

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2010 Legislative Session

Bill No. CB-47-2010

Chapter No. 33

Proposed and Presented by The Chairman (by request – County Executive)

Introduced by Council Members Dernoga, Dean, Exum, Harrison and Turner

Co-Sponsors _____

Date of Introduction June 15, 2010

BILL

1 AN ACT concerning

2 Fire Safety Code

3 For the purpose of amending the Prince George’s County Fire Safety Code to adopt the standards
4 of the National Fire Protection Association, to increase administrative fees, and to make other
5 technical amendments related to the Fire Safety Code.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 11. FIRE SAFETY.

8 Sections 11-102, 11-104, 11-150, 11-151, 11-152,

9 11-154, 11-156, 11-157, 11-159, 11-163, 11-253,

10 11-255, 11-259, 11-267, 11-272,

11 11-275, 11-289, and 11-294

12 The Prince George's County Code

13 (2007 Edition, 2009 Supplement).

14 SECTION 1. BE IT ENACTED by the County Council of Prince George's
15 County, Maryland, that Sections 11-102, 11-104, 11-150, 11-151, 11-152,
16 11-154, 11-156, 11-157, 11-159, 11-163, 11-253, 11-255, 11-259, 11-267, 11-
17 272, 11-275, 11-289, and 11-294 of the Prince George's County Code be and the
18 same are hereby repealed and reenacted with the following amendments:

19 SUBTITLE 11. FIRE SAFETY.

20 DIVISION 1. GENERAL PROVISIONS.

1 **Sec. 11-102. Definitions.**

2 * * * * *

3 (b) Definitions. As used in this Subtitle:

4 * * * * *

5 (31) **Fire Marshal** means [the bureau chief of the Fire Prevention Unit, Prince
6 George's County Fire/EMS Department.] an individual designated by the Fire Chief that oversees
7 the Office of The Fire Marshal.

8 * * * * *

9 [(46) **One-family dwelling** means "one-family dwelling" as defined under "dwellings"
10 in the International Building Code adopted in Subtitle 4 of this County Code.]

11 [(47)](46) **Permit** means an official document or certificate issued by the Fire Chief or
12 other permit-issuing authority for the purpose of authorizing the performance or conduct of a
13 specified activity.

14 [(48)](47) **Permit holder or permittee** means the person in whose name a permit is
15 issued.

16 [(49)](48) **Person** means an individual, an executor, administrator, trustee, receiver, or
17 other representative appointed according to law, or a corporation, firm, partnership, association,
18 organization, or any other group acting as a unit. Whenever a violation of this Subtitle
19 constitutes an unlawful act, "person" may include the partners or members of a partnership or
20 association and the officers, agents, employees, or members of a corporation who are responsible
21 for the violation.

22 [(50)](49) **Process** means the manufacturing, handling, blending, conversion,
23 purification, recovery, separation, synthesis or use, or any combination of any commodity or
24 material regulated by this Subtitle.

25 [(51)](50) **Public Safety Communications** means the public fire service
26 communication facilities operated by Prince George's County receiving fire alarms or other
27 emergency calls from the public, retransmitting these alarms and emergency calls to fire
28 companies and other interested agencies, and operating the fire and rescue services radio base
29 stations and landline communications equipment.

1 [(52)](51) **Repair** means the reconstruction or renewal of any part of an existing
2 building or structure for the purpose of its maintenance. The term "repair" shall not apply to any
3 construction which changes or alters an existing building or structure or part thereof.

4 [(53)](52) **Siamese Connection.** See "Fire/EMS Department connection."

5 (53) **Single-Family Dwelling** means "one-family dwelling" as defined under
6 "dwellings" in the International Building Code adopted in Subtitle 4 of this County Code.

7 * * * * *

8 **Sec. 11-104. Prohibited acts; interfering with or obstructing officials during fire or other**
9 **emergency.**

10 * * * * *

11 (c) It shall be unlawful for any person that is not a current member of the Prince George's
12 County Fire/EMS Department or an authorized public safety official to participate in any
13 Fire/EMS Department emergency operations.

14 * * * * *

15 **DIVISION 2. ADMINISTRATION.**

16 **Sec. 11-150. Authority of Fire Chief.**

17 (a) Generally. The Fire Chief is hereby authorized and directed to administer the
18 provisions of this Subtitle. The Fire Chief or authorized representative shall have such other
19 powers and perform such other duties as are set forth in this Subtitle and as may be conferred and
20 imposed from time to time by law. The Fire Chief may delegate any of his or her powers or
21 duties under this Subtitle to the [Fire Prevention Unit] Office of the Fire Marshal or to other fire
22 officials.

23 * * * * *

24 **Sec. 11-151. [Fire Prevention Unit.] Office of the Fire Marshal.**

25 (a) To assist in the performance of the responsibilities and the duties placed upon the Fire
26 Chief, [a Fire Prevention Unit] the Office of the Fire Marshal is established within the Fire/EMS
27 Department, which shall be responsible for enforcing laws and ordinances in effect in Prince
28 George's County covering the following:

29 * * * * *

30 (7) The investigation of the [cause, origin, and circumstance] origin, cause, and
31 circumstance of fires and explosions within Prince George's County, Maryland;

1 * * * * *

2 **Sec. 11-152. Investigation of fires.**

3 (a) Authority of Fire Chief or authorized representative generally. The Fire Chief and
4 authorized representative shall have the authority to investigate the [cause, origin and
5 circumstances] origin, cause, and circumstance of every fire, explosion or other emergency in
6 which the Fire/EMS Department has a reasonable interest. When the Fire Chief or authorized
7 representative has reason to believe that a fire or explosion may be the result of a violation of any
8 law, the Fire Chief or authorized representative shall immediately take custody of and safeguard
9 all physical evidence in connection therewith, and shall have the authority to prohibit the
10 disturbance or removal of any material, substance, device, or utility in, or upon, any building or
11 property wherein, or whereon, a fire or explosion has occurred until the investigation of the fire
12 or explosion is complete.

13 * * * * *

14 **Sec. 11-154. Arrest powers.**

15 The Fire Chief in accordance with Section 2-208.3 of the Criminal Procedure Article of the
16 Maryland Annotated Code [and such other personnel as are designated in writing by the Fire
17 Chief shall have and exercise, and are hereby invested with, the same general police powers
18 including arrest powers as regular members of the Prince George's County Police Department]
19 shall designate individuals for the express purpose of enforcing the fire safety laws in effect in
20 Prince George's County, including, but not limited to, this Subtitle. This power shall extend to
21 any arrest or other lawful action necessary to permit the peaceful completion of any lawful action
22 by the Fire/EMS Department.

23 * * * * *

24 **Sec. 11-156. Fire reports.**

25 (a) Generally. Every fire shall be reported [in writing] using the current operational
26 procedures to the Fire/EMS Department by the senior fire officer in whose service area such fire
27 has occurred. The report shall be in such form as shall be prescribed by the Fire Chief or
28 authorized representative and shall contain a statement of facts relating to the [cause, origin and
29 circumstances] origin, cause, and circumstance of such fire, factors contributing to the spread of
30 fire, injury to persons and extent of such injuries, response personnel, and such other information

1 as may be required. Reports shall be submitted in accordance with the schedule prescribed by
2 the Fire Chief or authorized representative.

3 (b) Suspicious circumstances. The fire official in charge of the scene of a fire emergency
4 of incendiary or suspicious nature, of undetermined cause, or where loss of life or injury occurs,
5 shall immediately report such circumstances to the [Fire Prevention Unit.] Office of the Fire
6 Marshal.

7 **Sec. 11-157. Resolution of Code disputes involving fire safety.**

8 Nothing in this Subtitle shall be construed as rendering other applicable laws invalid. In
9 any situation where a conflict [exists] exists between a provision of this Subtitle and another
10 County code, law or regulation, the more stringent code shall apply. The property owner may
11 petition in writing to the [Bureau Chief of the Fire Prevention Unit] Office of the Fire Marshal
12 when a conflict arises on the interpretation of the County-related Fire Codes. The [Bureau Chief
13 of the Fire Prevention Unit] Fire Marshal and appropriate head of the agency responsible for
14 enforcing the conflicting provisions shall in concert resolve the conflict with reference to the
15 circumstances of the case by determining which provisions shall apply. Conflicts that are
16 irreconcilable shall be referred to the Fire Chief. The decision of the Fire Chief shall be final and
17 in any matter relating to structures exclusive of fire safety, the decision of the Building Official
18 shall be final, except that any person aggrieved by a decision of the Fire Chief shall have the
19 right to appeal to the Board of Appeals.

20 * * * * *

21 **Sec. 11-159. Inspections.**

22 (a) Generally. The Fire Chief or authorized representative shall inspect, or cause to be
23 inspected, by the [Fire Prevention Unit] Office of the Fire Marshal, other fire officials or
24 Fire/EMS Department members as often as may be necessary all buildings and premises
25 including such other hazards or appliances as the Fire Chief or authorized representative may
26 designate. Such inspections shall be for the purpose of ascertaining and causing to be corrected,
27 any condition which would reasonably tend to cause fire or contribute to its spread, or constitute
28 any violation of this Subtitle, or other laws of the County or State of Maryland affecting fire
29 safety.

30 * * * * *

1 (c) Advance notice. It shall be the responsibility of the permittee or contractor to request
2 each required inspection at least one working day in advance of the desired inspection time. If
3 reinspection is required due to a failure by the tenant, permittee, contractor or owner of the
4 subject property to have completed all work for which an inspection is requested, the
5 aforementioned persons shall be subject to a reinspection fee [of One Hundred Dollars
6 (\$100.00)] as outlined in Section 11-163, payable to Prince George's County, Maryland, prior to
7 such reinspection.

8 * * * * *

9 **Sec. 11-163. Fire Inspection Fees.**

10 The schedule of fees to be charged by the Fire/EMS Department to cover the administrative costs
11 associated with the inspections required by this Subtitle shall be:
12

OCCUPANCY	FEE
(1) Assembly:	
(a) 1,001 or more individuals	\$300.00
(b) 301-1,000 individuals	\$200.00
(c) 50-300 individuals	\$100.00
(2) Fairgrounds:	
(a) Nine buildings or less	\$200.00
(b) 10 or more buildings	\$400.00
(3) Educational (Non Public Schools):	
(a) Elementary, Kindergarten and Pre-Kindergarten Schools	\$100.00
(b) Middle or Junior High School	\$150.00
(c) Senior High School	\$150.00
(4) Family or Group Day Care Homes:	
(a) Initial Inspection	[\$45.00] <u>\$75.00</u>
(b) Renewal Inspection	[\$30.00] <u>\$50.00</u>
(5) Nursery or Day Care Center:	[\$65.00] <u>\$100.00</u>
(6) Health Care:	
(a) Ambulatory Health Care Center Per 3,000 Sq. Ft. or portion	\$150.00
(b) Hospital, Nursing Home, Limited Care Facility Per [Facility] <u>Building</u>	[\$150.00] <u>\$100.00</u> + \$2.00 per Bed
(7) Detention and Correctional: (fee may be waived) Per building	\$100.00 + \$2.00 per Bed
(8) Residential:	
(a) Hotel and Motel per building	[\$50.00] <u>\$75.00</u> + \$2.00 per <u>Guest Room</u>
(b) Dormitory	[\$20.00] <u>\$75.00</u> + \$2.00 per Bed
(c) Apartment Buildings	[\$20.00] <u>\$75.00</u> + \$2.00 per Apt.
(d) Lodging or Rooming House	\$75.00 + <u>\$2.00 per Bed</u>
(e) 1 and 2 Family Dwellings	[\$25.00] <u>\$75.00</u>
(f) Foster Care Homes	[\$25.00] <u>\$75.00</u>
(g) Alternative Living Units	[\$25.00] <u>\$75.00</u>
(h) Board and Care Home <u>per Building</u>	\$100.00 + \$2.00 per Bed
(9) Mercantile:	

OCCUPANCY	FEE
(a) Class A - Over 30,000 Sq. Ft.	\$150.00
(b) Class B - 3,000 to 30,000 Sq. Ft.	\$100.00
(c) Class C - Less than 3,000 Sq. Ft.	[\$50.00] <u>\$75.00</u>
(10) Businesses per 3,000 Sq. Ft. or portion thereof Industrial or Storage	[\$50.00] <u>\$75.00</u>
(a) Low or Ordinary Hazard Per 5,000 Sq. Ft. or portion thereof	[\$50.00] <u>\$75.00</u>
(b) High Hazard Per 5,000 Sq. Ft. or portion thereof	\$100.00
(11) Manufactured Home Sites and Communities Per Facility	[\$50.00] <u>\$75.00</u> + [\$1.00] <u>\$2.00</u> per Site
(12) Campgrounds:	
(a) Vehicular Campgrounds Per Facility (campsite)	[\$50.00] <u>\$75.00</u> + [\$1.00] <u>\$2.00</u> per Site
(b) Campgrounds With sleeping accommodations per facility	[\$50.00] <u>\$150.00</u> + [\$1.00] <u>\$2.00</u> per Bed
(c) Campgrounds Without sleeping accommodations per facility	[\$50.00] <u>\$75.00</u>
(13) Outside Storage of Combustible Materials Per Acre of scrap tire, lumber, mulch, tree stumps, etc.	\$50.00
(14) Outside Storage of Flammable or Combustible Liquids or Gases, Drums and/or Tanks Per 5,000 Sq. Ft. or portion thereof	\$100.00
(15) Marinas and Piers:	[\$100.00]
[(a)] Marina, Pier, Bulkhead or portion thereof used for boat services	[add \$25.00 per linear foot] <u>\$100.00 + \$1.00 per slip</u>
[(b)] Marina Unclassified Inspection]	[\$50.00]
(16) Fireworks Shoot:	
(a) Site Inspection and subsequent permit sign-off	\$50.00 per Site
(b) On-Site Inspector, per event (\$50.00/hour, four-hour minimum)	\$200.00
(17) Re-Inspection Fee: Applies if more than one inspection outlined above is required to correct any previously identified fire code violation.	[\$100.00] <u>\$150.00</u>

OCCUPANCY	FEE
<p>(18) Technical Assistance Fee:</p> <p>(a) Charged for the expertise of any member of the [Fire Prevention Unit] <u>Office of the Fire Marshal</u> or Staff. (Fee calculation per hour or portion thereof, shall include travel, report writing, research, and witnessing tests).</p> <p>(b) Fee payment shall be required by certified check, money order or prior arrangement, and shall be collected immediately upon the completion of the inspection regardless of the results.</p>	<p>[\$50.00] <u>\$75.00</u> per hour</p>

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DIVISION 4. FIRE PREVENTION CODE.

* * * * *

Sec. 11-253. Standards adopted.

(a) The following enumerated codes, standards, and model laws published by the National Fire Protection Association[, International] ("NFPA"), shall be adopted by resolution and made a part of this Division with the same force and effect as if the same were incorporated and set forth at length therein. The editions of the individual codes and standards listed in Subparagraph (a)(1) through (10) shall be adopted by resolution by the County Council. A copy of the adopted codes, standards, and model laws shall be marked as a master copy and maintained by the Clerk of the County Council.

* * * * *

(2) **Flammable and Combustible Liquids.**

NFPA-30.	Flammable and Combustible Liquids Code
NFPA-30A.	Code for Motor Fuel Dispensing Facilities and Repair Garages
NFPA-31.	Standard for the Installation of Oil Burning Equipment
NFPA-33.	Standard for Spray Application Using Flammable or Combustible Materials
NFPA-34.	Standard for Dipping and Coating Processes Using Flammable or Combustible Liquids
<u>NFPA-329.</u>	<u>Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases</u>

(3) **Flammable gases.**

NFPA-30B.	Code for the Manufacture and Storage of Aerosol Products
NFPA-51.	Standard for the Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes
NFPA-51A.	Standard for Acetylene Cylinder Charging Plants
NFPA-51B.	Standard for Fire Prevention During Welding, Cutting, and Other Hot Work
NFPA-54.	National Fuel Gas Code
NFPA-55.	[Standard for the Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders, and Tanks] <u>Compressed Gases and Cryogenic Fluids Code</u>
NFPA-58.	Liquefied Petroleum Gas Code
NFPA-59.	Utility LP Gas Plant Code
NFPA-59A.	Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG)
<u>NFPA-329.</u>	<u>Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases</u>

(4) **Hazardous materials and processes.**

NFPA-35.	Standard for the Manufacture of Organic Coatings
NFPA-45.	Standard on Fire Protection for Laboratories Using Chemicals
NFPA-69.	Standard on Explosion Prevention Systems
NFPA-160.	Standard for the Use of Flame Effects Before an Audience
<u>NFPA-400.</u>	<u>Hazardous Materials Code</u>
[NFPA-430.]	[Code for the Storage of Liquid and Solid Oxidizers]
[NFPA-432.]	[Code for the Storage of Organic Peroxide Formulations]
[NFPA-434.]	[Code for the Storage of Pesticides]
NFPA-484.	Standard for Combustible Metals
[NFPA-490.]	[Code for the Storage of Ammonium Nitrate]
NFPA-495.	Explosive Materials Code
NFPA-560.	Standard for the Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation
NFPA-654.	Standard for the Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate

	Solids
NFPA-664.	Standard for the Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
NFPA-704.	Standard System for the Identification of the Hazards of Materials for Emergency Response
NFPA-801.	Standard for Fire Protection for Facilities Handling Radioactive Materials
NFPA-1122.	Code for Model Rocketry
NFPA-1123.	Code for Fireworks Display

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(8) **Fire warning systems.**

NFPA-72.	National Fire Alarm <u>and Signaling</u> Code
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(10) **Building Construction and Facilities.**

NFPA-1.	[Uniform] Fire Code as amended by the State of Maryland Fire Prevention Code
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Sec. 11-255. Fire drills.

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(b) Institutional occupancies. Fire drills shall be conducted at least once each month for each work shift in institutional occupancies such as hospitals, nursing homes and jails where such occupancy constitutes the major occupancy of a building, and the following regulations shall be observed:

* * * * *

(2) Employees of such institutional occupancies shall receive fire safety training at least once every six (6) months. Training programs shall be based upon, but not limited to, the emergency fire safety manual for the institution that has been approved by the [Fire Prevention Unit] Office of the Fire Marshal. Agents in charge of such institutions shall forward training documentation to the [Fire Prevention Unit] Office of the Fire Marshal upon request.

* * * * *

Sec. 11-259. Underground storage tanks.

* * * * *

1 (g) Underground flammable liquids storage tanks out of service. Underground tanks
2 which are not in active service shall be treated as "temporarily out of service" by taking the
3 following steps:

4 (1) Notify the [Fire Prevention Unit] Office of the Fire Marshal of intent to render the
5 tank inactive.

6 * * * * *

7 (4) Purge the tank. An underground tank shall not be left in "temporarily out of
8 service" condition in excess of twelve (12) months. If it is to be returned to service, the final test
9 shall be applied as outlined in [Section VI] Section VII of NFPA-329.

10 * * * * *

11 (k) The dispensing of gasoline, or any product mixing gasoline with another flammable or
12 combustible liquid, into any portable container, and the transportation of such product in a
13 portable container, is subject to the limits of Class I-A liquids under [Table IV-1] Table 9.4.3,
14 NFPA-30, with the exception that glass and plastic containers are prohibited unless they bear a
15 label of approval to contain gasoline from a recognized testing laboratory approved by the Fire
16 Chief or authorized representative.

17 * * * * *

18 **Sec. 11-267. Fireworks.**

19 * * * * *

20 (b) Storage for purposes of authorized display. Notwithstanding any other provisions of
21 this Division, fireworks brought into Prince George's County, Maryland, by a fireworks shooter
22 for the purpose of an authorized display may be stored under the following conditions:

23 (1) The place or places to be used for storage of fireworks have been previously
24 approved by the [Fire Prevention Unit] Office of the Fire Marshal for Prince George's County.

25 (2) The [Fire Prevention Unit] Office of the Fire Marshal has received notification
26 from the fireworks shooter at least twenty-four (24) hours in advance of the time that fireworks
27 for an authorized display will be brought into the County.

28 * * * * *

29 **Sec. 11-272. Water supply and fire hydrants, generally.**

30 * * * * *

31 (b) All premises, other than those for one- and two-family dwellings where buildings or

1 portions of buildings are constructed and located more than three hundred (300) feet from the
2 public street providing access to such premises and said public street has fire hydrants, shall be
3 provided with approved fire hydrants connected to a water system capable of supplying the water
4 flow required by the Fire Chief or authorized representative. In no case shall the water flow be
5 less than [two thousand (2,000)] one thousand (1,000) gallons per minute at a residual pressure
6 of twenty (20) psi. The Fire Chief or authorized representative may require a greater minimum
7 flow for high-hazard occupancies. The location of such hydrants shall be as designated by the
8 Fire Chief or authorized representative. Access to fire hydrants shall be provided and maintained
9 to accommodate firefighting apparatus.

10 * * * * *

11 **Sec. 11-275. Fire hydrant maintenance.**

12 All private fire hydrants shall be tested, maintained, and serviced annually by the property
13 owner. A report of this maintenance shall be made available to the [Fire Prevention Unit] Office
14 of the Fire Marshal upon request.

15 * * * * *

16 **Sec. 11-289. Protection of hood and duct ventilation systems and related commercial**
17 **cooking appliances.**

18 * * * * *

19 (f) Inspection.

20 * * * * *

21 (4) The periodic inspection required in paragraph (3), above, shall be accomplished
22 by a licensed fire extinguisher dealer or representative. Said inspection shall generate, on a form
23 approved by the Fire Chief or authorized representative, a report on the condition of the system.
24 The report shall be signed by this inspector and shall be forwarded to the [Fire Prevention Unit]
25 Office of the Fire Marshal within five (5) days after inspection or servicing.

26 * * * * *

27 **Sec. 11-294. Variances.**

28 Upon application in writing, the Fire Chief or authorized representative is authorized and
29 empowered, when there are practical difficulties or circumstances of undue hardship involved in
30 the implementation and enforcement of the provisions of this Division, to make such
31 interpretative decisions and qualifications as shall insure substantial compliance with its terms

1 and avoid the imposition of undue hardship provided that the spirit of this Division shall be
2 observed, public safety secured and substantial justice done. The particulars of such variances,
3 when granted or allowed, and the decision of the Fire Chief thereon, shall be entered upon the
4 records of the [Fire Prevention Unit] Office of the Fire Marshal and a signed copy shall be
5 furnished to the applicant.

6 SECTION 2. BE IT FURTHER ENACTED that the provisions of this Act are hereby
7 declared to be severable; and, in the event that any section, subsection, paragraph, subparagraph,
8 sentence, clause, phrase, or word of this Act is declared invalid or unconstitutional by a court of
9 competent jurisdiction, such invalidity or unconstitutionality shall not affect the remaining
10 words, phrases, clauses, sentences, subparagraphs, paragraphs, subsections, or sections of this
11 Act, since the same would have been enacted without the incorporation in this Act of any such
12 invalid or unconstitutional word, phrase, clause, sentence, subparagraph, subsection, or section.

13 SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45)
14 calendar days after it becomes law.

Adopted this 13th day of July, 2010.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Thomas E. Dernoga
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Jack B. Johnson
County Executive

KEY:
Underscoring indicates language added to existing law.
[Brackets] indicate language deleted from existing law.
Asterisks *** indicate intervening existing Code provisions that remain unchanged.