

Emergency Bill No. 8-02
Concerning: Fire Safety Code –
Inspections - Schools
Revised: July 23, 2002 Draft No. 2
Introduced: March 26, 2002
Enacted: July 23, 2002
Executive: August 1, 2002
Effective: August 1, 2002
Sunset Date: None
Ch. 22, Laws of Mont. Co. 2002

COUNTY COUNCIL FOR MONTGOMERY COUNTY, MARYLAND

By: Councilmembers Andrews and Ewing.

AN EMERGENCY ACT to:

- (1) require a fire safety code inspection of certain schools at least once a year;
- (2) require reinspection soon after the deadline for correcting any serious fire safety violation;
- (3) generally amend County law regarding fire safety code inspections and enforcement.

By amending

Montgomery County Code
Chapter 22, Fire Safety Code
Sections 22-5, 22-23

Boldface	<i>Heading or defined term.</i>
<u>Underlining</u>	<i>Added to existing law by original bill.</i>
[Single boldface brackets]	<i>Deleted from existing law by original bill.</i>
<u>Double underlining</u>	<i>Added by amendment.</i>
[[Double boldface brackets]]	<i>Deleted from existing law or the bill by amendment.</i>
* * *	<i>Existing law unaffected by bill.</i>

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

1 **Section 1. Sections 22-5 and 22-23 of the Code are amended as follows:**

2 **22-5. Definitions.**

3 [Words defined in this chapter are intended only for use with sections of this
4 chapter. Definitions set forth in any document referenced by this chapter shall be the
5 acceptable definition for use of that document only. Words not specifically defined in
6 this code, or other referenced documents, shall be interpreted as being the ordinary usage
7 of the word as set forth in Webster’s Third New International Dictionary of the English
8 Language.]

9 In this Chapter, the following words have the following meanings:

10 * * *

11 *Fire [marshal] Marshal:* The phrase [“fire marshal”] “*Fire Marshal*” or “*County*
12 *Fire Marshal*” means [the chief of the division of fire prevention] *a qualified employee of*
13 *the Montgomery County Fire and Rescue Service designated by the Fire Administrator as*
14 *the County Fire Marshal. The phrase includes the Fire Marshal’s designee unless the*
15 *context clearly indicates otherwise.*

16 **22-23. Inspections [generally].**

17 [It shall be the duty of the director to inspect, or cause to be inspected by the
18 division of fire prevention, or by other fire department officers or members as often as
19 may be necessary all buildings and premises, including such other hazards or appliances,
20 as the director may designate for the purpose of ascertaining and causing to be corrected
21 any condition which would reasonably tend to cause fire or contribute to its spread, or
22 any violation of the purpose or provisions of this chapter and of any other law or standard
23 affecting fire safety.]

24 (a) The Fire Administrator must designate in writing a qualified individual to
25 serve as the County Fire Marshal. Under State law, the County Fire
26 Marshal serves as an assistant State fire marshal for the purpose of
27 implementing and enforcing State fire prevention laws. The County Fire
28 Marshal may ask the State Fire Marshal to appoint one or more qualified

1 employees of the Montgomery County Fire and Rescue Service to serve as
 2 a special assistant State fire marshal.

3 (b) The County Fire Marshal must inspect all buildings and premises in the
 4 County as often as necessary for compliance with the State Fire Prevention
 5 Code, the County Fire Safety Code (this Chapter), and any other applicable
 6 fire safety law or regulation, and to require correction of any other
 7 condition that the Fire Marshal determines unreasonably creates or would
 8 promote a hazardous condition. When the Fire Marshal sets a deadline for
 9 correction of a serious violation or other hazardous condition, the Fire
 10 Marshal should re-inspect the building or premises promptly after the
 11 deadline. The Fire Marshal may require a responsible party to provide, at
 12 the party's own expense, certification by a qualified private fire protection
 13 engineer that the hazard was corrected on or before the deadline.

14 ~~[(b)]~~

15 (c) In addition to any other inspection authority, the County Fire Marshal may,
 16 under State law, inspect any State, County, or municipally owned
 17 institutions, and any school, theater, church, or other place of public
 18 assembly.

19 ~~[(c)]~~

20 (d) (1) The County Fire Marshal must inspect each **school** in the County at
 21 least once a year. The Fire Marshal must re-inspect a school within
 22 10 days after the expiration of any deadline for correcting a fire code
 23 violation or other hazardous condition that was not corrected
 24 immediately during the original inspection.

25 (2) The Fire Marshal must not delegate or transfer any responsibility
 26 under this subsection to a municipal fire marshal unless the County
 27 Fire Marshal and the municipal fire marshal:

1 (A) annually agree in writing that the municipal fire marshal will
2 carry out all responsibilities under this subsection for every
3 school in the municipality;

4 (B) make the annual agreement available for public inspection;
5 and

6 (C) provide a copy of each annual agreement to:

7 (i) the principal or other head of each school covered by
8 the agreement; and

9 (ii) for public schools, the superintendent.

10 (3) In this subsection, "school" means any public or private:

11 (A) elementary or secondary school; or

12 (B) facility that provides early childhood education that requires
13 approval by the State Department of Education.

14 **Sec. 2. Emergency Effective Date.**

15 The Council declares that an emergency exists and that this legislation is necessary
16 for the immediate protection of the public health and safety. This Act takes effect on the
17 date on which it becomes law.

18 *Approved:*

19 /S/ July 24, 2002

Steven A. Silverman, President, County Council Date

20 *Approved:*

21 /S/ August 1, 2002

Douglas M. Duncan, County Executive Date

22 *This is a correct copy of Council action.*

23 /S/ August 5, 2002

Mary A. Edgar, CMC, Clerk of the Council Date