

MONTGOMERY COUNTY CODE
Chapter 22

Chapter 22. FIRE SAFETY CODE*

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***Editor's note**—1998 L.M.C., ch. 4, § 4, reads as follows: “Transition; Department organization. On July 1, 1998, the Department of Fire and Rescue Service becomes the Division of Fire and Rescue Services in the Montgomery County Fire and Rescue Service. Subject to appropriation, on or after that date the Fire Administrator may transfer any employee of the Division of Fire and Rescue Services to the Division of Volunteer Fire and Rescue Services, the office of the Administrator, or the office of the Commission. After this Act takes effect [July 1, 1998], all references in Chapter 22 and any other law, regulation, policy, contract, or other document to the Department of Fire and Rescue Services must be treated as referring to the Montgomery County Fire and Rescue Service, and all references in Chapter 22 and any other law, regulation, policy, contract, or other document to the Director of Fire and Rescue Services must be treated as referring to the Fire Administrator. All personnel or other regulations applicable to employees of the Department of Fire and Rescue Services or any local fire and rescue department on July 1, 1998, remain in force until otherwise amended or repealed, and apply to employees of the Montgomery County Fire and Rescue Service or the local fire and rescue departments respectively.”

Cross references—Buildings, ch. 8; electricity, ch. 17; fire protection in hospitals, sanitariums, nursing and care homes, § 25-38; fire regulations for hospitals, sanitariums, nursing and care homes, § 25-53 et seq.; fire alarm systems in hospitals, sanitariums, nursing and care homes, § 25-56; parking vehicles containing inflammable liquids on streets, § 32-9; drilling, blasting and storage of explosives at quarries. § 38-16.

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Sec. 22-1. Short title.

The provisions of this chapter shall constitute and shall hereafter be known as “The Fire Safety Code of Montgomery County, Maryland.” (1975 L.M.C., ch. 23, § 1.)

Sec. 22-2. Purpose; intent.

The purpose and the intent of this chapter is to prescribe minimum requirements and controls to safeguard life, property and the public welfare from the hazards of fire and explosion arising from the

improper storage, handling or use of substances, materials or devices and from conditions hazardous to life, property and the public welfare in the use or occupancy of buildings, structures, sheds, tents, lots or premises. Where no specific standards or requirements are specified in this chapter, or contained within other applicable laws, regulations or ordinances, compliance with the standards of the National Fire Protection Association (NFPA), Building Officials and Code Administrators (BOCA) and American Insurance Association (AIA) or other nationally recognized fire safety standards as are approved by the director shall be deemed as prima facie evidence of compliance with this intent. (1975 L.M.C., ch.23, § 1.)

Sec. 22-3. Construction and scope of chapter.

- (a) The provisions of this chapter shall apply to existing conditions as well as to conditions arising after the adoption thereof, except that conditions legally in existence at the adoption of this chapter and not in strict compliance therewith shall be permitted to continue only if, in the opinion of the director, they do not constitute a distinct hazard to life or property.
- (b) The provisions of this chapter shall apply to all buildings, structures, areas, or premises within the county which are owned or occupied by any agency of Montgomery County government, Montgomery County public schools or Montgomery College, even though such building, structure, area, or premises is located within a municipality otherwise exempt from this chapter.
- (c) The provisions of this chapter shall not apply to any building, area or premises within the county which is owned by any department or agency of the government of the United States or the state.
- (d) Nothing in this chapter shall be construed to limit the authority of any fire officer who has been appointed deputy or special deputy state fire marshal in accordance with article 38A of the Annotated Code of Maryland, or the authority granted by other laws or codes.
- (e) Nothing in this chapter shall be construed as rendering other applicable laws invalid. In any situation where a conflict exists between a provision of this chapter and another code, the fire marshal and appropriate head of the agency responsible for enforcing the conflicting code shall determine in concert which provisions shall apply. Conflicts which are unreconcilable shall be referred to the director of the department of fire and rescue services. The decision of the director of fire and rescue services in any matter relating to fire safety shall be final, except that any person aggrieved by such decision shall have the right to appeal to the county board of appeals in accordance with chapter 2 of the County Code. Within thirty (30) days following the discovery of any serious conflict, the director and the head of the agency responsible for enforcing the conflicting code shall

forward to the county executive joint recommendations for the removal of the conflict from the County Code or the regulations adopted pursuant thereto. (1975 L.M.C., ch.23, § 1; 1985 L.M.C., ch. 31, § 13.)

Editor's note—The effective date of this chapter was November 21, 1974.

Cross reference—Applicability of County legislation within municipal corporations. § 2-96.

Sec. 22-4. Application of building code.

- (a) The planning, design and construction of new buildings and structures to provide the necessary egress facilities, fire protection and built-in fire protection equipment shall be controlled by the applicable building code and any alterations, additions or changes in buildings required by the provisions of this code which are within the scope of the building code shall be made in accordance therewith.
- (b) Except for maintenance of fire safety features and items specifically required by this chapter, whenever the fire official finds conditions that may be in violation of the building code, he shall notify the building official who shall inspect the premises and, if a violation exists, shall require abatement of the conditions to comply with the building code. (1975 L.M.C., ch. 23, § 1.)

Cross reference—Building code, ch. 8.

Sec. 22-4A. Certification procedure.

- (a) The Director of Permitting Services, in accordance with Chapter 8, may recommend a waiver of an examination of plans for the erection or alteration of a building which involve structural work or structural changes affecting public safety or health if:
 - (1) the plans are prepared by a licensed engineer or registered architect; and
 - (2) the plans are accompanied by an affidavit by the applicant and the supervising engineer or architect that:
 - (A) the architect or engineer has supervised the preparation of the architectural, structural, and mechanical design plan; and
 - (B) the plans conform to this Chapter and regulations adopted under it.
- (b) The Director of Fire and Rescue Services may waive all or part of the regular field inspection of construction if the architect or engineer certifies to the Director that:

- (1) the architect or engineer will supervise and check all working drawings and shop details for the construction; and
 - (2) the structure will be built under the architect's or engineer's field supervision in accordance with the approved plans.
- (c) The Director of Fire and Rescue Services may waive any final inspection required under this Chapter which relates to the issuance of a certificate of use and occupancy if the registered engineer or architect who supervised the construction or reconstruction of the building certifies to the Director under oath that:
- (1) the building has been built in accordance with the approved plans; and
 - (2) The building, as built or reconstructed, complies with this Chapter and all other laws and regulations except any variations specifically authorized.
- (d) The Director of Permitting Services may grant a waiver related to plan review under subsection (a) if the waiver is warranted in light of subsection (a) and:
- (1) the experience of the architect or engineer in dealing with fire safety features of building construction, reconstruction or rehabilitation;
 - (2) the availability and deployment of inspection personnel; and
 - (3) other health and safety factors relevant under the circumstances.
- (e) The Director of Fire and Rescue Services may grant a waiver related to construction inspection, and use and occupancy inspection under subsections (b) and (c) if the waiver is warranted in light of subsections (b) and (c) and:
- (1) the experience of the architect or engineer in dealing with fire safety features of building construction, reconstruction or rehabilitation;
 - (2) the availability and deployment of inspection personnel; and
 - (3) other factors of health and safety deemed relevant under the circumstances.
- (f) The Director of Fire and Rescue Services and the Director of Permitting Services must issue a decision on a request for a waiver under subsections (a), (b), and (c), within 10 days after receiving the request. Each Director has complete discretion to approve or reject a waiver. The decision of each Director is final, and no appeal may be taken. If either Director grants a waiver, the Director must find in writing that the waiver complies with subsection (d) or (e) as applicable.

- (g) The Director of Permitting Services may grant a waiver under this section only to the extent:
 - (1) permitted under State and local law; and
 - (2) delegated by the Director of Fire and Rescue Services. (1979 L.M.C., ch. 41, § 1; 1996 L.M.C., ch. 20, § 1.)

Editor's note—1998 L.M.C., ch. 12, §1, amending Section 5 of 1996 L.M.C., ch. 20, reads: “Sunset. On July 1, 2001, any function transferred by this Act to the Department of Permitting Services reverts to the Department which administered that function before this Act took effect [August 1, 1996].”

Sec. 22-5. Definitions.

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

- (a) *Tenses.* The present tense includes the past and future tenses, and the future, the past.
- (b) *Gender.* The masculine gender includes the feminine and neuter.
- (c) *Number.* The singular number includes the plural and the plural the singular.

Agent: The term “agent” means any person who shall have charge, care or control of any building as owner, or agent of the owner, or as executor, executrix, administrator, administratrix, trustee or guardian of the estate of the owner. Any such person representing the actual owner shall be bound to comply with the provisions of this code to the same extent as if he were the owner.

Air supported structure: The phrase “air supported structure” means a structural and mechanical system which is constructed of high strength fabric or film and achieves its shape, stability and support by pretensioning with internal air pressure.

Alternative: The term “alternative” means a system, condition, arrangement, material, or equipment submitted to the director as a substitute for a code requirement.

Approved: The term “approved” means acceptable to the director. In determining the acceptability of installations or procedures, equipment or materials, the director may base acceptance on compliance with the NFPA or other appropriate standards. In the absence of such standards, such authority may require evidence of proper installation, procedure or use. The director may also refer to the listings or labeling practices of nationally recognized testing laboratories, inspection agencies, or other

organizations concerned with product evaluations which are in a position to determine compliance with appropriate standards for the current production of listed items, and the satisfactory performance of such equipment or materials in actual usage.

Approved plastic container: The phrase “approved plastic container” means a plastic container of not more than five (5) gallons capacity which has been labeled by Underwriters Laboratories, Inc., or Factory Mutual, Inc., as being suitable for the storage of Class I flammable liquids.

Assembly: The term “assembly” means places of assembly including, but not limited to, all buildings or portions of buildings used for gathering together fifty (50) or more persons in commercial places of assembly and one hundred (100) or more persons in noncommercial places of assembly. Places of assembly shall include those facilities used for such purposes as deliberation, worship, entertainment, amusement, or awaiting transportation. Occupancy of any room or space for assembly purposes by less than one hundred (100) persons in a building of other occupancy and incidental to such other occupancy shall be classed as part of the other occupancy and subject to the provisions applicable thereto.

Authority having jurisdiction: The phrase “authority having jurisdiction” means the director of fire and rescue services.

Automatic fire extinguishing system: The phrase “automatic fire extinguishing system” means any system which is designed and installed to detect a fire and subsequently expel an extinguishing agent without any human intervention.

Basement: The term “basement” means a portion of the building partly underground, but having less than half its clear height below the average grade of the adjoining ground.

Buildings: The term “buildings” means a structure wholly or partially enclosed, either standing alone or cut off from other structures by fire walls, and which is designed for housing persons, animals or property.

Building official: The phrase “building official” means the officer or other designated authority charged with the administration and enforcement of the building code.

Burning: The term “burning” means lighting, igniting, kindling, or setting fire to combustible materials, adding fuel to a fire, or permitting combustible material to burn.

Cellar: The term “cellar” means the portion of the building, partly underground, having half or more than half of its clear height below the average grade of the adjoining ground.

Central fire communications center: The phrase “central fire communications center” means the public fire service communication facilities operated by the department of fire and rescue services as part of the Montgomery County emergency operations center. The functions of this facility include receiving fire alarms or other emergency calls from the public, retransmitting these alarms and emergency calls to

fire companies and other interested agencies and the operation of the fire and rescue services radio base stations and land line communications equipment.

Central station: An office to which remote alarm and supervisory signaling devices are connected, where personnel are in attendance at all times to supervise the circuits and investigate signals.

Central station system: A system, or group of systems, in which the operations of circuits and devices are signaled automatically to, recorded in, maintained and supervised from an approved central station having competent and experienced observers and operators who shall, upon receipt of a signal, take such action as shall be required by this standard. Such systems shall be controlled and operated by a person, firm or corporation whose principal business is the furnishing and maintaining of supervised signaling service.

Combination system: A household fire warning system whose components may be used in whole or in part, in common with a nonfire emergency signalling system, such as a burglar alarm system or an intercom system, without degradation of or hazard to the fire warning system.

Compressed gas: The phrase “compressed gas” means and includes any mixture or material having in the container either an absolute pressure exceeding forty (40) pounds per square inch at seventy (70) degrees Fahrenheit or an absolute pressure exceeding one hundred four (104) pounds per square inch at one hundred thirty (130) degrees Fahrenheit or both; or any liquid flammable material having a vapor pressure as defined in section 1.424 exceeding forty (40) pounds per square inch at one hundred (100) degrees Fahrenheit.

Combustible fiber: The phrase “combustible fiber” means any material in a fibrous or shredded form which will readily ignite when heat sources are present.

Combustible liquid: The phrase “combustible liquid” means a liquid having a flash point at or above one hundred (100) degrees Fahrenheit (37.8 degrees Centigrade). Combustible liquids shall be subdivided as follows:

Class II liquids shall include those having flash points at or above one hundred (100) degrees Fahrenheit (37.8 degrees Centigrade) and below one hundred forty (140) degrees Fahrenheit (60 degrees Centigrade).

Class IIIA liquids shall include those having flash points at or above one hundred forty (140) degrees Fahrenheit (60 degrees Centigrade) and below two hundred (200) degrees Fahrenheit (93.4 degrees Centigrade).

Class IIIB liquids shall include those having flash points at or above two hundred (200) degrees Fahrenheit (93.4 degrees Centigrade).

Combustible refuse: The phrase “combustible refuse” means all combustible or flammable loose rubbish, litter or waste materials generated by any occupancy which are refused, rejected or considered worthless and are disposed of by incineration on the premises where generated or periodically transported from the premises.

Combustible waste: The phrase “combustible waste” means combustible or flammable loose waste materials which are generated by any establishment or process and, being salvageable, are retained from scrap for reprocessing on the premises where generated or transported to a plant for processing, including but not limited to all combustible fibers, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffings, metal fines, and any mixture of the above items or any other salvageable combustible or flammable waste material.

Director: The term “director” means the director of the department of fire and rescue services and shall include his authorized representatives.

Distribute: The term “distribute” as used in this chapter shall include rental, leasing and giving away as a prize or a premium.

D.O.T. container: The phrase “D.O.T. container” means any container approved by the U.S. Department of Transportation for shipping any liquid, gaseous or solid material of a flammable, toxic or other hazardous nature.

Dwelling: The term “dwelling” means a single unit providing complete and independent living facilities for one (1) or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

Dwelling unit: The phrase “dwelling unit” means one or more habitable rooms which are occupied or which are intended or designed to be occupied by one (1) family with facilities for living, sleeping, cooking and eating.

Existing condition: The phrase “existing condition” means any situation, circumstance or physical makeup of any structure, premises or process which was on-going or in effect prior to the adoption of this code.

Explosive: The term “explosive” means a chemical compound or mechanical mixture, that is commonly used or intended for the purpose of producing an explosion, that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities or packing that an ignition by fire, by friction, by concussion, by percussion or by detonator of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or of destroying life and limb.

Fire apparatus: The phrase “fire apparatus” means a vehicle such as a fire pumper, aerial ladder truck, elevated platform, rescue squad or similar fire-fighting or rescue equipment.

Fire department: The phrase “fire department” means the fire and rescue services of Montgomery County.

Fire department connection (siamese connection): The phrase “fire department connection (siamese connection)” means a connection on a building for the fire department use in supplementing or supplying water for standpipes and sprinkler systems.

Fire door: The phrase “fire door” means a tested, listed, or approved door and door enclosure constructed and installed for the purpose of preventing the spread of fire through openings in walls, partitions, or other horizontal or vertical construction. See Standard for Fire Doors and Windows, NFPA No. 80 for classification and types of fire doors.

Fire hazard: The phrase “fire hazard” means any thing or act which increases or may cause an increase of the hazard or menace of fire to a greater degree than that customarily recognized by persons in the public service regularly engaged in preventing, suppressing or extinguishing fire; or which may obstruct, delay, hinder or interfere with the operations of the fire department or the egress of occupants in the event of fire.

Fire hydrant: The phrase “fire hydrant” means a valved outlet on a water supply system with one or more threaded outlets and used to supply fire department hose and pumpers with water.

Fire lane: The phrase “fire lane” means the road, path, or other passageway developed to allow the passage of fire apparatus through congested areas.

Fire marshal: The phrase “fire marshal” means the chief of the division of fire prevention.

Fire official: The phrase “fire official” means any person serving as a designated employee, representative or agent of the fire and rescue services of Montgomery County.

Fire protection system: The phrase “fire protection system” means any fire alarm device or system, fire detection device or system or fire extinguishing device or system, or their combination, which is designed and installed for detecting, controlling or extinguishing a fire or otherwise alerting occupants or the fire department, or both that a fire has occurred.

Fire separation: The phrase “fire separation” means construction of rated fire resistance or the maintenance of clear area to resist the spread of fire.

Fireworks display: The phrase “fireworks display” means the use of fireworks in a manner to provide audio and visual entertainment to a group of people.

Flamespread rating: The phrase “flamespread rating” means the comparative performance of fire travel over the surface of a material when tested in accordance with the provisions of nationally recognized test methods. Grouping of ratings is listed in Life Safety Code, NFPA No. 101.

Flammable: The term “flammable” means capable of burning or producing flame at ordinary temperatures, or being easily ignited.

Flammable finishing: The phrase “flammable finishing” means the spraying, dipping, flow-coating or electro-static bonding of flammable substances on other materials, devices or construction.

Flammable liquid: The phrase “flammable liquid” means a liquid having a flash point below one hundred (100) degrees Fahrenheit (37.8 degrees Centigrade) and having a vapor pressure not exceeding forty (40) pounds per square inch (absolute) at one hundred (100) degrees Fahrenheit (37.8 degrees Centigrade) and shall be known as a Class I liquid. Class I liquids shall be subdivided as follows:

Class IA shall include those having flash points below seventy-three (73) degrees Fahrenheit (22.8 degrees Centigrade) and having a boiling point below one hundred (100) degrees Fahrenheit (37.8 degrees Centigrade).

Class IB shall include those having flash points below seventy-three (73) degrees Fahrenheit (22.8 degrees Centigrade) and having a boiling point at or above one hundred (100) degrees Fahrenheit (37.8 degrees Centigrade).

Class IC shall include those having flash points at or above seventy-three (73) degrees Fahrenheit (22.8 degrees Centigrade) and below one hundred (100) degrees Fahrenheit (37.8 degrees Centigrade).

Flammable solid: The phrase “flammable solid” means a solid substance, other than one (1) classified as an explosive, which is liable to cause fires through friction, through absorption of moisture, through spontaneous chemical changes or as a result of retained heat from manufacturing or processing.

Flash point: The phrase “flash point” means the minimum temperature in degrees Fahrenheit at which a flammable liquid will give off sufficient vapors to form an ignitable mixture with air near the surface or in the container, but will not sustain combustion. The flash point of a liquid shall be determined by appropriate test procedure and apparatus as specified below. The flash point of flammable liquids having a flash point below one hundred seventy-five (175) degrees Fahrenheit shall be determined in accordance with nationally recognized good practice using the Tag Closed Tester. The flash point of flammable liquids having a flash point of one hundred seventy-five (175) degrees Fahrenheit or higher shall be determined in accordance with nationally recognized good practice using the Pensky-Martens Closed Tester (ASTM D 93).

Gallon: The term “gallon” means one (1) U.S. standard gallon.

Grade: The term “grade” means the reference plane representing the average elevation of finished ground level adjoining the building at all exterior walls.

Household fire warning system: The term “household fire warning system” shall mean a system of devices that produce an audible alarm signal in the household for the purpose of notifying the occupants of the presence of a fire so they may evacuate the premises. The term “household fire warning system” shall not include alarm systems where the signal is extended to another location such as a fire department or central station service.

Liquefied petroleum gas (LP gas): The phrase “liquefied petroleum gas (LP gas)” means any material which is composed predominantly of the following hydrocarbons, or mixtures of them: propane, propylene, butane (normal butane or isobutane) and butylenes.

Loose house: The phrase “loose house” means a separate detached building in which unbaled combustible fibers are stored.

Means of egress: The phrase “means of egress” means a continuous and unobstructed path of travel from any point in a building or structure to a public space and consists of three (3) separate and distinct parts: (a) the exitway access, (b) the exitway, and (c) the exitway discharge; a means of egress comprises the vertical and horizontal means of travel and shall include intervening room spaces, doors, hallways, corridors, passageways, balconies, ramps, stairs, enclosures, lobbies, escalators, horizontal exits, courts and yards.

Multi-family dwelling: The phrase “multi-family dwelling” means any building or portion thereof, which is designed, built, rented, leased, sold, let or hired out to be occupied, or which is occupied as the home or residence of three (3) or more families living independently of each other and doing their own cooking in such building and shall include flats and apartments.

Notice: The term “notice” means the verbal or written statement which gives an order, information or warning.

Ordinary conduct: The phrase “ordinary conduct” means the customary procedures which are normally followed.

Owner: The term “owner” means any person who alone or jointly or severally with others shall have legal title to any building, structure or premises with or without accompanying actual possession thereof and shall include his duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the property in question.

Permit: The term “permit” means an official document or certificate issued by the authority having jurisdiction for the purpose of authorizing performance of a specified activity.

Person: The term “person” shall include a corporation, firm, partnership, association, organization and any other group acting as a unit as well as individuals. It shall also include an executor, administrator, trustee, receiver or other representative appointed according to law. Whenever the term “person” is used in any section of this code prescribing a penalty or fine, as to partnerships or associations, the term shall include the partners or members thereof and, as to corporations, shall include the officers, agents or members thereof who are responsible for any violation of such section.

Places of assembly: The phrase “places of assembly” means places of assembly including, but not limited to, all buildings or portions of buildings used for gathering together fifty (50) or more persons in noncommercial places of assembly. Places of assembly shall include those facilities used for such purposes as deliberation, worship, entertainment, amusement, or awaiting transportation. Occupancy of any room or space for assembly purposes by less than one hundred (100) persons in a building or other occupancy and incidental to such other occupancy shall be classed as part of the other occupancy and subject to the provisions applicable thereto.

Process: The term “process” means the manufacturing, handling, blending, conversion, purification, recovery, separation, synthesis or use, or any combination, of any commodity or material regulated by this code.

Public stable: The phrase “public stable” means any place which has available for hire for riding or riding instruction purposes any horse or pony; or where horses or ponies other than those belonging to the owner of the stable are kept, boarded or trained.

Repairs: The term “repair” means the reconstruction or renewal of any part of an existing building or structure for the purpose of its maintenance. The term “repair” or “repairs” shall not apply to any change in construction.

Representative: The term “representative” means a person duly appointed in the name of the director for the purpose of administering or enforcing this code.

Safety can: The phrase “safety can” means an approved container of not over five (5) gallons capacity having a spring-closing lid and spout cover.

Small arms ammunition: The phrase “small arms ammunition” means any shotgun, rifle, pistol or revolver cartridges.

Smoking: The term “smoking” means lighting, igniting, holding or possessing any lighted cigar, cigarette or pipe; or, carrying, throwing or depositing any lighted or smoldering cigar, cigarette or pipe.

Standpipe: The term “standpipe” means a pipe and attendant hose valves and hose (if provided) used for conveying water to various parts of a building for fire-fighting purposes.

Story: The term “story” means that portion of a building included between the surface of any floor and the surface of the floor next above it or, if there is no floor above it, the space between such floor and the ceiling next above it. A basement shall be counted as a story, if it is used for business or dwelling purposes. A mezzanine floor shall be counted as a story, if it covers over one-third of the area of the floor next below it or if the vertical distance between the floor next below it and the floor next above it is twenty (20) feet or more.

Street: The term “street” means a public thoroughfare (street, avenue or boulevard) which has been dedicated for vehicular use by the public and can be used for access by fire department vehicles.

Supervised automatic fire extinguishing system: The phrase “supervised automatic fire extinguishing system” means any automatic fire extinguishing system which is constantly monitored so as to determine operating condition at all times.

System: The term “system” means several items of equipment assembled, grouped or otherwise interconnected for the accomplishment of a purpose or function.

Water capacity: The phrase “water capacity” means the volumetric measure of the amount of water a container can hold. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-6. Administration generally.

- (a) *Authority of director generally.* The director of the department of fire and rescue services is hereby authorized and directed to administer the provisions of this chapter. The director shall have such other powers and perform such other duties as are set forth in other sections of this Code and as may be conferred and imposed from time to time by law. The director may delegate any of his powers or duties under this chapter to the division of fire prevention or to other fire officials of this jurisdiction.
- (b) *Authority of director in emergencies.* In a case of an emergency, where in the opinion of the director, life or property is in immediate danger of fire, the director is hereby authorized to take any action that he deems necessary to protect such life or property.
- (c) *Enforcement assistance.* Police and other agencies having authority in this jurisdiction shall render necessary assistance in the enforcement of this code when requested to do so by the director.
- (d) *Fire prevention division.* To assist in the performance of the responsibilities and the duties placed upon the director, a division of fire prevention is established within the department. This division shall operate under the supervision of the director. Members of the division of fire prevention are hereby authorized to enforce all laws and ordinances of Montgomery County covering the following:

- (1) The prevention of fires.
 - (2) The storage, use and handling of explosive, flammable, toxic, corrosive and other hazardous gaseous, solid and liquid materials.
 - (3) The installation and maintenance of automatic, manual and other private fire alarm systems and fire extinguishing equipment.
 - (4) The maintenance and regulation of fire escapes.
 - (5) The maintenance of fire protection and the elimination of fire hazards on land and in buildings, structures and other property, including those under construction.
 - (6) The means and adequacy of each exit in the event of fire, from factories, schools, hotels, lodging houses, asylums, hospitals, churches, halls, theatres, amphitheatres and all other places in which people work, live or congregate from time to time for any purpose.
 - (7) The investigation of the cause, origin and circumstances of fire.
- (e) *Authorization for requirement changes.* A fire safety requirement proposed for imposition during the course of building construction that would change or substitute a material, feature, construction method or other aspects of construction different from those which were identifiably included in the original or amended submission of subdivision, site or construction plans and specifications as approved by the department of fire and rescue services shall only be imposed following a written finding by the director that the change or substitution is necessary to avoid a specific and demonstrable threat to public safety. A copy of the finding shall be provided to the affected person and shall be available to the public upon request.
- (f) *Administrative appeals.* The director upon petition by a person claiming to be aggrieved is authorized and directed to promptly review rulings or interpretations of law or regulations made by staff during the enforcement of the provisions of this chapter. Such petition must be filed with the director in writing within ten (10) days of the official administrative ruling. The director may review, modify or affirm the initial administrative ruling with or without a hearing and a copy of the director's decision shall be provided to the aggrieved party. (1975 L.M.C., ch. 23, § 1; 1979 L.M.C. ch. 41, § 2.)

Sec. 22-7. Right of entry.

- (a) *Generally.* The county executive, director and the superintendent of police or their authorized representatives, upon exhibiting the proper credentials or proof of identity on

request, shall have the right to enter any building, structure or premises (except those areas actually occupied as a dwelling unit) without consent of the occupants at any time during business or operating hours and at such other times as may be necessary in an emergency that immediately endangers life, property or public safety, for the purpose of performing duties under this chapter or enforcing the provisions thereof. In the case of multi-family dwellings, they shall have such right to enter without consent only such areas as storage rooms, laundries, boiler rooms, utility rooms, hallways, basements and similar spaces not part of individual dwelling units; provided, that such authorities may enter any dwelling unit for the purpose of enforcing this chapter with the consent of the occupant thereof, or without such consent if they shall first obtain a search warrant in accordance with prescribed legal procedure, or if there is a present emergency such as a fire, explosion or the like, or immediately following such emergency.

- (b) *Impersonation of officials.* It shall be unlawful for any unauthorized person to use a badge, uniform or other credentials so as to impersonate a fire official for the purposes of gaining access to any building, vessel, vehicle or premises in this jurisdiction.
- (c) *Implied consent.* Any application for, or acceptance of, any permit or license requested or issued pursuant to this code constitutes agreement and consent by the person making application or accepting the permit to allow fire officials to enter the premises to conduct such inspections as required to enforce this code. (1975 L.M.C., ch. 23, § 1.)

Editor's note—The above section is cited in Potter v. Bethesda Fire Department, Inc., 59 Md.App. 228, 474 A.2d 1365 (1984).

State law reference—Right of entry to extinguish fires, Ann. Code of Md., art. 48, § 181.

Sec. 22-8. Report of fire and rescue incidents.

- (a) The Division of Fire and Rescue Services and any local fire and rescue department must report each incident involving the delivery of, or a request to deliver, fire, rescue or emergency medical services, to the Fire and Rescue Service in a manner prescribed by the Fire and Rescue Commission. Each report must include:
 - (1) the cause, origin, and circumstances of any fire, and any factors contributing to its spread;
 - (2) the nature and extent of any personal injury or illness;
 - (3) details of any hazardous materials incident; and
 - (4) any other information that the Commission requires.
- (b) The Fire Administrator, or the Administrator's designee, is the custodian of each report submitted under this Section.

- (c) A local fire and rescue department need not maintain any report after it is submitted under this Section. (1975 L.M.C., ch. 23, § 1; 2000 L.M.C., ch. 29, § 1.)

Sec. 22-9. Investigation of fires.

- (a) *Authority of director generally.* The director shall have the authority to investigate the cause, origin and circumstances of every fire, explosion or other emergency in which the fire department has a reasonable interest or is called for assistance, including inspection of any document pertinent to the investigation. When the director has reason to believe that a fire or explosion may be the result of a violation of any law, he shall immediately take custody of and safeguard all physical evidence in connection therewith and shall have the authority to prohibit the disturbance or removal of any material, substance, device or utility in or upon any building or property wherein or whereon a fire or explosion has occurred until the investigation of the fire is complete and to take such photographs and statements and make such drawings as he may deem necessary.
- (b) *Authority of director to enter and examine.* The director shall have the authority at all times, in performance of the duties imposed by the provisions of this chapter, to enter upon and examine any building or premises, vehicle or thing where any fires or attempts to cause fires shall have occurred, or which at the time may be burning, and also the power to enter upon at any time any building or property adjacent to that in which the fire or attempt to cause fires has occurred, should he deem it necessary in the proper discharge of his duties; and he may, in the exercise of his discretion, take full control and custody of such buildings and premises, and place such person in charge thereof as he may deem proper, until his examination and investigation shall be completed.
- (c) *Testimony; arrests.* The director, in making this inspection or investigation, may, when in his judgment necessary, take the testimony on oath of all persons supposed to be cognizant of any facts, or to have the means or knowledge in relation to the matter herein required to be examined and inquired into, and to cause the testimony to be reduced to writing; and when, in his judgment, the examination discloses that the fire or explosion or attempt to cause a fire or explosion was of incendiary origin, the director shall notify the appropriate authorities and shall transmit a copy of the testimony so taken to the state's attorney for the county or city wherein the fire or explosion or attempt to cause a fire or explosion occurred.
- (d) *Witnesses; production of documents; oaths.* The director shall have power to summon witnesses and to compel their attendance before him to testify in relation to any matter which is, by the provision of this chapter, a subject of inquiry and investigation by the director, and shall also have power to cause to be produced before him such papers as he may require in making such examination. The director is hereby authorized to administer oaths and affirmations to persons appearing as witnesses before him.

- (e) *Interference with director; failure to appear, produce documents, etc.* Any person who interferes with the director in the performance of his duties under this section, or who fails to appear when summoned, or fails to provide such documents and records as are summoned or who fails to testify when requested shall be guilty of a misdemeanor and, upon conviction thereof, shall be subject to the penalty section of the chapter. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-10. General provisions applicable to permits and certificates.

- (a) *Legal effect; transfer.* A permit shall constitute permission to maintain, store, use or handle materials or to conduct processes which produce conditions hazardous to life or property or to install equipment used in connection with such activities. Such permit shall not take the place of any license required by law. A permit issued under this Chapter shall continue until revoked or for such a period of time as designated therein at the time of issuance. It shall not be transferable and any change in use, occupancy, location, operation or ownership shall require a new permit.
- (b) *Application for permit.* All applications for a permit required by this Chapter must be made to the Division of Fire Prevention or the Department of Permitting Services, as applicable, in the form prescribed. Applications for permits must be accompanied by the plans, specifications or details required by the Director of Fire and Rescue Services or the Director of Permitting Services, as applicable.
- (c) *Inspection prerequisite to issuance of permit.* Before a permit may be issued, the Director of Fire and Rescue Services or the Director of Permitting Services, as applicable, or their respective authorized representatives, may inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used.
- (d) *Display of permits.* A copy of the permit must be posted at each place of operation or carried by the permit holder as specified by the Director of Fire and Rescue Services or the Director of Permitting Services, as applicable.
- (e) *More than one (1) permit for the same location.* Whenever, under the provisions of this Chapter, more than one (1) permit or certificate is required for the same location, such permits or certificates may be consolidated into a single permit or certificate.
- (f) *Compliance required.* All permits or certificates issued under this Chapter shall be presumed to contain the proviso that the applicant, his agents and employees shall carry out the proposed activity in compliance with all the requirements of this Chapter and any other laws or regulations applicable thereto, whether specified or not and in complete accordance with the approved plans and specifications. Any permit or certificate which purports to sanction a violation of this Chapter or any applicable law or regulation shall be void and any approval of plans and specifications in the issuance of such permit shall likewise be void.
- (g) *Revocation.* Any permit or certificate issued under this Chapter may be suspended or revoked if the Director of Fire and Rescue Services or the Director of Permitting

Services, as applicable, finds that:

- (1) It is used by a person other than the person to whom the permit or certificate was issued.
- (2) It is used for a location other than that for which it was issued.
- (3) Any of the conditions or limitations set forth in the permit or certificate have been violated.
- (4) The permittee fails, refuses or neglects to comply with any order or notice duly served upon him under the provisions of this Chapter within the time provided therein.
- (5) There has been any false statement or misrepresentation as to a material fact in the application or plans on which the permit or application was based.

Revocation shall be in writing and shall state the reason for the revocation.

(h) *Authority to require exposure or stop work.*

- (1) If any installation requiring a permit or inspection is covered or concealed without having first been inspected, the Director of Fire and Rescue Services must require by written notice that the work be exposed for inspection. The permittee must pay any cost of exposing and recovering the work.
 - (2) If any construction or installation work is performed in violation of the plans and specifications as approved by the Director of Fire and Rescue Services or the Director of Permitting Services, as applicable, a written notice must be issued to the responsible party to stop work on that portion of the work which is in violation. The notice must state the nature of the violation, and work must not be continued on that portion until the violation has been corrected.
- (i) *Permits issued prior to effective date.* A license or permit validly issued prior to the effective date of this chapter shall remain valid until its expiration date unless sooner revoked for cause. (1975 L.M.C., ch. 23, § 1; 1996 L.M.C., ch. 20, § 1.)

Editor's note—1998 L.M.C., ch. 12, §1, amending Section 5 of 1996 L.M.C., ch. 20, reads: “Sunset. On July 1, 2001, any function transferred by this Act to the Department of Permitting Services reverts to the Department which administered that function before this Act took effect [August 1, 1996].”

Sec. 22-11. Failure to obtain permit, approval or certificate.

- (a) Any person who sells, offers for sale, installs, operates, maintains or uses any appliance, device, equipment, system or process which requires a permit, approval or certificate and has not obtained the same shall be guilty of a misdemeanor.
- (b) Any person who stores, handles or uses any materials for which a permit is required and who has not obtained the same shall be guilty of a misdemeanor. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-12. Operation under expired, suspended or revoked permits.

Any permittee who engages in any business, operation or occupation or uses any premises after the permit issued therefor has been suspended or revoked or has expired shall be guilty of a misdemeanor. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-13. Regulations.

- (a) The director may recommend written regulations for the administration of the provisions of this chapter including a schedule of fees and hold public hearings as part of this regulation-making process. Such regulations and amendments thereto shall not conflict with nor waive any provisions of this chapter nor be less restrictive than its provisions and shall become effective upon their adoption by the county executive under method (2) of section 2A-15 of this Code. In the case of fees, the county executive shall promptly forward to the county council a copy of the new fee schedule for use in budgetary planning activities. Such fees shall be in accordance with formulas based upon criteria to include area or estimated cost of construction, or cost of inspection and processing or a minimal set fee per category, not to exceed the cost of administering and enforcing this code.
- (b) The director shall hold public hearings, upon adequate public notice of not less than thirty (30) days, prior to forwarding his recommendations for regulations setting forth the standards and requirements for controlling the hazards of fire and explosion from improper storage, handling or use of substances, materials or devices and for controlling the hazardous use of property. (1975 L.M.C., ch. 23, § 1; 1984 L.M.C., ch. 24, § 23; 1984 L.M.C., ch. 27, § 18.)

Sec. 12-14. Standards adopted.

The following codes, standards and model laws, published by the National Fire Protection Association, International, 470 Atlantic Avenue, Boston, Massachusetts 02210, in Volumes 1-10 and Volume 16 of the sixteen-volume set of National Fire Codes, are adopted in their entirety in these regulations except as herein set forth. The text of these adopted codes, standards and model laws shall be

fully enforceable as other regulations adopted under the provisions of this chapter as if the same were incorporated and set forth at length therein. The dates or additions of the individual codes and standards shall be as listed in the National Fire Codes of the National Fire Protection Association, more specifically, the 1978 edition thereof. The codes, standards and model laws adopted pursuant to these regulations shall not waive any provision of this chapter nor be less restrictive than its provisions.

<u>NFPA No.</u>	<u>Code Standards</u>
32	Standard for Drycleaning Plants
88A	Standard for Parking Structures
88B	Standard for Repair Garages
101	Code for Life Safety from Fire in Building and Structures
102	Standard for Tents, Grandstands and Air-Supported Structures Used for Places of Assembly
501A	Standards for Installation of Mobile Homes
1122L	Code for Unmanned Rockets
<u>NFPA No.</u>	<u>Engineering Practice Standards Flammable and Combustible Liquids</u>
30	Flammable and Combustible Liquids Code
321	Standard on Basic Classification of Flammable and Combustible Liquids
327	Standard Procedures for Cleaning and Safeguarding Small Tanks and Containers
385	Recommended Regulatory Standards for Tank Vehicles for Flammable and Combustible Liquids
386	Standard for Portable Shipping Tanks
<u>NFPA No.</u>	<u>Flammable Gasses</u>
50	Standard for Bulk Oxygen Systems at Consumer Sites
50A	Standard for Gaseous Hydrogen Systems at Consumer Sites
50B	Standard for Liquefied Hydrogen Systems at Consumer Sites
56A	Standard for the Use of Inhalation Anesthetics (Flammable and Nonflammable)
56B	Standard for Inhalation Therapy
56D	Standard for Hyperbaric Facilities
56E	Standard for Hypobaric Facilities
56F	Standard for Nonflammable Medical Gas Systems

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58	Standard for Storage and Handling of Liquefied Petroleum Gases
59	Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants
59A	Standard for the Production, Storage and Handling of Liquefied Natural Gas (LNG)
<u>NFPA No.</u>	<u>Hazardous Materials and Processes</u>
33	Standard for Spray Finishing Using Flammable and Combustible Materials
34	Standard for Dip Tanks Containing Flammable or Combustible Liquids
35	Standard for the Manufacture of Organic Coatings
<u>NFPA No.</u>	<u>Hazardous Materials and Processes</u>
40	Standard for the Storage and Handling of Cellulose Nitrate Motion Picture Film
40E	Code for the Storage of Pyroxylin Plastic
43A	Code for the Storage of Liquid and Solid Oxidizing Materials
43C	Code for the Storage of Gaseous Oxidizing Materials
43D	Code for the Storage of Pesticides in Portable Containers
51	Standard for the Installation and Operation of Oxygen Fuel Gas Systems for Welding and Cutting
51B	Standard for Fire Prevention in Use of Cutting and Welding Processes
56C	Safety Standard for Hospital Laboratories
57	Standard for Fumigation
490	Code for the Storage of Ammonium Nitrate
495	Code for the Manufacturing, Transportation, Storage and Use of Explosive Materials
654	Standard for the Prevention of Dust Explosions in the Plastics Industry
<u>NFPA No.</u>	<u>Transportation</u>
407	Standard for Aircraft Fuel Servicing
505	Standard for Type Designations, Areas of Use, Maintenance and Operation of Powered Industrial Trucks
<u>NFPA No.</u>	<u>Fire Extinguishing Systems</u>
11	Standard for Foam Extinguishing Systems
11A	Standard for High Expansion Foam Systems (Expansion Ratios from 100:1 to 1000:1)
11B	Standard on Synthetic Foam and Combined Agent Systems

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12	Standard on Carbon Dioxide Extinguishing Systems
12A	Standard on Halogenated Fire Extinguishing Agent Systems – Halon 1301
<u>NFPA No.</u>	<u>Fire Extinguishing Systems</u>
12B	Standard on Halogenated Fire Extinguishing Agent Systems – Halon 1211
13	Standard for the Installation of Sprinkler Systems
14	Standard for the Installation of Standpipes and Hose Systems
15	Standard for Water Spray Fixed Systems for Fire Protection
16	Standard for the Installation of Foam-Water Sprinkler Systems and Foam-Water Spray Systems
17	Standard for Dry Chemical Extinguishing Systems
20	Standard for Installation of Centrifugal Fire Pumps
24	Standard for Outside Protection
75	Standard for the Protection of Electronic Commuter/Data Processing Equipment
<u>NFPA No.</u>	<u>Portable Fire Extinguishers</u>
10	Standard for the Installation of Portable Fire Extinguishers
<u>NFPA No.</u>	<u>Fire Warning Systems</u>
71	Standard for the Installation, Maintenance and Use of Central Station Protective Signaling Systems for Guard, Fire Alarm and Supervisory Service
72A	Standard on Installation, Maintenance and Use of Local Protective Signaling Systems for Watchmen, Fire Alarm and Supervisory Service
72B	Standard for the Installation, Maintenance and Use of Auxiliary Protective Signaling Systems for Fire Alarm Service
72C	Standard for the Installation, Maintenance and Use of Remote Station Protective Signaling Systems
<u>NFPA No.</u>	<u>Fire Warning Systems</u>
72D	Standard for the Installation, Maintenance and Use of Proprietary Protective Signaling Systems for Watchmen, Fire Alarm and Supervisory Service
72E	Standard for Automatic Fire Detectors
74	Standard for the Installation, Maintenance and Use of Household Fire Warning Equipment
<u>NFPA No.</u>	<u>Storage</u>

81	Standard for Fur Storage, Fumigation and Cleaning
231	Standard for Indoor General Storage
231B	Standard for Storage of Cellular Rubber and Plastic Materials
231C	Standard for Rack Storage of Materials
232	Standard for the Protection of Records
<u>NFPA No.</u>	<u>Building Construction and Facilities</u>
31	Standard for Oil Burning Equipment
37	Standard for Stationary Combustion Engines and Gas Turbines
54	National Fuel Gas Code
80	Standard for Fire Doors and Windows
82	Standard for Rubbish Handling and Incinerators
86A	Standard for Ovens and Furnaces, Design, Location and Equipment
86B	Standard for Industrial Furnaces, Design, Location and Equipment
90A	Standard for the Installation of Air Conditioning and Ventilating Systems
91	Standard for the Installation of Blower and Exhaust Systems for Dust, Stock, Vapor Removal or Conveying
96	Standard for the Installation of Equipment for the Removal of Smoke and Grease-Laden Vapors from Commercial Cooking Equipment
<u>NFPA No.</u>	<u>Building Construction and Facilities</u>
211	Standard for Chimneys, Fireplaces and Vents
241	Standard for Safeguarding Building Construction and Demolition Operations
418	Standard on Roof-Top Heliport Construction Protection

(1975 L.M.C., ch. 23, § 1; Res. No. 9-817.)

Sec. 22-15. Special hazards.

In occupancies of an especially hazardous nature, or where special hazards exist in addition to the normal hazard of the occupancy, or where access for fire apparatus is unduly difficult, additional safeguards may be required by the director consisting of additional fire appliance units, more than one

type of appliance, or special systems suitable for the protection of the hazard involved. Such devices or appliances may consist of automatic fire alarm systems, automatic sprinkler or water spray systems, standpipe and hose, fixed or portable fire extinguishers, suitable asbestos, blankets, breathing apparatus, manual or automatic covers, or carbon dioxide, foam or other special fire extinguishing systems. Where such systems are installed, they shall be in accordance with the applicable standards of the National Fire Protection Association. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-15A. Compilation of requirements.

- (a) The director shall prepare informational material designed to provide the public and prospective developers with a clear understanding of the procedures to be followed in securing approval of fire safety aspects of construction or rehabilitation projects. This information shall be transmitted to the department or office responsible for the compilation and publication of the development manual required in subsection (d)(2) of section 2-27A for integration into such manual. Further, the director shall assure that all proposed regulatory and procedural changes regarding fire safety requirements are made available to the responsible department or office for inclusion in the agenda of regulatory change called for in subsection (d)(4) of section 2-27A. Furthermore, all significant interpretations of fire safety code provisions and all general waivers or precedent-setting waivers to such code provisions shall be similarly forwarded to the responsible department or office in standardized format for circulation to users of the development manual.
- (b) The director is hereby authorized and directed to designate a staff member(s) or a unit within the department to be responsible for providing information required herein to the public and to maintain a continuing liaison with industry representatives and other governmental agencies regulating or monitoring housing construction and occupancy. (1979 L.M.C., ch. 41, § 3.)

Editor's note—1979 L.M.C., ch. 41, § 4 provides that the provisions of such act adding new section 22-4A; subsections (e) and (f) to section 22-6; and section 22-15A shall be implemented by the department of fire and rescue services no later than July 1, 1979, although the provisions of subsection (d) of section 22-4A shall be implemented no later than October 1, 1979.

Sec. 22-16. Order to eliminate dangerous or hazardous conditions generally.

- (a) *Generally.* Whenever the director or other authorized fire official shall find any structure or upon any premises dangerous or hazardous conditions or materials as follows, he shall order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of this code:
 - (1) Dangerous conditions which are liable to cause or contribute to the spread of fire in or on said premises, building or structure or endanger the occupants thereof.

- (2) Conditions which would interfere with the efficiency and use of any fire protection equipment.
 - (3) Obstructions to or on fire escapes, stairs, passageways, exitways, doors or windows, liable to interfere with the egress of occupants or the operations of the fire department in case of fire.
 - (4) Accumulations of dust or waste material in air conditioning or ventilating systems or the grease in kitchen or other exhaust ducts.
 - (5) Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.
 - (6) Accumulations of rubbish, waste, paper, boxes, shavings or other combustible materials or excessive storage of any combustible material.
 - (7) Hazardous conditions arising from defective, inadequate or improperly used or installed electrical wiring, equipment or appliances.
 - (8) Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, flammable, explosive or otherwise hazardous materials.
 - (9) Dangerous or unlawful amounts of combustible, flammable, explosive or otherwise hazardous materials.
 - (10) Reduced effectiveness of any fire wall, fire separation wall, fire partition or any opening protective assembly provided therein.
 - (11) Hazardous conditions arising from defective or improperly installed or maintained fire protection systems, internal communications systems or fire ventilation systems.
- (b) *Notice to repair, alter, etc.; condemnation tags.* Whenever the director deems any chimney, smoke stack, stove, oven, incinerator, furnace or other heating device, electric fixture or any appurtenance thereto or anything regulated under provisions of this code in or upon any building, structure or premise to be defective or unsafe so as to create an immediate hazard, he shall serve upon the owner or the person having control of the property written notice to repair or alter as necessary and shall notify any other authority enforcing codes regulating such equipment. He may affix a condemnation tag prohibiting the use thereof until such repairs or alterations are made. When affixed, such tag may be removed only by the order of the director and may be removed only when the hazard to which the order pertains has been eliminated in an approved manner. Until

removed, that item or device which has caused the hazard shall not be used or permitted to be used.

- (c) *Actions under section 1-7.* Nothing in this section shall be construed to prevent the division of fire prevention members from immediately proceeding under section 1-7 of the County Code when a violation of this chapter is observed. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-17. Service of orders and notices.

Any order or notice issued pursuant to this chapter shall be served upon the owner, operator, occupant or other person responsible for the condition or violation, either by personal service, or by delivering the same to and leaving it with some person of responsibility upon the premises, or by affixing a copy thereof in a conspicuous place at or near the entrance to such premises or by mailing a copy thereof to such person by registered or certified mail to the last known address with return receipt requested. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-18. Compliance.

- (a) *Generally.* Any person who shall violate any of the provisions of this chapter; or shall fail to comply therewith; or shall permit or maintain such a violation; or shall violate or fail to comply with any order made thereunder; or shall build in violation of any details, statements, specifications or plans submitted or approved thereunder; or shall operate not in accordance with the provisions of any certificate, permit or approval issued thereunder; or who shall fail to comply with such an order as affirmed or modified by the board of appeals within the time fixed therein shall severally for each and every violation and noncompliance respectively, be guilty of a misdemeanor. The imposition of a penalty for any violation shall not excuse the violation nor shall the violation be permitted to continue. Prosecution or lack thereof of either the owner, occupant, or the person in charge shall not be deemed to relieve any of the others.
- (b) *Orders or notices.* Any order or notice issued or served as provided in this code shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the order or notice pertains. Every order or notice shall set forth a time limit for compliance dependent upon the hazard and danger created by the violation. In cases of extreme danger to persons or property immediate compliance shall be required. If the building or other premises is owned by one person and occupied by another, under lease or otherwise, and the order or notice requires additions or changes in the building or premises such as would immediately become real estate and be the property of the owner of the building or premises, such order or notice shall be complied with by the owner unless the owner and occupant have otherwise agreed between themselves, in which event the occupant shall comply.

- (c) *Unauthorized tag removal.* It shall be a misdemeanor for any person or user, firm or agent to continue the use of any device or appliance which has been tagged under section 22-16(c), unless written authority to remove such tag is given by the director. Removing or mutilating the tag shall be deemed a misdemeanor. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-19. General authority to combat fires and related emergencies and conduct rescue operations; interfering with fire department.

- (a) The fire official conducting operations in connection with the extinguishment and control of any fire, explosion or other emergency shall have full power and authority to direct all operations of fire extinguishment or control and to take the necessary precautions to save life, protect property and prevent further injury or damage. In the pursuit of such operation, including the investigation of the cause of such emergency, the fire official may control or prohibit the approach to the scene of such emergency by any vehicle, vessel or thing and all persons not actually employed in the extinguishment of such fire or involved in other actions germane to the emergency.
- (b) Any person who obstructs the operations of the fire department in connection with extinguishing any fire, or actions relative to other emergencies, or disobeys any lawful command of the fire official in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the fire department, shall be in violation of this code and subject to the penalties established by law. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-20. Evacuation of persons.

- (a) When, in the opinion of the director, there is actual danger to the occupants or those in the proximity of any building, structure or premises because of unsafe structural conditions or inadequacy of any exitway, the presence of explosives, explosive fumes or vapors, flammable liquids, vapors, gas or the presence of toxic fumes, gases or materials, the director may order the immediate evacuation of such building, structure or premises. All of the occupants so notified shall immediately leave the building, structure or premises and no one shall enter or re-enter until authorized to do so by the director.
- (b) Any person who shall refuse to leave, interfere with the evacuation of other occupants or continue any operation after having been given an evacuation order except such work as he is directed to perform to remove a violation or unsafe condition, shall be deemed guilty of a misdemeanor. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-21. Appeals.

- (a) *From orders.* Any person aggrieved by an order issued under this chapter may appeal within the abatement period but not to exceed ten (10) days from such order to the county board of appeals pursuant to sections 2-108 to 2-116 of the County Code. Such

appeal shall not stay execution of the order more than ten (10) days, unless the board of appeals shall grant further stay upon application of the person filing the appeal. No stay of execution shall be permitted for any order issued pursuant to this chapter that requires immediate compliance, unless a court of competent jurisdiction shall order such stay of execution.

- (b) *Decisions of department.* Any person aggrieved by the issuance, denial, renewal or revocation of a permit, license, certificate or any other decision of the department made hereunder may appeal to the county board of appeals, which after hearing upon notice shall have authority to affirm, modify or reverse the order or decision made. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-22. Penalties and other remedies for violations.

Any violation of any provisions of this chapter or regulations promulgated hereunder shall be punished as a class A violation as set forth in section 1-19 of chapter 1 of the County Code. Each day that a violation continues shall be deemed a separate offense. (1975 L.M.C., ch. 23, § 1; 1983 L.M.C., ch. 22, § 24.)

Sec. 22-23. Inspections generally.

It shall be the duty of the director to inspect, or cause to be inspected by the division of fire prevention, or by other fire department officers or members as often as may be necessary all buildings and premises, including such other hazards or appliances, as the director may designate for the purpose of ascertaining and causing to be corrected any condition which would reasonably tend to cause fire or contribute to its spread, or any violation of the purpose or provisions of this chapter and of any other law or standard affecting fire safety. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-24. Damage or injury liability.

- (a) No officer, agent or employee of the county or municipality charged with enforcement of the fire safety code shall be personally liable for any damage that may occur to persons or properties as a result of any act required or permitted under this code or as a result of the institution or assistance in the prosecution of a criminal proceeding under this code, if he is acting within the scope of his authority and without malice. Any suit brought against any officer, agent or employee of the county or municipality, as a result of any act required or permitted in the discharge of his duties under this code, shall be defended by the proceedings therein.
- (b) The county or municipality shall not be liable under this code for any damage to persons or property, if any, by reason of the inspection or reinspection of buildings and structures authorized hereunder, or failure to inspect or reinspect such buildings, or by reason of any permit issued hereunder or the approval or disapproval of any equipment issued

hereunder or the approval or disapproval of any equipment authorized herein. (1975 L.M.C., ch. 23, § 1.)

Editor's note—The above section is cited in Utica Mutual Insurance Company v. Gaithersburg-Washington Grove Fire Department, Inc., 53 Md.App. 5589, 455 A.2d 987 (1983).

State law reference—Inspections, Ann. Code of Md. art. 48, §§ 181--183.

Sec. 22-25. Inspection and tests of suppression systems, etc.

- (a) *Acceptance tests generally.* It shall be unlawful to occupy any building, structure or any portion thereof until all required fire protection systems have been tested, accepted and approved by the appropriate county official.
- (b) *Expenses.* Inspection and tests of fire suppression, alarm detection and any other fire protection systems, devices and equipment shall be conducted by and at the expense and risk of the owner or his authorized representative.
- (c) *Notification of central communications center.* When testing any suppression system, standpipe or fire alarm system which is connected to a central supervisory station or directly to the fire department, notification shall be given to the central fire communications center before initiation of the test.
- (d) *Frequency.* The test pipe at the top of all suppression systems shall be operated at least once a year to determine that there is free flow at adequate pressure and that the supervisory service, if any exists is operating properly. Auxiliary systems which are supplied from a domestic water source and which are not required to provide a test line may be exempt from the requirements of this section.
- (e) *Fire pumps.* All fire pumps that automatically supply water to suppression systems and standpipes shall be operated periodically and at least once every thirty (30) days, until water is discharged freely from the relief valve.
- (f) *Fire alarm systems (manual pull stations).* All interior fire alarm signal systems within all buildings shall be tested monthly. The use of the system for fire drill purposes shall be accepted as a test of only those parts of the system actually used in the drill procedure. Accurate logs shall be maintained on the premises indicating box number, location, date and type of device tested. Any defect, modification or repair shall be logged, and the log shall be available to the director.
- (g) *Fire alarms (automatically activated).* Automatic fire alarms, fire detecting devices and all alarms which monitor control valves and flow switches for fire protection and fire

alarm equipment, and which transmit a signal to a central supervisory station must be tested at least once a year. Notification shall be given as required under subsection (c) of this section.

- (h) *Fire safety devices.* Special fire safety devices including automatic smoke venting equipment, emergency generators and any other special fire safety equipment required to be installed in any building, structure or premises shall be tested by the owner or his authorized representative as prescribed by the director.
- (i) *Test records.* A complete written record of all tests and inspections required under this chapter shall be maintained on the premises by the owner or occupant in charge of said premises, and all such records shall be submitted to the director when requested for his inspection and evaluation.
- (j) *Marking of fire equipment controls.* All controls or disconnects for fire pumps shall be clearly identified by red marking with the words, "Fire Pump," in white letters. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-26. Maintenance of fire safety equipment.

- (a) All fire protection systems, fire alarm systems, fire detection systems, fire and smoke ventilation systems, fixed fire communications systems, emergency lighting systems, devices or units which were installed in compliance with any permit or order, or because of any law or order, or because of any regulation or ordinance, shall be maintained in an operative condition at all times, and it shall be unlawful for any owner or occupant to reduce the effectiveness of the protection so required; except, that this shall not prohibit the owner or occupant from temporarily reducing or discontinuing the protection where necessary to make tests, repairs, alterations or additions. Except for household fire warning systems, the central fire communications center shall be notified before any disconnection or interruption of protection, tests, repairs, alterations or additions are started, and shall be advised of the extent of and the reason for such work. The restoration of the protection shall be diligently prosecuted, and the central fire communications center shall be notified immediately when service is restored.
- (b) When any required fire alarm, fire communication, fire extinguishing, fire detecting, first aid fire fighting system, device or unit, or part thereof becomes inoperative, the director may order said building or structure or portion thereof vacated until such inoperative system, device or unit is repaired and returned to full service. The director may permit the building or structure or portion thereof to be occupied when he finds that suitable alternative protective measures are provided. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-27. Permits and certificates of approval for fire detection systems and devices.

(a) *Definitions.*

Automatic fire detector: The term “automatic fire detector” shall mean an assembly designed to detect the presence of fire and initiate action.

Device: The term “device” shall include any single station alarm device or any multiple station alarm device.

Fire detection system: The term “fire detection system” shall mean any arrangement of two (2) or more automatic fire detectors connected through a separate control and shall include associated gongs, horns, bells, transformers, wiring or other components which in combination sense the presence of fire and initiate alarm action.

Multiple station alarm device: The term “multiple station alarm device” shall mean single station alarm devices, two (2) or more, which may be interconnected so that actuation of one (1) causes all integral or separate audible alarms to operate. It may also consist of one (1) single station alarm device having connections for other detectors or manual stations.

Single station alarm device: The term “single station alarm device” shall mean an assembly incorporating the detector, control equipment, and the alarm sounding equipment in one (1) unit, operated from a power supply either in the unit, or obtained at the point of installation.

Automatic fire detectors shall be classified in accordance with the provisions of the Standard for Automatic Fire Detectors, NFPA #72 E, 1974 edition.

(b) *Required.* A person, directly or through an agent, must not sell, offer for sale, lease or install any type of fire detection system or device until the Director of Permitting Services has issued the certificate of approval or permit required by this Section.

(c) *Certificate of approval for devices.* Application for a certificate of approval must be in a form specified by the Director of Permitting Services. The applicant must supply complete copies of the report of any nationally recognized testing laboratories which have examined the fire detection device.

If the Director finds that the fire detection device submitted will function dependably, and that the device has been tested and approved or listed by a recognized testing laboratory, the Director must issue a certificate of approval subject to the condition that the installation of the device complies with all applicable laws.

If the Director finds that the fire detection device is not likely to operate dependably or the device has not been tested and approved or listed by a recognized testing laboratory, the Director must disapprove the application and specify the reasons for the disapproval.

- (d) *Permit for installation of system.* Before any fire detection system is installed, the agent, contractor or installer must apply to the Director of Permitting Services for a permit. Two complete sets of drawings and specifications must accompany the permit application. This permit is in addition to any other permit required by law. A single permit may be issued for multiple dwelling units for new construction if similar household fire detection systems are being installed in more than one dwelling unit under the control of a single owner, developer or manager. Any variation in floor plan, number of detectors or model number of components must be specified on the permit application.

If the Director finds that any part of the fire detection system is not likely to function dependably or does not conform with specific requirements in this Chapter or other County laws, the Director must disapprove the application and specify the reason for the disapproval. The Director must review and approve any combination system only for fire warning purposes and not for any other function of the combination system.

- (e) *Permit for connection of system.* When the Director of Permitting Services has issued a permit to install a fire alarm system, and if the system requires connection to a source of energy which is regulated under the County electrical code, a permit for the necessary connection must be obtained from the Department of Permitting Services.
- (f) *Appeals.* If a certificate of approval or permit required by this Section has been denied, the applicant may appeal to the County Board of Appeals under Section 22-21. (1975 L.M.C., ch. 23, § 1; 1996 L.M.C., ch. 20, § 1.)

Editor's note—1998 L.M.C., ch. 12, §1, amending Section 5 of 1996 L.M.C., ch. 20 reads: "Sunset. On July 1, 2001, any function transferred by this Act to the Department of Permitting Services reverts to the Department which administered that function before this Act took effect [August 1, 1996]."

Sec. 22-28. Protection of hood and duct ventilation systems and related commercial cooking appliances.

- (a) *Generally.* All occupancies containing cooking equipment in commercial, industrial, institutional, assembly and similar cooking applications other than installations for residential single family use shall:
- (1) Have hoods, duct, and grease removal equipment installed in conformance with this chapter and other applicable sections of the County Code.

- (2) Have installed and maintained an automatic fire extinguishing system approved by the director.
- (b) *Installation of automatic fire extinguishing systems.* The system shall be installed by a contractor who has been certified by the manufacturer as competent to install the equipment. Such certification shall be provided to the director.
- (c) *Plans and specifications.* Working plans and specifications shall be submitted to the director for review and approval prior to installation. The plans shall include:
 - (1) Diagram of area and equipment to be protected including the dimensions of the hood and duct and all surfaces and appliances.
 - (2) Manufacturer and model number of system or systems proposed.
 - (3) Diagram of system piping and all component parts.
 - i. Size and length of piping and pipe schedule
 - ii. Size and number of elbows and tees
 - iii. Model numbers and location of nozzles
 - iv. Location and temperature of fusible links
 - v. Location of system canister
 - vi. Location of manual means of activation
 - vii. Location and identity of any auxiliary equipment, including gas and power (electric) shutoffs.
 - (4) At least one (1) current manufacturer's installation manual shall be provided to the local fire authority for each system installed.
 - (5) Where field conditions necessitate change from the approved plans, the director shall be consulted.
- (d) *Inspection.*
 - (1) A final inspection of the installed system shall be made by the director, which shall include witnessing of a test of the automatic and manual operating devices.

- (2) The director shall be notified twenty-four (24) hours prior to the test.
 - (3) Extinguishing systems shall be inspected at intervals required by the director, but in no case less than once each six (6) months.
 - (4) A copy of the certificate of inspection signed by the inspector, approved by the director, shall be forwarded to the division of fire prevention within five (5) days after inspection or servicing.
- (e) *Cleaning.* All ducts, hoods, and grease collection equipment shall be cleaned not less than four (4) times each year. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-29. Water supply and fire hydrants generally.

- (a) All premises where buildings or portions of buildings other than one- and two-family dwellings are constructed and located in such a manner that access to public fire hydrants is minimal or of a distance such that the director feels fire fighting operations would be impaired shall be provided with approved fire hydrants connected to a water supply system capable of supplying the water flow required by the director. The location of these hydrants shall be as specified by the director. Paved access to fire hydrants shall be provided and maintained to accommodate fire apparatus.
- (b) All premises where buildings or portions of buildings other than one- and two-family dwellings are constructed and located more than three hundred (300) feet from a public street providing access to such premises shall be provided, as may be required by the director, with approved fire hydrants connected to a water system capable of supplying the water flow required by the director. The location of such hydrants shall be as designated by the director. Access to fire hydrants shall be provided and maintained to accommodate fire fighting apparatus.
- (c) All flammable and combustible liquid tank farms, lumber yards, amusement parks and similar occupancies where combustible or flammable storage or structures are located more than three hundred (300) feet from public fire hydrants shall be provided as may be required by the director with approved fire hydrants connected to a water system capable of supplying the water flow required by the director. The location of such hydrants shall be as designated by the director. Suitable access to fire hydrants shall be provided and maintained to accommodate fire fighting apparatus.
- (d) Supplemental water supply facilities shall be provided in those cases where the water supply obtainable from the public water supply system is insufficient to meet code

requirements. The director may establish water supply requirements in those cases where specific provisions are not provided for in this code. (1975 L.M.C., ch. 23, § 1.)

Cross reference—Hydrants and water storage facilities, for hospitals, sanitariums, nursing and care homes, § 25-24.

Sec. 22-30. Obstructing fire hydrants or fire department connections.

No person shall place or keep any post, fence, growth, trash or other material or thing near any fire hydrant or fire department connection that would prevent such hydrant or connection from being immediately discernable or in any other manner deter or hinder gaining immediate access to and use thereof. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-31. Fire hydrant maintenance.

All private fire hydrants shall be tested, maintained and serviced annually. A report of this maintenance shall be submitted to the division of fire prevention. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-32. Required access for fire apparatus.

- (a) All premises which the fire department may be called upon to protect in case of fire and which are not readily accessible from public roads, shall be provided with suitable gates, access roads and fire lanes so that all buildings on the premises are accessible to fire apparatus.
- (b) Private roads or fire lanes shall be provided for all buildings which are set back more than one hundred fifty (150) feet from a public road or exceed thirty (30) feet in height and are set back over fifty (50) feet from a public road.

Private roads or fire lanes shall be at least twenty (20) feet in width with the road edge closest to the building at least ten (10) feet from the building and the road edge away from the building no more than forty (40) feet from the building. Any dead-end road more than three hundred (300) feet long shall be provided with a turn around at the closed end at least ninety (90) feet in diameter.

When buildings or any portion thereof are located one hundred fifty (150) feet or more from a public street or accessway and there is not suitable access for fire equipment as determined by the director, there shall be provided approved fire protection system or systems as required and approved by the director.

- (c) All buildings, parts of buildings, or other obstructions extending over access driveways shall have not less than twelve (12) feet vertical clearance from the finished driveway surface.

Where approved fire protection systems are provided, the above required clearances may be modified or waived.

- (d) When any portion of the first story of any building is more than three hundred (300) feet from a public street, or accessway, one (1) of the following shall be provided:
 - (1) The entire building shall be protected with an automatic fire extinguishing system, or
 - (2) The building shall be made accessible for fire motor vehicle apparatus by an all weather accessway approved by the director.
- (e) The provisions of subsection (b) of this section shall not apply to buildings that were erected prior to the effective date of this section.
- (f) Group L-3 occupancies, as specified in chapter 8 of the County Code when such occupancies are not physically attached and contain two (2) living units or less in a building, may be exempt from the provisions of this section. (1975 L.M.C., ch. 23, § 1.)

Cross reference—Hospitals, sanitariums, nursing and care homes to be accessible to fire department apparatus, § 25-55.

Sec. 22-33. Fire lanes.

- (a) If the director shall find private entrance or exit sidewalks or vehicular driveways or interior private driveways or sidewalks obstructed by snow, debris, construction material, vehicles or other matter liable to interfere with the ingress or the operation of fire departments or other emergency vehicles in case of fire, he shall order the obstructions removed.

To effectuate the foregoing as to vehicles, the director or his designee may order “no parking--fire lane” signs erected, may designate the placement thereof, may order the curbs be painted a distinctive color and may order other marking necessary to indicate the limits of the fire lane.
- (b) Except when necessary to avoid conflict with other traffic or in compliance with law or the directions of a police officer or official traffic-control device, no person shall stand or park a vehicle, whether occupied or not, except momentarily to pick up or discharge a passenger or passengers in or on a fire lane.

The parking or standing of any vehicle, on private property or otherwise, in violation of the foregoing shall constitute a misdemeanor; and any person convicted thereof will be subject to the penalty provided in section 31-67. In addition, the vehicle parked in

violation of this article may be impounded by the department of police and held until the penalty provided and the towing and storage charges incurred are paid.

- (c) In any prosecution charging a violation of any provision of the preceding subsections of this chapter the provisions of section 31-32 shall apply.
- (d) In the event of a violation of any of the provisions of the preceding subsections of this chapter the provisions of section 31-33 shall apply.
- (e) No person shall keep, place or store or permit to be placed, kept or stored any equipment, material or thing in or on a fire lane or otherwise obstruct or reduce the effective width of any fire lane. Persons violating this subsection shall be subject to the penalty section of this chapter.
- (f) No person shall place, erect or maintain any sign for control of parking or traffic which includes the words, "Fire Lane," unless such sign has been ordered by the county executive, the director or their designees.
- (g) Any police officer or member of the division of fire prevention and any other fire department officer or county employee specifically designated by the county executive finding a vehicle or trailer parked in violation of this chapter shall attach to such vehicle or trailer parked in violation of this chapter a notice to the owner and operator thereof that such vehicle or trailer has been parked in violation of this chapter and instructing the owner and operator, or either of them, to report to the nearest commissioner of district court for Montgomery County within fifteen (15) days of the time when such notice was so attached to such vehicle or to pay to the department of finance as a penalty and in full satisfaction of such violation the sum of ten dollars (\$10.00) or as shall otherwise be fixed from time to time by the county executive with the approval of the county council. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-34. Tampering with fire safety equipment.

- (a) It shall be unlawful to deliberately operate, trip or use any installed fire extinguishing system for purposes other than emergencies, maintenance or proscribed testing.
- (b) It shall be unlawful to tamper with or render inoperative any fire warning system.
- (c) It shall be unlawful to activate any installed fire warning system for purposes other than emergencies, maintenance, drills or periodic testing.
- (d) It shall be unlawful to use, tamper with or render inoperative any portable fire extinguisher other than during emergencies, maintenance, drills or testing.

- (e) No person shall molest, tamper with, damage or otherwise disturb any apparatus, equipment or appurtenance belonging to or under the supervision and control of the fire department without authority from the officer in charge or his authorized representative to do so.
- (f) No person shall remove, tamper with or otherwise disturb any fire hydrant or fire equipment required to be installed or maintained under the provisions of this chapter except for the purpose of extinguishing fire, training purposes, recharging, testing or making necessary repairs. Whenever fire equipment is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished.
- (g) No person shall use or operate any fire hydrant without the permission of the owner of such hydrant. The provisions of this section shall not restrict the use of fire hydrants by fire officials in the course of their duties. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-35. Portable fire extinguishers generally.

The provision, installation and maintenance of portable fire extinguishers shall be as required by this chapter and the applicable provisions of the County Code. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-36. Sale of unapproved portable fire extinguishers prohibited.

It shall be unlawful for any person, directly or through an agent, to sell, offer for sale, distribute or lease in the county any make, type or model of fire extinguisher, either new or used, unless such make, type or model of extinguisher has first been tested and is approved or labeled by the Factory Mutual Laboratories, Underwriters' Laboratories, Inc., or other testing laboratory approved by the director as providing adequate and reliable tests and examination. The provisions of this section shall not apply to the sale or trade of fire extinguishers to any person or firm engaged in the business of selling or handling such equipment for junk. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-37. Regulating fire extinguisher service.

The director of the department of fire and rescue services shall exercise the following functions, powers and duties:

- (1) To administer such regulations as may be determined necessary for the protection and preservation of life and property in controlling:
 - i. The registration of firms engaging in the business of servicing portable fire extinguishers;

- ii. The registration of firms engaging in the business of hydrostatically testing U.S. Department of Transportation specification gas cylinders used for portable fire extinguishers;
 - iii. The examination of persons applying for a license to service portable fire extinguishers;
 - iv. The licensing of persons to service portable fire extinguishers;
 - v. The requirements for servicing of portable fire extinguishers.
- (2) To evaluate the qualifications of firms or individuals for a certificate of registration to engage in the business of servicing portable fire extinguishers.
 - (3) To conduct examinations to ascertain the qualifications and fitness of applicants for a license to service portable fire extinguishers.
 - (4) To issue certificates of registration for those firms that qualify under these regulations to engage in the business of servicing portable fire extinguishers, and issue licenses, apprentice permits, and authority to perform hydrostatic testing to the qualified persons. (1975 L.M.C., ch. 23, § 1; 1984 L.M.C., ch. 24, § 23.)

Sec. 22-38. Servicing of portable fire extinguishers generally.

- (a) *Definitions.*

Firm: The term “firm” means any person, partnership, corporation or association.

Hydrostatic testing: The phrase “hydrostatic testing” means pressure testing by hydrostatic methods.

Leased: The term “leased” means, for the purposes of this section, a leased fire extinguisher shall be treated the same as an extinguisher which has been sold.

Portable fire extinguisher: The phrase “portable fire extinguisher” means a device that contains within it chemicals, fluids or gases for extinguishing fires, the means for application of its contents to that purpose, and is capable of being readily moved from place to place.

Service and servicing: The phrase “service and servicing” means servicing portable fire extinguishers including any or all of the following: charging, filling, maintaining, recharging, refilling, repairing and testing.

- (b) *Registration and licensing of persons servicing portable fire extinguishers.*
- (1) Each firm engaged in the business of servicing portable fire extinguishers shall be required to have a certificate of registration issued by the director.
 - (2) Each employee, other than an apprentice of a firm engaged in the business of servicing portable fire extinguishers, who services such extinguishers shall be required to have a license issued by the director.
 - (3) Each person servicing portable fire extinguishers as an apprentice shall be required to have an apprentice permit issued by the director.
 - (4) Each firm performing hydrostatic testing of fire extinguishers manufactured in accordance with the specifications of the U.S. Department of Transportation (formerly the Interstate Commerce Commission) shall do so in accordance with the procedures specified by that department for compressed gas cylinders and shall be required to have a hydrostatic testing certificate authorizing such testing issued by the director. Persons qualified to do this work shall be given such authority on their licenses.
- (c) *Servicing of portable fire extinguishers by unlicensed personnel.*
- (1) Except as provided in subsection (e), only the holder of a current and valid license or of an apprentice permit issued hereunder may service portable fire extinguishers.
 - (2) A person who has been issued a license under this section to service portable fire extinguishers, must be an employee, agent or servant of a firm that holds a certificate of registration, or the licensee himself must hold a certificate of registration issued under this section.
- (d) *Applications and hearings on licenses, permits and certificates.* Applications for licenses, permits and certificates hereunder shall be made pursuant to regulations adopted hereunder.
- (e) *Exceptions.* The activity of filling or charging a portable fire extinguisher prior to its initial sale by its manufacturer shall not be subject to this section. In addition, the licensing and registration provisions of this section shall not apply to any firm approved by the director which services only its own portable fire extinguishers for its own use by maintaining its own fire extinguisher servicing facilities adequate for the purpose and utilizing its own personnel specially trained for such servicing. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-39. Rules and regulations for servicing portable fire extinguishers.

- (a) The recommended rules and regulations for the sale or leasing and servicing of portable fire extinguishers as set forth in the model enabling act for the sale or leasing and servicing of portable fire extinguishers, NFPA #10-L, 1969 edition, are hereby adopted as if they were set forth herein in full.
- (b) Whenever the words “name of governmental authority having jurisdiction” appear in the adoptive rules and regulations they shall mean the director of the department of fire and rescue services. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-40. Exits and means of egress in buildings generally.

- (a) Exits shall be provided and maintained as required by this chapter and the applicable sections of the Montgomery County Code.
- (b) All doors in or leading to exits shall be maintained operable from the inside without the use of a key or any special knowledge or effort at all times when the building or area served thereby is occupied.
- (c) Special purpose door alarms or bolting devices shall be approved by the director prior to installation. Manually operated edge or surface mounted flush bolts are prohibited.
- (d) In other than individual dwelling units no person shall place, store or keep, or permit to be placed, stored or kept any materials the presence or burning of which would obstruct or render hazardous an exit.
- (e) No person shall at any time place an encumbrance of any kind before or upon any fire escape, balcony or ladder intended as a means of escape from fire.
- (f) All fire exit doors which open into stairways or exit passageways and any doors which are installed across corridors to provide fire or smoke barriers shall be self-closing and shall be so maintained or shall be automatic doors which will close upon activation of a fail safe type of approved smoke detection device.
- (g) It shall be unlawful to block, obstruct or otherwise impair the operation of any door required to be self-closing or automatic.
- (h) All doors which are installed to provide protection of openings in exit stairways or exit corridors shall be equipped with a positive latching device to prevent the spread of smoke and fire.

- (i) No person shall block, impede or obstruct any aisle, passageway, hallway, lobby, foyer or stairway leading to or from an entrance or exit required by law which will prevent, delay, hinder or interfere with the free use of such passageway by any person.
- (j) The following exceptions are provided to the requirements to provide free and unobstructed egress from all parts of all buildings and structures at all times.
 - (1) In mental, penal or corrective institutions where supervisory personnel is continually on duty and effective provisions, approved by the director, are made to remove occupants in the case of fire or other emergency.
 - (2) When approved by the director, in buildings occupied only by personnel whose principal duty is the security of the building and when each such person has keys to an adequate number of exits, the prohibition against the use of keys in exit doors may be waived. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-41. Places of assembly.

- (a) *Occupancy certificate generally.* In every place of public or private assembly, there shall be a certificate permanently posted in a conspicuous place in the room near the entrance. Such certificate shall be furnished and signed by the director or his authorized representative, and such certificate shall read as follows:

Not more than _____ persons permitted in _____

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- (b) *Capacity in excess of occupancy certificate.* No owner, operator or manager or person in charge or agent for employee shall permit within a place of public or private assembly any persons in excess of the number allowed by the capacity certificate for such place. In any doubt as to the computation of occupancy load, the capacity certificate shall control.
- (c) *Sale of tickets in excess of occupancy certificate limit.* No owner, operator, manager or agent or employee of any place of public or private assembly hereto referred shall sell or permit any employee, agent or servant to sell for a single performance or between the beginning and end of any single performance or show (including short or extra attractions in the case of motion pictures) more tickets or admissions than the number of persons allowed within such place by the capacity certificate. Such sale of an excess number of tickets or admissions shall be prima facie evidence of the violation of this chapter.

- (d) *Posting of occupancy certificate.* It shall be unlawful to operate or use any place of assembly unless the capacity certificate required by subsection (a) of this section is conspicuously posted.
- (e) *Audiences to be informed of exits.* It shall be the duty of the person in charge of any theatre or place of public assembly to call the attention of those present, immediately prior to the beginning of the play, address or other matter of proceedings for which the people are assembled, to the number and location of the several exits in the building or hall and to state that the doors to all such exits are unlocked. Before making such announcement, it shall be the duty of such person to make an actual inspection to verify the fact or to see that said doors are unlocked.

- (1) It shall be the duty of the person in charge of every public or private assembly to call the attention of everyone present at a performance, address, exhibition or other matter of proceeding to the exits by displaying or announcing the following:

NOTICE

For your own safety, LOOK for your nearest EXIT. In case of emergency, WALK, do not RUN, to that EXIT.

- (2) The requirement for calling the attention of everyone present in any public or private assembly shall be considered complied with by one of the following:
 - i. Oral announcement of the above notice from stage, platform on floor at the beginning of every performance, address, exhibition, contest or other matter of proceedings.
 - ii. Showing the above notice on cinema screen where moving or stereopticon pictures are shown.
 - iii. Printing the above notice in bold type letters not less than one-fourth inch in height on the back of programs for such performances, matters or other proceedings, and nothing but the said notice shall be placed thereon.
 - iv. Having a fixed sign or signs displaying the above notice printed in letters of a size and clearness that can be easily read from any and every point in the assembly room.
- (f) *Interior finish.* Walls, ceilings and floor covering shall be in accordance with the interior finish requirements listed in NFPA 101, Life Safety Code, adopted in section 22-14.

- (g) *Decorations—Defined.* Decorative material shall include all such material as curtains, draperies, streamers, surface coverings applied over interior finish for decorative, acoustical or other effect and also cloth, cotton batting, straw, vines, leaves, trees and moss used for decorative effect, but it shall not include floor coverings, ordinary window shades, nor materials one twenty-eighth of an inch or less in thickness applied directly and adhering tightly to a noncombustible base.
- (h) *Same—Use of flammable material, etc.* No decorative material shall be used which as applied will ignite and allow flame to spread over the surface or allows burning particles to drop when exposed to a match flame test applied to a piece removed from the material and tested in a safe place. The piece shall be held in a vertical position and the bottom edge exposed to a flame from a common match held in a horizontal position, one-half inch underneath the piece, and at a constant location for a minimum of twelve (12) seconds.
- (i) *Same—Renewal of flameproofing treatments.* Treatments used to accomplish this flameproofing shall be renewed as often as may be necessary to maintain the flameproof effect.
- (j) *Same—Pyroxylin coated fabrics.* Pyroxylin coated fabric used as a decorative material in accordance with subsection (g) of this section or as a surface covering on fixed furnishings, shall be limited as follows: Such fabrics containing 1.4 ounces or more of cellulose nitrate per square yard shall not be used in excess of a total amount equivalent to one (1) square foot of fabric surface to fifteen (15) cubic feet of room volume. Each square foot of such fabric which contains 1.7 ounces or more of cellulose nitrate per square yard shall be counted as two (2) square feet in making this computation.
- (k) *Flammable screens.* In places of assembly no motion picture screen or screen masking shall be used which will ignite and allow flame to spread over the surface when exposed to the match flame test described in subsection (h) of this section.
- (l) *Checking egress facilities.* The operator or the person in charge of operation or use of any place of assembly shall check egress facilities before such place of assembly is occupied for any use to determine compliance with the provisions of this section.
- (m) *Locking, etc., of egress doors.* During the period of occupancy, an egress door shall not be locked, bolted or otherwise fastened or obstructed by any means, so that the door cannot be opened from the inside by the use of the ordinary door latch or knob or by pressure on the door or on a panic release device.
- (n) *Aisles.* In each room where chairs or tables and chairs are used the arrangement shall be such as to provide for ready access by aisles to each egress door. Aisles leading directly

to an egress door shall have not less than thirty-six (36) inches clear width, which shall not be obstructed by chairs, tables or other objects.

- (o) *Obstructions.* A part of a stairway, whether interior or exterior, or of a hallway, corridor, vestibule, balcony or bridge leading to a stairway or exitway shall not be used in any way that will obstruct or restrict its use as a means of egress or that will present a hazardous condition.
- (p) *Egress plan.* A plan showing the capacity and location of exitways and of aisles leading thereto shall be submitted for approval to the director and an approved copy shall be kept on display in the premises.
- (q) *Stopping of performance, etc. by director.* The director, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress; or upon finding any condition which constitutes a serious menace to life shall cause the performance, presentation, spectacle or entertainment to be stopped until such condition or obstruction is corrected.
- (r) *Failure to leave premises when requested to do so.* Any person who fails to leave any premises that are overcrowded when told to do so by the management of the premises or any authorized enforcement officer shall be deemed in violation of this code and subject to the penalties provide by law.
- (s) *Capacity certificates deemed permit for certain purposes.* Capacity certificates described in subsection (a) of this section shall be considered for the purposes of this chapter a permit and the provisions of sections 22-10, 22-11 and 22-12 shall apply to capacity certificates. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-42. Tents and air supported structures.

- (a) A tent or air supported structure covering an area in excess of one hundred twenty (120) square feet and used or intended to be used for gathering together of ten (10) or more persons shall not be erected, operated or maintained for any purpose without obtaining a permit from the building official. Such permit shall not be issued without concurrence by the director. Tents used exclusively for recreational camping purposes shall be exempt from the above requirement. Special permits required by the building code shall be secured from the building official.
- (b) All tents and air supported structures requiring a permit in subsection (a) of this section shall be designed, erected, maintained and used in accordance with the NFPA Standard for Tents, Grandstand and Air Supported Structures Used for Places of Assembly, NFPA #102. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-43. Permits required.

- (a) A permit shall be obtained from the director for any of the following:
- (1) To install, remove, repair or alter in any way a stationary tank for the storage of flammable or combustible liquids, or to modify, and/or replace any line or dispensing device connected thereto.
 - (2) For the storage, handling or use of class I liquids in excess of one (1) gallon in a dwelling or other place of human habitation; or in excess of five (5) gallons in any other building or other occupancy; or in excess of ten (10) gallons outside of any building; except, that no permit shall be required for the following:
 - i. Flammable or combustible liquids in the fuel tank of a motor vehicle, aircraft, boat or portable or stationary engine;
 - ii. Flammable or combustible paints, oils, varnishes and similar mixtures used for painting or maintenance when not kept for a period in excess of thirty (30) days;
 - iii. Beverages when packaged in individual containers not exceeding one (1) gallon in size.
 - (3) Storage, handling or use of class II or class III combustible liquids in excess of twenty-five (25) gallons in a building; or in excess of sixty (60) gallons outside of a building; except, that no permit shall be required for the following:
 - i. Combustible liquids in the fuel tank of a motor vehicle, aircraft, boat or portable or stationary engine;
 - ii. Beverages when packaged in individual containers not exceeding one (1) gallon in size;
 - iii. Fuel oil in tanks connected to oil burning equipment used for heating a building or structure.
 - (4) For the manufacture, processing, blending or refining of flammable or combustible liquids.
 - (5) For the storage of flammable or combustible liquids in stationary tanks.
 - (6) For placing any flammable or combustible liquid stationary tank temporary or permanently out of service (see section 22-46).

- (b) No person shall sell, deliver, or cause to be delivered, any commodity to any person not in possession of a valid permit when such permit is required by the provisions of this section. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-44. Flammable liquids generally.

- (a) *Generally.* Except where more specific requirements are found elsewhere in this chapter the use, storage and handling of flammable and combustible liquids shall be in accordance with National Fire Protection Association Flammable and Combustible Liquids Code, NFPA #30.
- (b) *Storage of class I liquids.* The storage in excess of five (5) gallons of class I liquids shall be prohibited in all dwellings, dwelling units, apartment houses, hotels and other residential occupancies.
- (c) *Operation of gasoline power equipment in certain structures.* It shall be unlawful to store any motor vehicle or any other gasoline powered equipment in any multi-family, hotel, motel, office, educational or institutional occupancy or any balcony attached thereto except as follows:
 - (1) In a garage construction in accordance with the provisions of the local building code.
 - (2) A storage room, not containing other combustible materials, separated from other parts of the building by construction having a fire resistance rating of at least one (1) hour and communicating openings protected by approved self-closing fire doors and equipped with automatic fire suppression system.
- (d) *Testing underground installations.* Before being covered or placed in use, tanks and piping connected to underground tanks shall be tested for tightness in the presence of the fire official. No portion of the system shall be covered, filled with product or used until it has been approved by the department. Test procedures shall be specified by the director. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-45. Aboveground tank storage of flammable liquids.

- (a) *Generally.* Aboveground storage tanks for the storage of class I flammable and class II liquids shall be prohibited except as provided for in subsections (b), (c) and (d) of this section.
- (b) *Existing tanks.* Existing aboveground tanks approved by the fire marshal prior to April 28, 1959, may be continued provided the installation does not constitute a hazard. The director shall periodically inspect the installation for safety, and if he determines the

installation or operation is no longer conducted or maintained in a safe manner, he shall have authority to require their removal or replacement with underground tanks.

- (c) *Agricultural storage.* On farms portable tanks not exceeding six hundred sixty (660) gallons of class I liquid are hereby permitted, if stored fifty (50) feet or more away from buildings and adjoining property lines.
- (d) *Temporary use of portable tanks.* The provisions of subsection (a) of this section shall not prohibit the temporary use of portable tanks less than six hundred sixty (660) gallons capacity in conjunction with the dispensing of flammable or combustible liquids into the fuel tanks of motor vehicles or other motorized equipment on premises not normally accessible to the public. Such installation shall only be made under permit from the department. The permit shall include a definite time limit, not to exceed six (6) months.
- (e) *Outside tanks supplying oil burning equipment.* Outside aboveground tanks not exceeding five-hundred-fifty-gallon capacity may be used to supply oil burning equipment in one- or two-family detached dwelling.
- (f) *Bulk storage.* Aboveground tanks for bulk storage of class II combustible liquids may be established in noncongested areas when the director finds that installation will not adversely affect the safety of surrounding property. These installations shall be equipped with fixed fire suppression systems and such other safeguards as may be deemed necessary by the director. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-46. Abandonment of tanks of flammable or combustible liquids.

- (a) *Permit required.* A permit shall be obtained from the department to remove, abandon, place temporarily out of service or otherwise dispose of any flammable or combustible liquid tank.
- (b) *Procedures.* The procedures outlined in appendix C of the Flammable and Combustible Liquids Code, NFPA #30, shall be followed when tanks are placed temporarily out of service, abandoned or removed.
- (c) *Exposed piping.* Whenever a tank is removed all exposed or aboveground fill inlets and vent pipes shall be removed unless such fill or vent pipes are to be immediately connected to another tank. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-47. Garages.

- (a) *Generally.* Garages shall conform to all other applicable requirements of this code as well as the following provisions.

- (b) *Permit required.* No person shall use any building, shed or enclosure as a place of business for the purpose of repairing any motor vehicle therein, without a permit from the director.
- (c) *Dispensing of class I liquids into motor vehicles.* Class I flammable liquids shall not be dispensed into the fuel tank of motor vehicles when the vehicle is located inside the building.
- (d) *Applicability of section to incidental uses.* The provisions of this section shall apply to repair garages which are used incidental to another business.
- (e) *Applicability of section to off-road equipment.* The provisions of this section shall apply to the repair of off-the-road type self-propelled equipment not classified as motor vehicles including but not limited to earth movers, tractors, cranes, mowers, snowmobiles, trenching machines and recreational vehicles.
- (f) *Maintenance and operation standards.* All garages regulated by this section shall be maintained and operated in accordance with National Fire Protection Association Standard for Repair Garages, NFPA #88-B.
- (g) *Repair of non-self-propelled equipment.* Repair of lawn mowers, outboard motors, chain saws, generators, pumps and other non-self-propelled equipment powered by internal-combustion engines shall be conducted in facilities that comply with the construction, ventilation, electrical and heating requirements for service stations. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-48. Service stations.

All servicing facilities where fuel is dispensed from fixed or temporary tanks or tank vehicles into the fuel tanks of motor vehicles or other equipment shall be designed, constructed, maintained and operated in accordance with the provisions of this code and chapter 7 of the Flammable and Combustible Liquids Code, NFPA #30. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-49. Bowling alleys.

- (a) Bowling alleys shall conform to all other applicable requirements of the code, as well as the following provisions.
- (b) No person shall conduct bowling alley resurfacing and refinishing operations involving the use and application of flammable liquids or materials without a permit from the director.

- (c) Resurfacing and refinishing operations shall not be carried on while the establishment is open for business. Approved ventilation shall be provided. Heating, ventilating or cooling systems employing recirculation of air shall not be operated during resurfacing and refinishing operations or within one (1) hour following the application of flammable finishes. All electric motors or other equipment in the area which might be a source of ignition shall be shut down, and all smoking and use of open flames prohibited during the application of flammable finishes and for one (1) hour thereafter.
- (d) The refinishing of pins is prohibited in bowling alleys. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-50. Application of flammable finishes.

- (a) *Permit required.* A permit shall be obtained from the department for spraying or dipping operations utilizing more than one (1) gallon of flammable or combustible liquids on any working day for the following activities:
 - (1) The application of flammable or combustible paint, varnish, lacquer, stain or other flammable or combustible liquid applied as spray by compressed air, “airless” or “hydraulic atomization,” or by steam, or electrostatic methods or by any other means in continuous or intermittent processes; and
 - (2) Dip tank operations in which articles or materials are passed through contents of tanks, vats or containers of flammable or combustible liquids, including coating, finishing, treatment and similar processes; and
 - (3) The application of combustible powders when applied by powder spray guns, electrostatic powder spray guns, fluidized beds or electrostatic fluidized beds.
- (b) *Standards.* The provisions of the Standard for Spray Application Using Flammable and Combustible Materials, NFPA #33, and the Standard for Dip Tanks Containing Flammable or Combustible Liquids, NFPA #34, shall apply to all operations for the application of flammable finishes covered within the scope of this section.
- (c) *Smoking.* It shall be unlawful to smoke in any spray finishing or coating areas and in the vicinity of dip tanks. “No Smoking” signs with lettering of approved size shall be conspicuously posted in such areas. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-51. Flammable liquids transportation.

- (a) *Tank vehicles.* Any vehicle used to transport flammable and combustible liquids in a container that exceeds one hundred ten (110) gallons capacity shall be designed, constructed and operated in accordance with National Fire Protection Association

Recommended Regulatory Standard for Tank Vehicles for Flammable and Combustible Liquids, NFPA #385.

- (b) *Portable containers.* No vehicle shall be used to transport more than one hundred ten (110) gallons of flammable liquids in portable containers unless such flammable liquids are in their original department of transportation approved shipping containers.
- (c) *Parking and garaging.* No tank vehicle shall be left unattended on any street, highway, avenue or alley; provided, that this shall not prevent a driver from the necessary absence from the truck in connection with the delivery of his load; except, that during actual discharge of the liquid some responsible person shall be present at the vehicle.
 - (1) This section shall not prevent stops for meals during the day or night if the street is well lighted at the point of parking.
 - (2) Tank vehicles containing flammable liquids shall not be parked out of doors at any point for longer than one (1) hour, except off the streets, and at least twenty-five (25) feet from any building used for assembly, institutional or residential occupancy. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-52. Use of certain gasoline stoves.

The use in buildings, private residences and trailers of gasoline stoves or other similar appliances using class I liquids for cooking or heating is prohibited. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-53. Gasoline torches and plumbers' furnaces maintenance and use.

- (a) *Generally.* All gasoline blow torches and plumbers' furnaces shall be constructed, maintained and used in accordance with NFPA #393, Recommended Good Practice for the Construction, Maintenance and Use of Gasoline Blow Torches and Plumbers' Furnaces.
- (b) *Capacity.* The liquid capacity of gasoline blow torches shall not exceed two (2) quarts and that of plumbers' furnaces, two (2) gallons, exclusive of the required air space above the liquid. Tanks for such torches and plumbers' furnaces shall be constructed to withstand a working pressure of twenty-five (25) pounds per square inch.
- (c) *Ventilation.* Adequate ventilation shall be provided where gasoline blow torches are used.
- (d) *Filling.* Gasoline blow torches or plumbers' furnaces shall not be filled inside of buildings. (1975 L.M.C., ch 23, § 1.)

Sec. 22-54. Liquefied petroleum gases.

- (a) *Permits.* A permit shall be obtained from the director by the owner or operator of every bulk storage plant used for storage and dispensing liquefied petroleum gases.
- (b) *Standards.* All liquefied petroleum gas equipment including such equipment installed at utility gas plants shall be installed in accordance with the provisions of the Standard for the Storage and Handling of Liquefied Petroleum Gases, NFPA #58 and the Standard for the Storage and Handling of Liquefied Petroleum Gases at Utility Gas Plants, NFPA #59, except as otherwise provided in this chapter or in other laws or regulations legally in effect.
- (c) *Safeguarding of premises.* All spaces at bulk storage plants within which liquefied petroleum gases are transferred or stored, including all connections to storage tanks, shall be segregated with fences approved by the director. The gates in such fences shall be kept locked at all times when no employee of the gas company is present.
- (d) *Safeguarding of customer's supply tanks.* Tanks supplying customers' installations shall be located outside of buildings. All valves and connections thereon shall be safeguarded by an enclosure, approved by the director. Installations with an aggregate water capacity of greater than two thousand (2,000) gallons shall have the area, which includes the tank and container appurtenances, enclosed with at least a six-foot-high industrial type fence unless otherwise adequately protected. Gates shall be locked at all times when no employee is present.
- (e) *Special requirements in the case of bulk storage (2,000 gallons aggregate water capacity or more) in heavily populated or congested areas.* Determination as to individual tank capacity, total storage, distance to property lines, underground storage, fixed fire suppression systems, or other reasonable protective measures shall be made by the director.
- (f) *Containers in residential buildings.* LP gas containers stored in a building housing residential occupancies shall be limited to two (2) ICC-DOT cylinders with a water capacity not exceeding two and one-half (2 ½) pounds which shall be part of approved self-contained hand torch assembly or similar appliance. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-55. Anesthetics and medical gases in hospitals and similar occupancies.

- (a) *Generally.* The use, storage and handling of anesthetics, oxygen and other medical gases shall be in accordance with the standards for flammable gases in section 24-14.
- (b) *Flammable anesthetic agents.* Any medical institution that has not effectively banned the use of flammable anesthetic agents shall maintain continuously suitable locations for the

use and storage of these agents. Hospital administrative authorities, in consultation with the medical staff and others of training and expertise, shall adopt regulations to control apparel and footwear allowed, the periodic inspection of conductive materials, the control of purchase of static conductive and anti-static materials, the testing of conductive floors in the use of electronic or X-ray equipment in flammable anesthetizing locations. Proposed rules and regulations shall be submitted to the director for approval. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-56. Gas shut offs.

- (a) *Notice when gas is shut off.* Any person shutting off gas to any building or structure shall promptly notify the company supplying such gas.
- (b) *Shut off valves to be accessible; curb keys.* No person shall make gas shut off valves inaccessible for use. The local gas utility shall, upon request, furnish appropriate curb keys to the department. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-57. Cutting and welding.

- (a) All oxygen-fuel gas systems for welding and cutting shall be installed and operated in accordance with National Fire Protection Association Standard for the Installation and Operation of Oxygen-fuel Gas Systems for Welding and Cutting, NFPA #51.
- (b) All cutting and welding processes shall be conducted in accordance with National Fire Protection Association Standard for Fire Prevention in Use of Cutting and Welding Processes, NFPA #51-B. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-58. Home use of inhalation therapy.

- (a) All users of medical oxygen shall be provided by the supplier, written instructions for preventing accidents and reducing or eliminating the danger of fire. The instructions shall be either a copy of the Manual for the Home Use of Respiratory Therapy, NFPA #56-HM, or an instructional pamphlet approved by the director. Any person who shall sell, distribute, deliver or cause to be delivered medical oxygen without the required instructions shall be subject to the penalty clause of the chapter.
- (b) The provisions of this section shall not apply to the use of oxygen in licensed health care facilities. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-59. Pyroxylin plastics (cellulose nitrate).

- (a) *Defined.* Pyroxylin plastic (cellulose nitrate) shall mean any plastic substance, material or compound other than explosives covered by section 22-71, having cellulose nitrate as

a base, by whatever name known, when in the form of blocks, slabs, sheets, tubes or fabricated shapes.

- (b) *Permit required for storage.* All retailers, jobbers and wholesalers storing or handling more than twenty-five (25) pounds of pyroxylin plastic shall obtain a permit from the director.
- (c) *Permit required for manufacture.* A permit shall be required for the manufacture of articles of pyroxylin plastic, which shall include the use of pyroxylin in the manufacture or assembly of other articles.
- (d) *Storage of picture film.* No person shall store, keep or have on hand more than twenty-five (25) pounds (for 35 mm film about 5,000 feet) or cellulose nitrate motion picture film without a permit from the director. Film having a cellulose acetate or other approved slow burning base, marked safety film, is exempt from this provision. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-60. Matches.

- (a) *Wholesale storage generally.*
 - (1) At wholesale establishments and wherever matches exceeding sixty (60) matchmens's gross (14,400 matches each gross) are stored, shipping containers containing matches shall be arranged in piles not exceeding ten (10) feet in height nor one thousand five hundred (1,500) cubic feet in volume with aisles at least four (4) feet wide.
 - (2) Where other materials or commodities are stored on the same floor with matches, a portion of the room shall be devoted to match storage exclusively, and a clear space of not less than four (4) feet maintained between match storage and such other materials or commodities.
- (b) *Storage not to be near vertical openings.* No matches shall be stored within ten (10) feet of any open elevator shaft, elevator shaft opening, open stairway or other vertical opening.
- (c) *Match bins required for broken containers.* Where shipping containers containing matches are opened, the contents of such broken containers shall be removed and stored in metal or metal-lined bins equipped with self-closing metal or metal-lined covers.
- (d) *Storage by retailers.* Where matches are sold at retail, original sealed packages may be stored on shelves. When such packages are broken, individual boxes shall be stored in metal-lined bins as described above. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-61. Scrap, waste and junkyards and collection stations.

- (a) *Defined.* Scrap, waste and junkyards and collection stations shall include all buildings or areas where wastepaper, rags or other combustible materials are handled or stored or where old motor vehicles or other old machinery are dismantled, stored, handled, sold or exchanged.
- (b) *Construction and protection requirements.* Buildings housing combustible junk or materials shall have windows or other openings for access for fire fighting and clear aisles tributary to them shall be provided. No materials shall be located in a yard nor shall any yard be operated in a manner to expose adjoining properties to a fire hazard.
- (c) *Fire extinguishers.* One approved Class A fire extinguisher of suitable size shall be provided for each two thousand five hundred (2,500) square feet or fraction thereof of the junkyard.
- (d) *Access to area.* No motor vehicle, or any part thereof, junk or other waste material shall be stored, displayed or kept in such a manner as to unnecessarily hinder or endanger fire fighting operations. Aisles, driveways or passageways suitable for fire apparatus shall be provided to permit reasonable access to all parts of the yard for fire fighting operations. (1975 L.M.C., ch. 23, § 1.)

Cross reference—Junk dealers and junkyards, ch. 28.

Sec. 22-62. Storage and handling of combustible fibres.

- (a) *Definitions.*

Combustible fibres: The phrase “combustible fibres” means and includes readily ignitable and free burning fibres, such as cotton, sisal, henequen, ixtle, jute, hemp, tow, cocoa fibres, oakum, rags, waste, cloth, wastepaper, kapok, hay, straw, Spanish moss, excelsior and other like materials.

Combustible fibre storage bins: The phrase “combustible fibre storage bins” means metal, or metal-lined containers with a capacity not exceeding one hundred (100) cubic feet, and equipped with a self-closing cover.

Combustible fibre storage rooms: The phrase “combustible fibre storage rooms” means rooms with a capacity not exceeding five hundred (500) cubic feet separated from the remainder of the building by a one-hour occupancy separation constructed as specified in the building code.

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Protected combustible fibre storage vault: The phrase “protected combustible fibre storage vault” means a room with a capacity exceeding one thousand (1,000) cubic feet, separated from the remainder of the building by a two-hour occupancy separation constructed as specified in the building code and provided with an approved automatic extinguishing system.

Unprotected combustible fibre storage vault: The phrase “unprotected combustible fibre storage vault” means a room with a capacity not exceeding one thousand (1,000) cubic feet separated from the remainder of the building by a two-hour occupancy separation constructed as specified in the building code and provided with approved safety vents to the outside.

- (b) *Permit required.* No person shall store or handle combustible fibres in quantities in excess of one hundred (100) cubic feet without a permit.
- (c) *Loose storage.* Loose combustible fibres (not in suitable bales or packages), shall be stored as shown in the following table:

<u>Cu. Ft. Mtls.</u>		<u>Method of Storage</u>
0 - 100		Comb. Fibre Storage Bin
101 - 500		Comb. Fibre Storage Room
501-1000	Unprotected	Comb. Fibre Storage Vaule
1000 - up	Protected	Comb. Fibre Storage Vault

Up to twenty-five hundred (2500) cubic feet of loose fibres may be stored in a detached “loose house” suitable located, with opening properly protected against entrance of sparks. The loose house shall be used for no other purpose.

- (d) *Baled storage.* No single block or pile shall contain more than twenty-five thousand (25,000) cubic feet of fibre exclusive of aisles or clearances. Blocks or piles of baled fibre shall be separate from adjacent storage by aisles not less than five (5) feet wide, or by flash fire barriers consisting of continuous sheets of noncombustible material extending from floor to a height of at least one (1) foot above the highest point of piles and projecting at least one (1) foot beyond the sides of the piles.
- (e) *Storage of sisal, etc.* Sisal and other fibres in bales bound with combustible tie ropes, also jute and other fibres liable to swell when wet, shall be stored to allow for expansion in any direction without endangering building walls, floors, ceilings or columns. Not less than three-foot clearance shall be left between walls and sides of piles; except, that if

storage compartment is not more than thirty (30) feet in width, eighteen-inch clearance at side walls will be sufficient, provided a center aisle not less than five (5) feet is maintained.

- (f) *Clearance between sprinkler heads and piles.* Not less than three-foot clearance shall be maintained between sprinkler heads and tops of piles.
- (g) *Dust collecting system.* Equipment or machinery within a building which generates or emits combustible fibres shall be provided with an approved dust collecting and exhaust system.
- (h) *Agricultural storage.* Unlimited quantities of hay, straw and other agricultural products may be stored in or near farm buildings located outside closely built area. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-63. Tire rebuilding plants.

- (a) The equipment, processes and operation of automobile tire rebuilding and recapping plans shall comply with the applicable requirements of this code and the detail provisions of this section.
- (b) A permit shall be obtained from the director to conduct or maintain any tire recapping or rebuilding plant.
- (c) The layout, arrangement and construction of buildings and structures used for tire rebuilding or recapping shall comply with the applicable requirements of the building code for the appropriate occupancy use group classification, and shall be provided with fire protection and fire extinguishment as required by that code. Buildings and structures and their service equipment shall be maintained in safe and sound condition as required by this code.
- (d) Fire doors or other opening protectives to exitway or elevator enclosures or similar shaft enclosures required by the building code shall be kept closed except when the opening is in actual use.
- (e) When tire rebuilding plants are required to be separated from other occupancies in the building by the building code, such separation shall be maintained in good condition and shall not be pierced or broken in any manner. When a sprinkler system is required by the building code in an automobile tire rebuilding plant it shall be maintained in proper and continuous working order.
- (f) Buffing machines shall be located in a room separated from the remainder of the plant as required by the building code, and fire doors in such separations shall be maintained free

of all obstructions at all times. Each machine shall be connected to an ample dust collecting system in conformity with NFPA Standard #91, Standard for the Installation of Blower and Exhaust Systems for Dust, Stock, Vapor Removal or Conveying.

- (g) Each room where rubber cement is used or mixed, or flammable or combustible solvents are applied, shall be equipped with effective mechanical or natural ventilation. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-64. Lumber yards and woodworking plants.

- (a) *Permit required.* No person shall store in excess of one hundred thousand (100,000) board feet of lumber without a permit.
- (b) *Storage area.* The area for storage of each lumber pile, whether in the open or under cover shall not exceed four thousand (4,000) square feet. Such areas shall be so arranged that all lumber storage piles are separated either by a distance of fifteen (15) feet, a fire wall, storage of noncombustible material or any other approved fire break. No lumber pile shall be higher than its clear distance from the nearest adjoining property line, and the maximum height of piles shall be fifteen (15) feet.
- (c) *Fencing.* Permanent lumber storage yards exceeding four thousand (4,000) square feet in area shall have a substantial six-foot masonry, metal, wire or wood fence designed to prevent entry of unauthorized persons onto the premises, unless the storage is within fully enclosed buildings.
- (d) *Auto storage.* No automotive trucks or automobiles shall be allowed to remain closer than fifteen (15) feet to a lumber storage shed overnight unless housed within a noncombustible garage.
- (e) *Burning of shavings, refuse, etc.* When approved the burning of shavings, sawdust and refuse materials shall be permitted only under boilers, in furnaces or in incinerators or refuse burners safely constructed and located. Stacks shall be provided with approved spark arresters having openings which will eliminate the danger from sparks such as an expansion chamber, baffle walls or other effective arrangement. At boiler or other points where sawdust or shavings are used as fuel, a storage bin of noncombustible construction with raised sill, shall be provided.
- (f) *Smoking.* Smoking shall be prohibited except in specified safe locations in buildings. "No Smoking" signs shall be painted on exterior building walls and on signs, erected at driveways' edges. "No Smoking" signs shall be posted throughout all buildings except in specific locations designated as safe for smoking purposes.

- (g) *Weeds.* Weeds shall be kept down throughout the entire year and shall be sprayed as often as needed with a satisfactory weed killer or cut or grubbed out. Dead weeds shall be removed.
- (h) *Debris; housekeeping.* Debris such as sawdust, chips and shorts shall be removed regularly. Proper housekeeping shall be maintained at all times.
- (i) *First aid fire extinguishing equipment in open yards and buildings.* Portable fire extinguishers suitable for the hazard involved or water barrels shall be provided at convenient, conspicuously accessible locations. The extinguishers or barrels shall be placed so that the maximum travel distance to the nearest unit shall not exceed seventy-five (75) feet. Water barrels if used shall be provided with three (3) pails each and shall contain at least forty (40) gallons of water. First aid fire extinguishers shall be provided in all buildings in accordance with the provisions of NFPA Standard #10, Portable Fire Extinguishers.
- (j) *Refuse removal systems for sawmills, etc.* Sawmills, planing mills and other woodworking plants shall be equipped with refuse removal systems which will collect and remove sawdust and shavings as produced.
- (k) *Fire fighting equipment near machines producing shavings, etc.* Fire fighting equipment, either first aid fire appliances or hose supplied from a suitable water system, shall be provided within reach of any machine producing shavings or sawdust. Extinguishers shall be provided in accordance with the provisions of NFPA Standard #10, Portable Fire Extinguishers. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-65. Hazardous chemicals generally.

- (a) *Applicability of section; defined.* This section shall apply to materials not otherwise covered in this code which are highly flammable, or which may react to cause fires or explosions, or which by their presence create or augment a fire or explosion hazard, or which because of the toxicity, flammability or liability to explosion render fire fighting abnormally dangerous or difficult; also to flammable or combustible liquids which are chemically unstable and which may spontaneously form explosive compounds, or undergo spontaneous reactions of explosive violence or with sufficient evolution of heat to be a fire hazard. Hazardous chemicals shall include such materials as flammable solids, corrosive liquids, radioactive materials, oxidizing materials, potentially explosive chemicals, highly toxic materials and poisonous gases.
- (b) *Permit required.* A permit shall be required for the storage, transportation or handling of more than fifty-five (55) gallons of corrosive liquids; or more than five hundred (500) pounds of oxidizing materials; or more than ten (10) pounds of organic peroxides; or more than five hundred (500) pounds of nitromethane; or one thousand (1,000) pounds

or more of ammonium nitrate, ammonium nitrate fertilizers and fertilizer mixtures covered in section 22-65(f)(4); or any amount of highly toxic materials, pyrophoric materials, hyperbolic materials, cryogenic materials or poisonous gases.

- (c) *Safeguards for manufacture, storage, handling and use.* The manufacture, storage, handling and use of hazardous chemicals shall be safeguarded with such protective facilities as public safety requires.
- (1) The director may require the separation, or isolation of any chemical that in combination with other substances may bring about a fire or explosion or may liberate a flammable or poisonous gas. The director may require separation from other storage, occupancies or buildings when the quantity stored constitutes a material hazard.
 - (2) Defective containers which permit leakage or spillage shall be disposed of or repaired, in accordance with recognized safe practices; no spilled materials shall be allowed to accumulate on floors or shelves.
 - (3) Where kept for retail sale in containers or packages usual to the retail trade, storage shall be neat and orderly and shelves shall be of substantial construction.
 - (4) Where specific requirements are not otherwise established, storage, handling and use of hazardous chemicals shall be in accordance with nationally recognized good practice.
- (d) *Oxidizing materials.* Packaged oxidizing materials shall be stored in dry locations and separated from stored organic materials. Bulk oxidizing materials shall not be stored on or against wooden surfaces. Oxidizing materials shall be stored separately from flammable liquids, flammable solids, combustible materials, hazardous chemicals, corrosive liquids and such other noncompatible materials as may be determined by the director.
- (e) *Radiation.* Durable, clearly visible signs of warning of radiation dangers shall be placed at all entrances to areas or rooms where radioactive materials are used or stored. In addition, each container in which radioactive materials are used, stored or transported shall bear a durable, clearly visible, appropriate warning sign. Such signs shall bear the three-bladed radiation symbol in magenta or purple on a yellow background in accordance with nationally recognized good practice.
- (1) Signs are not required for storage of manufactured articles other than liquids, such as instruments or clock dials or electronic tubes or apparatus of which radioactive materials are a component part and luminous compounds, when securely packed in strong containers; provided, that the gamma radiation at any

surface of the package is less than ten (10) milliroentgens in twenty-four (24) hours.

- (2) When not in use, radioactive materials shall be kept in adequately shielded fire resistant containers of such design that the gamma radiation will not exceed two hundred (200) milliroentgens per hour or equivalent at any point of readily accessible surface.

- (f) *Explosive chemicals.* Potentially explosive chemicals shall be stored away from all heat-producing appliances and electrical devices and shall be protected from external heat, fire and explosion. Explosives and blasting agents shall not be stored in the same building or in close proximity to such materials except in accordance with section 22-71. Good housekeeping shall be maintained. Uncontaminated contents of broken or cracked bags, packages or other containers shall be transferred to new and clean containers before storing. Other spilled materials and discarded containers shall be promptly gathered up and destroyed in an approved manner. All electric bulbs shall be equipped with guards to prevent breakage. Open lights or flames and smoking shall be prohibited in or near storage areas. Internal-combustion motor vehicles or lift trucks shall not be parked or stored in the room or compartment where such chemicals are located.

- (1) *Organic Peroxides.* A detached, well isolated, ventilated and unheated storage building with walls having not less than a two-hour fire resistive rating constructed in accordance with the building code, a noncombustible floor and a lightweight insulated roof shall be provided for the storage of fifty (50) pounds or more of organic peroxides. If not adequately protected by a fast-acting deluge type automatic sprinkler system, the storage building shall be located the following minimum distances from flammable or combustible liquid storage, combustible materials in the open and from any other building or highway.

<u>Weight of Organic Peroxide (pounds)</u>	<u>Distance (feet)</u>
50 to 100	75
100 to 500	100
500 to 1000	125
1000 to 3000	200
3000 to 5000	300

The organic peroxides shall be stored in the original shipping containers (DOT containers). Care shall be taken to avoid rough handling or contamination of these chemicals. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.

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- (2) Nitromethane. A suitably isolated outdoor storage area shall be provided for nitromethane. Hazardous processing shall not be permitted in the vicinity of this storage area. Nitromethane shall be stored in the drum in which it is received or in an underground tank with suitable corrosion protection and a minimum of two (2) feet of earth over the tank or in barricaded tanks above ground. If the drum storage is not adequately protected by a fast-acting deluge type automatic sprinkler system, the storage of two thousand (2,000) pounds or more shall be located the following minimum distances from inhabited buildings:

<u>Weight</u> <u>(pounds over)</u> <u>(pounds not over)</u>	<u>Approximate</u> <u>Number of Drums</u>	<u>Distance (feet)</u>
Beginning at 2,000	4	100
2,000 to 10,000	20	200
10,000 to 20,000	40	300
20,000 to 40,000	80	400
40,000 to 80,000	160	500

Care shall be taken to avoid rough handling or contamination of this chemical. Readily legible warning signs and placards shall be prominently placed in the storage and processing areas.

- (3) Ammonium Nitrate. All flooring in storage and handling areas shall be of noncombustible material and shall be without drains, traps, pits or pockets into which any molten ammonium nitrate could flow and be confined in case of fire.
- i. Each storage pile of bags or other authorized packages and containers of such materials shall not exceed twelve (12) feet in height, twelve (12) feet in width and thirty (30) feet in length. Such pile units shall be separated by a clear space of not less than thirty-six (36) inches in width from the base to the top of piles, serving as cross aisles in the storage area shall be not less than four (4) feet in width. A clearance of not less than thirty (30) inches shall be maintained from building walls and partitions and of not less than thirty-six (36) inches from ceilings or roof structural members with a minimum of eighteen (18) inches from sprinklers.
 - ii. Ammonium nitrate storage areas shall be separated by a space of thirty (30) feet or by a tight noncombustible partition from storages of organic chemicals, corrosive liquids, compressed gases, flammable combustible materials or other contaminating substances such as sulphur, coal, flour and metallic powders such as zinc, copper and magnesium where storage of such materials is permitted with ammonium nitrate.

- iii. Quantities of ammonium nitrate or ammonium nitrate fertilizer, having no organic coating, in the form of crystals, flakes, grains or pills including fertilizer grade, dynamite grade, nitrous oxide grade and technical grade ammonium nitrate and ammonium nitrate phosphate (containing sixty (60) percent or more ammonium nitrate by weight) of more than fifty (50) tons total weight shall be stored in a well-ventilated building. Such building shall be of one-hour fire-resistive or noncombustible construction as specified in the building code or shall be equipped with an approved automatic sprinkler system. In populated areas, quantities of two thousand five hundred (2,500) tons or more shall be stored in well-ventilated buildings of one-hour fire-resistive or noncombustible construction as specified in the building code equipped with an approved automatic sprinkler system. No combustible materials or ammonium nitrate sensitizing contaminants shall be stored in this building.
 - iv. Storage of ammonium nitrate, coated or mixed with organic anti-caking materials except compounded blasting agents, shall not be permitted in populated and congested areas. Outside such areas, quantities of five hundred (500) tons or less may be stored in well-ventilated buildings of one-hour fire-resistive or noncombustible construction as specified in the building code equipped with an approved automatic sprinkler system.
- (g) *Highly toxic materials.* Highly toxic materials are materials so toxic to man as to afford an unusual hazard to life and health. Highly toxic materials shall be segregated from other chemicals and combustible and flammable substances by storage in a room or compartment separated from other areas by a one-hour occupancy separation constructed as specified in the building code. The storage room shall be provided with adequate drainage facilities and natural or mechanical ventilation to the outside atmosphere. Legible warning signs and placards stating the nature and location of the highly toxic materials shall be posted at all entrances to areas where such materials are stored or used.
- (h) *Poisonous gases.* Storage of poisonous gases shall be in rooms of at least one-hour fire resistive construction as specified in the building code and having natural or mechanical ventilation adequate to remove leaking gas. Such ventilation shall not discharge to a point where the gases may endanger any person. Legible warning signs stating the nature of hazard shall be placed at all entrances to locations where poisonous gases are stored or used.

- (i) *Corrosive liquids.* Satisfactory provisions shall be made for containing and neutralizing or safely flushing away leakage of corrosive liquids which may occur during storage or handling.
- (j) *Storage cabinets for hazardous materials.* Cabinets for the storage of hazardous materials shall be approved and substantially constructed of No. 18 gauge sheet iron or a minimum of one-inch plywood or equivalent. Doors shall be self-closing and self-latching. Cabinets shall be painted with an intumescent type paint and shall be conspicuously labeled in red letters "HAZARDOUS--KEEP FIRE AWAY." (1975 L.M.C., ch. 23, § 1.)

Sec. 22-66. Hazardous chemicals in low hazard occupancies.

It shall be unlawful for any person to keep, store or possess in any building used for residential, assembly or office occupancy and quantity of hazardous chemicals as defined by this section without a permit except materials in forms prescribed by the official United States Pharmacopeia. For the purposes of this section hazardous chemicals requiring a permit shall include any of the following:

- (1) Any material classified by the United States Department of Transportation as a class A explosive or a class A poison.
- (2) Any material classified by the National Fire Protection Association recommended system for the identification of the fire hazards of materials, NFPA #704-M, that have a health hazard rating of three or four or that have a reactivity rating of two, three or four.
- (3) Any material not classified by either system but which possesses the same or similar characteristics of being unstable or highly toxic as those materials covered by paragraphs (1) and (2) above. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-67. Hazardous gas in balloons.

No person shall use any flammable, oxidizing, toxic, corrosive or reactive gas to inflate balloons. Air and inert gases which are lighter than air are not prohibited for this purpose. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-68. Compressed gases generally.

- (a) *Storage containers.* Cylinders and pressure vessels shall be designed, constructed, tested and maintained in accordance with nationally recognized good practice. Each cylinder, pressure vessel or group of containers shall be marked with the name of the gas contained in accordance with nationally recognized good practice.

- (b) *Storage and use.* All compressed gas cylinders in service or in storage shall be adequately secured to prevent falling or being knocked over. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-69. Fumigation.

- (a) The central fire communication center shall be notified in writing at least twenty-four (24) hours before any fumigation operation in accordance with the provisions of Standard for Fumigation, NFPA #57.
- (b) All fumigation operations shall be conducted in accordance with the Standard for Fumigation, NFPA #57. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-70. Fireworks.

- (a) *Defined.* The term “fireworks” shall mean and include any combustible or explosive composition, or any substance or combination of substances, or article prepared for the purpose of producing a visible or an audible effect by combustion, explosion, deflagration or detonation, and shall include blank cartridges, toy pistols, toy cannons, toy canes or toy guns in which explosives are used, the type of unmanned balloons which require fire underneath to propel the same, firecrackers, torpedos, skyrockets, Roman candles, Daygo bombs, sparklers, or other fireworks of like construction and any fireworks containing any explosive or flammable compound, or any tablets or other device containing any explosive substance, except that the term “fireworks” shall not include model rockets and model rocket engines, designed, sold and used for the purpose of propelling recoverable aero models and shall not include toy pistols, toy canes, toy guns or other devices in which paper or plastic caps manufactured in accordance with the United States Department of Transportation regulations for packing and shipping of toy paper or plastic caps are used and toy paper or plastic caps manufactured as provided therein, the sale and use of which shall be permitted at all times. Each package containing toy paper or plastic caps offered for retail sale shall be labeled to indicate the maximum explosive content per cap.
- (b) *Manufacture.* It shall be unlawful to manufacture fireworks within Montgomery County.
- (c) *Possession or use.* Except as hereinafter provided, it shall be unlawful for any person to possess, store, to offer for sale, expose for sale, sell or use, burn or explode any fireworks; provided, that the possession, sale or discharge of fireworks are permitted when such activities are conducted under a permit issued by the state fire marshal.
- (d) *Signal purposes, shows, etc.* Nothing in this section shall be construed to prohibit the use of fireworks by railroads or other transportation agencies for signal purposes or illumination, or the sale or use of blank cartridges for a show or theatre, or for signal or ceremonial purposes in athletics or sports or for the use by military organizations.

- (e) *Storage.* No person shall keep or store fireworks in the county for a period in excess of eight (8) hours unless such person shall have a valid permit from the state fire marshal for a display within the county and unless such storage site has been approved by the director. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-71. Explosives and blasting agents generally.

- (a) *Standards.* National Fire Protection Association Code for the Manufacturing, Transportation, Storage, and Use of Explosive Materials, NFPA #495, is hereby adopted as if such standard were set out in full in this section. The following sections are hereby deleted from the standard adopted by this subsection. In chapter 2, paragraph 22, permit requirements; paragraph 23, permit classes; paragraph 24 blaster's permit; paragraph 251, permit to use.
- (b) *Permit to blast.* No person shall use any explosives within the county unless a permit shall have been first obtained for such use from the director. The director shall issue the permit where he finds that the applicant has sufficient experience in, and knowledge of, the use of explosives to assure that they will be used so as not to endanger the health or safety of his fellow workmen or the general public. The director shall state in the permit the maximum amount of explosives to be used in any one charge and he may state the total amount of explosives to be used at the location stated in the application. The maximum amounts fixed by the director shall be such as to protect the health and safety of the general public and the fellow workmen of the permittee. Explosives shall not be used in an amount in excess of the limits stated in the permit.
- (c) *Hours of blasting operations.* Blasting operations shall not be conducted within the county between the hours of 7:00 p.m. and 7:00 a.m. nor at any time on Sunday, except by special permission by the director.
- (d) *Handling generally.* The handling of explosives may be performed by other employees; provided, that the work is done under the direct supervision of the person holding the permit to use explosives.
- (e) *Handling by intoxicated persons.* No person shall handle explosives while under the influence of intoxicating liquors or narcotics.
- (f) *Smoking.* No person shall smoke while handling explosives or in the vicinity thereof.
- (g) *Open flames.* No open flame lamp or light shall be used in the vicinity of explosives.
- (h) *Possession of permit.* The permit shall be made out in the name of and shall be in the possession of the person supervising the use of the explosives. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-72. Model rocketry.

- (a) *Permit required.* A permit in accordance with the provisions of the Code for Model Rocketry, NFPA #41-L, shall be obtained before launching any model rocket.
- (b) *Standards.* The provisions of the Code for Model Rocketry, NFPA #41-L, shall apply to all model rocketry activities.
- (c) *Dangerous rockets.* Any model rocket or model rocket engine that does not comply with the requirements for construction in the standard adopted in subsection (b) of this section shall be considered a dangerous rocket. Any person who shall construct, manufacture, possess, give away, sell or launch such dangerous rocket shall be subject to the provisions of the fireworks section of this chapter. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-73. False alarms; injuring fire alarm system.

- (a) For the purpose of this section an emergency alarm shall be deemed and construed as being any act as follows: The giving, signaling or transmitting to the central fire communications center, any fire station, any rescue station, or any officer or member thereof, whether by telephone, spoken word or otherwise, information to the effect that there is a fire, explosion, injured person, sick person, person trapped, building collapse, gas leak or other emergency to which fire or rescue apparatus normally responds at or near the place indicated by the person giving, signaling or transmitting such information.
- (b) Any person who deliberately or maliciously gives, signals or transmits, or who causes or permits to be given, signaled or transmitted an emergency alarm when in fact that person knows that no such emergency exists shall be guilty of a misdemeanor.
- (c) It shall be unlawful for any person to tamper with or maliciously injure any fire alarm equipment maintained for the purpose of transmitting fire alarms to the fire department. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-74. Fire safety instructions.

- (a) *Posting.* Hotels, motels, apartment houses, lodging houses and all other residential occupancies except one- and two-family dwellings, shall have a printed copy of fire safety instructions permanently and conspicuously posted in each occupancy unit and at such other locations as required by the director. The text and posting location shall be subject to the approval of the director.
- (b) *Fire plans.* The person responsible for fire safety in all buildings more than seventy-five (75) feet in height, buildings serving as housing for senior citizens, building housing institutional or educational occupancies, or such other buildings as may be required by

the director, shall prepare a written plan which details adequate procedures for occupants in case of fire. The plan shall be submitted to the director for approval. After approval the plan shall be distributed to appropriate occupants of the building. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-75. Procedures in case of fire.

- (a) *Notifying fire department.* Whenever a fire occurs in any building or premises of any kind, it shall be the duty of the owner, manager, occupant or person in control of such building or premises, upon discovery of a fire or evidence of there having been a fire, even though it has apparently been extinguished, immediately to cause notice of the existence of such fire, circumstances of same and the location thereof to be given to the central fire communications center. This requirement shall not be construed to forbid the owner, manager or person in control of the aforementioned building or premises from using all diligence necessary to extinguish such fire prior to the arrival of the fire department. No person shall make, issue, post or maintain any regulation or order, written or verbal, that would require any person to take any delaying action prior to reporting a fire to the central fire communications center.
- (b) *Evacuation.* Whenever a fire occurs in a building or there is reason to believe a fire exists in a building, the building shall be immediately evacuated and not reoccupied without the permission of the fire official in charge. If the building is provided with a manual fire alarm system, it shall be the duty of any person who has knowledge of the fire to activate the manual fire alarm. Complete evacuation is not required when other procedures are detailed in a fire plan that has been approved by the director. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-76. Warning notice in elevators.

In all buildings and structures containing elevators, there shall be permanently affixed within all elevators a prominent, plainly marked notice approved by the director to read:

WARNING
ELEVATORS SHALL NOT BE USED IN THE EVENT
OF FIRE. USE MARKED EXIT STAIRWAYS.

(1975 L.M.C., ch. 23, § 1.)

Sec. 22-77. Shaftways to be marked.

Every outside window in a building used for manufacturing purposes or for storage which opens directly on any hoistway or other vertical means of communication between two (2) or more floors in such building, shall be plainly marked with the word "SHAFTWAY" in red letters at least six (6) inches high on a white background. Such warning sign shall be so placed as to be easily discernible from the

outside of the building. Every door or window opening on such shaftway from the interior of the building, unless the construction of the partition surrounding the shaftway is of such distinctive nature as to make its purpose evident at a glance, shall be similarly marked with the warning word "SHAFTWAY" so placed as to be easily visible to anyone approaching the shaftway from the interior of the building. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-78. Vacant lots and parcels of land.

No person owning or having charge or control of any premises shall allow to exist thereon any dry vegetation, standing or otherwise, or any combustible waste or refuse of any nature which, by reason of its proximity to buildings or structures, would constitute a fire hazard. (1975 L.M.C., ch. 23, § 1.)

Cross reference—Weeds, ch. 58.

Sec. 22-79. Dangerous buildings.

- (a) *Commencement of proceedings to repair, etc.* Whenever the director has inspected or caused to be inspected any building and has found and determined that such building is a dangerous building, he shall commence proceedings to cause the repair, vacation, securing or demolition of the building.
- (b) *Ordering dangerous materials or conditions removed.* Whenever the director shall find any building or other structure which, for want of repairs, lack of sufficient fire escapes, automatic or other fire alarm apparatus or fire extinguishing equipment or by reason of age or dilapidated conditions, or from any other cause, is especially liable to fire, and which is so situated as to endanger other property or the occupants thereof, and whenever he shall find in any building combustible or explosive matter or flammable conditions dangerous to the safety of such building or the occupants thereof, he shall order such dangerous conditions or materials to be removed or remedied immediately.
- (c) *Vacation of premises; locking, etc. of premises.* Whenever the director shall find any building or other structure which, for want of repairs, or because of damage done by storm, fire, explosion, natural wear and tear or other causes of damage or deterioration, is in such condition as to constitute an immediate and present danger to life, property or public safety, the director is authorized to order the premises vacated immediately, if occupied, and is further authorized to post notice on the property and to order the property locked and boarded to prevent any person from entering onto the premises. If the unsafe and dangerous conditions are not corrected in accordance with the order of the director and no appeal has been taken as provided in this chapter, the building or structure may be secured and boarded by the county or may be removed by the county, whichever shall be required to remedy the unsafe condition. If the owner has not maintained or has been unable to maintain the building in a safe, locked and boarded condition as previously ordered, the director may order the demolition of the building,

the filling of any excavation and the clearing of the property so that it will be in a safe condition. The cost of removal or securing by the county shall be charged to the owner of the property in the manner of taxes and such charge shall be a lien on the property. The cost to the county for removal or securing may also be collected as other debts. Nothing in this section is intended to provide authority to order removal or to remove buildings for aesthetic reasons only.

- (d) *Notice and order generally.* The director shall issue a notice and order directed to the record owner of the building. The notice and order shall contain:
- (1) The street address and legal description sufficient for identification of the premise upon which the building is located.
 - (2) A statement that the director has found the building to be dangerous with a brief and concise description of the conditions found to render the building dangerous.
 - (3) A statement of the action required to be taken as determined by the director.
 - (4) Statements advising that if any required repair or demolition work is not commenced within the time specified, the director may proceed to cause the work to be done and charge the costs thereof against the property or its owner.
 - (5) Statements advising (i) that any person having any record title or legal interest in the building may appeal from the notice and order to the board of appeals; provided, that the appeal is made in writing as provided in this code, and filed within ten (10) days from the date of service, and (ii) that failure to appeal will constitute a waiver of all right to administrative hearing and determination of the matter.
- (e) *Method of service of notice and order.* Service of the notice and order shall be made upon all persons entitled thereto either personally or by mailing a copy of such notice and order by certified mail, postage prepaid, return receipt requested, to each such person at his address as it appears on the last assessment roll of the county or as known to the director. If no address of any such person so appears or is known to the director, then a copy of the notice and order shall be so mailed, addressed to such person, at the address of the building involved in the proceedings, and a copy shall be posted at or near the main entrance to the building. The failure of any such person to receive such notice shall not affect the validity of any proceedings taken under this section. Service by certified mail in the manner herein provided shall be effective on the date of mailing.
- (f) *Posting and form of notice to vacate.* Every notice to vacate shall, in addition to being served as provided in subsection (e) of this section, be posted at or upon each exit of the building, and be in substantially the following form:

DO NOT ENTER
UNSAFE TO OCCUPY

It is a misdemeanor to occupy this building
or to remove or deface this notice.

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- (g) *Compliance with notice to vacate.* Whenever such notice is posted, the director shall include a notification thereof in the notice and order issued by him under subsection (d) of this section reciting the emergency and specifying the conditions which necessitate the posting. No person shall remain in or enter any building which has been so posted, except that entry may be made to repair, demolish or remove such building under permit. No person shall remove or deface any such notice after it is posted until the required repairs, demolition or removal have been completed. Any person violating this subsection shall be guilty of a misdemeanor.
- (h) *Stay of notice and order during appeals.* Except for vacation orders, enforcement of any notice and order of the director issued under this section shall be stayed during the pendency of an appeal therefrom which is properly and timely filed.
- (i) *Failure to obey order.* After any order of the director or the board of appeals made pursuant to this section shall have become final, no person to whom any such order is directed shall fail, neglect or refuse to obey and such order. Any such person who fails to comply with any such order is guilty of a misdemeanor.
- (j) *Authority of director on failure to obey final order.* If, after any order of the director or board of appeals made pursuant to this section has become final, the person to whom such order is directed shall fail, neglect or refuse to obey such order, the director may (i) cause such person to be prosecuted under subsection (i) of this section or (ii) institute any appropriate action to abate such building as a public nuisance, or both.
- (k) *Extensions.* Upon receipt of an application from the person required to conform to the order and an agreement by such person that he will comply with the order if allowed additional time, the director may, in his discretion, grant an extension of time, not to exceed an additional one hundred twenty (120) days, within which to complete said repair, rehabilitation or demolition, if the director determines that such an extension of time will not create or perpetuate a situation imminently dangerous to life or property.

The director's authority to extend time is limited to the physical repair, rehabilitation or demolition of the premises and will not in any way affect or extend the time to appeal his notice and order. (1975 L.M.C., ch. 23, § 1.)

Cross references—Dangerous buildings, § 8-10; unsafe buildings, ch. 55.

Sec. 22-80. Combustible waste and refuse.

- (a) *Storage facilities required.* Every premises shall be provided with a specifically designated room or container in or on the premises for the temporary storage of combustible waste or refuse. It is the duty of the owner of property to provide the facilities for the storage of trash except in case of a one- or two-family dwelling in which case it shall be the duty of the occupant to provide these facilities.
- (b) *Maintenance of storage facilities.* All storage or holding facilities located inside of buildings shall be maintained in accordance with NFPA Standard on Incinerators and Rubbish Handling, #82. The adoption of this standard shall not be construed to permit the construction or operation of any incinerator in violation of any air pollution regulation.
- (c) *Handling.* All handling activities shall be performed in accordance with the standard set forth in subsection (b) of this section.
- (d) *Construction of storage containers.* All containers used to collect waste in any building that exceed five (5) cubic feet in volume shall be constructed of noncombustible materials and equipped with a tight-fitting cover.
- (e) *Storage of combustible waste.* Combustible waste and refuse shall be stored in:
 - (1) Approved containers which are constructed of noncombustible materials equipped with a tight-fitting cover; or
 - (2) An approved bin constructed of noncombustible materials having a self-closing cover that will operate automatically in case of fire inside the bin; or
 - (3) Rooms used exclusively for such storage; or
 - (4) Such other isolated areas either inside or outside of buildings that are approved by the director.
- (f) *Automatic sprinkler protection.* Automatic sprinkler protection shall be provided in all inside storage rooms or areas, chute discharge rooms or areas, compactor rooms and rubbish chutes.

- (g) *Closure of containers.* Storage containers not equipped with approved automatic closing covers shall be closed at all times except when trash is actually being loaded or unloaded.
- (h) *Violation of section.* Any person who places, keeps or stores or permits to be placed, kept or stored any combustible waste, rubbish or refuse in any area or facility in violation of this section shall be guilty of a misdemeanor.
- (i) *Obstruction of entrances or exits with containers.* The containers shall not obstruct any entrance or exit.
- (j) *Accumulation in rubbish chutes.* Trash or combustible waste shall not be stored or permitted to accumulate in rubbish chutes. Trash shall be removed from the chute continuously or as often as necessary to prevent accumulation.
- (k) *Setting fire, etc., to refuse.* Any person who wilfully and maliciously sets fire to or burns or causes to be burned or who aids, counsels or procures the burning of any combustible waste or refuse located in a chute, bin, compactor, room, container or other facilities provided for the collection of waste or refuse, shall upon conviction thereof, be sentenced in accordance with the penalties section of this chapter. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-81. Use of certain cooking equipment adjacent to multi-family dwellings.

The use of charcoal burning, other fuel burning or electric cooking equipment outside of any multi-family dwelling shall be prohibited unless such cooking equipment is at least twenty (20) feet from every part of the building. The provisions of this section shall not apply to townhouses, row houses or other multi-family dwellings where all dwelling units are side by side and none are superimposed above another. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-82. Use of charcoal burning equipment in buildings, etc.

The use in buildings, trailers and other confined areas of charcoal fired stoves or grills shall be prohibited, except where such stove is provided with an approved system to vent gaseous combustion products directly to the outside. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-83. Use of portable heaters.

Portable heaters shall be designed and located so that they cannot be easily overturned. The director may prohibit use of portable heaters in occupancies or situations in which such use or operation would present an undue danger to life or the property of others. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-84. Use of torches for removing paint and sweating pipe joints.

- (a) Any person using a torch or other flame-producing device for removing paint from any building or structure shall provide one approved fire extinguisher or water hose connected to a water supply in the area where such burning is done. In all cases, a fire watcher shall remain on the premises for one (1) hour after the torch or flame-producing device has been used.
- (b) Any person using a torch or other flame-producing device for sweating pipe joints in any building or structure shall have available in the immediate vicinity where the sweating is done one (1) approved fire extinguisher or water hose connected to a water supply. Combustible material in the close proximity of flame shall be protected against ignition by shielding, wetting or other approved means. In all cases, a fire watcher shall remain in the vicinity of the sweating operation for one-half hour after the torch or flame-producing device has been used. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-85. Smoking generally.

- (a) *Designated areas where smoking prohibited.* Where conditions are such as to make smoking a hazard in any areas of piers, wharves, warehouses, stores, industrial plants, institutions, schools, places of assembly and in open spaces where combustible materials are stored or handled, the director is empowered and authorized to order the owner or occupant in writing to post “No Smoking” signs in each building, structure, room or place in which smoking shall be prohibited. Such signs shall be conspicuously and suitably located. The director shall designate specific safe locations, if necessary, in any building, structure or place in which smoking may be permitted.
- (b) *Form of “No Smoking” signs.* The lettering, size, color and location of legally required “No Smoking” signs shall be subject to the approval of the director.
- (c) *Removal of signs prohibited.* It shall be unlawful for any person to remove or mutilate or destroy any legally required “No Smoking” sign.
- (d) *Compliance with “No Smoking signs.”* It shall be unlawful for any person to smoke or throw or deposit any lighted or smoldering substance in any place where “No Smoking” signs are posted or in any other place where smoking would occasion or constitute a fire or life hazard.
- (e) *Stables.* No person shall carry or use a lighted candle, lighted lamp or any other open flame nor smoke or carry any lighted cigar, cigarette or pipe nor light any matches in any public stable. (1975 L.M.C., ch. 23, § 1.)

Cross reference—Smoking prohibited in certain areas, § 24-9.

Sec. 22-86. Hot ashes and other dangerous materials.

No person shall deposit hot ashes or cinders, or smoldering coals, or greasy or oily substances liable to spontaneous ignition, into any combustible receptacle, or place the same within ten (10) feet of any combustible materials, except in metal or other noncombustible, covered receptacles. Such receptacles, unless resting on a noncombustible floor or on the ground outside the building, shall be placed on noncombustible stands and in every case shall be kept at least two (2) feet from any combustible wall or partition, or exterior window opening. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-87. Chimneys, heating appliances, etc., to be maintained in safe condition.

- (a) *Generally.* All chimneys, smokestacks or similar devices for conveying smoke or hot gases to the outer air and the stoves, furnaces, incinerators, water heaters, fire boxes or boilers to which they are connected shall be constructed and maintained in such a manner as not to create a hazardous condition.
- (b) *Spark arresters.* All chimneys, stacks and flues including incinerator stacks which may emit sparks that create a fire hazard shall be equipped and maintained with a spark arrester. Such spark arrester shall be of approved construction. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-88. Open fires generally.

Where permitted by the provisions of chapter 3 of the County Code, burning by open fires shall be subject to the following conditions:

- (a) Open fires shall be attended at all times until completely extinguished.
- (b) Garbage, dead animals, animal waste, tires, plastic, rubber and other materials which create dense smoke or emissions injurious or noxious to people or property shall not be burned.
- (c) It shall be unlawful for any person to kindle any open fire except leaf burning, cooking fires or recreational fires without first notifying the central fire communication center of such burning. Where burning continues for more than one (1) day the Montgomery County department of fire and rescue services shall be notified prior to 8:00 a.m. on each day of burning.
- (d) The director or the fire official may prohibit such burning at any time he determines that the kindling of an open fire creates a fire hazard.
- (e) Except for those fires used for cooking food on property occupied by a single family dwelling open fires shall not be less than thirty (30) feet from any building or structure.

A clear space free of ignitable materials not less than ten (10) feet in diameter shall be maintained around the fire.

- (f) The burning of material of any kind on public roads, streets, highways, alleys, sidewalks, and public rights of way shall be prohibited at all times.
- (g) Where open burning is being conducted under the terms of a permit issued by the department of environmental protection, the permittee shall be personally responsible for the fire at all times. The permit shall be in the possession of the person supervising the burning at all times.
- (h) No person shall kindle a fire upon the land of another without permission of the owner thereof or his agent. (1975 L.M.C., ch. 23, § 1.)

Cross reference—Open fires, § 3-6.

Sec. 22-89. Decorative materials generally.

Cotton batting, either natural, artificial or manufactured, straw, dry vines, leaves, trees, or other highly flammable materials shall not be used for decorative purposes in show windows or other parts of commercial, industrial or institutional occupancies unless flameproofed; provided, that nothing in this section shall be held to prohibit the display of saleable goods permitted and offered for sale. Electric light bulbs or fixtures or any heat producing device in any building shall not be decorated with paper or other combustible materials whether flameproofed or not. Exit doors, exit lights, fire alarm sending stations, standpipes and fire extinguisher locations shall not be concealed or obstructed by any decorative material. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-90. Electrical wiring.

- (a) *Maintenance.* It shall be unlawful to maintain any electrical wiring appliance, apparatus or device in violation of the Montgomery County electrical code.
- (b) *Notice and discontinuance of fire hazard.* When any hazardous electrical installation is brought to the attention of the director, he shall notify the authority enforcing the electrical code, and may order use of such installation discontinued immediately. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-91. Electrical products.

- (a) It is unlawful for any person, partnership, association, corporation or other legal entity to sell or distribute any electrical consumer product which is intended ultimately for the personal use of a consumer in or around a permanent or temporary household or residence unless the product is clearly labeled, marked or stamped with the symbol of an

electrical testing laboratory which has been certified to do testing by the fire marshal of the State of Maryland. The purpose of this testing is to determine that the products tested are safe for use.

- (b) The term “electrical consumer product” includes all electrical products, which are not a part of the permanent wiring of the structure, which may be used in or around a permanent or temporary household or residence.
- (c) The term “electrical consumer product” excludes all electrical products operating at sixty (60) volts or less.
- (d) Labels, stamps or markings as required must be affixed to the product, must be legible and in the English language.
- (e) The term “sale” includes any sale, offer for sale or attempt to sell any merchandise for cash or credit or any service or offer for service as it relates to any person, edifice or equipment. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-92. Access to utilities.

In other than individual dwelling units no person shall place, keep or store any material on or before any gas or electric meter or any shut-off for gas service, electrical service or water service the presence of which would interfere with the ability of the fire department to shut off the utility. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-93. Mobile home parks.

Except where more stringent requirements are found elsewhere in this code trailer courts and mobile home parks shall comply with the Standard for Mobile Home Parks, NFPA #501-A. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-94. Construction and demolition.

- (a) *Standards.* All construction and demolition operations for buildings that exceed five hundred (500) square feet in floor area shall be conducted in accordance with NFPA Standard #241, Safeguarding Building Construction and Demolition Operations.
- (b) *Combustible waste.* Debris, trash or other combustible waste material which creates or tends to create an undue fire hazard shall not be allowed to accumulate in, on or about any building or structure in process of construction or demolition.
- (c) *Fire extinguishing equipment.* Whenever any building or structure which is being constructed or erected is over two (2) stories in height and the construction reaches a

height of twenty-five (25) feet above ground, not less than one (1) approved class A fire extinguisher shall be provided for each three thousand (3,000) square feet or fraction thereof of floor area under construction which is above the twenty-five-foot level.

- (d) *Standpipes.* The standpipe system shall be carried up with each floor and shall be installed and ready for use as each floor progresses. Standpipes shall not be more than one (1) floor below the highest forms or staging.
- (e) *Buildings under demolition.* When a building is being demolished and a standpipe or sprinkler system is existing within such building, such standpipe and/or sprinkler system shall be maintained in an operable condition so as to be available for use by the fire department. Such standpipe and/or sprinkler system shall be demolished with the building, but in no case shall the system, or systems, be more than one (1) floor below the floor being demolished.
- (f) *Installation of fire protection facilities by developer.* When fire protection facilities are to be installed by the developer, such facilities including all surface access roads shall be installed and made serviceable prior to and during the time of any combustible construction. When alternate methods of protection, as approved by the director, are provided, the above may be modified or waived.
- (g) *Combustible formwork.* Combustible formwork supporting floors shall be prohibited more than seventy-five (75) feet above the lowest point of fire apparatus access. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-95. Control of materials.

- (a) Whenever any material is regulated by this chapter as to flamespread, combustibility, flammability, smoke contribution, fuel contribution, flash point, toxicity, reliability or safety, it shall be the duty of the manufacturer, seller or distributor to provide such data, specifications, certification or samples as may be required to establish that the material is in conformance with the requirements of this chapter. Whenever such materials are kept, stored, installed or used in any building it shall be the duty of the owner to maintain such records of data, specification or certification, and to provide when requested samples for accepted field testing, to establish that the materials are kept, stored, installed or used in compliance with the requirements of this chapter.
- (b) Whenever the director shall find any material which is regulated by this chapter as to flamespread, combustibility, flammability, smoke contribution, fuel contribution, flash point, toxicity, reliability or safety, but for which there is insufficient information provided to establish that such material is in compliance with this chapter, he shall order the material to be removed, replaced or otherwise protected in an acceptable manner. (1975 L.M.C., ch. 23, § 1.)

Sec. 22-96. Smoke detectors.

- (a) *Requirement:* It shall be the responsibility of the owner of each new and existing occupied dwelling unit to install smoke detectors in each such dwelling unit as hereinafter provided. Said smoke detectors shall be either the ionization or photo-electric type capable of sensing visible or invisible particles of combustion and providing a suitable audible alarm thereof; further, they shall be installed by July 1, 1978, in the manner hereinafter provided (unless any other provision of county, state or federal law shall require installation before the date.) Failure to install smoke detectors as and where required by said date will subject the property owner to the penalties set forth in section 22-22.
- (b) *Location:*
- (1) At least one (1) smoke detector shall be installed to protect each sleeping area. A sleeping area is defined as the area or areas of the family living unit in which the bedrooms (or sleeping rooms) are located. Where bedrooms or rooms ordinarily used for sleeping are separated by other-use areas (such as kitchens or living rooms, but not bathrooms or closets), they shall be considered as separate sleeping areas for the purposes of this section.
 - (2) At least one (1) smoke detector shall be installed in or near each stairway leading to an occupied area in such a manner as to assure that rising smoke is not obstructed in reaching the detector and that rising smoke cannot effectively bypass the detector before it reaches the occupied area.
 - (3) The director may grant exceptions to subsections (1) and (2) including, but not limited to, installation of smoke detectors on every level of the home.
 - (4) Smoke detectors installed or in the process of installation in compliance with subsection (b)(2) of this section prior to the effective date of these amendments shall be deemed to have complied with this chapter.
- (c) *Alternative:* Where smoke detectors are installed as part of an approved fire detection system, the requirements for single-station smoke detectors may be set aside. An approved system shall be defined as a combination of devices that meets the requirements of this section and is installed in accordance with National Fire Protection Association Standard 74.
- (d) *Equipment:* All devices, combinations of devices and equipment required herein are to be installed in conformance with the building code and this section, and approved by the

Montgomery County department of fire and rescue services and listed by said department for the purpose for which they are intended; said list may be subsequently amended by the department of fire and rescue services as necessary. Such approval shall be permanent unless the director subsequently finds that the equipment is hazardous, unreliable or otherwise detrimental to public health or safety, in which case, the director may suspend or revoke approval. The director may in any such case determine whether replacement of existing installation shall be required. Transfer to the inactive list shall not affect equipment approval.

- (e) *Installation:* In new residential dwellings, single-station smoke detectors shall be wired directly (hard-wired) to the building's power supply. In existing dwellings within multi-family buildings of ten (10) units or more, the detectors shall meet the multi-family building power source requirements of state law, or in the absence of state law, the requirements hereunder covering other existing dwellings. In other existing dwellings, it is preferred that single-station smoke detectors be wired directly to the power supply; however, said detectors may be powered by self-monitored battery or operated in a plug-in outlet which is fitted with a plug restrainer device, provided the outlet is not controlled by any switch other than the main power supply.
- (f) *Change in occupancy:* After July 1, 1978, at every change of occupancy of every dwelling unit occasioned by or incidental to a sale, lease or sublease of said unit, it shall be the duty of the grantor thereof (i.e., the seller, lessor or sublessor, as the case may be) to provide before occupancy all smoke detectors as required by this section (or other applicable laws) in proper working condition. Failure to comply with this subsection shall be punishable as set forth herein; provided, however, that this subsection shall not be construed to vitiate or render void any contract, lease or sublease subject hereto.
- (g) *Permits and fees:* No smoke detector or alternative system may be directly connected (permanently wired) to the electrical system of the structure unless an electrical permit is first obtained from the Department of Permitting Services or the municipal electrical permit authority having jurisdiction. The County Executive may adopt, under method (3), a fee schedule for the issuance of a permit which must not exceed the cost of administration of this section and may waive, partially or wholly, the fee requirement or issue multiple permits after payment of a single fee.
- (h) *Supplemental standards:* This section is intended to be used with and supplemented by the applicable provisions of the NFPA Standards 72-E and 74, 1974 Editions, which are hereby incorporated herein; however, if there shall be any conflict between this statute and the said supplemental standards, this statute and any rules and regulations adopted

pursuant thereto shall prevail. (1977 L.M.C., ch. 9, § 1; 1978 L.M.C., ch. 40, § 1; 1984 L.M.C., ch. 24, § 23; 1984 L.M.C., ch. 27, § 18; 1996 L.M.C., ch. 20, § 1.)

Editor's note—1998 L.M.C., ch. 12, § 1, amending Section 5 of 1996 L.M.C., ch. 20, reads: “Sunset. On July 1, 2001, any function transferred by this Act to the Department of Permitting Services reverts to the Department which administered that function before this Act took effect [August 1, 1996].”

Cross reference—Housing code provisions for smoke detectors, § 26-21.

Sec. 22-97. Address numbers.

- (a) The owner of any structure presently existing or constructed in the future must display Arabic numbers designating the address assigned to the structure by the Maryland-National Capital Park and Planning Commission, or by the municipality in which the structure is located. Numbers must be at least five (5) inches high for single-family detached and attached residences and at least six (6) inches high for commercial, industrial or multifamily structures. However, if the numbers designating the address of a single-family residence on April 5, 1988, were at least three (3) inches high, those numbers comply with the size requirement of this section as long as they remain in place. Address displays must be posted on a contrasting background displayed in a conspicuous place that is unobstructed and clearly readable from the street named in the official address of the structure. Where a structure has more than one (1) address or where more than one (1) structure shares a common entry or driveway, numbers must designate the addresses in sequence.
- (b) An agency of the county must not require a permit for a sign containing only the address of a residence if the sign is smaller than a maximum size set by the county executive by regulation.
- (c) When a street sign is replaced or a new sign installed, the county executive must cause the address range of each street to be displayed on each street name sign the county erects or maintains. (1982 L.M.C., ch. 30, § 1; 1988 L.M.C., ch. 33, § 1.)

Editor's note—Section 2 of 1988 L.M.C., ch. 33, reads as follows: “Until June 1, 1989, section 22-97(a), as amended by section 1, does not apply to any single-family residence occupied before this act takes effect.”

Sec. 22-98. Roof materials.

- (a) A person must not make or enforce any deed restriction, covenant, rule, or regulation, or take any other action, that would require the owner of any building to install any roof material that does not have a class A rating, or an equivalent rating that indicates the highest level of fire protection, issued by a nationally recognized independent testing organization.

- (b) As used in this section:
 - (1) *A person* includes a homeowners' association as defined in section 24B-1.
 - (2) *The owner of any building* includes a unit owner in a condominium, a lot owner in a homeowners' association, and a shareholder in a cooperative housing corporation.
- (c) This section applies to all deed restrictions, covenants, rules, and regulations adopted before and after this section became law [March 9 1989]. (1989 L.M.C., ch. 23, § 1.)