



# *State of Maryland Fire Prevention Code*

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<b>Chapter 1: Fire Prevention Code (COMAR 29.06.01)</b>	<b>PAGE</b>
.01 Title .....	1
.02 Purpose.....	1
.03 Application and Scope .....	1
.04 Enforcement.....	2
.05 Definitions .....	2
.06 Incorporation by Reference.....	3
.07 National Fire Protection Association 101 Life Safety Code.....	4
A. Referenced Publications, delete NFPA 5000.....	4
B. Bulkhead Doors, definition .....	4
C. Day-Care Homes, amend definition .....	4
D. Day-Care Occupancy, amend definition .....	4
E. Residential Board & Care Occupancy, amend definition .....	4
F. Fire Protection Equipment, maintenance & testing .....	4
G. Life Safety Features, maintenance or removal .....	4
H. Emergency Plan Locations, amendment .....	4
I. Exit Access, amendment.....	4
J. Manual Fire Alarm Boxes, amendment.....	4
K. Drop-Out Ceilings, prohibition .....	4
L. Testing Standards, amendment .....	4
M. Day-Care Centers in Educational Occupancies.....	5
N. Escape Windows at Grade, exception for size.....	5
O. Family Day-Care Homes, amendment.....	5
P. Group Day-Care Homes, amendment .....	5
Q. Family Day-Care Homes, children under 2 years .....	5
R. Day-Care Homes, use of bulkhead doors for egress .....	5
S. Family Day-Care Homes, use of sliding doors for egress .....	5
T. Family Day-Care Homes, dead-bolt locks.....	5
U. Day-Care Homes, exception for use of battery operated smoke alarms .....	6
V. Day-Care Homes, exception for furnishings & draperies .....	6
W. Day-Care Homes, exception for staff to be awake.....	6
X. Day-Care Homes, use of battery operated smoke alarms .....	6
Y. Lockups, amendment.....	6
Z. Lockups, amend release time .....	6
AA. Lockups, amend release time .....	6
BB. Lockups, delete .....	6
CC. Lockups, delete alternate provisions.....	6
DD. Lockups, amendment.....	6
EE. One- and Two-Family Dwelling, amend definition.....	6
FF. Escape Windows at Grade, exception for size.....	6
GG. Stair Riser & Tread in Dwelling Units, amendment.....	6
HH. Lodging & Rooming Houses, amend definition.....	6
II. Residential Board & Care Occupancy, new construction.....	6
JJ. Kiosks, construction materials.....	7
KK. Storage Occupancies, automatic sprinkler requirement .....	7
LL. Open-Air Parking Structures, stair enclosure exception ....	7

MM. Open-Air Parking Structures, accessible rooms and areas of refuge exception .....	7
NN. Open-Air Parking Structures, travel distance .....	7
.08 National Fire Protection Association 1 Uniform Fire Code	
A. Incident Commander, delete .....	7
B. Liability, delete .....	7
C. Board of Appeals, delete .....	7
D. Emergency Response Records, delete .....	7
E. Permits, requirements of authority having jurisdiction.....	7
F. Permits, delete mandatory requirement.....	7
G. Referenced Publications, delete NFPA 500.....	7
H. Consumer Fireworks, amend definition.....	7
I. Day-Care Homes, amend definition.....	7
J. Day-Care Occupancy, amend definition .....	7
K. One- and Two-Family Dwellings, amend definition.....	8
L. Residential Board & Care Occupancy, amend definition .....	8
M. Fire Protection Equipment, maintenance & testing .....	8
N. Life Safety Features, maintenance or removal .....	8
O. Compliance with COMAR amendments.....	8
P. Incident Commander, amend authority .....	8
Q. Grills, amend distance requirements.....	8
R. Combustible Vegetation, delete .....	8
S. Natural Cut Trees, delete .....	8
T. Outdoor Events, amendment .....	8
U. Crop Mazes, fuel break requirement.....	8
V. Outside Storage, enclosure requirement .....	8
W. Outside Storage, amend distance requirement.....	8
X. Outside Storage, additional authority .....	8
Y. Outside Storage, limit square footage.....	8
Z. Electrical Service Equipment, clearance & door labels.....	8
AA. Electrical Fire Safety, amendment .....	9
BB. Standpipe Systems, where required .....	9
CC. Drop-Out Ceilings, prohibition.....	9
DD. Automatic Sprinkler or Fire Suppression Systems, where required .....	9
EE. Exterior Roofs & Canopies, amendment.....	9
FF. Sprinkler Systems, maintenance & testing.....	9
GG. Drop-Out Ceilings, prohibition .....	9
HH. Fire Pumps, below ground requirements .....	9
II. Rural Water Supply for Firefighting, delete .....	9
JJ. Fire Extinguishers, where required .....	9
KK. Storage Occupancies, automatic sprinkler requirement .....	9
LL. Day-Care Homes, exception for use of battery operated smoke alarms .....	9
MM. Manual Fire Alarm Stations, signs required .....	10
NN. Day-Care Homes, use of battery operated smoke alarms ...	10
OO. Exit Access, amendment.....	10

PP. Fire Apparatus Access Plans, submission of .....	10
QQ. Fire Lanes and Access Roads, amendment.....	10
RR. Fire Department Access Roads, amendment.....	10
SS. Fire Department Access to Building, amendment .....	10
TT. Day-Care Homes, amendment definition .....	10
UU. Day-Care Homes, exception for furnishings & draperies...	10
VV. Day-Care Homes, exception for staff to be awake .....	10
WW. Testing Standards, amendment.....	10
XX. Marinas & Boatyards, amendment .....	10
YY. Marinas & Boatyards, covered slips .....	10
ZZ. Forest Products, pile maintenance .....	10
AAA. Forest Products, pile size & fire lanes .....	11
BBB. Forest Products, delete .....	11
CCC. Unattended Self-Service Facility, additional requirements	11
DDD. Unattended Self-Service Facility, additional requirements .	11
EEE. Commercial Outdoor Cooking, additional requirements .....	11
.09 Fireworks and Explosive Materials.....	12
.10 Control of Airblast and Ground Vibration for Blasting Operations ....	14
.11 Fire Extinguishers .....	18
.12 Sale and Installation of Fire Alarm or Fire Detection Systems .....	18
.13 Smoke Detectors for the Deaf or Hearing Impaired Signs .....	19
.14 Sale and Use of Heaters and Stoves .....	19
.15 Sale or Use of Flame Retardant Chemicals.....	19
.16 Visual Obscuration Systems .....	19

**Chapter 2: Procedural Regulations**

**(COMAR 29.06.02)**

.01 Hearings—Contested Cases Before the State Fire Prevention Commission .....	20
.02 Administrative Procedure Act .....	21

**Chapter 3: Approval of Testing Laboratories**

**(COMAR 29.06.03)**

.01 Purpose.....	22
.02 Application for Approval .....	22
.03 Evaluation Procedure .....	23
.04 Notification of Change in Name, Location, and Ownership.....	23

**Chapter 4: Fees for Fire Prevention Services**

**(COMAR 29.06.04)**

.01 Scope .....	25
.02 Incorporation by Reference .....	25
.03 Definitions .....	25
.04 Fees in General.....	26
.05 Fees for Plan Review, and Use and Occupancy Inspections .....	27
.06 Fees for Fire Protection System Plan Review and Inspections.....	29
.07 Fees for Fire Safety Inspections .....	30
.08 Fees for Technical Assistance .....	32
.09 Disposition of Fees.....	32

**Chapter 5: Fire Sprinkler Contractor Licensing Regulation**

**(COMAR 29.06.05)**

.01 Purpose.....	33
.02 Scope.....	33
.03 Definitions .....	33
.04 Licensure.....	34
.05 Denial, Suspension, and Revocation of Applications and Licenses.	39
.06 Hearings for Denied, Suspended, and Revoked Applications and Licenses.....	40
.07 Summary Suspension .....	40
.08 Appellate Procedures.....	40
.09 Penalties .....	40

**Chapter 6: Fresh Cut and Live Tree Fire Safety Regulations**

**(COMAR 29.06.06)**

.01 Purpose.....	41
.02 Scope.....	41
.03 Definitions .....	41
.04 Display .....	41
.05 Tagging of Trees .....	42
.06 Placement and Maintenance.....	43
.07 Enforcement.....	44

**Chapter 7: Ground-Based Sparkling Devices**

**(COMAR 29.06.07)**

.01 Purpose.....	45
.02 Application and Scope .....	45
.03 Definitions .....	45
.04 Registration of Distributors and Wholesalers .....	45
.05 Sales and Storage.....	46
.06 Quantities .....	46
.07 Displays.....	47
.08 Fire Protection.....	47
.09 Means of Egress .....	47
.10 Sources of Ignition .....	49
.11 Site Requirements.....	50
.12 Temporary Heating Sources .....	50
.13 Generators .....	50
.14 Personnel.....	50
.15 Signs .....	51
.16 Housekeeping .....	52
.17 Penalties .....	52

**TITLE 29 DEPARTMENT OF STATE POLICE**  
**SUBTITLE 06 FIRE PREVENTION COMMISSION**  
**CHAPTER 01 FIRE PREVENTION CODE**  
**Authority: Public Safety Article §6-206 and 6-501**  
**Annotated Code of Maryland**  
***(Amended Effective January 1, 2007)***

**.01 Title.**

This chapter shall be known and may be cited as the State Fire Prevention Code.

**.02 Purpose.**

A. The purpose of this chapter is to establish minimum requirements that will provide a reasonable degree of fire prevention and control to safeguard life, property, or public welfare from:

- (1) The hazards of fire and explosion arising from the storage, handling, or use of substances, materials, or devices; and
- (2) Conditions hazardous to life, property, or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots, or premises.

B. This chapter incorporates by reference NFPA 1 Uniform Fire Code (2006 Edition), except as amended in Regulations .08 and .09 of this chapter, and NFPA 101 Life Safety Code (2006 Edition), except as amended in Regulation .07 of this chapter. Certain requirements of the International Building Code as incorporated by reference by the Maryland Building Performance Standards are also adopted by incorporation by reference in Regulations .06 — .16 of this chapter and are considered minimum standards.

C. The State Fire Prevention Commission recommends the use of the NFPA National Fire Codes or other nationally recognized standards in technical matters not specifically addressed by this chapter.

**.03 Application and Scope.**

A. This chapter applies to both new and existing buildings and conditions. In various sections there are specific provisions for existing buildings that may differ from those for new buildings. Unless otherwise noted, this chapter does not apply to facilities, equipment, structures, or installations that were existing or approved for construction or installation before the effective date of this chapter, except in those cases in which it is determined by the authority having jurisdiction (AHJ) that the existing situation constitutes a hazard so inimical to the public welfare and safety as to require correction. The requirements for existing buildings and conditions may be modified if their application clearly would be impractical in the judgment of the AHJ, but only if it is clearly evident that a reasonable degree of safety is provided. The State Fire Marshal or the legally appointed designee has the authority to make a determination of the applicability of this chapter to any building or condition in it, subject to the right of appeal to the State Fire Prevention Commission as prescribed in COMAR 29.06.02.

B. The requirements of this chapter do not apply to work areas subject to COMAR 05.16 (Maryland Building Rehabilitation Code) adopted by the Department of Housing and Community Development under Public Safety Article §12-1004, Annotated Code of Maryland, except as provided by COMAR 05.16 (Maryland Building Rehabilitation Code).

C. The provisions of this chapter do not apply in Baltimore City except to those buildings and conditions specifically prescribed in Public Safety Article, Title 6, Subtitle 4, Annotated Code of Maryland.

D. The provisions of this chapter do not apply to buildings used solely as dwelling houses for no more than two families as prescribed in Public Safety Article, Title 6, Subtitle 3, Annotated Code of Maryland.

#### **.04 Enforcement.**

A. Enforcement of this chapter is the responsibility of:

- (1) The State Fire Marshal;
- (2) A legally designated fire official of a county or municipal corporation of the State; or
- (3) Other persons legally appointed by the State Fire Marshal under Public Safety Article, Title 6, Subtitle 3, Annotated Code of Maryland.

B. The State Fire Marshal or the legally appointed designee may accept alternate methods of satisfying the intent of this chapter if the material, method, or work is at least the equivalent of that required by this chapter in quality, effectiveness, durability, and safety, and meets or exceeds the intent of the chapter.

C. If there are differing or conflicting requirements between this chapter and codes or standards adopted by incorporation by reference by this chapter, the State Fire Marshal or the legally appointed designee shall determine which requirements apply, subject to the right of appeal to the State Fire Prevention Commission.

D. If the Public Safety Article, Annotated Code of Maryland, or this chapter requires that a permit or certificate of approval be obtained from the State Fire Marshal, the permit shall be obtained from the State Fire Marshal, or other appropriate authority, of the county, city, or incorporated town where the activity or equipment for which the permit or certificate required is located.

E. A violation of this chapter is subject to the penalties set forth in the Public Safety Article, Annotated Code of Maryland.

#### **.05 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Authority having jurisdiction" (AHJ) means the State Fire Marshal or the legally appointed designee as prescribed in this chapter.
- (2) "International Code Council (ICC)" means International Code Council, Inc., 5203 Leesburg Pike, Suite 600, Falls Church, VA 22041-3401.
- (3) "Legally appointed designee" means those local or county officials specifically authorized under the Public Safety Article, Annotated Code of Maryland, to enforce the provisions of the State Fire Laws and State Fire Prevention Code.
- (4) "New building or condition" means a building, structure, installation, plant, equipment, renovation, or condition:
  - (a) For which a building permit is issued on or after the effective date of this chapter;

- (b) On which actual construction is started on or after the effective date of this chapter in a jurisdiction where a building permit is not required;
  - (c) Which represents a change from one occupancy classification to another on or after the effective date of this chapter; or
  - (d) Which represents a situation, circumstance, or physical makeup of any structure, premise, or process that was commenced on or after the effective date of this chapter.
- (5) "NFPA" means National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

**.06 Incorporation by Reference.**

A. In this chapter, the following documents are incorporated by reference, with the amendments specified in this chapter. Tentative interim amendments and supplements to these documents and to the codes and standards referenced in these documents are not included as part of this chapter unless specifically adopted by this chapter.

B. Documents Incorporated.

- (1) NFPA 1, Uniform Fire Code (2006 Edition).
- (2) NFPA 101, Life Safety Code (2006 Edition).
- (3) International Building Code as incorporated by reference by the Maryland Building Performance Standards, which can be found under COMAR 05.02.01.02-1 in depository libraries and in the depositories described in §C of this regulation.

C. Incorporation by Reference Locations. The documents incorporated by reference in §B of this regulation are available for inspection at the following depositories:

- (1) Office of the State Fire Marshal, Headquarters, 1201 Reisterstown Road, Building C, Pikesville, MD 21208, (410) 653-8980, 1-800-525-3124;
- (2) Office of the State Fire Marshal, Northeast Regional Office, 2 South Bond Street, Bel Air, MD 21014, (410) 836-4844;
- (3) Office of the State Fire Marshal, Eastern Regional Office, 301 Bay Street, Easton, MD 21601, (410) 822-7609;
- (4) Office of the State Fire Marshal, Western Regional Office, 12 North Jonathan Street, Suite 100, Hagerstown, MD 21740, (301) 791-4758;
- (5) Office of the State Fire Marshal, Southern Regional Office, 200 Duke Street, Prince Frederick, MD 20678, (443) 550-6820;
- (6) Office of the State Fire Marshal, Metro Regional Office; 15 E. Main Street, Suite 220, Westminster, MD 21157 (410) 871-3050;
- (7) Office of the State Fire Marshal, Maryland State Police Barracks "C", 1125 National Highway, Cumberland, MD 21502, (301) 729-5021;
- (8) Office of the State Fire Marshal, 170 East Main Street, Elkton, MD 21921, (410) 996-2790;
- (9) Office of the State Fire Marshal, 201 Baptist Street, Suite 17, Salisbury, MD 21801, (410) 713-3780;
- (10) Office of the State Fire Marshal, Garrett County Public Safety Center, 67 Friendsville Road, McHenry, MD 21541, (301) 387-0437;
- (11) Department of Legislative Services Library, 90 State Circle, Annapolis, MD 21401, (410) 946-5400;
- (12) Maryland State Law Library, Courts of Appeal Building, 361 Rowe Boulevard, Annapolis, MD 21401, (410) 260-1430;

- (13) Marshall Law Library, University of Maryland School of Law, 501 West Fayette Street, Baltimore, MD 21201, (410) 706-6502;
- (14) McKeldin Library, University of Maryland, Marylandia Department, College Park, MD 20742, (301) 405-0800; and
- (15) State Library Resource Center, Enoch Pratt Central, Maryland Department, 400 Cathedral Street, Baltimore, MD 21201, (410) 396-1789.

**.07 National Fire Protection Association 101 Life Safety Code.**

The NFPA 101 Life Safety Code (2006 Edition) is incorporated by reference, except for the following amendments:

- A. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, 2006 edition. Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ.
- B. Amend Subsection 3.3.52 to add the following Paragraph :  
3.3.52.3 Bulkhead Door. A type of door assembly covering an opening in the ground providing direct access to a basement, the floor of which is not more than 8 feet below ground level. The door consists of a single rigid leaf or two overlapping rigid leaves or covers which need to be pushed or lifted upwards in order to be opened. A person, after opening the door, can walk up a series of steps to escape to the outside.
- C. Amend Paragraph 3.3.122.1 and Subparagraphs 16.6.1.1.2 and 17.6.1.1.2 to delete "more than 3, but".
- D. Amend Paragraphs 3.3.168.4 and 6.1.4.1 to delete "four or more".
- E. Amend Paragraphs 3.3.168.12 and 6.1.9.1 to replace "four" with "six".
- F. Amend Subsection 4.5.7 and Paragraph 4.6.12.1 to delete "for compliance with the provisions of this Code".
- G. Amend Paragraph 4.6.12.3 to delete "by the Code".
- H. Amend Subsection 4.8.2 to add the following Paragraph:  
4.8.2.4 Emergency plans shall be maintained in a location approved by the AHJ.
- I. Amend Paragraph 7.9.1.2 to replace "only" in the first sentence with ", but not be limited to,".
- J. Amend Paragraph 9.6.2.5 to add the following:  
This paragraph does not permit the omission of manual fire alarm boxes in accordance with other provisions of this subsection unless specifically permitted by Chapters 12 through 42.
- K. Amend Paragraph 9.7.1.1 to add the following Subparagraph:  
9.7.1.1.1 For new ceiling installations, drop-out ceilings as referenced in NFPA 13, Subsection 8.14.13 shall be prohibited.
- L. Amend Paragraph 11.11.2.1 to add "or other approved testing standard approved by the State Fire Marshal".

M. Amend Subsections 16.1.1 and 17.1.1 to add the following Paragraphs:

16.1.1.6 and 17.1.1.6 Day-care centers providing day care for school-age children before and after school hours in a building which is in use as a public or private school are not required to meet the provisions of this chapter, but shall meet the provisions for educational occupancies.

N. Amend Subparagraphs 16.2.11.1.1 and 17.2.11.1.1 to add the following item:

(4) For windows at grade the minimum net clear opening shall be permitted to be 5.0 ft<sup>2</sup>.

O. Amend Sub-subparagraphs 16.6.1.4.1.1 and 17.6.1.4.1.1 to delete "more than three, but" and change "seven" to "nine".

P. Amend Sub-subparagraphs 16.6.1.4.1.2 and 17.6.1.4.1.2 to change "7" to "9".

Q. Amend Subparagraphs 16.6.1.7.1 and 17.6.1.7.1 to delete existing wording and replace with the following:

In family day-care homes, a day-care provider's own children under the age of two years shall be counted as clients served and the following shall apply:

(1) At any given time, a day-care provider may not care for more than eight clients, of whom no more than four may be under the age of two years.

(2) An adult to child ratio of at least one adult to every two children under the age of two years shall be maintained at all times.

R. Amend Paragraphs 16.6.2.1 and 17.6.2.1 to add the following:

Bulkhead doors may not serve as a primary means of escape.

S. Amend Paragraphs 16.6.2.2 (Reserved) and 17.6.2.2 (Reserved) to add the following:

SLIDING DOOR: For family day-care homes, a sliding door used as a required means of egress shall comply with the following conditions:

(1) The sliding door shall have not more than one, easily operated, locking device that does not require special knowledge, effort, or tools to operate;

(2) There may not be draperies, screens, or storm doors that could impede egress;

(3) The sill or track height may not exceed ½ inch above the interior finish floor;

(4) The surface onto which exit is made shall be an all weather surface such as a deck, patio, or sidewalk;

(5) The floor level outside the door may be one step lower than the inside, but not more than 8 inches lower;

(6) The sliding door shall open to a clear open width of at least 28 inches;

(7) Before day-care use each day, the sliding door shall be unlocked and tested to the full required width to be sure it is operating properly, and the door shall be nonbinding and slide easily; and

(8) During periods of snow or freezing rain, door tracks shall be cleared out and the door opened periodically throughout the day in order to ensure proper operation.

T. Amend Paragraphs 16.6.2.3 (Reserved) and 17.6.2.3 (Reserved) to add the following:

SPECIAL MEANS OF ESCAPE REQUIREMENTS: For family day-care homes, deadbolt locks shall be provided with approved interior latches, or these locks shall be of a captured key design from which the key cannot be removed from the interior side of the lock when the lock is in the locked position. These locks shall be unlocked at all times when the home is occupied for the purpose of family day care. Exception: A double-keyed dead-bolt lock may be used on the

secondary means of escape if the key is readily accessible and the lock is unlocked when the home is occupied for family day care.

U. Amend Paragraph 16.6.3.4 to add the following Subparagraph:

16.6.3.4.4 Approved battery-powered smoke alarms, rather than house electrical service-powered smoke alarms required by 16.6.3.4.3 shall be permitted where the facility has testing, maintenance, and battery replacement programs that ensure reliability of power to the smoke alarms.

V. Amend Paragraphs 16.7.4.1 and 17.7.4.1 to add the following exception:

Exception: Day-care homes.

W. Amend Subsections 16.7.5 and 17.7.5 to add the following exception:

Exception: Day-care homes with no more than three clients for overnight lodging.

X. Amend Subparagraph 17.6.3.4.4 to delete "existing".

Y. Amend Subparagraph 22.4.5.1.3 to delete "or 22.4.5.1.5".

Z. Amend Subparagraphs 22.4.5.1.4(1) and 23.4.5.1.4(1) to replace "2 minutes" with "30 seconds".

AA. Amend Subparagraphs 22.4.5.1.4(2) and 23.4.5.1.4(2) to replace "2-minute" with "30-second".

BB. Delete Subparagraphs 22.4.5.1.5 and 23.4.5.1.5.

CC. Delete Paragraphs 22.4.5.2 and 23.4.5.2.

DD. Amend Subparagraph 23.4.5.1.3 to delete "or 23.4.5.1.5".

EE. Amend Paragraph 24.1.1.1 to replace "three" with "five" and delete ", if any, accommodated in rented rooms".

FF. Amend Subparagraphs 24.2.2.3.3, 32.2.2.3.1(3), and 33.2.2.3.1(3) to insert ", or not less than 5.0 ft<sup>2</sup> when at grade" after "5.7 ft<sup>2</sup>".

GG. Amend Paragraph 24.2.5.1 to add the following exception:

Exception: Maximum riser heights of 8¼ inches (210mm) and minimum tread depths of 9 inches (229mm) are permitted for stairs in new construction. A nosing not less than ¾ inch (19mm) but not more than 1¼ inches (32mm) shall be provided on stairs with solid risers where the tread depth is less than 11 inches (279mm).

HH. Amend Paragraph 26.1.1.1 to change "buildings" to "buildings that do not qualify as one- and two-family dwellings".

II. Amend Paragraph 32.3.1.3 to replace "Chapter 7 of NFPA 5000, Building Construction and Safety Code" with "Paragraph 33.3.1.3".

JJ. Delete Paragraphs 36.4.4.8(1)(b) and 37.4.4.8(1)(b).

KK. Amend Subparagraphs 42.3.4.1.2 and 42.3.4.1.3 to replace "Storage occupancies" with "Storage occupancies less than three stories".

LL. Amend Sub-subparagraph 42.8.2.2.3.1 to add the following Sub-subparagraph:

42.8.2.2.3.1.1 In open-air parking structures, stairs complying with Subparagraph 7.2.2.5.1 shall not be required.

MM. Amend Subparagraph 42.8.2.2.9 to add the following Sub-subparagraphs:

42.8.2.2.9.1 In open-air parking structures, the two accessible rooms or spaces separated from each other by smoke-resistive partitions in accordance with the definition of area of refuge in 3.3.18 shall not be required.

42.8.2.2.9.2 In open-air parking structures, the areas of refuge requirement of 7.2.12.1.1(2) shall not apply.

NN. Amend Paragraph 42.8.2.6 to add the following Subparagraph:

42.8.2.6.1 In open-air parking structures, travel distance is permitted to be measured to the closest riser of the open stair.

**.08 National Fire Protection Association 1 Uniform Fire Code.**

The NFPA 1 Uniform Fire Code (2006 Edition) is incorporated by reference, except for the amendments in Regulation .09 of this chapter and the following amendments:

A. Delete Section 1.8.

B. Delete Section 1.9.

C. Delete Section 1.10. (See COMAR 29.06.02.)

D. Delete Subsection 1.11.3.

E. Amend Subsection 1.12.1 to add the following Paragraph:

1.12.1.1 Permits, certificates, notices, approvals, or orders required by this code shall be governed by the policies and procedures of the AHJ.

F. Amend Subsection 1.12.20 to change "shall" to "may".

G. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, 2006 edition. Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ.

H. Amend Paragraph 3.3.111.1 to add "and as referenced in Public Safety Article §10-101, Annotated Code of Maryland"

I. Amend Paragraph 3.3.165.6 to delete "more than 3 but".

J. Amend Paragraphs 3.3.165.7 and 6.1.4.1 to delete "four or more".

- K. Amend Paragraph 3.3.165.19 to replace “three” with “five” and delete “, if any, accommodated in rented rooms”.
- L. Amend Paragraphs 3.3.165.22 and 6.1.9.1 to replace “four” with “six”.
- M. Amend Paragraph 4.5.8.1 and Subsection 10.4.1 to delete "for compliance with the provisions of this Code ".
- N. Amend Paragraph 4.5.8.3 and Subsection 10.4.3 to delete "by the Code".
- O. Amend Subsection 10.1.2 to add "except as amended by COMAR 29.06.01.07 and COMAR 29.06.01.08" .
- P. Amend Subsection 10.5.1 to replace “AHJ” with “AHJ or incident commander”.
- Q. Amend Subsection 10.11.7 to replace “10 ft (3m)” with “15 ft (4.6m)” and delete the last sentence.
- R. Delete Subsection 10.14.1, including Table 10.14.1. (See COMAR 29.06.06)
- S. Delete Subsection 10.14.9. (See COMAR 29.06.06)
- T. Amend Subsection 10.15.2 to insert ", but not limited to," after "such as".
- U. Amend Paragraph 10.15.11.10 to replace “any vehicles” with “any vehicles, buildings,”.
- V. Amend Section 10.16 to add the following Subsection:  
10.16.6 The AHJ shall have the authority to require that outdoor storage of any combustible material be enclosed by an approved fence or other protective enclosure to prevent unauthorized access.
- W. Amend Subsection 10.16.1 to replace “10 ft (3 m)” with “15 ft (4.6 m)” and “property line” with “property line, building, or adjacent pile of combustible material”.
- X. Amend Subsection 10.16.3 to add the following:  
The separation distance shall be allowed to be increased where the AHJ determines that a higher hazard to the adjoining property exists.
- Y. Amend Subsection 10.16.5 to add “and 10,000 ft<sup>2</sup> in area”.
- Z. Amend Section 11.1 to add the following Subsections:  
11.1.8 Clearance. A clear space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the clear space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated clear space. Exception: Where other specialized dimensions are required or permitted by NFPA 70.

11.1.9 Labeling. Doors into electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording. The disconnecting means for each service, feeder or branch circuit originating on a switchboard or panelboard shall be legibly and durably marked to indicate its purpose unless such purpose is clearly evident.

AA. Amend Subsection 11.1.3 to add the following Paragraph:

11.1.3.1 Open electrical distribution panels, open junction boxes, and open wiring splices shall be prohibited. Approved covers shall be provided for all electrical panelboards, outlet boxes, switchboards, and junction boxes.

BB. Amend Paragraph 13.2.2.2 to delete existing wording and replace with the following: All new buildings shall be equipped with an approved standpipe system where required by the International Building Code as incorporated by reference by the Maryland Building Performance Standards. Where a Class III system is required, a Class I system shall be permitted.

CC. Amend Paragraph 13.3.1.2 to add the following Subparagraph:

13.3.1.2.1 For new ceiling installations, drop-out ceilings as referenced in NFPA 13, Subsection 8.14.13 shall be prohibited.

DD. Amend Paragraph 13.3.2.1 to delete “by this Code or the referenced codes and standards listed in Chapter 2” and to add the following Subparagraph:

13.3.2.1.1 All new buildings shall be equipped with an automatic sprinkler system or other automatic fire suppression system where required by Section 903 of the International Building Code as incorporated by reference by the Maryland Building Performance Standards. Exception: Day care facilities that comply with the sprinkler requirements of the NFPA 101 Life Safety Code (2006 Edition).

EE. Amend Paragraph 13.3.2.4 to replace “protected” with “protected throughout”.

FF. Amend Paragraphs 13.3.3.1 and 13.3.3.2 to delete “installed in accordance with this Code”.

GG. Amend Paragraph 13.3.3.3 to add the following Subparagraph:

13.3.3.3.1 For new ceiling installations, drop-out ceilings as referenced in NFPA 13, Subsection 8.14.13 shall be prohibited.

HH. Amend Subsection 13.4.1 to add the following Subparagraph:

13.4.1.1.1 No fire pump component, including the pump, driver, or controller, shall be permitted to be installed in below ground vaults or pits unless otherwise approved by the AHJ.

II. Delete Subsection 13.5.2.

JJ. Amend Paragraph 13.6.1.2 to add “, unless otherwise permitted by the AHJ”.

KK. Amend Sub-subparagraphs 13.7.2.22.1.2 and 13.7.2.22.1.3 to replace “Storage occupancies” with “Storage occupancies less than three stories”.

LL. Amend Subparagraph 13.7.2.23.3 to add the following Sub-subparagraph:

13.7.2.23.3.4 Approved battery-operated smoke alarms, rather than house electrical service-

powered smoke alarms required by 13.7.2.23.3.3, shall be permitted where the facility has testing, maintenance, and battery replacement programs that ensure reliability of power to the smoke alarms.

MM. Amend Paragraph 13.7.3.3 to add the following Subparagraph:

13.7.3.3.9 Where the fire alarm system does not provide for emergency forces notification in accordance with Subparagraph 13.7.1.4.10, approved instructional signs to provide for emergency services notification shall be provided and permanently affixed and maintained at each manual fire alarm station.

NN. Amend Sub-subparagraph 13.7.2.24.3.4 to delete "existing".

OO. Amend Paragraph 14.13.1.2 to replace "only" in the first sentence with ", but not be limited to,".

PP. Amend Paragraphs 18.1.1.1 and 18.1.1.2 to replace "fire department" with "AHJ".

QQ. Amend Subsection 18.2.3 to add the following:

The AHJ shall have the authority to require and designate public or private fire lanes and fire department access roads as considered necessary.

RR. Amend Subparagraph 18.2.3.1.3 to delete "When not more than two one- and two-family dwellings or private garages, carports, sheds, and agricultural buildings, and detached buildings or structures 400 ft<sup>2</sup> (37 m<sup>2</sup>) or less are present,".

SS. Amend Subparagraph 18.2.3.2.1 to replace "exterior door" with "exterior door acceptable to the AHJ".

TT. Amend Subparagraph 20.3.3.1.1 to delete "more than 3 but".

UU. Amend Sub-subparagraph 20.3.3.2.3.4.1 to add the following exception:

Exception: Day-care homes.

VV. Amend Sub-subparagraph 20.3.3.2.3.4.5 to add the following exception:

Exception: Day-care homes with not more than three clients for overnight lodging.

WW. Amend Paragraph 25.2.2.1 to add "or other approved testing standard approved by the State Fire Marshal".

XX. Amend Sub-subparagraph 28.1.6.2.2.1 to add "or 28.1.6.2.2.3".

YY. Amend Paragraph 28.1.6.2.2 to add the following Sub-subparagraph:

28.1.6.2.2.3 Covered slips less than 12,000 ft<sup>2</sup> in total area shall not be required to be protected by an automatic fire extinguishing system.

ZZ. Amend Subparagraph 31.3.6.2.2 to add the following item:

(9) Piles containing leaves and other extraneous or hogged material, such as whole tree chip piles, shall be turned or reclaimed at least every 3 months.

AAA. Amend Subparagraph 31.3.6.3.1 to delete existing wording and replace with the following: Piles may not exceed 18 feet in height, 50 feet in width, and 350 feet in length. Piles shall be subdivided by fire lanes having at least 25 feet of clear space at the base of piles.

BBB. Delete Subparagraph 31.3.6.3.2 and Sub-subparagraphs 31.3.6.3.2.1, 31.3.6.3.2.2, and 31.3.6.3.2.3.

CCC. Amend Paragraph 42.2.7.5 to add the following Subparagraphs:

42.2.7.5.7 Management/owner officials or employees shall conduct daily site visits to ensure that all equipment is operating properly.

42.2.7.5.8 Regular equipment inspection and maintenance at the unattended self-service facility shall be conducted.

42.2.7.5.9 Fuel dispensing equipment shall comply with one of the following:

- (1) The amount of fuel being dispensed is limited in quantity by preprogrammed card; or
- (2) Dispensing devices shall be programmed or set to limit uninterrupted fuel delivery of not more than 25 gallons and shall require a manual action to resume continued delivery.

DDD. Amend Subparagraph 42.2.7.5.5 to add the following:

The following information shall be conspicuously posted in this area:

- (1) The exact address of the unattended self-service facility.
- (2) The telephone number of the owner or operator of the unattended self-service facility.

EEE. Amend Subsection 50.2.1 to add the following Paragraphs, Subparagraphs, and Sub-subparagraphs:

50.2.1.10 Commercial Outdoor Cooking Operations. These requirements apply to commercial outdoor cooking operations such as those that typically take place under a canopy or tent type structure at fairs, festivals and carnivals. This includes but is not limited to deep frying, sautéing and grilling operations.

50.2.1.10.1 Tent and Canopy Requirements.

50.2.1.10.1.1. Tents or canopies where cooking equipment not protected in accordance with NFPA 96 is located shall be separated from other tents or canopies, and shall not be occupied by the public.

50.2.1.10.1.2. All tent and canopy material shall comply with the flame resistance requirements of Subsection 25.2.2.

50.2.1.10.2 LP Gas Fuel Requirements.

50.2.1.10.2.1 LP gas tank size shall be limited to 60 lbs. The total amount of LP gas on site shall not exceed 60 lbs. for each appliance that is rated not more than 80,000 btu/hr. and 120 lbs. for each appliance rated more than 80,000 btu/hr.

50.2.1.10.2.2 Tanks must be maintained in good physical condition and shall have a valid hydrostatic date stamp.

50.2.1.10.2.3 Tanks shall be secured in their upright position with a chain, strap or other approved method that prevents the tank from tipping over.

50.2.1.10.2.4 Tanks shall be located so that they are not accessible to the public. LP gas tanks shall be located at least 5 feet from any cooking or heating equipment or any open flame device.

50.2.1.10.2.5. All LP gas equipment shall be properly maintained and comply with the requirements of NFPA 58.

50.2.1.10.2.6 Regulators. Single-stage regulators may not supply equipment that is rated more than 100,000 btu/hr. rating. Two-stage regulators shall be used with equipment that is rated more than 100,000 btu/hr.

50.2.1.10.3 Extinguisher Requirements.

50.2.1.10.3.1 An approved portable fire extinguisher having a minimum rating of 20 BC shall be provided in any area where cooking equipment is installed.

50.2.1.10.3.2 An approved Class K extinguisher shall be provided to protect any deep frying equipment.

50.2.1.10.4 General Safety Requirements.

50.2.1.10.4.1. All electrical cords shall be maintained in a safe condition and shall be secured to prevent damage.

50.2.1.10.4.2. Movable cooking equipment shall have wheels removed or shall be placed on blocks or otherwise secured to prevent movement of the appliance during operation.

### **.09 Fireworks and Explosive Materials.**

The NFPA 1 Uniform Fire Code (2006 Edition) is incorporated by reference, except for the amendments in Regulation .08 of this chapter and the following amendments:

A. Permits shall be required for the following:

- (1) Fireworks displays;
- (2) Pyrotechnics before a proximate audience; and
- (3) Flame effects before an audience.

B. Amend Sections 65.2, 65.3, and 65.4 to add the following:

- (1) All applications for permits for display shall be filed at least 10 business days before the fireworks display is to be held.
- (2) Under Public Safety Article, Title 10, Annotated Code of Maryland, the following requirements apply to public liability and property damage insurance:
  - (a) In order to meet the requirement of the statute, the State shall be named as an insured in the contract of insurance;
  - (b) Because the policy shall cover all damages to persons or property, a deductible form of coverage may not be accepted;

- (c) The minimum amount of coverage that the State can accept on any display is \$25,000 for the injury of one person, \$50,000 for more than one person, and \$10,000 for property damage; and
  - (d) A duplicate policy of a certificate of insurance shall be attached to the application.
- (3) The policy or certificate shall provide that:
- (a) The coverage may not be canceled without at least 30 days notice to the State Fire Marshal;
  - (b) The duplicate policy or certificate shall set forth all of the terms, conditions, endorsements, and riders which are or which will become part of the policy when issued;
  - (c) It is understood and agreed that limitations cannot be included in the policy which are not set forth in the duplicate policy or certificate of insurance which has been filed;
  - (d) If the policy is issued by an insurer authorized to do business in the State, it shall be validated by the signature of an agent licensed by the Maryland Insurance Administration to represent the insurer;
  - (e) If coverage is provided by an insurer who is not authorized to do business in the State, the duplicate policy or certificate of insurance shall be accompanied by a power of attorney or other satisfactory evidence that the person, firm, or corporation acting as agent in accepting the risk has authority to bind risks and issue policies for the insurer;
  - (f) The State Fire Marshal's Office specifically reserves the right to disapprove contracts issued by any authorized insurer if the Fire Marshal's Office determines the insurer is unsatisfactory; and
  - (g) If the policy issued by the unauthorized company is acceptable to the Fire Marshal's Office, it shall be registered and the registration fee and tax paid.

C. Amend Section 65.5 to add the following regarding the manufacture of fireworks:

- (1) A building containing hazardous mixes or items may not be located closer than 20 feet to the property line.
- (2) In §B(3) of this regulation, the following terms have the meanings indicated:
  - (a) "Trainees" means employees undergoing initial training in a specific process for a period not to exceed 24 consecutive work hours.
  - (b) "Transients" means:
    - (i) Supervisors not regularly assigned to the area;
    - (ii) Bona fide government agency personnel engaged in official business; and
    - (iii) Material-handling personnel actively engaged in the transfer of materials into or out of the area.
- (3) The maximum number of workers, excluding one trainee and three transients, permitted in a building at one time shall be limited to one person per 100 square feet gross floor area or one person in buildings of less than 100 square feet gross floor area.
- (4) The total amount of explosives or pyrotechnic composition including raw materials, material being processed, and finished products, that may be safely permitted in any building at a given time, shall be determined by the enforcement agency based upon the American Table of Distances for Storage of Explosives, without recognition for barricades. However, distances may not be less than those required by Public Safety Article, §10-204(a), Annotated Code of Maryland. The amount of explosives or other

pyrotechnic composition may not exceed the amount necessary for production for 4 hours.

(5) Before beginning work, all fireworks plants shall submit for approval accurate scale plot plans of their premises to the State Fire Marshal of all proposed changes of location of any of the structures, fences, and gates.

D. Amend Section 65.5 to add the following Subsection:

65.5.3 Sale or use of sparklers shall comply with the following:

(1) Before the sale, offering for sale, or use within the State, of any sparkler, every manufacturer of sparklers shall submit sufficient samples for inspection to the State Fire Marshal, with a laboratory report from a certified testing laboratory affirming that the analysis of these sparklers showed that they contain no chlorates or perchlorates.

(2) All sparklers sold in the State shall be sold in boxes, and each box shall be clearly marked that the sparklers contain no chlorates or perchlorates.

(3) The manufacturer shall furnish the State Fire Marshal with a current list of wholesalers, jobbers, retailers, or retail outlets, who handle or supply sparklers, or maintain a list of wholesalers, jobbers, retailers, or retail outlets, subject to inspection by the State Fire Marshal.

E. Amend Section 65.9 reference to NFPA 495 as follows: (1) Delete Sections 11.1 and 11.2.

(2) Amend Section 3.3 to add the following definition:

Demolition. The explosive razing of any manmade structure or any part thereof that cannot be covered with overburden or blasting mats.

(3) Amend Section 4.4 to add the following Subsection:

4.4.6 Each applicant for a Demolition Class D permit shall possess 5 years of experience in the field of demolition and shall pass the demolition examination as approved by the Office of the State Fire Marshal.

F. Amend Section 65.10 reference to NFPA 490 to delete Subsection 4.1.1.

## **.10 Control of Airblast and Ground Vibration for Blasting Operations.**

A. Control of Airblast for Blasting Operations.

(1) This section applies to airblast effects as recorded at the location of a private dwelling, public building, school, church, and community or institutional building not owned or leased by the person conducting or contracting for the blasting operation.

(2) Airblast from blasting shall be controlled so that the maximum allowable airblast at:

(a) An inhabited building, resulting from blasting operations, may not exceed 130 decibels peak when measured by an instrument having a flat frequency response, +3 decibels, over a range of at least 6 — 200 hertz; and

(b) A building not inhabited, resulting from blasting operations, may not exceed 140 decibels peak when measured by an instrument having a flat frequency response, +3 decibels, over a range of at least 6 — 200 hertz.

(3) If requested by a property owner registering a complaint and considered necessary by the State Fire Marshal, measurements on three consecutive blasts, using approved instrumentation, shall be made near to the structure in question.

B. Control of Ground Vibration for Blasting Operations.

(1) This section provides for limiting ground vibrations at structures that are not owned or

leased by the person conducting or contracting for the blasting operation. The requirements and monitoring methods of this section are intended to protect low-rise structures including dwellings. Engineered structures may safely withstand higher vibration levels and, based on an approved engineering study, the State Fire Marshal may allow higher levels for engineered structures.

(2) When blasting operations, other than those conducted at a fixed site such as a quarry, are to be conducted within 200 feet of a pipe line or high voltage transmission line, the contractor shall take additional precautionary measures and shall notify the owner of the line, or the owner's agent, that blasting operations are intended.

(3) Methods. Each method described in §B(4)—(6) of this regulation, progressing from §B(4)—(6), has an increasing degree of sophistication and each can be implemented either by direction of the State Fire Marshal as a result of complaints or by the contractor to determine site specific vibration limits.

(4) Charge Weight Per Delay Dependent on Distance Method.

(a) If a seismograph is not used to record vibration effects, the explosive charge weight per delay, 8 milliseconds or greater, may not exceed the limits shown in Table A of this regulation. If charge weights per delay on any single delay period exceed 520 pounds, ground vibration limits for structures shall comply with §B(5) or (6) of this regulation.

(b) Table A.

Distance Versus Weight of Explosives Method

Distance to a Building		Weight of Explosive per Delay
Feet Over	Feet Not Over	Pounds
0 — 5		¼
5 — 10		½
10 — 15		¾
15 — 60		**
60 — 70		6
70 — 80		7¼
80 — 90		9
90 — 100		10½
100 — 110		12
110 — 120		13¾
120 — 130		15½
130 — 140		17½
140 — 150		19½
150 — 160		21½
160 — 170		23¾
170 — 180		25
180 — 190		28
190 — 200		30½
200 — 220		34
220 — 240		39
240 — 250		42
250 — 260		45

260 — 280	49
280 — 300	55
325 — 350	69
350 — 375	79
375 — 400	85
400 — 450	98
450 — 500	115
500 — 550	135
550 — 600	155
600 — 650	175
650 — 700	195
700 — 750	220
750 — 800	240
800 — 850	263
850 — 900	288
900 — 950	313
950 — 1,000	340
1,000 — 1,100	375
1,100 — 1,200	435
1,200 — 1,300	493

This table over 60 feet is based upon the formula:  $W = \frac{D^{1.5}}{90}$

\*\* .10 of a pound of explosive per foot of distance to a building.

(5) Monitoring Method. If a blaster determines that the charge weights per delay given in Table A are too conservative, the blaster may choose to monitor at the closest conventional structure each blast with an approved seismograph and meet the standard in §B(6) of this regulation. When starting to monitor at a new blasting operation with instrumentation, the initial blasts shall contain explosive charge weights per delay close to the limits established in Table A. From this point onwards the explosive charge weight per delay may be increased but the vibration levels detailed in §B(6) may not be exceeded.

(6) Peak Particle Velocity Dependent on Distance Method.

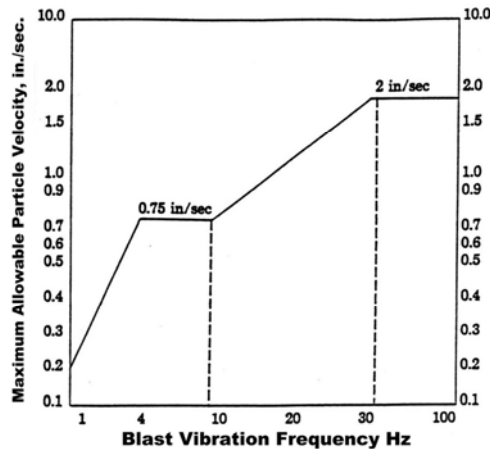
(a) In this subsection, "peak particle velocity" means the maximum component of the three mutually perpendicular components of motion as recorded at the closest structure not owned or leased by the person conducting the blasting.

(b) Table B.

Distance Versus Peak Particle Velocity Method

Distance		Peak Particle Velocity of Any One Component
Feet Over	Feet Not Over	Inches Per Second
0 — 100		2.00
100 — 500		1.50
500 — 1,000		1.00
over 1,000		0.75

- (c) For peak particle velocity of any one component under §B(6)(b) of this regulation, the instrument's transducer shall be firmly coupled to the ground.
- (7) Particle Velocity Criteria Dependent on Frequency Content. The following chart provides continuously variable particle velocity criteria dependent on the frequency content of the ground motion. The method of analysis shall be approved by the State Fire Marshal and provide an analysis showing all the frequencies present within the 1—50 hertz range:



#### C. Instrumentation.

- (1) A direct velocity recording seismograph capable of recording the continuous wave form of the three mutually perpendicular components of motions, in terms of particle velocity, shall be used. Each seismograph shall have a frequency response from 2 — 150 hertz or greater, and a velocity range from 0.0 — 2.0 inches per second or greater.
- (2) All field seismographs shall be capable of internal dynamic calibration and shall be calibrated according to the manufacturers' specifications at least once a year.
- (3) All seismographs shall be operated by competent individuals trained in the correct use of seismographs. Seismograph records shall be analyzed and interpreted by an independent third party approved by the State Fire Marshal.

#### D. Records.

- (1) A record of each blast shall be kept. All records, including seismograph reports, shall be retained for at least 3 years, be available for inspection, and include the following items:
  - (a) Name of company or contractor;
  - (b) Location, date, and time of blast;
  - (c) Name, signature, and Social Security number of blaster in charge;
  - (d) Type of material blasted;
  - (e) Number of holes, burden, and spacing;
  - (f) Diameter and depth of holes;
  - (g) Type of explosives used;
  - (h) Total amount of explosives used;
  - (i) Maximum amount of explosives per delay period of 8 milliseconds or greater;
  - (j) Method of firing and type of circuit;

- (k) Direction and distance in feet to nearest dwelling house, public building, school, church, and commercial or institutional building not owned or leased by the person conducting the blasting;
  - (l) Weather conditions including such factors as wind direction;
  - (m) Height or length of stemming;
  - (n) If mats or other protection to prevent fly rock were used;
  - (o) Type of detonators used and delay period used;
  - (p) Seismograph records which include the following:
    - (i) Name and signature of the individual operating the seismograph;
    - (ii) Name of the individual analyzing the seismograph records; and
    - (iii) Seismograph reading; and
  - (q) The maximum number of holes per delay period of 8 milliseconds or greater.
- (2) The person taking the seismograph reading shall accurately indicate the exact location of the seismograph, if used, and shall also show the distance of the seismograph from the blast.

**E. Liability Insurance for Explosives Handlers.**

- (1) As provided in Public Safety Article, Title 11, Annotated Code of Maryland, proof of liability insurance shall be provided by an applicant for a license to:
- (a) Manufacture explosives;
  - (b) Engage in the business of dealing in explosives; or
  - (c) Possess any explosives other than for use in firearms.
- (2) The minimum amount of liability insurance required for licensing for the activities specified in §E(1) of this regulation is \$1,000,000.

**.11 Fire Extinguishers.**

**A. Permit to Service or Repair Portable Fire Extinguishers.** A permit shall be obtained from the Fire Marshal's Office by every individual, firm, or corporation commercially servicing, repairing, filling, or refilling portable fire extinguishers, except fire departments.

**B. Sale of Portable Fire Extinguishers.**

- (1) It is unlawful for a person, directly or through an agent, to sell or offer for sale in the State any make, type, or model of portable fire extinguisher, either new or used, unless the make, type, or model of extinguisher has been tested and listed by a testing laboratory accepted by the State Fire Marshal.
- (2) An extinguisher is not approved even if it bears the label of an accepted testing laboratory if it contains any of the following liquids:
- (a) Carbon tetrachloride, chlorobromomethane, azeotropic chloromethane, dibromodifluoromethane, 1,2-dibromo-2-chloro-1,2-trifluoroethane;
  - (b) 1,2-dibromo-2,2-difluoroethane, methyl bromide, ethylene dibromide;
  - (c) 1,2-dibromotetrafluoroethane, hydrogen bromide, methylene bromide, bromodifluoromethane, dichlorodifluoromethane; or
  - (d) Any other toxic or poisonous liquid.

**.12 Sale and Installation of Fire Alarm or Fire Detection Systems.**

It is unlawful for a person, directly or through an agent, to sell, offer for sale, or install any make, type, or model of fire alarm, fire detection, or smoke detection system or device unless the system or device has been tested and listed by a testing laboratory accepted by the State Fire Marshal. See Public Safety Article, §9-105(b), Annotated Code of Maryland.

**.13 Smoke Detectors for the Deaf or Hearing Impaired — Signs.**

A sign required under Public Safety Article, §9-102(c), Annotated Code of Maryland, shall:

A. Be conspicuously posted in such a manner that it is readily visible and legible to the public;

B. Be printed or typed in contrasting colors with respect to the background color of the sign or surface on which it is mounted; and

C. State "Smoke Detectors for the Deaf or Hearing Impaired are Available Upon Request", or other appropriate wording as may be specifically approved by the Fire Marshal, or by the Chief of the Baltimore City Fire Department if the building is located in Baltimore City.

**.14 Sale and Use of Heaters and Stoves**

A. Gasoline Stoves. The sale or use of gasoline stoves or other similar fuel-burning cooking or heating appliances using Class I flammable liquids as defined in NFPA 1 Uniform Fire Code (2006 Edition), NFPA 30 Flammable and Combustible Liquids Code (2003 Edition), is prohibited unless the appliance has been tested and listed by a testing laboratory accepted by the State Fire Marshal. The appliance shall be installed, operated, and maintained in a safe manner in accordance with the prescribed recommendation of the manufacturer and the conditions stated in the listing by the respective testing laboratory.

B. Unvented Portable Kerosene-Fired Heaters.

(1) The sale or use of unvented portable kerosene-fired heaters is permitted only if the heater or appliance meets the U.L. Subject 647 and bears the label of a testing laboratory accepted by the State Fire Marshal.

(2) The heaters shall only be used as permitted under Commercial Law Article, §14-1310, Annotated Code of Maryland.

(3) Each heater shall contain a warning label stating: "This device must not be operated while unattended". In addition, the heater shall contain the manufacturer's warning label required by Commercial Law Article, §14-1310, Annotated Code of Maryland.

**.15 Sale or Use of Flame Retardant Chemicals.**

An individual, firm, or corporation may not sell or offer for sale in the State any type of flame-retardant or flame-proofing compound, powder, or liquid, for fire-retardant purposes unless the product has been tested, listed, and bears the mark of a recognized testing laboratory accepted by the State Fire Marshal.

**.16 Visual Obscuration Systems.**

Visual obscuration systems associated with security or burglar alarm systems shall not be permitted.

**TITLE 29 DEPARTMENT OF STATE POLICE**  
**SUBTITLE 06 FIRE PREVENTION COMMISSION**  
**CHAPTER 02 PROCEDURAL REGULATIONS**  
**Authority: Public Safety Article §6-206 and Title 6, Subtitle 5**  
**Annotated Code of Maryland**  
**(Amended Effective May 6, 1985)**

**.01 Hearings—Contested Cases Before the State Fire Prevention Commission.**

**A. Appeals.**

(1) When a person is aggrieved by an order or decision of the State Fire Marshal, made in the course of the administration or enforcement of the State Fire Prevention Code and Article 38A, Annotated Code of Maryland, the person shall file within 20 days a written petition of appeal with the State Fire Prevention Commission, setting forth the reason for the appeal.

(2) The 20-day period during which an appeal may be taken begins on the date the notice of the Fire Marshal's order or decision was received by the person or agent in accordance with Article 38A, §10, Annotated Code of Maryland.

(3) The original petition for appeal and nine copies of it shall be filed with the State Fire Prevention Commission, 12 N. Jonathan Street, Hagerstown, MD 21740.

B. Upon receipt of the petition for appeal, the secretary to the State Fire Prevention Commission shall mail a copy of the petition for appeal to each member of the Commission. The appellant shall be notified of the time and date of the hearing before the Commission at least 10 days before the hearing. At the hearing, there shall be at least five members of the Commission present, one of which shall be either the chairman or the vice-chairman.

C. Before the hearing and upon specific written request of any party or counsel, in accordance with Article 38A, §2, Annotated Code of Maryland, the State Fire Marshal may furnish for copying at the State Fire Marshal's office documents or other material in the State Fire Marshal's files relating to the matter at issue. Upon written request, the State Fire Marshal shall furnish the names of witnesses who have personal knowledge of matters material to the matter at issue.

D. The Commission shall provide for transcription of the hearing by electronic recording device or by a stenographer.

E. At the hearing, the State Fire Marshal, or the State Fire Marshal's agent or attorney, shall present to the Commission the evidence upon which the decision or order was based. The other party or counsel may cross-examine witnesses. The party aggrieved shall then present witnesses to testify, subject to cross-examination, and other evidence relative to the matter at issue. The State Fire Marshal and the party aggrieved shall be permitted to present:

- (1) Additional evidence at any time during the hearing; and
- (2) Oral arguments at the close of all of the evidence.

F. Upon request of a party, a party's counsel, or State Fire Marshal personnel, the Commission may postpone the hearing for any reason.

G. Unless the hearing is postponed, failure to appear at the time and place designated in the notice shall be deemed a default on the part of a party.

H. A decision shall be rendered by the Commission within 30 days of the hearing. Within that time the Commission shall notify all parties in writing of the decision. The decision shall be mailed to the last known address of each party. The mailing of the decision by the Commission is prima facie evidence of notification to a party of the Commission's decision.

**.02 Administrative Procedure Act.**

In addition to this chapter, State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland, governs practice and procedure in a hearing before the Commission and an appeal from a hearing.

**TITLE 29 DEPARTMENT OF STATE POLICE**  
**SUBTITLE 06 FIRE PREVENTION COMMISSION**  
**CHAPTER 03 APPROVAL OF TESTING LABORATORIES**  
**Authority: Public Safety Article §6-206 and Title 6, Subtitle 5**  
**Annotated Code of Maryland**  
**(Adopted Effective May 11, 1992)**

**.01 Purpose.**

The purpose of this chapter is to establish the procedures required for the investigation, approval, and listing of laboratories certified by the State Fire Marshal to perform certain test procedures as required by applicable State law.

**.02 Application for Approval.**

A. Application for approval shall be made to the State Fire Marshal in the form approved and furnished by the State Fire Marshal.

B. The applicant shall submit a report describing the existing and proposed testing facilities. The report shall be dated and shall be signed by an officer or agent of the testing laboratory, and shall include, but not be limited to, the following information:

- (1) Address and telephone number of the main facility and all branch offices;
- (2) A current organizational chart showing the relationship between administration, operation, and quality control;
- (3) Resumes of the education and experience of key personnel;
- (4) A floor plan of the main facility and all branch offices indicating location of all equipment;
- (5) A list of all equipment identified by manufacturer, model number, and serial number; detailed plans and specifications shall be submitted on any testing equipment that has been fabricated by the applicant;
- (6) Procedures for selecting, receiving, storage, handling, and shipping of test specimens;
- (7) Test standards and procedures most frequently used;
- (8) Method and frequency of test equipment calibration;
- (9) Procedure for safekeeping of records and files;
- (10) Copies of all data sheets and test report forms;
- (11) Facsimile of all contracts executed between the testing laboratory and clients;
- (12) Procedures for periodic updating of the report;
- (13) Method of distributing test reports and certification and who may obtain copies of final reports and procedures required to obtain test reports;
- (14) Procedures for follow-up service designed to serve as a check on the means which the manufacturer exercises to determine compliance of the product with laboratory requirements;

*Agency Note: Under the follow-up service, the manufacturer attaches labels, markers, or other authorized evidence of listing to such products as are found to be in compliance with test requirements. Representatives of the testing laboratory make periodic examinations or tests of the products at the factory and may select samples from the factory, the open market, or elsewhere, to be tested for compliance. Should examination or test by the laboratory's representative disclose features not in compliance with*

*requirements, the manufacturer is required either to correct the items or to remove the listing mark.*

(15) A notarized statement of independence with reference to products being tested indicating that the following provisions are in effect as a matter of company or corporate policy:

- (a) There are no managerial affiliations with a producer, supplier, or vendor,
- (b) There are no securities investments in the product line,
- (c) The employment security of personnel is free from influence by a producer, supplier, or vendor,
- (d) There are no stock options in the product line, and
- (e) The agency is not owned, operated, or controlled by a producer, supplier, or vendor; and

(16) Copies of completed test reports to verify their completeness and compliance with the test standard.

### **.03 Evaluation Procedure.**

A. The State Fire Marshal shall review the application to determine compliance with nationally recognized test standards or other generally accepted practices designed to assure proper product operation and effectiveness with respect to fire safety.

B. If the State Fire Marshal accepts the application, the applicant's name shall be entered on the list of acceptable testing laboratories. If the State Fire Marshal does not accept the application, the applicant shall be given a statement of the reasons for not accepting the application, and given an opportunity to appeal.

C. Listings shall apply only to the testing laboratory listed and are not transferable.

D. The applicant may be subject to random, unannounced inspections to verify compliance with the provisions of this chapter.

E. Data sheets.

(1) The applicant shall maintain a data sheet for all tests performed.

(2) The data sheets shall:

- (a) Be in sufficient detail to provide for complete verification and evaluation of the operations and objectives;
- (b) Include the signature of personnel performing the tests; and
- (c) Include the name of the supervisory engineer.

F. Acceptance of testing laboratories listed under the provisions of this chapter may be revoked at any time upon findings of just cause by the State Fire Marshal.

### **.04 Notification of Change in Name, Location, and Ownership.**

Testing laboratories listed under this chapter shall notify the State Fire Marshal in writing within 30 days of any of the following occurrences:

A. The company or address change;

B. Changes in major test equipment;

C. A new branch office is established;

D. Changes in principal officers and key supervisory and responsible personnel in the company

**TITLE 29 DEPARTMENT OF STATE POLICE**  
**SUBTITLE 06 FIRE PREVENTION COMMISSION**  
**CHAPTER 04 FEES FOR FIRE PREVENTION SERVICES**  
**Authority: Public Safety Article, §§6-206, 6-308, 9-701, and 9-702**  
**Annotated Code of Maryland**  
**(Amended Effective January 1, 2008)**

**.01 Scope.**

A. This chapter establishes a schedule of fees to be used by the State Fire Marshal to at least cover the administrative costs associated with the review of building plans, inspection of new and existing buildings, and fire suppression, detection, and alarm systems to ensure compliance with applicable fire prevention codes.

B. This chapter does not apply to any municipal corporation or county that has adopted, before the effective date of this chapter, an ordinance or regulation that establishes a fee schedule for building inspections or plans review. The fee schedule established by the State Fire Prevention Commission may be used, amended, or referenced by a municipal or county corporation that chooses to establish its own fee schedule.

C. A municipal or county corporation establishing its own fee schedule shall be responsible for administering its own:

- (a) Inspections;
- (b) Fee Processing; and
- (c) Payment collection.

**.02 Incorporation by Reference.**

A. Occupancies are defined and classified as required by the National Fire Protection Association (NFPA) 101 "Life Safety Code" as incorporated by reference in COMAR 29.06.01. In the case of mixed occupancies when it is impractical to distinguish individual occupancy classifications, the occupancy classification is based on the predominant use and occupancy of the building or structure.

B. Terminology and reference standards are defined and classified by the appropriate code or standard of the National Fire Protection Association as referenced in COMAR 29.06.01.

**.03 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Code" means the State Fire Laws, Public Safety Article, Titles 6 and 9, Annotated Code of Maryland, and the State Fire Prevention Code under COMAR 29.06.01.
- (2) "Fire protection system" means:
  - (a) Fire alarm and detection systems with a fire alarm control panel;
  - (b) Sprinkler, water spray, and combined sprinkler and standpipe systems;
  - (c) Standpipe systems and hose systems;
  - (d) Fire pumps and associated valves, piping, controllers, driver, and related equipment;

- (e) Gaseous and chemical extinguishing systems that use gases such as halon or carbon dioxide, or dry or wet chemical compounds as the primary extinguishing agent;
  - (f) Foam systems that use a foaming agent to control or extinguish a fire in a flammable liquid installation, aircraft hangar, and other recognized applications; and
  - (g) Smoke control systems that include smoke exhaust, stair pressurization, and other recognized air-handling systems specifically designed to exhaust or control smoke, or create pressure zones to minimize the hazard of smoke spread caused by fire.
- (3) "Local fire authority" means those municipal or county fire officials specifically authorized under the Public Safety Article, Annotated Code of Maryland, to enforce the provisions of the State Fire Laws and Fire Prevention Code.
- (4) "New building or condition" means a building, structure, installation, plant, equipment, renovation, or condition:
- (a) For which a building permit is issued on or after the effective date of this chapter;
  - (b) On which actual construction is started on or after the effective date of this chapter in a jurisdiction where a building permit is not required;
  - (c) That represents a change from one occupancy classification to another on or after the effective date of this chapter; or
  - (d) That represents a situation, circumstance, or physical makeup of any structure, premise, or process that was commenced on or after the effective date of this chapter.
- (5) "State fire authority" means the State Fire Marshal or legally appointed designee.

**.04 Fees in General.**

A. Fee Computation. The amount of the fee for the following services shall be computed in accordance with Regulations .05--.07 of this chapter:

- (1) Plan review, and use and occupancy inspection;
- (2) Fire protection system plan review and inspection; and
- (3) Fire safety inspection.

B. Fee Payment for Plan Review and Use and Occupancy Inspections.

(1) Fees for plan review and use and occupancy inspections are payable upon receipt of an invoice from the State fire authority of:

- (a) Preliminary or construction plans for the construction of a new building, addition, expansion, or renovation of an existing building or facility; and
- (b) Plans for a fire protection system.

(2) Fee payments shall be reviewed by the State fire authority to ensure that they are in the proper amount. If a fee payment is incorrect, an invoice requesting the balance of the fee shall be sent to the person identified on the original invoice.

(3) Failure to pay the fee within the required time shall result in appropriate administrative or legal action. Further plan review or inspection action may not take place until the fee is paid in full. This may result in delay of the issuance of a building permit, or use and occupancy permit for the building or facility.

C. Fee Payment for Fire Safety Inspections.

(1) Fees for fire safety inspections are payable upon receipt of an invoice from the State

fire authority upon completion of the inspection. Failure to pay this fee within the specified time may result in:

- (a) Administrative or legal action;
- (b) No further inspection activity;
- (c) Denial of the issuance or renewal of a permit or license held by the facility being inspected; and
- (d) Violation of Public Safety Article, §§6-601, 6-317, 9-109, 9-206, 9-905, Annotated Code of Maryland.

(2) The fire safety inspection fee may not be charged if the inspection is conducted in response to a specific complaint regarding an alleged violation of the Code.

#### D. Payment Method.

- (1) Fee payments shall be in the form of a check or money order payable to the State Fire Marshal.
- (2) Cash payment is not acceptable.

#### E. Reinspection and Retest Fees.

- (1) The amount of the fee for reinspection and retest shall:
  - (a) Be determined by the State fire authority conducting the reinspection or retest; and
  - (b) Take into consideration circumstances which are beyond the control of a system contractor or supplier.
- (2) An appeal of a reinspection or retest fee shall be resolved in accordance with administrative procedures adopted by the State fire authority.
- (3) A reinspection or retest fee shall be charged when a contractor or building owner falsely reports that a violation of the Code has been corrected.

#### F. Disputes Over Fees.

- (1) Disputes regarding the amount of the fee charged and any other matter related to the charging of a fee shall be resolved in accordance with administrative procedures adopted by the State fire authority.
- (2) An appeal of an administrative finding by the State Fire Marshal may be made to the State Fire Prevention Commission in accordance with procedures in COMAR 29.06.02.

#### G. Technical Assistance, Unclassified Inspections, and Special Events.

Fees for technical assistance, unclassified inspections, and special events shall be based upon criteria required in Regulation .08 of this chapter.

### **.05 Fees for Plan Review and Use and Occupancy Inspection.**

#### A. Fee Schedule.

- (1) The fee schedule in this section is to be used to calculate the fee to be paid for the review of plans for and inspection of all new and existing buildings, including a change in use or occupancy.
- (2) The review and inspection is required to obtain a building permit, or a use and occupancy permit from a State or local government agency or licensing authority in order to construct, renovate, or occupy a building or facility, or install a fire protection system.
- (3) Fees are as follows:
  - (a) Assembly occupancy—6 cents per square foot;

- (b) Educational occupancy—6 cents per square foot;
- (c) Health care occupancy—8 cents per square foot;
- (d) Detention or correctional occupancy—8 cents per square foot;
- (e) Residential occupancy—6 cents per square foot;
- (f) Mercantile occupancy—6 cents per square foot;
- (g) Business occupancy—6 cents per square foot;
- (h) Industrial occupancy—4 cents per square foot;
- (i) Storage occupancy—4 cents per square foot;
- (j) Flammable or combustible liquid storage tank—1 cent per gallon of maximum tank capacity or \$100 per tank, whichever is greater, although tanks less than 660 gallons used to provide heating fuel or other utility service to a building or facility are exempt from the fee;
- (k) Marina or pier—\$100 plus \$1 per slip; and
- (l) Outside storage of flammable and combustible materials such as scrap tire, lumber, mulch, tree stumps, drums of flammable or combustible liquids, etc.—\$100 per acre or fraction of an acre.

B. The fee due shall be calculated using the appropriate rate in §A of this regulation applied to:

- (1) The gross square feet per floor for a new building or tenant space or a change in its use or occupancy;
- (2) The gross square feet of an area being renovated or altered; or
- (3) The gross square feet per floor for a storage occupancy when a shell building without a specific occupancy or tenancy is to be built.

C. When a shell building is built without a specific occupancy or tenancy, the appropriate occupancy fee applies when use or occupancy is determined as prescribed by a separate building permit or use and occupancy permit.

D. The fee for a mixed occupancy shall:

- (1) Be based upon the fee schedule in §A of this regulation for each occupancy;
- (2) Be the cumulative total of the fee for each occupancy; and
- (3) Reflect the predominant classification of the building or structure when a separate fee for each occupancy cannot be determined.

E. A change in use or occupancy of a building or tenant space shall be calculated at the same rate as a new building.

F. The fee for a building or tenant space occupied without completion of a plan review shall be based upon the fee schedule in §A of this regulation.

G. The minimum fee for a plan review or initial use and occupancy inspection is \$100.

H. A 50 percent refund of the fees in A—G of this regulation may be refunded if a permit to construct is denied by a permit or licensing authority, or if the applicant abandons the project before construction, for whatever reason. The applicant shall request a refund within 6 months of official notification of the denial of the permit, license, or issuance of a building permit by the respective authority. A renewal of the permit or resumption of construction requires a new submittal of plans for the remaining work and payment of the full fee.

**.06 Fees for Fire Protection System Plan Review and Inspection.**

A. The fee schedule that follows in this section is to be used to calculate the fee to be paid for plan review and inspection of the fire protection systems specified:

- (1) Fire alarm and detection system—\$100 per fire alarm control panel, plus \$1.50 per fire alarm initiating and indicating device;
- (2) Sprinkler, water spray, and combined sprinkler and standpipe system
  - (a) \$1.50 per sprinkler head and \$2.50 per extended coverage sprinkler head or \$100 per system, whichever is greater; or
  - (b) \$75 per dwelling unit for one- and two-family dwellings;
- (3) Standpipe and hose system—\$50 per 100 linear feet of piping or fraction of 100 linear feet, or \$100 per system, whichever is greater;
- (4) Fire pump—25 cents per gallon per minute (gpm) of rated pump capacity or \$150 per pump, whichever is greater, although this fee does not apply to limited service pumps for residential sprinkler systems as permitted for NFPA 13D systems;
- (5) Gaseous and chemical extinguishing system—The greater of:
  - (a) \$1 per pound of gaseous or dry chemical extinguishing agent, although this fee does not apply to a reserve supply of extinguishing agent'
  - (b) \$75 per 30,000 cubic feet of volume of the portion of protected space;
  - (c) \$100 per wet chemical extinguishing system; or
  - (d) \$100 per system;
- (6) Foam system—\$75 per nozzle or local applicator device plus \$1.50 per sprinkler head for a combined sprinkler and foam system, or \$100 per system, whichever is greater;
- (7) Smoke control system—\$75 per 50,000 cubic feet of volume or the portion of the protected or controlled space, up to a maximum of \$1,500 per system, or \$100 per system, whichever is greater.

B. The fees also include, for a:

- (1) Fire alarm and detection system:
  - (a) Plan review and inspection of a complete system of:
    - (i) Wiring,
    - (ii) Controls,
    - (iii) Alarm and detection equipment, and
    - (iv) Related appurtenances; and
  - (b) One final acceptance test of the installed system;
- (2) Sprinkler, water spray, and combined sprinkler and standpipe system:
  - (a) Plan review and inspection of:
    - (i) Shop drawings,
    - (ii) Hydraulic calculations,
    - (iii) Piping,
    - (iv) Control valves, and
    - (v) Connections and other related equipment and appurtenances;
  - (b) One underground flush test per system;
  - (c) One hydrostatic test per floor or system;
  - (d) One forward flow test of the backflow preventer; and
  - (e) One final acceptance test per floor or system;
- (3) Standpipe and hose system:
  - (a) Plan review and inspection of a complete system of:

- (i) Shop drawings,
  - (ii) Control valves,
  - (iii) Piping, and
  - (iv) Connections and other related equipment and appurtenances;
- (b) One flush test per system;
- (c) One hydrostatic test per system; and
- (d) One final acceptance test of the installed system;
- (4) Fire pump:
  - (a) Plan review and inspection of a complete system of:
    - (i) Pumps and all associated valves,
    - (ii) Piping,
    - (iii) Controllers,
    - (iv) Driver and other related equipment and appurtenances; and
  - (b) One pump acceptance test per pump;
- (5) Gaseous or chemical extinguishing system:
  - (a) Plan review and inspection of a complete system of:
    - (i) Piping,
    - (ii) Controls, and
    - (iii) Equipment and other appurtenances; and
  - (b) One performance or acceptance test of the installed system;
- (6) Foam system:
  - (a) Plan review and inspection of a complete system of:
    - (i) Piping,
    - (ii) Controls,
    - (iii) Nozzles, and
    - (iv) Equipment and related appurtenances; and
  - (b) One flush test per system;
  - (c) One hydrostatic test per system; and
  - (d) One final acceptance test of the installed system;
- (7) Smoke control system:
  - (a) Plan review and inspection of system components; and
  - (b) One performance or acceptance test of the installed system.

C. Final acceptance tests are to be witnessed by a State fire authority in accordance with administrative procedures established by that authority.

D. A retest and reinspection fee of \$150 per system, zone, or floor applies if the tests outlined in §B of this regulation reveal that the system being tested does not meet applicable standards.

**.07 Fees for Fire Safety Inspections.**

A. The fee schedule in this regulation is to be used to calculate the fee to be paid for a general fire safety inspection. Specific testing of certain specialized fire protection systems and equipment may be required by qualified maintenance personnel or a contractor at the owner's expense.

B. The following fees are to be applied based upon the occupancy classification for the building:

- (1) Assembly occupancy:
  - (a) 1,001 or more individuals—\$300;

- (b) 301 to 1,000 individuals—\$200;
- (c) 50 to 300 individuals—\$100;
- (d) Fairgrounds for properties with:
  - (i) Nine buildings or less—\$200;
  - (ii) Ten buildings or more—\$400.
- (2) Educational occupancy:
  - (a) Elementary school, which includes kindergarten and prekindergarten facilities—\$100;
  - (b) Middle or junior high school—\$150;
  - (c) Senior high school—\$150;
  - (d) Family or group day care homes:
    - (i) Initial inspection—\$75;
    - (ii) Renewal inspection—\$50;
  - (e) Nursery or day care centers—\$100;
- (3) Health care occupancy:
  - (a) Ambulatory health care center—\$150 per 3,000 square feet or fraction of 3,000 square feet;
  - (b) Hospital, nursing home and limited care facility—\$100 per building plus \$2 per patient bed;
- (4) Detention and correctional occupancy—\$100 per building plus \$2 per rated bed capacity;
- (5) Residential occupancy:
  - (a) Hotel and motel—\$75 per building plus \$2 per guest room or suite;
  - (b) Dormitory—\$75 per building plus \$2 per bed;
  - (c) Apartment—\$75 per building plus \$2 per apartment;
  - (d) Lodging or rooming house—\$75 per building plus \$2 per bed;
  - (e) One and two family dwelling, including alternate living units and foster care homes—\$75;
  - (f) Board and care home—\$100 per building plus \$2 per bed;
- (6) Mercantile occupancy:
  - (a) Class A—over 30,000 square feet—\$150;
  - (b) Class B—3,000 to 30,000 square feet—\$100;
  - (c) Class C—less than 3,000 square feet—\$75;
- (7) Business occupancy—\$75 per 3,000 square feet or fraction of 3,000 square feet;
- (8) Industrial or storage occupancy:
  - (a) Low or ordinary hazard—\$75 per 5,000 square feet or fraction of 5,000 square feet;
  - (b) High hazard—\$100 per 5,000 square feet or fraction of 5,000 square feet;
- (9) Manufactured home sites and communities—\$75 per facility plus \$2 per site;
- (10) Campgrounds:
  - (a) Vehicular campgrounds—\$75 per facility plus \$2 per campsite;
  - (b) Campgrounds with sleeping accommodations—\$150 per facility plus \$2 per bed;
  - (c) Campgrounds without sleeping accommodations—\$75 per facility;
- (11) Outside storage of combustible materials, for example, scrap tire, lumber, mulch, tree stumps, etc.—\$50 per acre or fraction of an acre.

(12) Outside storage of flammable or combustible liquids/gases (drums or tanks)—\$100 per 5,000 square feet or fraction of 5,000 square feet.

(13) Marinas and piers—\$100 plus \$1 per slip.

C. A reinspection fee of \$150 applies if more than one inspection outlined in §B of this regulation is required to correct a previously identified fire code violation.

**.08 Fees for Technical Assistance, Unclassified Inspections, and Special Events.**

A. The fee schedule in this regulation is used to calculate the fee to provide technical assistance or unclassified inspections, to include special events, in the form of plan review or on-sites inspections.

B. A separate technical assistance fee shall be charged at the following rate and prorated to the nearest 1/2 hour:

(1) Deputy fire marshal or fire safety inspector—\$75 per hour; and

(2) Fire protection engineer—\$100 per hour.

C. Travel time to and from the meeting or inspection site shall be included when computing the fee.

D. When requested, a reasonable time to prepare written reports or research subsequent Code-related issues shall be included when computing the fee.

E. The fee shall be charged to the person officially requesting assistance and is payable upon receipt of an itemized invoice submitted in accordance with administrative procedures established by State fire authorities.

F. Failure to pay the fee within the required time shall result in appropriate administrative or legal action. Further plan review or inspection action may not take place until the fee is paid in full. This may result in delay of the issuance of a building permit, or use and occupancy permit for the building or facility.

**.09 Disposition of Fees.**

A. Fees collected by the State shall be deposited in the general fund of the State for the services provided.

B. Fees shall be collected and processed in accordance with fiscal procedures established by the State for the collection, disbursement, and accounting of funds.

**TITLE 29 DEPARTMENT OF STATE POLICE**  
**SUBTITLE 06 FIRE PREVENTION COMMISSION**  
**CHAPTER 05 FIRE SPRINKLER CONTRACTOR LICENSING REGULATIONS**  
**Authority: Public Safety Article §6-206 and §§9-901 to 9-905**  
**Annotated Code of Maryland**  
**(Amended Effective August 11, 2008)**

**.01 Purpose.**

This chapter establishes licensing requirements for persons who inspect, test, perform maintenance on, install, repair, modify, or lay out fire sprinkler systems in any residential or commercial building in Maryland.

**.02 Scope.**

A. Except as provided in §B of this regulation, a person who inspects, tests, performs maintenance on, installs, repairs, modifies, or lays out fire sprinkler systems in any residential or commercial building in the State shall apply to, and obtain from, the State Fire Marshal, a Fire Sprinkler Contractor License, as provided for in Regulation .04 of this chapter.

B. A license is not required for the following activities:

- (1) Inspections and tests by insurance representatives acting in the performance of their assigned duty;
- (2) Inspections, tests, and repairs by a full-time maintenance employee of the property owner, knowledgeable about fire sprinkler systems, acting in the performance of the employee's assigned duty for the property owner;
- (3) Inspections, tests, plan review, and ensuring the maintenance of, and any emergency maintenance activity on, a fire sprinkler system, or restoration of an operating, or recently operated, fire sprinkler system to active service by an individual acting in the individual's capacity as a member of a state, county, municipal, career, or volunteer fire department, or authority having jurisdiction;
- (4) Installation of a limited area fire sprinkler system or emergency temporary repairs performed by a licensed master plumber in accordance with COMAR 29.06.01; or
- (5) Inspections, tests, preparation of design and specification documents, hydraulic calculations, layout, and plan review of fire sprinkler systems by a Maryland-registered professional engineer knowledgeable about fire sprinkler systems.

C. These regulations are minimum statewide requirements which are not intended to prohibit any jurisdiction from adopting a more stringent local law or ordinance which establishes standards or qualifications for fire sprinkler contractors.

**.03 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Designated Qualified Individual" means an owner or employee of a fire sprinkler contractor who is responsible for overseeing work performed by other persons employed by the contractor and who possesses the required NICET qualification or professional engineer qualifications in accordance with the appropriate class of license as listed in this chapter.
- (2) "Fire Sprinkler Contractor" means a person that inspects, tests, performs maintenance on, installs, repairs, modifies, or lays out a fire sprinkler system in accordance with

standards adopted by reference in COMAR 29.06.01.

- (3) "Fire Sprinkler System" means a sprinkler system for fire protection purposes which:
  - (a) Is an integrated system of piping laid out in accordance with standards adopted in COMAR 29.06.01;
  - (b) Includes, as the portion of the fire sprinkler system above ground, a network of specially sized or hydraulically designed piping and associated equipment installed in a building, structure, or area, generally overhead, and to which fire sprinklers are connected in a systematic pattern;
  - (c) Is activated by a device capable of detecting heat or combustion by-products produced by a fire, and which discharges water over the fire area; and
  - (d) Does not include the first connection to a potable water supply that is downstream of a backflow preventer, and the final connection that discharges indirectly into a public or private disposal system, sanitary drainage facility, or storm drainage facility.
  - (e) Includes potable water multipurpose piping systems as defined in NFPA 13D.
- (4) "International Building Code" means the edition of the International Building Code, with amendments, which is currently adopted by reference in COMAR 29.06.01.
- (5) "Layout" means the preparation of shop drawings implementing engineering contract documents and applicable codes and standards.
- (6) "Limited Area Fire Sprinkler System" means a:
  - (a) Fire sprinkler system, except a system installed in a townhouse or other single family dwelling, which is laid out within one fire area, and which is enclosed within approved separation assemblies, with no more than 20 sprinklers based on the spacing limitations of NFPA 13, and laid out in accordance with the International Building Code, and which has a water supply that consists of one of the following:
    - (i) A standpipe system capable of supplying a 500 gallon/minute (1890 liters/minute) minimum flow and which has an automatic water supply, or
    - (ii) A connection in compliance with the Maryland State Plumbing Code to a domestic water system laid out to adequately support the design flow of the largest number of sprinklers required to be hydraulically calculated by NFPA 13 in any fire area plus the domestic demand; or
  - (b) Fire sprinkler system consisting of not more than six sprinklers for any isolated hazardous area connected to a domestic water supply having a capacity sufficient to provide 0.15 gallon/minute/square foot (6.1 liter/minute/square meter) of floor area throughout the entire enclosed area installed in accordance with NFPA 101.
- (7) "NFPA" refers to standards produced by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, which are currently adopted by reference in COMAR 29.06.01.
- (8) "NICET" means the National Institute for the Certification in Engineering Technologies.
- (9) "Person" means an individual, receiver, trustee, guardian, personal representative, fiduciary, representative of any kind, partnership, firm, association, corporation, or other entity.
- (10) "State Fire Marshal" means the Fire Marshal for the State of Maryland or, in the Fire Marshal's absence, an individual who has been specially designated by the State Fire Marshal to enforce the provisions of this chapter.
- (11) "Workmanlike Manner" means a quality of work typical of the standard recognized within the industry and befitting a skilled workman or craftsman.

#### **.04 Licensure.**

A. Each fire sprinkler contractor who performs work in Maryland shall possess a valid license of

the appropriate class as listed in this regulation. A fire sprinkler contractor, except a person exempt under this chapter or Public Safety Article §9-903(b), Annotated Code of Maryland, who inspects, tests, performs maintenance on, installs, repairs, modifies, or lays out a fire sprinkler system in a residential or commercial building in the State shall possess a valid license under this regulation. The following table illustrates the capabilities of each class of the sprinkler contractor license:

Function	Class I	Class IIa	Class IIb	Class IIc	Class IId	Class IIIa	Class IIIb	Class IIIc
<b>Inspect</b>	All							
<b>Test</b>	All							
<b>Maintain</b>	All							
<b>Install</b>		Res		Res	13D	All		All
<b>Repair</b>		Res		Res	13D	All		All
<b>Modify</b>		Res		Res	13D	All		All
<b>Layout</b>			Res	Res			All	All

Where: "All" indicates that the function may be performed on commercial or residential systems in accordance with NFPA 13, 13D, and 13R; "Res" indicates that the function may be performed on residential systems in accordance with NFPA 13D and 13R only; and "13D" indicates that the function may be performed on residential systems in accordance with NFPA 13D only.

**B. Class I Fire Sprinkler Contractor License.**

(1) A fire sprinkler contractor engaged in the inspection, testing, and performance of maintenance of residential or commercial fire sprinkler systems that are in accordance with NFPA 13, NFPA 13D, or NFPA 13R shall possess a class I fire sprinkler contractor license.

(2) To obtain a class I fire sprinkler contractor license, a person shall:

- (a) Have not less than 3 years experience in the inspection, testing, and performance of maintenance of residential and commercial fire sprinkler systems as determined by the State Fire Marshal; and
- (b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, inspection, and testing of water-based systems.

**C. Class IIa Fire Sprinkler Contractor License.**

(1) A fire sprinkler contractor engaged in the installation, repair, or modification of residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R shall possess a class IIa fire sprinkler contractor license.

(2) To obtain a class IIa fire sprinkler contractor license, a person shall:

- (a) Have not less than 3 years experience in the installation, repair, or modification of residential fire sprinkler systems as determined by the State Fire Marshal; and
- (b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

(3) For potable water multipurpose piping systems, contractors shall also possess a Maryland master plumber license and shall comply with all applicable provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

D. Class IIb Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the layout of residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R shall possess a class IIb fire sprinkler contractor license.

(2) To obtain a class IIb fire sprinkler contractor license, a person shall:

(a) Have not less than 3 years experience in the layout of residential fire sprinkler systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

E. Class IIc Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the installation, repair, modification and layout of residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R shall possess a class IIc fire sprinkler contractor license.

(2) To obtain a class IIc fire sprinkler contractor license, a person shall:

(a) Have not less than 3 years experience in the installation, repair, modification and layout of residential fire sprinkler systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

(3) For potable water multipurpose piping systems, contractors shall also possess a Maryland master plumber license and shall comply with all applicable provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

F. Class II d Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the installation, repair, or modification of residential fire sprinkler systems that are in accordance with NFPA 13D shall possess a class II d fire sprinkler contractor license.

(2) To obtain a class II d fire sprinkler contractor license, a person shall:

(a) Possess a Maryland master plumber license and comply with all applicable provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

G. Class IIIa Fire Sprinkler Contractor License.

(1) A fire sprinkler contractor engaged in the installation, repair, or modification of commercial and residential fire sprinkler systems that are in accordance with NFPA 13, 13D, or 13R shall possess a class IIIa fire sprinkler contractor license.

(2) To obtain a class IIIa fire sprinkler contractor license, a person shall:

(a) Have not less than 5 years experience in the installation, repair or modification of commercial and residential fire sprinkler systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

- (3) For potable water multipurpose piping systems, contractors shall also possess a Maryland master plumber license and shall comply with all applicable provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

H. Class IIIb Fire Sprinkler Contractor License.

- (1) A fire sprinkler contractor engaged in the layout of commercial or residential fire sprinkler systems that are in accordance with NFPA 13, 13D, or 13R shall possess a class IIIb fire sprinkler contractor license.
- (2) To obtain a class IIIb fire sprinkler contractor license, a person shall:
  - (a) Have not less than 5 years experience in the layout of commercial and residential fire sprinkler systems as determined by the State Fire Marshal; and
  - (b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level III or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

I. Class IIIc Fire Sprinkler Contractor License.

- (1) A fire sprinkler contractor engaged in the installation, repair, modification, and layout of commercial or residential fire sprinkler systems that are in accordance with NFPA 13, 13D or 13R shall possess a class IIIc fire sprinkler contractor license.
- (2) To obtain a class IIIc fire sprinkler contractor license, a person shall:
  - (a) Have not less than 5 years experience in the installation, repair, modification and layout of commercial and residential fire sprinkler systems as determined by the State Fire Marshal; and
  - (b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level III or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.
- (3) For potable water multipurpose piping systems, contractors shall also possess a Maryland master plumber license and shall comply with all applicable provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland.

J. A person may not be permitted to serve as a designated qualified individual for more than three licensed fire sprinkler contractors.

K. Additional Authorized Work.

- (1) A fire sprinkler contractor in possession of a class IIIa fire sprinkler contractor license may engage in any fire sprinkler system work covered by a class IIa or class IIc fire sprinkler contractor license.
- (2) A fire sprinkler contractor in possession of a class IIIb fire sprinkler contractor license may engage in any fire sprinkler system work covered by a class IIb fire sprinkler contractor license.
- (3) A fire sprinkler contractor in possession of a class IIIc fire sprinkler contractor license may engage in any fire sprinkler system work covered by all other classes of fire sprinkler contractor licenses except class I.
- (4) A fire sprinkler contractor in possession of a class IIa fire sprinkler contractor license may engage in any fire sprinkler system work covered by a class IIc fire sprinkler contractor license only on residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R.
- (5) A fire sprinkler contractor in possession of a class IIc fire sprinkler contractor license may engage in fire sprinkler system work covered by a class IIa, class IIb, or class IIc fire

sprinkler contractor license only on residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R.

L. Fire Sprinkler System Layout.

- (1) Layout of plans and preparation for automatic fire sprinkler systems shall be prepared under the supervision of one of the following:
  - (a) The designated qualified individual employed by a fire sprinkler contractor who meets the qualification listed for the appropriate license classification under §D, E, H, or I of this regulation; or
  - (b) A Maryland registered professional engineer, knowledgeable in areas about fire sprinkler systems.
- (2) Plans shall be marked with the fire sprinkler contractor license number and one of the following:
  - (a) The designated qualified individual's original signature, NICET level, certification number, and expiration date; or
  - (b) The original signature and seal of a professional engineer who is registered in Maryland.

M. Notification Requirements.

- (1) Within 14 days of any change of address, the fire sprinkler contractor shall:
  - (a) Notify the Office of the State Fire Marshal in writing of the change;
  - (b) Return the license certificate requiring the revision; and
  - (c) Submit the fee as specified in §Q of this regulation for a revised license certificate.
- (2) Within 5 business days from the termination of a designated qualified individual, the fire sprinkler contractor shall notify the Office of the State Fire Marshal in writing of the termination.
- (3) Within 30 days of termination of the designated qualified individual, or prior to the expiration of a current license, whichever occurs first, the fire sprinkler contractor shall submit a new application to the Office of the State Fire Marshal identifying the new designated qualified individual as defined in Regulation .03 of this chapter.
- (4) Within 14 days of any change to information submitted on the license application, the fire sprinkler contractor shall notify the Office of the State Fire Marshal in writing of the change.

N. License Expiration.

All fire sprinkler contractor licenses expire 2 years after the date issued.

O. Liability Insurance Requirements.

- (1) To hold any class fire sprinkler contractor license, a person shall maintain continuous comprehensive general liability insurance coverage and provide proof of this coverage in the form of a certificate of insurance with a 30-day cancellation notification provision. The Office of the State Fire Marshal shall be named as the certificate holder. Coverage under this subsection shall include:
  - (a) A minimum of \$1,000,000 combined single limit bodily injury or death and property damage liability insurance; and
  - (b) Products and completed operations insurance.
- (2) Failure to maintain the required coverage is considered sufficient grounds for suspension or revocation of the license.

P. Application.

- (1) An application for an initial fire sprinkler contractor license shall be made to the State Fire Marshal on a form designated by the State Fire Marshal.
- (2) An application for renewal of a fire sprinkler contractor license shall be submitted to the Office of the State Fire Marshal at least 30 days before the expiration date of the license on a form designated by the State Fire Marshal.
- (3) The application shall be signed by the sole proprietor, by each partner of a partnership, or by an officer of the corporation or organization.
- (4) Proof of the required insurance coverage, in the form of a certificate of insurance with a 30-day cancellation notification provision shall be submitted with the application. The Office of the State Fire Marshal shall be named as the certificate holder.
- (5) Proof of current NICET qualification or professional engineer registration status shall be submitted with the application.
- (6) The appropriate nonrefundable fee as specified in §Q of this regulation shall be submitted with the application.

Q. Fees.

- (1) A nonrefundable fee set by the State Fire Prevention Commission shall be paid to the Office of the State Fire Marshal to obtain or renew a fire sprinkler contractor license or for services as follows:
  - (a) Initial application – \$300;
  - (b) Renewal application – \$200;
  - (c) Duplicate or revised license certificate – \$25.
- (2) A fire sprinkler contractor who does not submit a renewal application on or prior to the expiration date of the license shall pay a late fee of \$300 in addition to the license renewal fee.
- (3) The State Fire Marshal shall collect the fees, keep all records of fees paid, and pay all fees collected to the General Fund of the State.

**.05 Denial, Suspension, and Revocation of Applications and Licenses.**

A. The State Fire Marshal may deny a license to an applicant, reprimand a licensee, or suspend or revoke a fire sprinkler contractor license if the applicant or licensee:

- (1) Willfully makes any false statement or misrepresentation in an initial or renewal license application;
- (2) Assists a person in fraudulently or deceptively obtaining, or attempting to obtain, a license;
- (3) Fails to satisfy or maintain any of the requirements set forth in Regulation .04 of this chapter;
- (4) While unlicensed, performs fire sprinkler work that requires a license under this chapter;
- (5) Signs or affixes the licensee's seal to any plan, print, specification, or report that has not been prepared by the licensee, either personally or under the licensee's immediate supervision;
- (6) Violates COMAR 29.06.01 or any other regulation adopted by the State Fire Prevention Commission (by the fire sprinkler contractor or any employee of the fire sprinkler contractor); or
- (7) Is convicted of any felony or misdemeanor violation of the State Fire Code or the fire code of any other state or the District of Columbia (by the fire sprinkler contractor or applicant, or any employee of the fire sprinkler contractor or applicant).

B. In determining whether the criminal conviction may serve as the basis for denial, suspension, revocation, or the issuance of a reprimand, the State Fire Marshal shall consider the following factors:

- (1) The nature of the crime;
- (2) The relationship of the crime to the activities authorized by the license;
- (3) The relevance of the conviction to the fitness and qualification of the applicant or licensee to perform work authorized by the license;
- (4) Any other crimes of which the applicant or licensee has been convicted;
- (5) The length of time since the conviction; and
- (6) The conduct of the applicant or licensee before and after the conviction.

**.06 Hearings for Denied, Suspended, and Revoked Applications and Licenses.**

A. Except as provided in Regulation .07 of this chapter, and before any action is taken under Regulation .05 of this chapter, the State Fire Marshal shall mail to the applicant or fire sprinkler contractor at the last known address of the applicant or fire sprinkler contractor written notice stating:

- (1) The basis for the contemplated action; and
- (2) That the applicant or fire sprinkler contractor may request a hearing before the State Fire Prevention Commission by mailing or delivering a written request to the Commission within 20 days of the date of the written notice.

B. If an applicant or fire sprinkler contractor requests a hearing, the hearing shall be conducted by the State Fire Prevention Commission in accordance with COMAR 29.06.02.

C. Except as provided in Regulation .07 of this chapter, the State Fire Marshal may not act to deny, suspend, revoke, or reprimand until after the decision of the State Fire Prevention Commission or until after the time for requesting a hearing has expired.

**.07 Summary Suspension.**

A. The State Fire Marshal may order summarily the suspension of a license if the State Fire Marshal finds that the public health, safety, or welfare imperatively requires emergency action.

B. The State Fire Marshal shall promptly give the fire sprinkler contractor/licensee:

- (1) Written notice of the suspension, the finding, and the reasons that support the finding; and
- (2) An opportunity for a hearing before the State Fire Marshal.

**.08 Appellate Procedure.**

A person aggrieved by a final decision of the State Fire Prevention Commission is entitled to judicial review, as provided in State Government Article, Title 10, Subtitle 2, Annotated Code of Maryland.

**.09 Penalties.**

A. Unless otherwise exempt, a person may not inspect, test, perform maintenance on, install, repair, modify, or lay out any fire sprinkler system in a residential or commercial building in the State without first obtaining the appropriate license required under this chapter.

B. A person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine of \$1,000 or imprisonment for not more than 10 days, or both.

**TITLE 29 DEPARTMENT OF STATE POLICE**  
**SUBTITLE 06 FIRE PREVENTION COMMISSION**  
**CHAPTER 06 FRESH CUT AND LIVE TREE FIRE SAFETY REGULATIONS**  
**Authority: Public Safety Article §6-206**  
**Annotated Code of Maryland**  
**(Adopted effective May 15, 1999)**

**.01 Purpose.**

This chapter establishes fire safety standards regarding the display of fresh cut and live trees in certain new and existing buildings or occupancies.

**.02 Scope.**

The fire safety standards for the use of fresh cut and live trees apply to the following occupancy classifications as required by the National Fire Protection Association "Life Safety Code" (NFPA 101, 1997 Edition), which is incorporated by reference in COMAR 29.06.01:

- A. Assembly;
- B. Hotels, motels, and dormitories;
- C. Small residential board and care;
- D. Family day care;
- E. Mercantile; and
- F. Business

**.03 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

- (1) "Artificial tree" means a man-made tree produced from paper, plastic, wood, metal, natural or synthetic fiber, or any other natural or chemical composition or combination of these materials arranged to imitate or otherwise resemble any species of evergreen tree.
- (2) "Code" means the National Fire Protection Association "Life Safety Code" (NFPA 101, 1997 Edition).
- (3) "Evergreen tree" means a blue spruce, Scotch pine, or Douglas fir tree.
- (4) "Fresh cut tree" means an evergreen tree which has been cut, sawn, or harvested with the intention of decorative display within a building or structure.
- (5) "Live tree" means a container grown balled and burlap, or balled and potted tree that has been uprooted with its roots protected by an earthen ball.
- (6) "Occupancies" means occupancy classifications as described by the National Fire Protection Association "Life Safety Code" (NFPA 101, 1997 Edition).

**.04 Display.**

A. Only a fresh cut or live tree, as defined in Regulation .03 of this chapter, may be displayed in

the occupancies listed in Regulation .02 of this chapter, if its display complies with Regulation .06 of this chapter. A tree other than a fresh cut tree or live tree may not be displayed in those occupancies.

B. A live or fresh cut tree may not be displayed in buildings with the following occupancy classifications:

- (1) Nursing homes, hospitals, or limited care facilities;
- (2) Detention and correctional;
- (3) Educational;
- (4) Residential board and care, except for small residential board and care facilities that are fully protected by an automatic fire sprinkler system that complies with "A Compendium of Codes and Standards Referenced in NFPA 1, 1997 Edition", National Fire Protection Association Standards 13, 13R, or 13D, as incorporated by reference in COMAR 29.06.01; and
- (5) Child care centers, except for family day care homes.

C. Artificial Trees.

(1) If it is labeled or otherwise identified or certified as flame retardant or flame resistant by a testing laboratory recognized by the Office of the State Fire Marshal, an artificial tree may be displayed in the occupancies listed in Regulation .02 of this chapter or in the following additional occupancies:

- (a) Educational;
- (b) Hospitals, limited care facilities, and nursing homes;
- (c) Detention and correctional;
- (d) Residential board and care; and
- (e) Child care center.

(2) Other types of artificial trees may not be displayed in the occupancies described in §C(1) of this regulation.

#### **.05 Tagging of Trees.**

A. A tag shall be affixed to a fresh cut tree by the grower. The information required by §D of this regulation shall be recorded on the tag, and the tag shall be affixed to the tree at the time of the original fresh cut. The tag shall remain on the tree and shall be readily accessible at all times for inspection purposes.

B. A fresh cut tree shall be cut in the presence of the user, or on the date on which the user is to obtain the tree.

C. The Office of the State Fire Marshal shall provide tree tags and assign serial numbers to tree growers. The tree grower is responsible for the tags assigned to them by the State Fire Marshal.

D. The format for the tag shall be as follows:

- (1) On the front of the tag:
  - Fresh Cut Tree Certification
  - Serial No.
  - Species of Tree
  - Date of Fresh Cut
  - Date Tree Must Be Placed in Building
  - Date Tree Must Be Removed from Building

THIS TAG SHALL BE DISPLAYED IN COMPLIANCE WITH THE STATE OF MARYLAND FIRE PREVENTION CODE, FRESH CUT AND LIVE TREE FIRE SAFETY REGULATIONS, AND MAY NOT BE REMOVED OR ALTERED UNDER PENALTY OF LAW.

(2) On the reverse of the tag shall be a form to record the following information to be completed by the person or persons assigned the responsibility to water and maintain the tree in a fire safe condition:

- (a) Date;
- (b) Time; and
- (c) Person's initials.

E. Live trees are not be required to be tagged by the grower.

**.06 Placement and Maintenance.**

A. Each live or fresh cut tree shall be stored either outside in a shaded area, or in an enclosed, unheated area until it is placed and decorated.

B. A fresh cut tree used in permitted occupancies shall be placed in the occupancy within 2 days of the original cutting.

C. Placement.

(1) Immediately before the placement in a permitted occupancy, each fresh cut tree shall have an additional fresh cut made across the base of the trunk at least 2 inches from the butt of the tree. Bark may not be removed from the basal area of the tree.

(2) Immediately after this additional fresh cut is made, each tree shall be placed in a tree stand which has a minimum water capacity of 2 gallons.

(3) Loose needles and other debris shall be removed before the tree is displayed.

D. A fresh cut tree may be displayed within an occupancy or building for a maximum of 21 days from the original placement in the building.

E. The State Fire Marshal or local fire prevention authority having jurisdiction shall:

(1) Approve the placement of a fresh cut or live tree in an occupancy listed under this chapter;

(2) Limit the number of fresh cut trees displayed in an occupancy as listed in this chapter;

(3) Have the authority to order the removal of any tree, fresh cut or live, from a building or occupancy if it is believed that the condition of the tree poses a hazard to life or safety.

F. A person displaying a tree may not:

(1) Obstruct an exit or place a tree in a corridor, exit way, or other means of egress;

(2) Place a tree near a heating vent or other fixed or portable heating device which could cause the tree to dry out prematurely or ignite; or

(3) Display a fresh cut tree more than 10 feet tall, excluding the tree stand.

G. An owner or operator of a building or particular occupancy shall daily maintain the water in the tree stand to prescribed levels, and shall maintain a record of the watering of a tree. Additionally, upon the request of a member of the Office of the State Fire Marshal or local fire

prevention authority having jurisdiction, the owner or operator shall produce the record for inspection. The record shall be incorporated as part of the tag requirements stated in Regulation .05D of this chapter.

H. Except for live or fresh cut trees displayed in a building protected throughout by an approved automatic sprinkler system, the following decorations may not be placed on, under, or around a live or fresh cut tree:

- (1) Decorative gift packages;
- (2) Combustible tree skirts; and
- (3) Combustible decorations.

I. Decorative Lighting and Lights.

(1) Only approved electric decorative lights, including cordless lights, and all associated wiring for the decorative lights which have been tested and listed, and bear the mark of a testing laboratory recognized by the Office of the State Fire Marshal, may be used on a fresh cut or live tree.

(2) Electric lights may not be used on a metal artificial tree.

(3) Flame producing devices, such as, but not limited to, candles, may not be used on or near any type of tree.

(4) Use of electrical extension cords shall comply with safe practices for the devices. Electrical extension cords may not be placed across a traveled area, such as a corridor or aisle, where the extension cord could become damaged or cause a tripping hazard, unless the device is suitably protected and secured by proper conduit or other approved protective guard.

#### **.07 Enforcement.**

A. Live or fresh cut trees that do not comply with the provisions of this chapter shall be removed from a building or occupancy.

B. The Office of the State Fire Marshal or local fire prevention authority having jurisdiction shall enforce this chapter.

C. In a county or municipality with more stringent standards, the standards of that county or municipality apply to live or fresh cut trees.

**TITLE 29 DEPARTMENT OF STATE POLICE  
SUBTITLE 06 FIRE PREVENTION COMMISSION  
CHAPTER 07 GROUND BASED SPARKLING DEVICES  
Authority: Public Safety Article, §§6-206 and 10-109  
Annotated Code of Maryland  
(Adopted Effective February 16, 2004)**

**.01 Purpose.**

This chapter establishes minimum requirements for the wholesale, retail sale, and distribution of ground-based sparkling devices.

**.02 Application and Scope.**

A. This chapter applies to the wholesale, retail sale, and distribution of ground-based sparkling devices.

B. This chapter does not apply to a municipal corporation or county which has adopted more stringent regulations.

**.03 Definitions.**

A. In this chapter, the following terms have the meanings indicated.

B. Terms Defined.

(1) "Class C mercantile occupancy" means a mercantile occupancy of not more than 3,000 square feet gross area used for sales purposes on one story only, excluding mezzanines.

(2) "Ground-based sparkling device" means a device that is:

(a) Nonaerial;

(b) Nonexplosive; and

(c) Labeled in accordance with the requirements of the U.S. Consumer Products Safety Commission.

(3) "Open-air mercantile operation" means an operation conducted outside of all structures, with the operations area devoid of all walls and roofs except for small, individual, weather canopies.

(4) "Prepackaged ground-based sparkling device merchandise" means ground-based sparkling device items or groups of ground-based sparkling device items that have been packaged by the manufacturer or distributor before they are offered for sale to the consumer.

**.04 Registration of Distributors and Wholesalers.**

A. A distributor or wholesaler of sparklers or sparkling devices that intends to conduct business in the State, or sells, ships, or assigns for sale in the State the products of the distributor or wholesaler, shall register annually with the Office of the State Fire Marshal on forms prescribed by the State Fire Marshal.

B. Registration forms may be obtained at the Office of the State Fire Marshal Headquarters, 300 East Joppa Road, Suite 1002, Towson, MD 21286 and at State Fire Marshal installations throughout the State.

C. Completed registration forms and a nonrefundable annual fee of \$750 shall be forwarded to the Office of the State Fire Marshal Headquarters.

D. Upon confirmation of registration, the registrant shall submit to the Office of the State Fire Marshal a list of all retail sales facilities located in the State receiving ground-based sparkling devices for sale to the general public and the locations of the facilities.

**.05 Sales and Storage of Ground-Based Sparkling Devices.**

A. Wholesalers and distributors of ground-based sparkling devices shall comply with Section 1-16 "Permits and Approvals" of NFPA 1 Fire Prevention Code as incorporated by reference in COMAR 29.06.01.

B. Buildings or Structures Containing Ground-Based Sparkling Devices for Sale or Distribution.

(1) Ground-based sparkling devices may be sold or distributed in any of the following buildings or structures:

(a) Permanent buildings or structures constructed in accordance with the codes enforced by the authority having jurisdiction;

(b) Tents, canopies, or temporary membrane structures complying with NFPA 1 Fire Prevention Code as incorporated by reference in COMAR 29.06.01;

(c) Temporary structures measuring 800 square feet or less, constructed in accordance with this chapter; and

(d) Temporary ground-based sparkling device sales or distribution stands greater than 800 square feet in area which meet the requirements for a permanent structure.

(2) Location.

(a) Except as provided in §B(2)(b) of this regulation, a building or structure under §B of this regulation may not be located within 100 feet of any flammable liquid, flammable gas, or combustible liquid fuel dispensing or storage facility.

(b) A building or structure that uses 5 percent or less of its gross sales or distribution floor area for ground-based sparkling devices may be located 50 feet or more from a flammable liquid, flammable gas, or combustible liquid fuel dispensing or storage facility.

(3) Buildings and structures used for the sale, distribution, or storage of ground-based sparkling devices:

(a) Shall be nonresidential; and

(b) May not exceed one story.

C. All storage of ground-based sparkling devices:

(1) Shall be secured to prevent unauthorized access by the public;

(2) May not be located in direct sunlight; and

(3) May not exceed 5 percent of the basement floor area if located in a basement.

D. Ground-based sparkling devices sales and distribution facilities may not be located in basements.

**.06 Quantities.**

A. Except for permanent buildings and structures used exclusively for sale and distribution of ground-based sparkling devices, permanent buildings and structures may not have more than 5 percent of their gross sales or distribution floor area for ground-based sparkling devices display.

- B. Open-air mercantile operations may not exceed:
- (1) 200 pounds pyrotechnic composition; or
  - (2) If the pyrotechnic composition weight is not known, 800 pounds gross weight.

**.07 Displays.**

A. All ground-based sparkling devices merchandise offered for sale or distribution shall be prepackaged with a packaging arrangement which completely encapsulates the ground-based sparkling device item or items with paperboard, cardboard, plastic wrap, or similar materials or combinations of materials. The encapsulation shall ensure that an individual must puncture, tear, unseal, or break open the package, or otherwise damage or destroy the packaging materials in order to gain access to, and directly handle, each individual ground-based sparkling device item to expose its fuse.

B. A display may not exceed 3,000 square feet unless the building or structure in which it is located is protected throughout by an approved automatic sprinkler system.

C. Height and Clearance. Ground-based sparkling devices on display or located on shelves, counters, or other fixtures may only be displayed with at least an 18-inch clearance from the ceiling and as follows:

- (1) Within the sales or distribution area but not along the perimeter, not higher than 6 feet above the floor surface;
- (2) Along the perimeter of the sales or distribution facility, not higher than 12 feet above the floor surface; and
- (3) In temporary sales or distribution stands where the interior is not accessible to the general public, not higher than 8 feet from the floor surface.

**.08 Fire Protection.**

A. Portable fire extinguishers shall be installed as required for extra-hazard occupancy protection and shall comply with NFPA 1 Fire Prevention Code as incorporated by reference in COMAR 29.06.01.

B. Portable fire extinguishers for temporary sales or distribution stands shall be installed and located so that the maximum distance of travel required to reach an extinguisher does not exceed 35 feet.

**.09 Means of Egress.**

A. Means of egress in ground-based sparkling devices sales or distribution facilities shall comply with the requirements of NFPA 101 Life Safety Code as incorporated by reference in COMAR 29.06.01, unless otherwise modified by this regulation.

B. Means of egress in tents and membrane structures used for the sales or distribution of ground-based sparkling devices shall comply with NFPA 101 Life Safety Code as incorporated by reference in COMAR 29.06.01 and NFPA 102 Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, unless otherwise modified by this regulation.

C. Customers may not be permitted inside a temporary sales or distribution stand unless it complies with the means of egress requirements of this regulation.

D. An approved fire safety and evacuation plan:

- (1) Shall be in writing;
- (2) Shall be maintained current;
- (3) Shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the facility; and
- (4) Is not required for temporary ground-based sparkling devices sales or distribution stands.

E. A sales or distribution area shall have:

- (1) Except as provided in §E(2) of this regulation, a minimum of three exits or as determined in accordance with NFPA 101 Life Safety Code, as adopted by reference in COMAR 29.06.01, whichever number is greater; and
- (2) For Class C mercantile occupancies, in which ground-based sparkling devices sales or distribution are conducted, and temporary ground-based sparkling devices sales or distribution stands, a minimum of two exits.

F. Exits provided for:

- (1) The sales or distribution area of tents, membrane structures, canopies, and permanent ground-based sparkling devices sales or distribution facilities, including Class C mercantile occupancies, shall be located so that the maximum egress travel distance, measured from the most remote point to an exit along the natural and unobstructed path of egress travel does not exceed 75 feet; and
- (2) Temporary ground-based sparkling devices sales or distribution stands shall be arranged so that the maximum egress travel distance does not exceed 35 feet.

G. Aisles serving as a portion of the exit access in ground-based sparkling devices sales or distribution facilities or within the sales or distribution area of a mercantile occupancy shall comply with the following requirements:

- (1) Aisles shall have a minimum clear width of 48 inches;
- (2) In temporary ground-based sparkling devices sales or distribution stands where the interior is not accessible to the public, the minimum clear width of the aisle may not be less than 28 inches;
- (3) At least one aisle shall be provided which allows travel directly to an exit;
- (4) Other required exits shall be located at, or within 10 feet of the end of, an aisle or cross-aisle;
- (5) Aisles shall terminate at an exit, another aisle, or a cross-aisle;
- (6) An aisle may not terminate in a dead-end;
- (7) Where more than one aisle is provided, not less than one cross-aisle shall have an unobstructed connection with every aisle, other than cross-aisles;
- (8) Cross-aisle connections shall be provided for each aisle at intervals not greater than 50 feet as measured along the aisle; and
- (9) Where cross-aisles are required, at least one cross-aisle shall have at least one end terminate at, or within 10 feet of, an exit.

H. Doors and doorways used in the means of egress shall comply with the following requirements:

- (1) Egress doors shall be at least 36 inches in width and provide a minimum of 32 inches clear width;

- (2) Egress doors provided for temporary ground-based sparkling devices sales or distribution stands where the interior is not accessible to the public shall be at least 28 inches in width;
- (3) Exit openings from tents shall have a clear opening width of at least 44 inches;
- (4) For other than temporary ground-based sparkling devices sales or distribution stands where the interior is not accessible to the public, every egress door that has a latching device shall have panic hardware complying with NFPA 101 Life Safety Code, as incorporated by reference in COMAR 29.06.01; and
- (5) Means of egress doors shall be:
  - (a) The side-hinge swinging type; and
  - (b) Arranged to swing in the direction of egress travel.

I. Exits shall be marked by an approved exit sign in accordance with NFPA 101 Life Safety Code, as incorporated by reference in COMAR 29.06.01, and exit signs:

- (1) Shall be self-luminous or internally or externally illuminated; and
- (2) Are not required to be illuminated in:
  - (a) Tents or temporary ground-based sparkling devices sales or distribution stands that are not open for business after dusk; or
  - (b) Temporary ground-based sparkling devices sales or distribution stands where the interior is not accessible to the public.

J. The means of egress, including the exit discharge, shall be illuminated whenever the facility is occupied in accordance with NFPA 101 Life Safety Code, as incorporated by reference in COMAR 29.06.01, and:

- (1) Emergency lighting shall be provided for ground-based sparkling devices sales or distribution facilities and shall comply with NFPA 101 Life Safety Code, as incorporated by reference in COMAR 29.06.01; but
- (2) Emergency lighting is not required in:
  - (a) Tents or temporary ground-based sparkling devices sales or distribution stands that are not open for business after dusk; or
  - (b) Temporary ground-based sparkling devices sales or distribution stands where the interior is not accessible to the public.

#### **.10 Sources of Ignition.**

A. Smoking or open flame devices are prohibited inside or within 50 feet of a ground-based sparkling device sales or distribution facility.

B. Electrical wiring shall be in accordance with NFPA 1 Fire Prevention Code as incorporated by reference in COMAR 29.06.01.

C. Ground-based sparkling devices may not be ignited, discharged, or otherwise used within 100 feet of a ground-based sparkling device sales or distribution facility.

D. Cooking equipment of any type is prohibited within 20 feet of the exterior of stands, tents, canopies, or membrane structures used for the storage, sale, or distribution of ground-based sparkling devices.

E. Open flame cooking equipment of any type is not permitted within 50 feet of the exterior of stands, tents, canopies, or membrane structures used for the storage, sale, or distribution of

ground-based sparkling devices.

**.11 Site Requirements.**

A. Any portion of an exterior wall of a building, sidewall of a tent, or other defined perimeter of a ground-based sparkling device sales or distribution facility shall be accessible within 150 feet of a public way or an approved fire apparatus access.

B. Except when delivering, loading, or unloading ground-based sparkling devices or other merchandise and materials used, stored, or displayed for sale or distribution in the facility, a motor vehicle or trailer may not be parked within 10 feet of a temporary ground-based sparkling device sales or distribution facility.

C. Buildings and structures used for the sale, distribution, or storage of ground-based devices may not have loose or piled combustible material, weeds, or long grass within 30 feet of the exterior.

**.12 Temporary Heating Sources.**

A. Temporary heating units shall be:

- (1) Listed by a testing laboratory approved by the Office of the State Fire Marshal; and
- (2) Used in accordance with their listing.

B. Temporary heating sources shall have tip-over and temperature overheat protection.

C. Open flame and exposed element heating devices are prohibited.

**.13 Generators.**

A. Scope. This regulation does not limit the type and quantity of fuel for generators and their fuel storage located not less than 50 feet from the exterior of the sales or distribution facility.

B. Generators using flammable or combustible liquid or gas fuels supplying power to ground-based sparkling devices sales or distribution facilities may not be located less than 20 feet from the exterior of the sales or distribution facility.

C. Combustible and flammable liquid generator fuel may not:

- (1) Exceed 5 gallons; or
- (2) Be stored less than 20 feet from the exterior of a sales or distribution facility.

D. Flammable gas generator fuel may not:

- (1) Exceed 20 pounds; or
- (2) Be stored less than 20 feet from the exterior of a sales or distribution facility.

**.14 Personnel.**

A. At least one individual 18 years old or older shall be:

- (1) Present at all times in sales and distribution facilities during the hours of sale and distribution to the public; and
- (2) Responsible for supervision of the facility and its operation.

B. All personnel handling ground-based sparkling devices shall be 16 years old or older.

C. All personnel handling ground-based sparkling devices shall receive safety training related to the performance of their duties. Training shall include, but not be limited to, safe handling instructions, emergency procedures, and the use of portable fire extinguishers.

D. The distributor shall provide detailed safe handling instruction guidelines for sales and distribution personnel with all packing information for ground-based sparkling devices.

E. The distributor shall provide the retailer with a list of ground-based sparkling devices approved for sale by the Office of the State Fire Marshal.

F. Personnel selling or distributing ground-based sparkling devices may not knowingly sell or distribute ground-based sparkling devices to an individual obviously under the influence of alcohol or drugs.

G. Personnel may not sell ground-based sparkling devices to a person younger than 16 years old as set forth in Public Safety Article, §10-112, Annotated Code of Maryland.

#### **.15 Signs.**

A. In facilities used exclusively for the sale or distribution of ground-based sparkling devices, a sign reading "PERSONS UNDER 16 MUST BE ACCOMPANIED BY, AND UNDER THE SUPERVISION OF, A RESPONSIBLE PERSON AT LEAST 18 YEARS OLD" shall be conspicuously posted in letters not less than 1 inch high, on a contrasting background, at each entrance to the sales or distribution facility to which the general public has access to the interior.

B. Where not otherwise required by local or state laws, ordinances, or regulations, a sign reading "NO GROUND-BASED SPARKLING DEVICE SALES OR DISTRIBUTION TO PERSONS UNDER 16 YEARS OLD. PHOTO I.D. REQUIRED" shall be conspicuously posted in letters not less than 1 inch high at:

- (1) Each entrance of the sales or distribution facility or in the vicinity of the ground-based sparkling device sales or distribution display; and
- (2) The point of sale or distribution.

C. At least one sign reading "NO SMOKING OR OPEN FLAME DEVICES WITHIN 50 FEET", in letters at least 2-inches high on a contrasting background, shall be conspicuously posted at each entrance or within 10 feet of every aisle directly serving the ground-based sparkling device sale or distribution display area in the facility.

D. At least one sign reading "NO GROUND-BASED SPARKLING DEVICE DISCHARGE WITHIN 100 FEET", in letters at least 2-inches high on a contrasting background, shall be conspicuously posted in the vicinity of the ground-based sparkling device sales or distribution display, or as otherwise required by the authority having jurisdiction.

E. At least one sign reading "NO GROUND-BASED SPARKLING DEVICE DISCHARGE WITHIN 100 FEET", in letters at least 2-inches high on a contrasting background, shall be displayed on the exterior of a sales or distribution facility, or as otherwise required by the authority having jurisdiction.

**.16 Housekeeping.**

A. Ground-based sparkling devices sales or distribution areas and storage rooms shall be kept free of accumulations of debris and rubbish.

B. Ground-based sparkling devices that are damaged shall be removed and not offered for sale and any loose pyrotechnic composition shall be removed immediately.

**.17 Penalties.**

A person who violates any provision of this chapter is guilty of a misdemeanor and, upon conviction, is subject to a fine of \$1,000, imprisonment for not more than 10 days, or both, as set forth in Public Safety Article, §6-601, Annotated Code of Maryland.