



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: 22-19AM

Originating Department: Department of Permitting Services

Effective Date:

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: 22-19AM

COMCOR No: 22.00.03

Authority: Montgomery County Code Section 22-13

Amends: Executive regulation 22-19

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

Register Vol. 36, Issue 6

Comment Deadline: June 30, 2019

Effective date:

Sunset date: None

SUMMARY:

This regulation amends Executive Regulation 18-18 by reducing the impact of the fee on Multi-Family Residential Garden Style Apartment Building Complexes. The permit fees for the first building in a Multi-Family Residential Garden Style Apartment Building Complex will be calculated under COMCOR 22.00.03.04(g)(1) and (2). The permit fees for each additional building in the complex will be 10% of the Fire Code Compliance Permit fee and 10% of the Fire Alarm and Sprinkler Operational Permit fee assessed to the first building.

ADDRESSES:

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BACKGROUND INFORMATION: The Fire Code Compliance (FCC) Section was transferred from the Montgomery County Fire and Rescue Service to the Department of Permitting Services (DPS) in April 2016. Among other accomplishments, Executive Regulation 8-18 fully integrated the FCC into DPS's enterprise fund by replacing an existing and complicated fee system that was based on hourly rates with flat fees. This allowed DPS to eliminate an existing invoice method of collecting fees and integrate the fee collection process into DPS's automated services. The single permit fee and collection process has eliminated confusion, improved customer service, and created consistency across all building and process types. After Executive Regulation 8-18 was adopted, when the regulation was implemented, an unintended impact on Multi-Family Residential Garden Style Apartment Building Complexes was discovered. The impact was not identified during the public comment period. This amended regulation addresses and corrects that unintended impact.

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]]~~ complies with the applicable fire safety codes.
- b. Operational Permit: A Permit to ensure that each active and passive Fire Protection System ~~[[is in compliance]]~~ complies 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.
- d. Multi-Family Residential Garden Style Apartment Building Complex means [[a residential complex consisting of]] more than one [[multi-family residential]] building where each building:
 1. consists of three or more dwellings;
 2. does not exceed three stories above grade plane; and
 3. [[are]] is located on [[one]] the same lot, [[site,]] parcel, or ownership unit [[, or subdivision]].

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



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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.
- 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
 - (a) \$95 per year.
 - (b) \$95 per additional building or tenant space.

Exception. For Multi-Family Residential Garden Style Apartment Building Complexes, the permit fee for each additional building in the complex is 10% of the Fire Code Compliance Permit fee assessed to the first building.



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- 2. Operational Permit. (a) \$95 per system per year.
(b) \$95 per additional building or tenant space.
Exception. For Multi-Family Residential Garden Style Apartment Building Complexes, the permit fee for each additional building in the complex is 10% of the Fire Alarm and Sprinkler Operational Permit fee assessed to the first building.

- 3. Initial structure or existing condition inspections. No charge.
- 4. Follow up inspection for non-compliance. \$95
- 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.



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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 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



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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 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.



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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.

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



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- 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 or 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.

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.

Marc Elrich
Marc Elrich, County Executive

9/24/19
Date

Approved as to form and legality:

Charles S. Fadelis
Office of the County Attorney

19 September 2019
Date