

COUNTY COUNCIL OF PRINCE GEORGE'S COUNTY, MARYLAND
2012 Legislative Session

Bill No. CB-96-2012

Chapter No. 55

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

Introduced by Council Members Davis and Franklin

Co-Sponsors _____

Date of Introduction October 2, 2012

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 changes related to the Fire Safety Code.

6 BY repealing and reenacting with amendments:

7 SUBTITLE 11. FIRE SAFETY.

8 Sections 11-102, 11-109, 11-151, 11-163, 11-253,

9 11-277, 11-295, and 11-296

10 The Prince George's County Code

11 (2011 Edition).

12 SECTION 1. BE IT ENACTED by the County Council of Prince George's County,
13 Maryland, that Sections 11-102, 11-109, 11-151, 11-163, 11-253, 11-277, 11-295, and 11-296 of
14 the Prince George's County Code be and the same are hereby repealed and reenacted with the
15 following amendments:

16 SUBTITLE 11. FIRE SAFETY.

17 DIVISION 1. GENERAL PROVISIONS.

18 **Sec. 11-102. Definitions.**

19 * * * * *

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

21 * * * * *

1 (46) **Novelty Lighter** means a mechanical or electrical device typically used for
 2 lighting cigarettes, cigars or pipes that is designed to resemble cartoon characters, toys, guns,
 3 explosive devices, watches, musical instruments, vehicles, animals, food or beverages, or similar
 4 articles, or that play musical notes, or has flashing lights for entertainment or has other
 5 entertaining features. A novelty lighter may operate on any fuel, including but not limited to
 6 butane, isobutene or liquid fuel. Novelty lighter does not include:

7 (1) A lighter manufactured prior to January 1, 1980;

8 (2) A lighter incapable of being fueled or lacking a device necessary to produce
 9 combustion or a flame;

10 (3) Any mechanical or electrical device primarily used to ignite fuel for
 11 fireplaces or for charcoal or gas grills; or

12 (4) Standard disposable and refillable lighters that are printed or decorated with
 13 logos, labels, decals or artwork, or heat shrinkable sleeves.

14 * * * * * * * * *

15 [(46)](47) **Permit** means an official document or certificate issued by the Fire Chief or
 16 other permit-issuing authority for the purpose of authorizing the performance or conduct of a
 17 specified activity.

18 [(47)](48) **Permit holder or permittee** means the person in whose name a permit is
 19 issued.

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

26 [(49)](50) **Process** means the manufacturing, handling, blending, conversion,
 27 purification, recovery, separation, synthesis or use, or any combination of any commodity or
 28 material regulated by this Subtitle.

29 [(50)](51) **Public Safety Communications** means the public fire service
 30 communication facilities operated by Prince George's County receiving fire alarms or other
 31 emergency calls from the public, retransmitting these alarms and emergency calls to fire

1 companies and other interested agencies, and operating the fire and rescue services radio base
2 stations and landline communications equipment.

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

6 [(52)](53) **Siamese Connection.** See "Fire/EMS Department connection."

7 [(53)](54) **Single-Family Dwelling** means "one-family dwelling" as defined under
8 "dwellings" in the International Building Code adopted in Subtitle 4 of this County Code.

9 [(54)](55) **Sleeping area** means the area or areas of the dormitory, dwelling unit in a
10 multifamily dwelling, or guest rooms in a hotel or motel in which the bedrooms or sleeping
11 rooms are located. Rooms habitually used for sleeping that are separated by other use areas
12 (including, but not limited to, kitchens or living rooms, but not bathrooms or closets) shall be
13 considered as separate sleeping areas for the purposes of this Subtitle.

14 [(55)](56) **Smoke Alarm** means an approved device capable of sensing visible or
15 invisible particles of combustion.

16 [(56)](57) **Smoking** means lighting, igniting, holding, or possessing any lighted cigar,
17 cigarette, or pipe, or carrying, throwing, or depositing any lighted or smoldering cigar, cigarette,
18 or pipe.

19 [(57)](58) **Street** means a public thoroughfare that has been dedicated for vehicular use
20 by the public.

21 [(58)](59) **System** means several items of equipment assembled, grouped or otherwise
22 interconnected for the accomplishment of a purpose or a function.

23 [(59)](60) **Unprotected combustible fiber storage vault** means a room with a
24 capacity not exceeding one thousand (1,000) cubic feet separated from the remainder of the
25 building by a two (2) hour occupancy separation, constructed as specified in the International
26 Building Code adopted by Subtitle 4 of this County Code and provided with approved safety
27 vents to the outside.

28 [(60)](61) **Utility line.** See definition at Section 2-385 of this County Code.

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30 **Sec. 11-109. Same; access to utilities.**

31 No person shall place, keep or store any material on or before any building mechanical, gas,

1 electrical, or water service, the presence of which would interfere with the ability of the
 2 Fire/EMS Department to shut off the utility.

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4 **DIVISION 2. ADMINISTRATION.**

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6 **Sec. 11-151. Office of the Fire Marshal[[]].**

7 * * * * *

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

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

OCCUPANCY	FEE
(1) Assembly:	
(a) 1,001 or more individuals	[\$300.00] <u>\$360.00</u>
(b) 301-1,000 individuals	[\$200.00] <u>\$240.00</u>
(c) 50-300 individuals	[\$100.00] <u>\$120.00</u>
(2) Fairgrounds:	
(a) Nine buildings or less	[\$200.00] <u>\$240.00</u>
(b) 10 or more buildings	[\$400.00] <u>\$480.00</u>
(3) Educational (Non Public Schools):	
(a) Elementary, Kindergarten and Pre-Kindergarten Schools	[\$100.00] <u>\$120.00</u>
(b) Middle or Junior High School	[\$150.00] <u>\$180.00</u>
(c) Senior High School	[\$150.00] <u>\$180.00</u>
(4) Family or Group Day Care Homes:	
(a) Initial Inspection	\$75.00
(b) Renewal Inspection	\$50.00
(5) Nursery or Day Care Center	\$100.00
(6) Health Care:	
(a) Ambulatory Health Care Center Per 3,000 Sq. Ft. or portion	[\$150.00] <u>\$180.00</u>
(b) Hospital, Nursing Home, Limited Care Facility [Per Building]	[\$100.00] <u>\$120.00 per Building +</u> [\$2.00] <u>\$2.50 per Bed inspected</u>
(7) Detention and Correctional: (fee may be waived) [Per building]	[\$100.00] <u>\$120.00 per Building +</u> [\$2.00] <u>\$2.50 per Bed inspected</u>
(8) Residential:	

OCCUPANCY	FEE
(a) Hotel and Motel [per building]	[\$75.00] <u>\$120.00</u> per Building + [\$2.00] <u>\$2.50</u> per Guest Room inspected
(b) Dormitory	[\$75.00] <u>\$120.00</u> per Building + [\$2.00] <u>\$2.50</u> per Bed inspected
(c) Apartment Buildings	[\$75.00] <u>\$120.00</u> per Building + [\$2.00] <u>\$2.50</u> per [Apt.]Apartment inspected
(d) Lodging or Rooming House	[\$75.00] <u>\$120.00</u> +[\$2.00] <u>\$2.50</u> per Bed inspected
(e) 1 and 2 Family Dwellings	\$75.00
(f) Foster Care Homes	\$75.00
(g) Alternative Living Units	\$75.00
(h) Board and Care Home [Per Building]	[\$100.00] <u>\$120.00</u> per Building + [\$2.00] <u>\$2.50</u> per Bed inspected
(9) Mercantile:	
(a) Class A - Over 30,000 Sq. Ft.	[\$150.00] <u>\$300.00</u>
(b) Class B - 3,000 to 30,000 Sq. Ft.	[\$100.00] <u>\$150.00</u>
(c) Class C - Less than 3,000 Sq. Ft.	[\$75.00] <u>\$100.00</u>
(10) Businesses per 3,000 Sq. Ft. or portion thereof	[\$75.00] <u>\$120.00</u>
Industrial or Storage	
(a) Low or Ordinary Hazard Per 5,000 Sq. Ft. or portion thereof	[\$75.00] <u>\$120.00</u>
(b) High Hazard Per 5,000 Sq. Ft. or portion thereof	[\$100.00] <u>\$200.00</u>
(11) Manufactured Home Sites and Communities	[\$75.00] <u>\$120.00</u> +
Per Facility	[\$2.00] <u>\$2.50</u> per Site
(12) Campgrounds:	
(a) Vehicular Campgrounds Per Facility (campsite)	[\$75.00] <u>\$120.00</u> + [\$2.00] <u>\$2.50</u> per Site
(b) Campgrounds With sleeping accommodations per facility	[\$150.00] <u>\$180.00</u> + [\$2.00] <u>\$2.50</u> per Bed inspected
(c) Campgrounds Without sleeping accommodations per facility	[\$75.00] <u>\$120.00</u>
(13) Outside Storage of Combustible Materials	[\$50.00] <u>\$60.00</u>
Per Acre of scrap tire, lumber, mulch, tree stumps, etc.	
(14) Outside Storage of Flammable or Combustible Liquids or Gases, Drums and/or Tanks	[\$100.00] <u>\$120.00</u>
Per 5,000 Sq. Ft. or portion thereof	
(15) Marinas and Piers:	
(a) Marina, Pier, Bulkhead or portion thereof used for boat services	[\$100.00] <u>\$120.00</u> + [\$1.00] <u>\$1.50</u> per slip
(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

OCCUPANCY	FEE
<p>(17) Re-Inspection Fee: Applies if more than one reinspection outlined above is required to correct any previously identified fire code violation.</p>	\$150.00
<p>(18) Technical Assistance Fee: (a) Charged for the expertise of any member of the Office of the Fire Marshal or Staff. (Fee calculation per hour or portion thereof, shall include travel, report writing, research). (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>	\$75.00 per hour

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DIVISION 4. FIRE PREVENTION CODE.

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Sec. 11-253. Standards adopted.

(a) The following enumerated codes, standards, and model laws published by the National Fire Protection Association ("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.

(1) **Occupancy protection.**

NFPA 32.	Standard for Dry-cleaning Plants
NFPA 88A.	Standard for Parking Structures
NFPA 99.	[Standard for] Health Care Facilities Code
NFPA 101.	Life Safety Code as amended by the State of Maryland Fire Prevention Code
NFPA 102.	Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures
NFPA 307.	Standard for the Construction and Fire Protection of Marine Terminals, Piers, and Wharves
NFPA 909.	Code for the Protection of Cultural Resource Properties — Museums, Libraries, and Places of Worship

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

NFPA-30.	Flammable and Combustible Liquids Code
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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, and Printing Processes Using Flammable or Combustible Liquids
NFPA-329	Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases

(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.	Compressed Gases and Cryogenic Fluids Code
NFPA-58.	Liquefied Petroleum Gas Code
NFPA-59.	Utility LP-Gas Plant Code
NFPA-59A	Standard for the Production, Storage and Handling of [Liquified] <u>Liquefied</u> Natural Gas (LNG)
NFPA-329	Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases

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Sec. 11-277. Fire lanes.

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(b) Whenever the Fire Chief or authorized representative shall find that any private entrance, exit sidewalk, vehicular driveway, interior private driveway, sidewalk, fire lane, or fire hydrant is obstructed by snow, debris, construction material, trash containers, vehicles, or other matter likely to interfere with the ingress or operation of the Fire/EMS Department or other emergency vehicles in case of fire, or other emergency, the Fire Chief or authorized representative may order the obstruction removed. To effectuate this Subsection, the Fire Chief or authorized representative may order "no parking fire lane" signs erected at the curb line, at no distance greater than thirty-five (35) feet between signs, and may designate the placement thereof. When placed on a pole, post or building, approved fire lane signs shall be placed at seven (7) feet to the bottom of the sign from finished curb height. The approved sign shall comply with the Department of Public Works and Transportation standard with an inscription stating, "NO PARKING, FIRE LANE, BY ORDER OF PRINCE GEORGE'S COUNTY

1 FIRE/EMS DEPARTMENT." The curbs of the approved fire lane shall be painted [a
 2 distinctive/contrast color, preferably yellow]with yellow traffic paint which shall meet the
 3 requirements of Federal Specification TT-P-1952D, Type II. Any vehicle which is located
 4 within the area controlled by such signs or marking, on private property or otherwise, whether or
 5 not the owner, operator, or custodian of such vehicle has actual or constructive notice of the
 6 vehicle location or posted signs or markings, shall be deemed parked in violation of this Subtitle.
 7 Any vehicle, on private property or otherwise, which is located in such a manner that it would
 8 obstruct or interfere with the connection of a hose to a fire hydrant, whether or not the owner,
 9 operator, or custodian of such vehicle has actual or constructive notice of the vehicle location,
 10 shall be deemed parked in violation of this Subtitle. Any person responsible for the parking of a
 11 vehicle in violation of this Subsection or any person refusing to obey a lawful order of the Fire
 12 Chief or authorized representative under this Subsection shall be guilty of a violation of this
 13 Subtitle. Upon violation, any police officer or fire official shall have the authority to remove or
 14 cause to be removed such vehicle parked in violation of this Subsection and impound it pursuant
 15 to Division 18 of Subtitle 26 of this Code. All persons towing vehicles while enforcing this
 16 Subsection shall be required to report the impoundment of said vehicles to the Police Department
 17 in compliance with Section 26-142.06 of this Code and to comply with any other applicable
 18 County laws.

19 * * * * *

20 **Sec. 11-295. Carbon Monoxide Detectors.**

21 (a) This Section shall apply to any new residential unit for which an initial building permit
 22 is issued on or after January 1, 2007, and which is to be constructed with a gas heating system,
 23 fuel burning appliances, and/or an attached garage. This Section shall also apply to all new and
 24 existing One- and Two- Family, Multi-family, Hotel, Motel, and Dormitory residential dwellings
 25 with a gas heating system, fuel burning appliances, and/or an attached garage. Carbon Monoxide
 26 detectors shall be installed in new and existing residential dwellings by July 1, 2014, in the
 27 manner hereinafter provided, unless any other provision of County, State or Federal law shall
 28 require installation before that date.

29 (b) General Requirements.

30 (1) Requirements for new and existing one- and two-family residential dwellings.

31 The requirements for installation and maintenance of a carbon monoxide detector in a new or

1 existing one- and two-family residential dwelling shall be at least one (1) carbon monoxide
2 detector installed on each level of the dwelling in close proximity to sleeping quarters in a
3 residence constructed or to be constructed with a gas heating system, fuel burning appliances,
4 and/or an attached garage. For a new residence, [C]carbon monoxide detectors shall be directly
5 hardwired to the building's power supply and have a battery-powered backup. For an existing
6 residence, carbon monoxide detectors shall be AC and/or battery powered/backup. Each carbon
7 monoxide detector must comply with all applicable Federal and State regulations and must bear
8 the label of a nationally recognized standard testing laboratory. Each detector must be an
9 Underwriters Laboratory (U.L.) 2034 listed product or its equivalent. The owner/occupant of
10 each dwelling unit shall be responsible for installing, inspecting and maintaining the carbon
11 monoxide detectors in accordance with the manufacturer's specifications.

12 (2) Multi-family apartment house. It shall be the responsibility of the owner of each
13 new or existing multi-family apartment house to install carbon monoxide detectors in each such
14 multi-family dwelling unit intended to be used or originally built or designed to be used for
15 residential purposes, not to include any dwelling unit within any structure which has been wholly
16 converted to a non-residential use.

17 (3) Hotels, motels, and dormitories. The owner of each new or existing hotel, motel
18 and dormitory shall install carbon monoxide detectors near sleeping areas, in the manner
19 hereinafter provided[, unless any other provisions of County, State or Federal law requires
20 installation before January 1, 2007].

21 (c) Location. At least one (1) carbon monoxide detector installed in close proximity to the
22 access for each sleeping area in a residence constructed or to be constructed with a gas heating
23 system, fuel burning appliances, and/or an attached garage.

24 (d) Installation. For a new residence, [C]carbon monoxide detectors shall be directly
25 hardwired to the building's power supply and have a battery-powered backup. For an existing
26 residence, carbon monoxide detectors shall be AC and/or battery powered/backup. Each carbon
27 monoxide detector must comply with all applicable Federal and State regulations and must bear
28 the label of a nationally recognized standard testing laboratory. Each detector must be an
29 Underwriters Laboratory (U.L.) 2034 listed product or its equivalent.

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Sec. 11-296. Novelty Lighters.

A person may not sell at retail, offer for retail sale or distribute for retail sale or promotion in Prince George’s County a novelty lighter. This does not apply to the transportation of novelty lighters through the County or storage of same in a warehouse.

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

SECTION 3. BE IT FURTHER ENACTED that this Act shall take effect forty-five (45) calendar days after its adoption.

Adopted this 7th day of November, 2012.

COUNTY COUNCIL OF PRINCE
GEORGE'S COUNTY, MARYLAND

BY: _____
Andrea C. Harrison
Chair

ATTEST:

Redis C. Floyd
Clerk of the Council

APPROVED:

DATE: _____ BY: _____
Rushern L. Baker, III
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.