



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

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: June 30, 2018

Effective date:

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:

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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

[Sec. 1] 22.00.03.01 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 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] 22.00.03.02 General Provisions.

The following provisions apply to all types of permits, [license,] licenses and 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.] All required permits and certificates must be readily accessible upon request when not displayed.
- b. Fee Payment. [All fees authorized in this regulation must be paid as specified below.



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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.
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.



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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.] 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 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 following:
 - A. The revocation of any permit, certificate, or license;



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- 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]d. 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.] All fees are non-refundable, except in the case of an administrative error.

[d. 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]e. 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 inspected or tested in compliance with the applicable NFPA standard.



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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,
 2. The owner of the building or tenant space changes.



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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. | |

Witnessed Tests of Systems or Structures \$35 per quarter hour.]

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.



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- 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.
 - 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.



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- 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. <u>Fire Code Compliance Permit</u> | <u>\$95 per year.</u>
<u>\$95 per additional building or tenant space.</u> |
| 2. <u>Operational Permit.</u> | <u>\$95 per system per year.</u>
<u>\$95 per additional building or tenant space.</u> |
| 3. <u>Initial structure or existing condition inspections.</u> | <u>No charge.</u> |
| 4. <u>Follow up inspection for non-compliance.</u> | <u>\$95</u> |
| 5. <u>Subsequent re-inspections for non-compliance.</u> | <u>\$95.</u> |
| 6. <u>Overtime inspection (When available)</u> | <u>\$270 Inspection.</u> |
- h. A cancellation within 24 hours before a scheduled inspection will be counted as an inspection.
- i. Witnessed Tests of Systems or Structures \$95.



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[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.

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.



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c. Flammable and combustible solids

1. To store or handle combustible fibers in excess of 100 cubic feet. Permit Term –12 calendar months.
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.



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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 in this regulation. \$25 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 general permit is \$35 per inspector quarter-hour.
3. The fee for any other Permit found in NFPA 1 is \$25. Permit Term – 12 calendar months, or as noted on permit.]

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.



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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

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.



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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.

[Sec. 5]22.00.03.06 License Fees.

a. Fire protection systems and equipment

[1. Corporate – For a firm to engage in the business of servicing portable fire extinguishers. \$100. License Term – 24 calendar months.

2. Corporate – For a firm to engage in the business of repairing, servicing or



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inspecting, maintaining and testing any fixed fire protection system or structural fire protection element or feature. \$200. License Term – 24 calendar months.

3. 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

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

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.



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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)

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

[Sec. 6]22.00.03.07 Miscellaneous Fees.

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|--|---|
| 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 | |



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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]

a. Additional Inspection fees:

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

[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.]

[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



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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.]

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.

Isiah Leggett, County Executive

Date

Approved as to form and legality:

Charles J. Ferley
Office of the County Attorney

15 May 2018
Date