to fund the cost of operating the MCFRS Code Compliance 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.
- 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.
- 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.

Approved:

Date:


 Isiah Leggett,
 County Executive


 June 19, 2013

APPROVED AS TO FORM AND LEGALITY.
 OFFICE OF COUNTY ATTORNEY
 BY 
 DATE 5/31/2013