State of Maryland
Fire Prevention Code

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TITLE 29 DEPARTMENT OF STATE POLICE
SUBTITLE 06 FIRE PREVENTION COMMISSION
CHAPTER 01 FIRE PREVENTION CODE
Authority: Public Safety Article §6-206 and 6-501
(Amended effective January 1, 2016)

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

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

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

B. This chapter incorporates by reference NFPA 1 Fire Code (2015 Edition), except as amended in Regulations .08 and .09 of this chapter, and NFPA 101 Life Safety Code (2015 Edition), except as amended in Regulation .07 of this chapter. Certain requirements of the International Building Code as incorporated by reference by the Maryland Building Performance Standards are also adopted by incorporation by reference in Regulations .06—.16 of this chapter and are considered minimum standards.

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

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

B. (Repealed)

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

D. The provisions of this chapter do not apply to buildings used solely as dwelling houses for not more than two families as prescribed in Public Safety Article, Title 6, Subtitle 3, Annotated Code of Maryland.

.04 Enforcement.

A. Enforcement of this chapter is the responsibility of:

(1) The State Fire Marshal;

(2) A legally designated fire official of a county or municipal corporation of the State; or

(3) Other persons legally appointed by the State Fire Marshal under Public Safety Article, Title 6, Subtitle 3, Annotated Code of Maryland.

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

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

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

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

.05 Definitions.

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

B. Terms Defined.

(1) "Authority having jurisdiction (AHJ)" means the State Fire Marshal or the legally appointed designee as prescribed in this chapter.

(2) "International Code Council (ICC)" means International Code Council, Inc., 500 New Jersey Avenue N.W., 6th Floor, Washington, DC 20001-2070.

(3) "Legally appointed designee" means those local or county officials specifically authorized under the Public Safety Article, Annotated Code of Maryland, to enforce the provisions of the State Fire Laws and State Fire Prevention Code.

(4) "New building or condition" means a building, structure, installation, plant, equipment, renovation, or condition:

(a) For which a building permit is issued on or after the effective date of this chapter;

(b) On which actual construction is started on or after the effective date of this chapter in a jurisdiction where a building permit is not required;

(c) Which represents a change from one occupancy classification to another on or after the effective date of this chapter; or

(d) Which represents a situation, circumstance, or physical makeup of any structure, premise, or process that was commenced on or after the effective date of this chapter.

(5) "NFPA" means National Fire Protection Association, 1 Batterymarch Park, P.O. Box 9101, Quincy, MA 02269-9101.

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

B. Documents Incorporated.
(1) NFPA 1 Fire Code (2015 Edition).
(2) NFPA 101 Life Safety Code (2015 Edition).
(3) International Building Code as incorporated by reference by the Maryland Building Performance Standards, which can be found under COMAR 05.02.01.02-1.

C. Incorporation by Reference Locations. The documents incorporated by reference in §B of this regulation are available for inspection in State depository libraries.

.07 National Fire Protection Association 101 Life Safety Code.
The NFPA 101 Life Safety Code (2015 Edition) is incorporated by reference, except for the following amendments:

A. Amend Section 2.2 to add the referenced publication NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

B. Amend Subsection 3.3.62 to add the following Paragraph: 3.3.62.3 Bulkhead Door. A type of door assembly covering an opening in the ground providing direct access to a basement, the floor of which is not more than 8 feet below ground level. The door consists of a single rigid leaf or two overlapping rigid leaves or covers which need to be pushed or lifted upwards in order to be opened. A person, after opening the door, can walk up a series of steps to escape to the outside.

C. Amend Paragraph 3.3.142.1 and Subparagraphs 16.6.1.1.2 and 17.6.1.1.2 to delete "more than 3, but".

D. Amend Paragraphs 3.3.190.4 and 6.1.4.1 to delete "four or more".

E. Amend Paragraphs 3.3.190.12 and 6.1.9.1 to replace "four" with "six".

F. Amend Subsection 4.5.8 and Paragraph 4.6.12.1 to delete "for compliance with the provisions of this Code".

G. Amend Paragraph 4.6.12.3 to delete "by the Code".

H. Amend Subsection 4.8.2 to add the following Paragraph: 4.8.2.4 Emergency action plans shall be maintained in a location approved by the AHJ.

I. Amend Subparagraph 7.2.1.5.12 to replace "required" with "provided".

J. Amend Subparagraph 7.2.1.6.3 to replace "in Chapters 11 through 43" with "by the AHJ and Chapters 11 through 43".

K. Amend Subparagraph 7.2.1.7.1 to delete "required to be".

L. Amend Subparagraph 7.2.1.7.3 to delete "Required".

M. Amend Paragraph 7.9.1.2 to replace "only" in the first sentence with ", but not be limited to,".

N. Amend Paragraph 9.6.1.3 and Subsection 9.11.1 to delete "required by this Code".

O. Amend Paragraph 9.6.2.6 to add the following: This paragraph does not permit the omission of manual fire alarm boxes in accordance with other provisions of this Subsection unless specifically permitted by Chapters 11 through 43.

P. Amend Paragraph 9.7.1.1 to add the following Subparagraph: 9.7.1.1.1 For new ceiling installations, drop-out ceilings as referenced in NFPA 13, Subsection 8.15.15, shall be prohibited.

Q. Amend Paragraph 11.8.3.1 to add "High-rise buildings do not include a structure or building used exclusively for open-air parking."

R. Amend Paragraph 11.11.2.1 to add "or other approved testing standard approved by the State Fire Marshal".

S. Amend Paragraphs 12.2.4.1 and 13.2.4.1 to add the following:
(1) Not less than two separate exits shall be provided on every story.
(2) Not less than two separate exits shall be accessible from every part of every story.

T. Amend Paragraphs 14.7.2.3 and 15.7.2.3 to delete existing wording and replace with the following:
Fire emergency egress drills shall be conducted as follows:

(1) Not less than one fire emergency egress drill shall be conducted every month the facility is in session, unless the following criteria are met:

(a) In climates where the weather is severe, the monthly fire emergency egress drills shall be permitted to be deferred; and

(b) In educational occupancies which are:

(i) fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be five, with a least two of the required drills conducted in the first four months of the school year; or

(ii) not fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be eight, with at least three of the required drills conducted in the first four months of the school year.

(2) All occupants of the building shall participate in the fire emergency egress drill.

(3) One fire emergency egress drill, other than for educational occupancies that are open on a year-round basis, shall be required within the first 30 days of operation.

U. Amend Subsections 16.1.1 and 17.1.1 to add the following Paragraphs:
16.1.1.9 and 17.1.1.9 Day-care centers providing day care for school-age children before or after school hours in a building which is in use as a public or private school are not required to meet the provisions of this chapter, but shall meet the provisions for educational occupancies.

V. Amend Subparagraphs 16.2.11.1.1 and 17.2.11.1.1 to add the following item:
(4) For grade floor windows the minimum net clear opening shall be permitted to be 5.0 ft2.

W. Amend Sub-subparagraphs 16.6.1.4.1.1 and 17.6.1.4.1.1 to delete "more than three, but" and replace "seven" with "nine".

X. Amend Sub-subparagraphs 16.6.1.4.1.2 and 17.6.1.4.1.2 to replace "7" with "9".

Y. Amend Subparagraphs 16.6.1.7.1 and 17.6.1.7.1 to replace "both" with "all" and Items (1) and (2) with the following Items:

(1) The minimum staff-to-client ratio shall be not less than one staff member for up to eight clients, including the caretaker's own children incapable of self-preservation.
(2) There shall be not more than four clients incapable of self-preservation, including the caretaker's own children incapable of self-preservation.
(3) A staff-to-client ratio of at least one staff member to every two clients incapable of self-preservation shall be maintained at all times.
(4) The staff-to-client ratio shall be permitted to be modified by the authority having jurisdiction where safeguards in addition to those specified in this section are provided.

Z. Amend Paragraphs 16.6.2.1 and 17.6.2.1 and Subparagraphs 16.6.2.4.5 and 17.6.2.4.5 to add the following: Bulkhead doors may not serve as a primary means of escape.

AA. Amend Paragraphs 16.6.2.2 (Reserved) and 17.6.2.2 (Reserved) to add the following:
SLIDING DOOR: For family day-care homes, a sliding door used as a required means of escape shall comply with the following conditions:

(1) The sliding door shall have not more than one, easily operated, locking device that does not require special knowledge, effort, or tools to operate;
(2) There may not be draperies, screens, or storm doors that could impede egress;
(3) The sill or track height may not exceed 1/2 inch above the interior finish floor;
(4) The surface onto which exit is made shall be an all weather surface such as a deck, patio, or sidewalk;
(5) The floor level outside the door may be one step lower than the inside, but not more than 8 inches lower;
(6) The sliding door shall open to a clear open width of at least 28 inches;
(7) Before day-care use each day, the sliding door shall be unlocked and tested to the full required width to be sure it is operating properly, and the door shall be nonbinding and slide easily; and
(8) During periods of snow or freezing rain, door tracks shall be cleared out and the door opened periodically throughout the day in order to ensure proper operation.

BB. Amend Paragraphs 16.6.2.3 (Reserved) and 17.6.2.3 (Reserved) to add the following:
SPECIAL MEANS OF ESCAPE REQUIREMENTS: For family day-care homes, deadbolt locks shall be provided with approved interior latches, or these locks shall be of a captured key design from which the key cannot be removed from the interior side of the lock when the lock is in the locked position.

CC. Amend Subparagraph 17.6.3.4.4 to delete "existing".

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

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

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

GG. Delete Subparagraphs 22.4.5.1.5 and 23.4.5.1.5.

HH. Delete Paragraphs 22.4.5.2 and 23.4.5.2.

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

JJ. Amend Paragraph 24.1.1.2 to replace "three" with "five" and delete ", if any, accommodated in rented rooms".

KK. Amend Subparagraphs 24.2.2.3.3, 32.2.2.3.1(3), and 33.2.2.3.1(3) to insert ", or not less than 5.0 ft2 for grade floor windows" after "5.7 ft2".

LL. Amend Paragraph 26.1.1.1 to replace "buildings" with "buildings that do not qualify as one- and two-family dwellings".

MM. Amend Sub-subparagraph 33.3.3.4.8.1 to delete "33.3.3.4.8.2 and".

NN. Delete Sub-subparagraph 33.3.3.4.8.2.

OO. Amend Table 42.2.5 to replace "50" with "75" and "15" with "23" for common path of travel for ordinary hazard storage occupancy not protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1).

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

QQ. Amend Sub-subparagraphs 42.8.3.4.1.1 and 42.8.3.4.1.3 to replace "Parking structures" with "Parking structures less than three stories".

.08 National Fire Protection Association 1 Fire Code.
The NFPA 1 Fire Code (2015 Edition) is incorporated by reference, except for the amendments in Regulation .09 of this chapter and the following amendments:

A. Amend Paragraph 1.7.12.2 to add the following sentence: The AHJ shall be authorized to require plans to bear the stamp of a registered design professional.

B. Delete Section 1.10. (See COMAR 29.06.02)

C. Delete Subsection 1.11.3.

D. Amend Subsection 1.12.1 to add the following Paragraph: 1.12.1.1 Permits, certificates, notices, approvals, or orders required by this code shall be governed by the policies and procedures of the AHJ.

E. Amend Paragraph 1.12.6.13 to replace "Permits shall" with "Permits may".

F. Amend Subsection 1.12.8 to replace "shall" with "may".

G. Amend Subsection 1.13.2 to delete "Mandatory." and replace "shall" with "may".

H. Delete Paragraphs 1.13.12.4 and 1.16.4.2.

I. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, 2015 edition. Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ. Delete the referenced publication NFPA 150 Standard on Fire and Life Safety in Animal Housing Facilities, 2013 edition. Add the referenced publication NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

J. Amend Section 3.3 to add the following Subsection. 3.3.278 Fireworks. Any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration or detonation, and that meets the definition of Consumer Fireworks or Display Fireworks as set forth in NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition, and as referenced in Public Safety Article, §10-101, Annotated Code of Maryland.

K. Amend Subsection 3.3.14 to add the following Paragraph: 3.3.14.13 Consumer Fireworks Retail Sales Area. The portion of a consumer fireworks retail sales facility or store, including the immediately adjacent aisles, where consumer fireworks are located for the purpose of retail display and sale to the public.

L. Amend Paragraph 3.3.183.6 to delete "more than 3 but".

M. Amend Paragraphs 3.3.183.7 and 6.1.4.1 to delete "four or more".

N. Amend Paragraph 3.3.183.22 to replace "three" with "five" and delete ", if any, accommodated in rented rooms".

O. Amend Paragraphs 3.3.183.25 and 6.1.9.1 to replace "four" with "six".

P. Amend Paragraph 4.5.8.1 to delete "for compliance with the provisions of this Code".

Q. Amend Paragraph 4.5.8.3 to delete "by the Code".

R. Amend Subsection 10.1.2 to add "except as amended by COMAR 29.06.01.07, COMAR 29.06.01.08, and COMAR 29.06.01.09".

S. Amend Subsections 10.4.1 and 10.4.2 to replace "AHJ" with "AHJ or incident commander".

T. Amend Subsection 10.10.6.1 to replace "10 ft (3 m)" with "15 ft (4.6 m)".

U. Amend Subsection 10.11.1 to add the following Subparagraph and Paragraph:
10.11.1.1.1 Subject to the approval of the AHJ, individual suites within structures and rear exterior entrances and/or access from service corridors shall be clearly identified.
10.11.1.4 Where required by the AHJ, symbols in compliance with NFPA 170 Standard for Fire Safety and Emergency Symbols shall be used.

V. Amend Paragraphs 10.11.1.2 and 10.11.1.3 to replace "Address numbers" with "Premises identification".

W. Amend Subsection 10.13.1 to add the following new Paragraph: 10.13.1.2 The AHJ shall:
(1) Approve the placement of a natural cut or balled tree;
(2) Limit the number of natural cut or balled trees displayed; and
(3) Order the removal of any tree if the tree poses a hazard to life or safety.

X. Amend Paragraph 10.13.1.1 to replace "Christmas" with "Unless otherwise approved by the AHJ, Christmas".

Y. Amend Paragraph 10.13.3.1 to replace "by the manufacturer" with "by a testing laboratory recognized by the Office of the State Fire Marshal".

Z. Amend Paragraph 10.13.9.1 to replace "½ in. (13 mm)" with "2 in. (50 mm)" and add the following sentence: "A natural cut tree shall not exceed 10 ft. (3 m) in height, excluding the tree stand."

AA. Amend Subparagraph 10.14.11.2.6 to replace "any vehicles" with "any vehicles, buildings,".

BB. Amend Section 10.15 to add the following Subsection: 10.15.6 The AHJ shall have the authority to require that outdoor storage of any combustible material be enclosed by an approved fence or other protective enclosure to prevent unauthorized access.

CC. Amend Subsection 10.15.1 to replace "10 ft (3m)" with "15 ft (4.6m)" and "property line" with "property line, building, or adjacent pile of combustible material"; and add the following: The separation distance shall be allowed to be increased where the AHJ determines that a higher hazard to the adjoining property exists.

DD. Amend Subsection 10.15.5 to add "and shall not exceed 10,000 ft2 in area".

EE. Amend Subsection 10.18.7 to replace "repaired" with "repaired on any balcony, under any overhanging portion, or".

FF. Amend Section 11.1 to add the following Subsection: 11.1.9 Clearance. A clear space of not less than 30 inches (762 mm) in width, 36 inches (914 mm) in depth, and 78 inches (1981 mm) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 mm), the clear space shall not be less than the width of the equipment. No storage of any materials shall be located within the designated clear space. Exception: Where other specialized dimensions are required or permitted by NFPA 70.

GG. Amend Paragraph 11.1.7.3 to add the following Subparagraph: 11.1.7.3.2 Doors to electrical control panel rooms shall be marked with a plainly visible and legible sign stating ELECTRICAL ROOM or similar approved wording in contrasting letters not less than 1 in. (25 mm) high and not less than ¼ in. (6.4 mm) in stroke width.

HH. Amend Paragraph 11.3.6.1 to add the following sentence: Keys for new elevators shall be cut to a uniform key code to comply with the Maryland State Elevator Code.

II. Amend Subsection 11.9.1 to replace "approved by the fire department" with "approved by the AHJ".

JJ. Amend Paragraph 13.3.1.2 to add the following Subparagraph: 13.3.1.2.1 For new ceiling installations, drop-out ceilings as referenced in NFPA 13, Subsection 8.15.15, shall be prohibited.

KK. Amend Paragraph 13.3.2.1 to add the following Subparagraph: 13.3.2.1.1 All new buildings shall be equipped with an automatic sprinkler system or other automatic fire suppression system where required by Section 903 of the International Building Code as incorporated by reference by the Maryland Building Performance Standards.

LL. Amend Paragraphs 13.3.3.1 and 13.3.3.2 to delete "installed in accordance with this Code".

MM. Amend Subsection 13.4.1 to add the following Subparagraph: 13.4.1.1.1 No fire pump component, including the pump, driver, or controller, shall be permitted to be installed in below-ground vaults or pits unless otherwise approved by the AHJ.

NN. Amend Subsection 13.6.1.2 to add ", unless otherwise permitted by the AHJ."

OO. Amend Sub-subparagraph 13.6.4.1.2.1 to replace "certified" with " licensed as required by the AHJ".

PP. Delete Sub-subparagraphs 13.6.4.1.2.1.1, 13.6.4.1.2.1.2, 13.6.4.1.2.1.3, 13.6.4.1.2.1.4, 13.6.4.1.2.1.5, 13.6.4.1.2.1.6.

QQ. Amend Sub-subparagraph 13.6.4.1.2.3 to replace "certified" with "licensed".

RR. Amend Sub-subparagraphs 13.7.2.28.1.2 and 13.7.2.28.1.3 to replace "Storage occupancies" with "Storage occupancies less than three stories".

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

TT. Amend Paragraphs 18.1.3.1 and 18.1.3.2 to replace "fire department" with "AHJ".

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

VV. Amend Subparagraph 20.2.4.2.3 to delete existing wording and replace with the following: Fire emergency egress drills shall be conducted as follows:

(1) Not less than one fire emergency egress drill shall be conducted every month the facility is in session, unless the following criteria are met:

(a) In climates where the weather is severe, the monthly fire emergency egress drills shall be permitted to be deferred; and

(b) In educational occupancies which are:

(i) fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be five, with a least two of the required drills conducted in the first four months of the school year; or

(ii) not fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be eight, with at least three of the required drills conducted in the first four months of the school year.

(2) All occupants of the building shall participate in the fire emergency egress drill.

(3) One fire emergency egress drill, other than for educational occupancies that are open on a year-round basis, shall be required within the first 30 days of operation.

WW. Amend Subparagraph 20.3.4.1.1 to delete "more than 3, but" and the "," after "12".

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

YY. Amend Subsection 26.1.5 to add the following Paragraphs:

26.1.5.2 When requested by the AHJ, a hazard assessment shall be conducted by a technically qualified person acceptable to the AHJ.

26.1.5.3 When requested by the AHJ, a list of hazardous materials used in each laboratory shall be provided. The list shall specify the chemical name, quantity and hazard class.

26.1.5.4 New laboratories or laboratories where the NFPA 45 laboratory hazard classification changes shall post an information placard near the main entrance to the laboratory. The placard shall state the building name or address, room number, NFPA 45 laboratory hazard classification, edition of NFPA 45, maximum allowable quantities of flammable liquids both inside a storage cabinet and open use, and maximum quantities of flammable gases permitted within the laboratory.

ZZ. Amend Chapter 26 to add the following Section and Subsection:

26.3 Construction

26.3.1 All laboratories, laboratory suites or laboratory units within the scope of NFPA 45, regardless of the laboratory hazard classification in NFPA 45, shall be separated by at least one-hour fire resistance rated construction from non-laboratory areas. If a higher fire resistance rating is required by Table 5.1.1 in NFPA 45 or the building code, the higher fire resistance rating shall be used. Rooms that are an incidental use to the lab shall be considered part of the laboratory for the purpose of this requirement and shall not require additional separation.

AAA. Amend Subparagraph 31.3.6.2.2 to add the following item:
(9) Piles containing leaves and other extraneous or hogged material, such as whole tree chip piles, shall be turned or reclaimed at least every 3 months.

BBB. Amend Subparagraph 31.3.6.3.1 to delete existing wording and replace with the following: Piles shall not exceed 18 feet in height, 50 feet in width, and 350 feet in length. Piles shall be subdivided by fire lanes having at least 30 feet of clear space at the base of piles.

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

DDD. Amend Subsection 42.7.5 to add the following Paragraphs:
42.7.5.7 Management/owner officials or employees shall conduct daily site visits to ensure that all equipment is operating properly.
42.7.5.8 Regular equipment inspection and maintenance at the unattended self-service facility shall be conducted.

42.7.5.9 Fuel dispensing equipment shall comply with one of the following:
(1) The amount of fuel being dispensed is limited in quantity by preprogrammed card; or
(2) Dispensing devices shall be programmed or set to limit uninterrupted fuel delivery of not more than 25 gallons and shall require a manual action to resume continued delivery.

EEE. Amend Paragraph 42.7.5.5 to add the following: The following information shall be conspicuously posted in this area:

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

FFF. Amend Subsection 50.2.1 to add the following Paragraphs, Subparagraphs, and Sub-subparagraphs:
50.2.1.10 Commercial Outdoor Cooking Operations. These requirements apply to commercial outdoor cooking operations such as those that typically take place under a canopy or tent-type structure at fairs, festivals, and carnivals. This includes, but is not limited to, deep frying, sautéing, and grilling operations.
50.2.1.10.1 Tent and Canopy Requirements.
50.2.1.10.1.1 Tents or canopies where cooking equipment not protected in accordance with NFPA 96 is located shall not be occupied by the public and shall be separated from other tents, canopies, structures, or vehicles by a minimum of 10 ft. (3050 mm) unless otherwise approved by the AHJ.
50.2.1.10.1.2 All tent and canopy material shall comply with the flame resistance requirements of Subsection 25.2.2.
50.2.1.10.2 LP Gas Fuel Requirements.
50.2.1.10.2.1 LP gas tank size shall be limited to 60 pounds. The total amount of LP gas on site shall not exceed 60 pounds for each appliance that is rated not more than 80,000 btu/hr. and 120 pounds for each appliance rated more than 80,000 btu/hr.
50.2.1.10.2.2 Tanks shall be maintained in good physical condition and shall have a valid hydrostatic date stamp.
50.2.1.10.2.3 Tanks shall be secured in their upright position with a chain, strap, or other approved method that prevents the tank from tipping over.
50.2.1.10.2.4 Tanks shall be located so that they are not accessible to the public. LP gas tanks shall be located at least 5 feet from any cooking or heating equipment or any open flame device.
50.2.1.10.2.5 All LP gas equipment shall be properly maintained and comply with the requirements of NFPA 58. 50.2.1.10.2.6 Regulators. Single-stage regulators may not supply equipment that is rated more than 100,000 btu/hr. rating. Two-stage regulators shall be used with equipment that is rated more than 100,000 btu/hr.
50.2.1.10.3 General Safety Requirements.
50.2.1.10.3.1 All electrical cords shall be maintained in a safe condition and shall be secured to prevent damage.
50.2.1.10.3.2 Movable cooking equipment shall have wheels removed or shall be placed on blocks or otherwise secured to prevent movement of the appliance during operation.
50.2.1.10.3.3 Portable fire extinguishers shall be provided in accordance with NFPA 1, Section 13.6 and shall be specifically listed for such use.

.09 Fireworks and Explosive Materials.
The NFPA 1 Fire Code (2015 Edition) is incorporated by reference, except for the amendments in Regulation .08 of this chapter and the following amendments:

A. Permits shall be required for the following:
(1) Fireworks displays;
(2) Pyrotechnics before a proximate audience; and
(3) Flame effects before an audience.

B. Amend Sections 65.2, 65.3, and 65.4 to add the following:
(1) All applications for permits for display shall be filed at least 10 business days before the display is to be held.
(2) Under Public Safety Article, Title 10, Annotated Code of Maryland, the following requirements apply to public liability and property damage insurance:
(a) In order to meet the requirement of the statute, the State shall be named as an insured in the contract of insurance;
(b) Because the policy shall cover all damages to persons or property, a deductible form of coverage may not be accepted;
(c) The minimum amount of coverage that the State can accept on any display is $25,000 for the injury of one person, $50,000 for more than one person, and $10,000 for property damage; and
(d) A duplicate policy of a certificate of insurance shall be attached to the application.
(3) The policy or certificate shall provide that:
(a) The coverage may not be canceled without at least 30 days notice to the State Fire Marshal;
(b) The duplicate policy or certificate shall set forth all of the terms, conditions, endorsements, and riders which are or which will become part of the policy when issued;
(c) It is understood and agreed that limitations cannot be included in the policy which are not set forth in the duplicate policy or certificate of insurance which has been filed;
(d) If the policy is issued by an insurer authorized to do business in the State, it shall be validated by the signature of an agent licensed by the Maryland Insurance Administration to represent the insurer;
(e) If coverage is provided by an insurer who is not authorized to do business in the State, the duplicate policy or certificate of insurance shall be accompanied by a power of attorney or other satisfactory evidence that the person, firm, or corporation acting as agent in accepting the risk has authority to bind risks and issue policies for the insurer;
(f) The State Fire Marshal's Office specifically reserves the right to disapprove contracts issued by any authorized insurer if the Fire Marshal's Office determines the insurer is unsatisfactory; and (g) If the policy issued by the unauthorized company is acceptable to the Fire Marshal's Office, it shall be registered and the registration fee and tax paid.

C. Amend Section 65.2 to add the following subsection: 65.2.3 All storage of display fireworks shall comply with NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

D. Amend Section 65.5 to add the following regarding the manufacture of fireworks:
(1) A building containing hazardous mixes or items may not be located closer than 20 feet to the property line.
(2) In §C(3) of this regulation, the following terms have the meanings indicated:
(a) "Trainees" means employees undergoing initial training in a specific process for a period not to exceed 24 consecutive work hours.

(b) "Transients" means:
(i) Supervisors not regularly assigned to the area;
(ii) Bona fide government agency personnel engaged in official business; and
(iii) Material-handling personnel actively engaged in the transfer of materials into or out of the area.

(3) The maximum number of workers, excluding one trainee and three transients, permitted in a building at one time shall be limited to one person per 100 square feet gross floor area or one person in buildings of less than 100 square feet gross floor area.

(4) The total amount of explosives or pyrotechnic composition including raw materials, material being processed, and finished products, that may be safely permitted in any building at a given time, shall be determined by the enforcement agency based upon the American Table of Distances for Storage of Explosives, without recognition for barricades. However, distances may not be less than those required by Public Safety Article, §10-204(a), Annotated Code of Maryland. The amount of explosives or other pyrotechnic composition may not exceed the amount necessary for production for 4 hours.

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

E. Amend Section 65.5 to add the following Subsections:

65.5.2 The manufacture, transportation, or storage of fireworks shall comply with NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

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

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

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

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

F. Amend Subsection 65.9.1 reference to NFPA 495 as follows:

(1) Delete Sections 11.2 and 11.3.

(2) Amend Section 3.3 to add the following definition: Demolition. The explosive razing of any manmade structure or any part thereof that cannot be covered with overburden or blasting mats.

(3) Amend Section 4.4 to add the following new Subsection: 4.4.7 Each applicant for a Demolition Class D permit shall possess 5 years of experience in the field of demolition and shall pass the demolition examination as approved by the Office of the State Fire Marshal.

G. NOTE: The content of this regulation is extracted text from NFPA 1, 2012 edition, by permission. Copyright © 2012 NFPA

Amend Chapter 65 to add the following:

65.10 Sale, Handling, and Storage of Consumer Fireworks.

65.10.1 Applicability.
65.10.1.1 General Requirements. Retail sales of consumer fireworks in both new and existing buildings, structures, and facilities shall comply with the requirements of this section unless otherwise indicated.

65.10.1.1.1 New Facilities.
65.10.1.1.1.1 For the purpose of applying the requirements of this section, the following consumer fireworks retail sales(CFRS) facilities and stores shall be considered to be new:
(1) Permanent CFRS facilities and stores that are not initially occupied until after the effective date of this Code, unless plans are submitted and accepted for review, plans have been approved for construction, or a building permit has been issued prior to the effective date of this Code;
(2) Permanent CFRS facilities and stores constructed prior to the effective date of this Code and in which the retail sales of consumer fireworks have not been conducted either seasonally or year-round within one year prior to the effective date of this Code;
(3) Temporary CFRS facilities and stores
65.10.1.1.1.2 In a store where the area of the retail sales floor occupied by the retail displays of consumer fireworks is increased after the effective date of this Code, such that the area exceeds the limits specified in 65.10.5.1.1(1), the building shall be considered to be a new CFRS facility.
65.10.1.1.2 Existing Facilities. For the purpose of applying the requirements of Section 65.10, CFRS facilities and stores not considered to be new as specified in 65.10.1.1.1 shall be considered to be existing.
65.10.1.1.3 Minimum Requirements. Existing life safety features that do not meet the requirements for new buildings but that exceed the requirements for existing buildings shall not be further diminished.
65.10.1.1.4 Modernization or Renovation. Any alteration or any installation of new equipment shall meet, as nearly as practicable, the requirements for new construction.
65.10.1.1.4.1 Only the altered, renovated, or modernized portion of an existing building, system, or individual component shall be required to meet the provisions of this Code that are applicable to new construction.
65.10.1.1.4.2 If the alteration, renovation, or modernization adversely impacts required life safety features, additional upgrading shall be required.
65.10.1.1.4.3 Except where another provision of this Code exempts a previously approved feature from a requirement, the resulting feature shall be not less than that required for existing buildings.
65.10.1.2 Facility Classification. The requirements of this section shall apply to the following:
(1) Permanent buildings and structures, including the following:
(a) Stores;
(b) CFRS facilities.
(2) Temporary facilities, including the following:
(a) CFRS stands;
(b) Tents;
(c) Canopies;
(d) Membrane structures.

65.10.2 Special Limits for Retail Sales of Consumer Fireworks.
65.10.2.1 Retail sales of consumer fireworks, including their related storage and display for sale of such fireworks, shall be in accordance with this Code.

65.10.2.2 Retail sales of consumer fireworks shall be limited to mercantile occupancies defined in 3.3.183.17 and NFPA 101.
65.10.2.3 Any building or structure used for the retail sales of consumer fireworks, including their related storage, shall comply with Section 20.12 and NFPA 101 for mercantile occupancies, except as provided in this Code.
65.10.2.4 Retail sales of display fireworks and pyrotechnic articles, including the related storage and display for sale of such fireworks and articles, shall be prohibited at a CFRS facility or store.
65.10.2.5 Retail sales of certain explosive devices prohibited by the Child Safety Act of 1966, including the related storage and display for sale of such devices, shall be prohibited at a CFRS facility or store.
65.10.2.6 The retail sales of pest control devices, including their related storage and display for sale, shall be prohibited at a CFRS facility or store.
65.10.2.7 The retail sales of fireworks that do not comply with the regulations of the U.S. Consumer Product Safety Commission as set forth in 16 CFR 1500 and 1507 and the regulations of the U.S. Department of Transportation as set forth in 49 CFR 100 to 178, including their related storage and display for sale, shall be prohibited.

65.10.3 General Requirements for All Retail Sales.
65.10.3.1 Exempt Amounts.
65.10.3.1.1 The requirements of this section shall not apply to CFRS facilities or stores where the consumer fireworks are in packages and where the total quantity of consumer fireworks on hand does not exceed 125 lb. (net) [56.8 kg] of pyrotechnic composition or, in a building protected throughout with an approved automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13, 250 lb. (net) [113.6 kg] of pyrotechnic composition.
65.10.3.1.2 Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the
pyrotechnic composition.
65.10.3.2 Permits. Where required by state or local laws, ordinances, or regulations, a permit for the following shall be obtained:
(1) Construction, erection, or operation of the following:
(a) Permanent building or structure;
(b) Temporary structure such as a stand, tent, or canopy used for the purpose of the retail. display or sale of consumer fireworks to the public.
(2) Storage of consumer fireworks in connection with the retail display or sale of consumer fireworks to the public.
65.10.3.3 Plans. Plans for facilities other than stands and tents shall include the following:
(1) Minimum distances from the following:
(a) Public ways;
(b) Buildings;
(c) Other CFRS facilities;
(d) Motor vehicle fuel–dispensing station dispensers;
(e) Retail propane-dispensing station dispensers;
(f) Flammable and combustible liquid aboveground tank storage;
(g) Flammable gas and flammable liquefied gas bulk aboveground storage and dispensing areas within 300 ft (91.5 m) of the facility used for the retail sales of consumer fireworks.
(2) Vehicle access and parking areas.
(3) Location and type of portable fire extinguishers.
(4) Floor plan and layout of storage and displays to indicate compliance with this chapter and applicable state or local laws, ordinances, or regulations.
(5) Means of egress.
(6) Construction details.

65.10.3.4 Fire Department Access. Any portion of an exterior wall of a building, sidewall of a tent, or other defined perimeter of a CFRS facility or store shall be accessible within 150 ft (45.7 m) of a public way or an approved fire apparatus access.
65.10.3.5 Construction of Buildings and Structures. Consumer fireworks shall only be permitted to be sold at retail in any of the following buildings or structures, provided that any new building or structure does not exceed one story in height:
(1) Permanent buildings or structures constructed in accordance with the building code enforced by the AHJ;
(2) Tents, canopies, or temporary membrane structures complying with NFPA 102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures;
(3) Temporary structures constructed in accordance with this chapter;
(4) Temporary CFRS stands greater than 800 ft2 (74 m2) in area that also meet the requirements for a permanent structure;
(5) Vehicles, such as vans, buses, trailers, recreational vehicles, motor homes, travel trailers, trucks, and automobiles, complying with the applicable requirements for CFRS stands.
65.10.3.6 An automatic sprinkler system designed and installed in accordance with Section 13.3 and NFPA 13 shall be provided throughout permanent CFRS facilities and stores in which CFRS are conducted in the following buildings:
(1) New buildings greater than 6000 ft2 (557.2 m2) in area;
(2) Existing buildings greater than 7500 ft2 (694 m2) in area.
65.10.3.6.1 Door and window openings in the fire barrier wall shall be protected by self-closing fire doors or fixed fire windows having a fire protection rating of not less than 1 hour and shall be installed in accordance with Section 12.4 and NFPA 80, Standard for Fire Doors and Other Opening Protectives.
65.10.3.6.2 Any other openings or penetrations in the fire barrier wall shall be protected in accordance with NFPA 101.
65.10.3.6.3 Every CFRS facility and store shall have no fewer than two portable fire extinguishers with a minimum rating of 2A, at least one of which shall be of the pressurized water type.
65.10.3.7 Storage Rooms. Storage rooms containing consumer fireworks in a new permanent CFRS facility or store shall be protected with an automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13 or separated from the retail sales area by a fire barrier having a fire resistance rating of not less than 1 hour.
65.10.3.8 Portable Fire Extinguishers.
65.10.3.8.1 Specification. Portable fire extinguishers shall be provided as required for extra (high) hazard occupancy in accordance with Section 13.6 and NFPA 10.
65.10.3.8.2 Extinguisher Type. Where more than one portable fire extinguisher is required, at least one fire extinguisher shall be of the multipurpose dry chemical type if the facility is provided with electrical power.
65.10.3.8.3 Location. Portable fire extinguishers for permanent consumer fireworks retail sales facilities and stores shall be located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed 75 ft (23 m), as specified in NFPA 10.
65.10.3.9 Fire Alarms. A fire alarm system shall be provided as required by Section 13.7 and NFPA 101.
65.10.3.10 Smoke Control.
65.10.3.10.1 Smoke and heat vents designed and installed in accordance with NFPA 204, Standard for Smoke and Heat Venting, shall be provided in the CFRS area of new permanent CFRS facilities or stores where the ceiling height is less than 10 ft
(3.05 m) and the travel distance to reach an exit is greater than 25 ft (7.6 m).
65.10.3.10.2 The smoke and heat vents required by 65.10.3.10.1 shall be automatically activated by a smoke detection system installed throughout the CFRS area in accordance with NFPA 72.

65.10.3.11 No Smoking Signs.
65.10.3.11.1 Smoking shall not be permitted inside or within 50 ft (15.5 m) of the CFRS area.
65.10.3.11.2 At least one sign that reads as follows, in letters at least 2 in. (51 mm) high on a contrasting background, shall be conspicuously posted at each entrance or within 10 ft (3.05m) of every aisle directly serving the CFRS area in a store: "FIREWORKS — NO SMOKING"
65.10.3.12 Distance from Bulk Dispensing and Bulk Storage.
65.10.3.12.1 CFRS facilities and stores shall not be located within 50 ft (15.2 m) of the following:
(1) Retail propane-dispensing station dispensers;
(2) Aboveground storage tanks for flammable or combustible liquid, flammable gas, or flammable liquefied gas;
(3) Compressed natural gas–dispensing station dispensers.
65.10.3.12.2 New CFRS facilities and stores, existing CFRS stands and tents, and temporary CFRS facilities shall not be located within 50 ft (15.2 m) of motor vehicle fuel–dispensing station dispensers.
65.10.3.12.3 Existing CFRS facilities, other than CFRS stands, tents, and temporary facilities, and existing stores shall not be located within 25 ft (7.6 m) of motor vehicle fuel–dispensing station dispensers.
65.10.3.12.4 Fuel tanks on vehicles or other motorized equipment shall not be considered bulk storage.
65.10.3.12.5 Fuel storage for generators shall be in accordance with 65.10.4.9.2.
65.10.3.12.6 CFRS areas and storage areas shall not be located within 300 ft (91.2 m) of any aboveground bulk storage or bulk dispensing area for the following:
(1) Flammable or combustible liquid;
(2) Flammable gas;
(3) Flammable liquefied gas.
65.10.3.13 Fire Safety and Evacuation Plan. For a CFRS facility or store, an approved fire safety and evacuation plan shall be prepared in writing and maintained current.
65.10.3.14 Means of Egress.
65.10.3.14.1 Number of Exits.
65.10.3.14.1.1 The minimum number of exits provided from the retail sales area shall be not less than three or as determined in accordance with Chapter 14 and NFPA 101, whichever number is greater.
65.10.3.14.1.2 Required means of egress from the retail sales area shall not be allowed to pass through storage rooms.
65.10.3.14.2 Egress Travel Distance. Exits provided for the retail sales area of tents, membrane structures, canopies, and permanent CFRS facilities, including Class C stores, shall be located so that the maximum egress travel distance, measured from the most remote point to an exit along the natural and unobstructed path of egress travel, does not exceed 75 ft (22.9 m).
65.10.3.14.3 Aisles. Aisles serving as a portion of the exit access in CFRS areas shall comply with this paragraph.
65.10.3.14.3.1 Aisle Width.
65.10.3.14.3.1.1 Aisles shall have a minimum clear width of 48 in. (1.2 m).
65.10.3.14.3.1.2 The required width of aisles shall be maintained unobstructed at all times the facility is occupied by the public.
65.10.3.14.3.2 Aisle Arrangements.
65.10.3.14.3.2.1 Not less than one aisle shall be provided and arranged so that travel along the aisle leads directly to an exit.
65.10.3.14.3.2.2 Other required exits shall be located at, or within 10 ft (3.05 m) of, the end of an aisle or a cross-aisle.
65.10.3.14.3.2.3 Aisles shall terminate at an exit, another aisle, or a cross-aisle.
65.10.3.14.3.2.4 Dead-end aisles shall be prohibited.

65.10.3.14.3.2.5 Where more than one aisle is provided, not less than one cross-aisle shall have an unobstructed connection with every aisle, other than cross-aisles.
65.10.3.14.3.2.6 Cross-aisle connections shall be provided for each aisle at intervals not greater than 50 ft (15.2 m) as measured along the aisle.
65.10.3.14.3.2.7 Where cross-aisles are required, not less than one cross-aisle shall have at least one end terminate at, or within 10 ft (3.05 m) of, an exit.
65.10.3.14.4 Doors and Doorways. Doors and doorways used in the means of egress shall comply with this paragraph.
65.10.3.14.4.1 Egress doors shall be not less than 36 in. (910 mm) in width [providing a minimum of 32 in. (813 mm) clear width].
65.10.3.14.4.2 Every egress door that has a latching device shall be provided with panic hardware complying with Chapter 14 and NFPA 101.
65.10.3.14.4.3 Means of egress doors shall be of the sidehinge swinging type and shall be arranged to swing in the direction of egress travel.
65.10.3.14.5 Exit Signs.
65.10.3.14.5.1 Exits shall be marked by an approved exit sign in accordance with Section 14.14 and NFPA 101.
65.10.3.14.5.2 Exit signs shall be required to be self-luminous or internally or externally illuminated.
65.10.3.14.6 Emergency Lighting.
65.10.3.14.6.1 The means of egress, including the exit discharge, shall be illuminated whenever the facility is occupied in accordance with Section 14.12 and NFPA 101.
65.10.3.14.6.2 Emergency lighting shall be provided for CFRS facilities and stores and shall comply with Section 14.13 and NFPA 101.
65.10.3.15 Retail Sales Displays.
65.10.3.15.1 General. The requirements of this section shall apply only to CFRS areas, unless otherwise specifically indicated.
65.10.3.15.2 Height of Sales Displays. To provide for visual access of the retail sales area by the employees and customers, partitions, counters, shelving, cases, and similar space dividers shall not exceed 6 ft (1.8 m) in height above the floor surface inside the perimeter of the retail sales area.
65.10.3.15.2.1 Merchandise on display or located on shelves or counters or other fixtures shall not be displayed to a height greater than 6 ft (1.8 m) above the floor surface within the CFRS area.
65.10.3.15.2.2 Where located along the perimeter of the consumer fireworks retail sales area, the maximum height of sales displays shall be limited to 12 ft (3.66 m).
65.10.3.15.3 Flame Breaks.
65.10.3.15.3.1 Where continuous displays of consumer fireworks are located on shelving, cases, counters, and similar display fixtures, a flame break shall be provided so that the maximum distance between flame breaks does not exceed 16 ft (4.9 m) where measured along the length of the display.
65.10.3.15.3.2 The flame break shall extend as follows:
(1) From the display surface to not less than 6 in. (150 mm) above the full height of the displayed merchandise or to the underside of the display surface directly above;
(2) For the full depth of the displayed merchandise.
65.10.3.15.3.3 Where packaged fireworks merchandise is displayed on the same level as individual unpackaged fireworks devices, the flame break required in 65.10.3.15.3.1 shall not be required where both of the following criteria are met:
(1) The length of the display level containing individual unpackaged fireworks devices is interrupted by packaged fireworks merchandise, or open space, or any combination thereof, having a continuous length of not less than 8 ft (2.4 m).

(2) The distance between flame breaks does not exceed 32 ft (9.8 m).
65.10.3.15.3.4 Where a merchandise display level contains packaged fireworks merchandise, such merchandise shall be permitted to be displayed in a continuous length on the same level, where the display does not exceed 32 ft (9.8 m) without the flame break required in 65.10.3.15.3.1.
65.10.3.15.3.5 An aisle having a minimum width of 48 in. (1.2 m) shall be permitted to substitute for the flame break required in 65.10.3.15.3.1.
65.10.3.15.3.6 Where displays of merchandise face aisles that run along both long sides of the display fixtures or display surface, a flame break shall be installed lengthwise between the abutting display fixtures or along the approximate longitudinal centerline of the display surface so as to separate the merchandise facing one of the aisles from the merchandise that abuts it facing the other aisle.
65.10.3.15.3.7 Freestanding display racks, pallets, tables, or bins containing packaged fireworks merchandise shall be permitted without flame breaks, provided the dimensions of the area occupied by the fireworks merchandise do not exceed 4 ft (1.2 m) in width, 8 ft (2.4 m) in length, and 6 ft (1.8 m) in height, and the displayed fireworks merchandise is separated from other displays of merchandise by aisles having a minimum clear width of 4 ft (1.2 m).
65.10.3.15.3.8 Where both of the facing vertical surfaces of the abutting display fixtures are constructed of perforated hardboard panels not less than 1/4 in. (6 mm) thick that are separated from each other by an open space not less than 1 1/2 in. (38 mm) wide, a flame break specified in 65.10.3.15.3.6 shall not be required.
65.10.3.15.4 Shelving.
65.10.3.15.4.1 Shelving or other surfaces used to support fireworks display merchandise shall be permitted to have not more than 10 percent of the area of the shelf contain holes or other openings.
65.10.3.15.4.2 The 10 percent limitation on the area of holes or other openings in the shelf used to support fireworks display merchandise shall not be applicable under the following conditions:
(1) Where both of the facing vertical surfaces of the abutting display fixtures are constructed of perforated hardboard panels not less than 1/4 in. (6 mm) thick and separated from each other by an open space not less than 1 1/2 in. (38 mm) wide;
(2) Where such merchandise is suspended from or fastened to the shelf or surface or is displayed as packaged merchandise on the surface or in bins.
65.10.3.15.4.3 Flame breaks and solid display surfaces shall not be required for packaged fireworks merchandise displayed in bins or display racks or on pallets or tables located at the end of a row of display fixtures where the following conditions are met:
(1) Such end displays are separated from the ends of the display fixtures by an open space not less than 3 in. (76 mm) wide;
(2) The fireworks merchandise occupies an area having dimensions not greater than the width of the end of the row of display fixtures and a depth not greater than 36 in. (910 mm);
(3) The minimum required widths of the adjacent aisles are maintained, but in no case is the aisle width less than 48 in. (1.2 m).
65.10.3.15.5 Covered Fuses.
65.10.3.15.5.1 Only consumer fireworks meeting the criteria for covered fuses as described in 65.10.3.15.5.2 shall be permitted where the retail sales of consumer fireworks are conducted.
65.10.3.15.5.2 A consumer fireworks device shall be considered as having a covered fuse if the fireworks device is contained within a packaged arrangement, container, or wrapper that is arranged and configured such that the fuse of the fireworks device cannot be touched directly by a person handling the fireworks without the person having to puncture or tear the packaging or wrapper, unseal or break open a package or container, or otherwise damage or destroy the packaging material, wrapping, or container within which the fireworks are contained.

65.10.3.15.6 Reserved.
65.10.3.15.7 Horizontal Barriers. Combustible materials and merchandise shall not be stored directly above the consumer fireworks in retail sales displays unless a horizontal barrier constructed of plywood at least 9.5 mm (3/8 in.) thick is installed directly above the consumer fireworks as follows:
(1) Barriers shall extend from rack face to rack face and shall be tight to the vertical barriers;
(2) Barriers shall be supported by horizontal rack members;
(3) Transverse vertical barriers constructed of plywood at least 9.5 mm (3/8 in.) thick shall be provided at the rack uprights extending from rack face to rack face;
(4) For double-row racks, longitudinal vertical barriers constructed of plywood at least 9.5 mm (3/8 in.) thick shall be provided at the rack uprights in the center of the rack.
65.10.3.16 Electrical Equipment. All electrical wiring shall be in accordance with NFPA 70.
65.10.3.17 Heating Equipment.
65.10.3.17.1 Heating units shall be listed and shall be used in accordance with their listing.
65.10.3.17.2 Temporary heating sources shall have tip-over and temperature-overheat protection.
65.10.3.17.3 Open-flame and exposed-element heating devices shall be prohibited.
65.10.3.18 Portable Generators.
65.10.3.18.1 Class II and Class III combustible liquid generator fuel shall be limited to not more than 5 gal (18.9 L).
65.10.3.18.2 Portable generators shall be permitted to use Class I flammable liquids as fuel, provided the quantity of such fuel is limited to 2 gal (7.6 L).
65.10.3.19 Operations.
65.10.3.19.1 General. Means of egress, including but not limited to aisles, doors, and exit discharge, shall be clear at all times when the facility or the building is occupied.
65.10.3.19.2 Distances from Entrances and Exits.
65.10.3.19.2.1 No consumer fireworks shall be displayed for sale or stored within 5 ft (1.5 m) of any public entrance in an enclosed building or structure.
65.10.3.19.2.2 No consumer fireworks shall be displayed for sale or stored within 2 ft (0.6 m) of any exit or private entrance in an enclosed building or structure.
65.10.3.19.3 Security.
65.10.3.19.3.1 CFRS facilities and stores shall be secured when unoccupied and not open for business, unless fireworks are not kept in the facility during such times.
65.10.3.19.3.2 The fireworks displayed or stored in a CFRS facility or store shall be allowed to be removed and transferred to a temporary storage structure or location.
65.10.3.19.4 Fireworks shall not be ignited, discharged, or otherwise used within 300 ft (91.5 m) of a CFRS facility or store.
65.10.3.20 Display and Handling. Not less than 50 percent of the available floor area within the retail sales area shall be open space that is unoccupied by retail displays and used only for aisles and cross-aisles.
65.10.3.21 Housekeeping.
65.10.3.21.1 CFRS areas and storage rooms shall be kept free of accumulations of debris and rubbish.
65.10.3.21.2 Any loose pyrotechnic composition shall be removed immediately.
65.10.3.21.3 Vacuum cleaners or other mechanical cleaning devices shall not be used.
65.10.3.21.4 Brooms, brushes, and dustpans used to sweep up any loose powder or dust shall be made of nonsparking materials.
65.10.3.21.5 Consumer fireworks devices that are damaged shall be removed and not offered for sale.
65.10.3.21.6 Damaged consumer fireworks shall be permitted to be returned to the dealer or shall be disposed of according to the manufacturer's instructions.

65.10.3.22 Training. All personnel handling consumer fireworks shall receive safety training related to the performance of their duties.
65.10.3.23 Under the Influence. Any person selling consumer fireworks shall not knowingly sell consumer fireworks to any person who is obviously under the influence of alcohol or drugs.
65.10.3.24 Records.
65.10.3.24.1 Records shall be maintained on available inventory on the premise.
65.10.3.24.2 Records shall be made available to the AHJ upon request.

65.10.4 Consumer Fireworks Retail Sales (CFRS) Facility Requirements.
65.10.4.1 Plan. Where required, plans for CFRS facilities shall be submitted to the AHJ with the permit application.
65.10.4.2 Site Plan. The site plan for tents shall show the location of the tent on the site and indicate the minimum separation distances required by 65.10.4.7.
65.10.4.3 Construction Materials. The following construction materials requirements shall apply to new permanent CFRS facilities in jurisdictions that have not adopted a local building code:
(1) Buildings having an area up to and including 8000 ft2 (743 m2) shall be permitted to be constructed of any approved construction materials;
(2) Buildings having an area greater than 8000 ft2 (743 m2) shall be constructed in accordance with one of the following:
(a) Buildings shall be constructed of noncombustible or limited-combustible materials;
(b) Buildings with exterior walls having a fire resistance rating of not less than 2 hours shall be permitted to have the roof decking and its supporting structure and interior partitions constructed of combustible materials.
(3) Roof coverings for any building shall have a minimum rating of Class C.
65.10.4.4 Multiple-Tenant Buildings.
65.10.4.4.1 Where new CFRS facilities are located in a building containing other tenants, the CFRS facility shall be separated from the other tenants by fire barriers having no openings and a fire resistance rating of not less than 2 hours.
65.10.4.4.2 Where the new CFRS facility is protected per Section 13.3 and NFPA 13, the fire resistance rating of the fire barrier required by 65.10.4.4.1 shall be permitted to be not less than 1 hour.
65.10.4.4.3 Any penetrations of the fire barrier shall be protected in accordance with NFPA 101.
65.10.4.5 Fire Protection.
65.10.4.5.1 Automatic Sprinkler System Alarm. Any waterflow alarm device shall be arranged to activate audible and visual alarms throughout the CFRS facility in accordance with Section 13.7 and NFPA 72.
65.10.4.5.2 Portable Fire Extinguishers. Portable fire extinguishers for temporary CFRS facilities shall be installed and located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed 35 ft (10.6 m).
65.10.4.5.3 Public Notification. In permanent CFRS facilities greater than 3000 ft2 (278.6 m2) in area, a public address system or a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with Section 13.7 and NFPA 72 shall be provided at a constantly attended location when the CFRS facility is occupied.
65.10.4.6 Site Requirements.
65.10.4.6.1 Clearance to Combustibles. The area located within 30 ft (9 m) of a CFRS facility shall be kept free of accumulated dry grass, dry brush, and combustible debris.
65.10.4.6.2 Parking. No motor vehicle or trailer used for the storage of consumer fireworks shall be parked within 10 ft (3 m) of a CFRS facility, except when delivering, loading, or unloading fireworks or other merchandise and materials used, stored, or displayed for sale in the facility.

65.10.4.6.3 Fireworks Discharge. At least one sign that reads as follows, in letters at least 4 in. (102 mm) high on a contrasting background, shall be conspicuously posted on the exterior of each side of the CFRS facility: "NO FIREWORKS DISCHARGE WITHIN 300 FEET"
65.10.4.7 Separation Distances.
65.10.4.7.1 Permanent Facilities.
65.10.4.7.1.1 New Facilities. New permanent consumer fireworks retail sales facilities shall be separated from adjacent permanent buildings and structures in accordance with Table 65.10.4.7.1.1.
Table 65.10.4.7.1.1 Separation Distances Between New Permanent Buildings and Structures

Separation Distances		Exterior Wall Fire Resistance Rating (hr)	Exterior Wall Opening Protection Rating (hr)
ft	m		
<10	<3.05	2	1 ½
≥10 to <60	≥3.05 to <18.3	1	¾
≥60	≥18.3	0	0

65.10.4.7.1.2 Existing Facilities. Existing permanent CFRS facilities shall be separated from adjacent permanent buildings and structures by not less than 10 ft (3.05 m) or shall be separated by a wall with a 1-hour fire resistance rating.
65.10.4.7.2 Temporary Facilities. Temporary CFRS facilities shall be located as specified in Table 65.10.4.7.2.

Table 65.10.4.7.2 Temporary CFRS Facilities — Minimum Separation Distances

	Buildings		Combustibles[a]		Tents[b]		Vehicle Parking		Stands[c]		Storage of Consumer Fireworks	
	ft	m	ft	m	ft	m	ft	m	ft	m	ft	m
Tents[b]	20	6.1	20	6.1	20	6.1	10	3.05	20	6.1	20	6.1
Stands[c]	20	6.1	10	3.05	20	6.1	10	3.05	5[d]	1.5[d]	20	6.1

a The required clearances to combustibles shall also comply with 65.10.4.6.1.
b Tents refers to temporary retail sales of consumer fireworks in tents, canopies, and membrane structures.
c Stands refers to temporary CFRS stands.
d Where stands are separated from each other by less than 20 ft (6.1 m), the aggregate area of such stands shall not exceed 800 ft2 (74 m2).

65.10.4.8 Means of Egress.
65.10.4.8.1 General.
65.10.4.8.1.1 Means of egress in CFRS facilities shall comply with the applicable requirements of Chapter 14 and NFPA 101, as modified by 65.10.3.14 and 65.10.4.8.
65.10.4.8.1.2 Means of egress in tents and membrane structures used for retail sales of consumer fireworks shall also comply with NFPA 102, as modified by 65.10.3.14 and 65.10.4.8.
65.10.4.8.2 The evacuation plan shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the CFRS facility.
65.10.4.8.3 Exit signs shall not be required to be illuminated in tents that are not open for business after dusk.
65.10.4.8.4 Emergency lighting shall not be required in tents that are not open for business after dusk.
65.10.4.8.5 Exit openings from tents shall have a clear opening width of not less than 44 in. (1100 mm).

65.10.4.9 Source of Ignition.
65.10.4.9.1 Temporary Electrical Equipment. Battery powered equipment, electrical equipment, and electrical cords that are used in conjunction with a CFRS facility area shall be listed and shall be used in accordance with their listing.
65.10.4.9.1.1 Temporary wiring installed in a temporary structure, including tents and canopies, shall comply with NFPA 70.
65.10.4.9.1.2 Where temporary electrical conductors are placed on top of an outdoor surface to connect the permanent power source to the temporary CFRS facility's temporary electrical system, the conductors shall be provided with physical protection against damage caused by pedestrian or vehicular traffic.
65.10.4.9.2 Portable Generators.
65.10.4.9.2.1 Portable generators supplying power to CFRS facilities shall use only Class II or Class III combustible liquid fuels.
65.10.4.9.2.2 Portable generators shall be located not less than 20 ft (6.1 m) from the CFRS facility.
65.10.4.9.2.3 Generator fuels shall be stored not less than 20 ft (6.1 m) from the CFRS facility.
65.10.4.9.2.4 Where the generator fuel storage is located not less than 50 ft (15.2 m) from the CFRS facility, the quantity of such fuel shall not be limited by 65.10.3.18.
65.10.4.9.3 Cooking Equipment.
65.10.4.9.3.1 Cooking equipment of any type shall not be permitted within 20 ft (6.1 m) of tents, canopies, or membrane structures used for the storage or sale of consumer fireworks.
65.10.4.9.3.2 Open flame cooking equipment of any type shall not be allowed within 50 ft (15.2 m) of tents, canopies, or membrane structures used for the storage or sale of consumer fireworks.
65.10.4.10 Quantity Limitations. The floor area occupied by the retail displays of consumer fireworks in permanent CFRS facilities shall not exceed 40 percent of the available floor area within the retail sales area.
65.10.4.11 Flame Breaks. In CFRS facilities the longitudinal flame break required in 65.10.3.15.3.6 shall not be required where the display fixture or surface is adjacent to an aisle that is not used for public egress.

65.10.5 Stores.
65.10.5.1 General.
65.10.5.1.1 For the purpose of this chapter, stores in which retail sales of consumer fireworks are conducted shall not be considered CFRS facilities as defined in 3.3.72 where both of the following conditions exist:
(1) The area of the retail sales floor occupied by the retail displays of consumer fireworks does not exceed 25 percent of the area of the retail sales floor in the building or 600 ft2 (55.5 m2), whichever is less;
(2) The consumer fireworks are displayed and sold in a manner approved by the AHJ and comply with the applicable provisions of this code, federal and state law, and local ordinances.
65.10.5.1.2 Consumer fireworks displayed for sale in stores shall comply with the following:
(1) Such fireworks shall be under the visual supervision of a store employee or other responsible party while the store is open to the public;
(2) Such fireworks shall be packaged fireworks merchandise;
(3) Such fireworks shall be packaged and displayed for sale in a manner that will limit travel distance of ejected pyrotechnical components if ignition of the fireworks occurs;
65.10.5.2 Egress. Means of egress in stores shall comply with Chapter 14 and NFPA 101, unless otherwise specified in 65.10.3.14.

65.10.5.3 Storage Rooms. Storage rooms containing consumer fireworks in a new permanent store shall be protected with an automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13 or separated from the retail sales area by a fire barrier having a fire resistance rating of not less than 1 hour.
65.10.5.3.1 Door and window openings in the fire barrier wall shall be protected by self-closing fire doors or fixed fire windows having a fire protection rating of not less than 1 hour and shall be installed in accordance with Section 12.4 and NFPA 80.
65.10.5.3.2 Any other openings or penetrations in the fire barrier wall shall be protected in accordance with NFPA 101.
65.10.5.4 Alarm Notification. In Class B stores, a public address system or a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with Section 13.7 and NFPA 72 shall be provided at a constantly attended location when the store is occupied.
65.10.5.5 Flame breaks shall be allowed to be omitted in stores protected throughout with an automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13.

65.10.6 Stands.
65.10.6.1 Site Plan. The site plan for stands shall show the location of the stand on the site and indicate the minimum separation distances required by 65.10.4.7.
65.10.6.2 Temporary Stands.
65.10.6.2.1 Portable Fire Extinguisher. Temporary CFRS stands of less than 200 ft2 (18.6 m2) shall be required to have only one portable fire extinguisher.
65.10.6.2.2 Fire Safety and Evacuation Plan. An approved fire safety and evacuation plan shall not be required for temporary CFRS stands.
65.10.6.2.3 Means of Egress.
65.10.6.2.3.1 Retail sales areas within temporary CFRS stands shall have a minimum of two exits.
65.10.6.2.3.2 Exits provided for temporary fireworks retail sales stands shall be located such that the maximum egress travel distance as measured from the most remote point to an exit along the natural and unobstructed path of egress travel does not exceed 35 ft (10.6 m).
65.10.6.2.3.3 Customers shall not be permitted inside a temporary CFRS stand unless it complies with the means of egress requirements in 65.10.3.14.
65.10.6.2.3.4 Exit signs shall not be required to be illuminated in stands that are not open for business after dusk, or in temporary CFRS stands where the interior is not accessible to the public.
65.10.6.2.3.5 Emergency lighting shall not be required in stands that are not open for business after dusk or for temporary CFRS stands where the interior is not accessible to the public.
65.10.6.3 Minimum Separation Distances. Temporary CFRS stands shall be separated from adjacent buildings and structures in accordance with Table 65.10.4.7.2.
65.10.6.4 Stands Not Open to the Public.
65.10.6.4.1 Minimum Clear Width of Aisles. In temporary CFRS stands where the interior is not accessible to the public, the minimum clear width of the aisle shall be permitted to be not less than 28 in. (710 mm).
65.10.6.4.2 Egress Doors.
65.10.6.4.2.1 Egress doors provided for temporary CFRS stands where the interior is not accessible to the public shall be permitted to be not less than 28 in. (710 mm) in width.
65.10.6.4.2.2 For temporary CFRS stands where the interior is not accessible to the public, latching devices on doors shall be permitted without panic hardware.
65.10.6.4.3 Storage. In temporary CFRS stands where the interior is not accessible to the public, the maximum height of sales displays shall be limited to 8 ft (2.44 m).

65.10.6.4.4 Flame Breaks. Temporary CFRS stands where the interior is not accessible to the public shall not be required to comply with 65.10.3.15.3.
65.10.6.4.5 Covered Fuses.
65.10.6.4.5.1 Only consumer fireworks meeting the criteria for covered fuses as described in 65.10.3.15.5.2 shall be permitted where the retail sales of consumer fireworks are conducted.
65.10.6.4.6 Sales Display. The following shall apply to the sales display of consumer fireworks in temporary CFRS stands that do not allow access to the interior of the stand by the public:
(1) Consumer fireworks shall be displayed in a manner that prevents the fireworks from being handled by persons other than those operating, supervising, or working in the temporary CFRS stand.
(2) The handling requirements of 65.10.6.4.6(1) shall not apply to packaged assortments, boxes, or similarly packaged containers of one or more items, regardless of type.
H. Amend Section 74.1 reference to NFPA 400 to delete Subsection 11.1.3.

.10 Control of Air Overpressure and Ground Vibration for Blasting Operations.

A. Control of Air Overpressure for Blasting Operations.

(1) This section applies to air overpressure effects as recorded at the location of a private dwelling, public building, school, church, and community or institutional building not owned or leased by the person conducting or contracting for the blasting operation.
(2) Written notification by e-mail or facsimile shall be provided to the Office of the State Fire Marshal Bomb Squad at least 24 hours prior to each blast. The name of company or contractor performing the blasting and the location date, and approximate time shall be identified. The geographical coordinates (longitude and latitude) shall be provided.
(3) Air overpressure from blasting shall be controlled so that the maximum allowable air overpressure at:

(a) An inhabited building, resulting from blasting operations, may not exceed 130 decibels peak when measured by an instrument having a flat frequency response, +/- 3 decibels, over a range of at least 6—200 hertz;
(b) A building not inhabited, resulting from blasting operations, may not exceed 140 decibels peak when measured by an instrument having a flat frequency response, +/- 3 decibels, over a range of at least 6—200 hertz;

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

B. Control of Ground Vibration for Blasting Operations.

(1) This section provides for limiting ground vibrations at structures that are not owned or leased by the person conducting or contracting for the blasting operation. The requirements and monitoring methods of this section are intended to protect low rise structures including dwellings. Engineered structures may safely withstand higher vibration levels and, based on an approved engineering study, the State Fire Marshal may allow higher levels for engineered structures.
(2) When blasting operations, other than those conducted at a fixed site such as a quarry, are to be conducted within 200 feet of a pipe line or high voltage transmission line, the contractor shall take additional precautionary measures and shall notify the owner of the line, or the owner's agent, that blasting operations are intended.
(3) Methods. Each method described in §B(4)—(6) of this regulation, progressing from §B(4)—§B(6), has an increasing degree of sophistication and each can be implemented either by direction of the State Fire Marshal as a result of complaints or by the contractor to determine site specific vibration limits.

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

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

(b) Table A.

Distance Versus Weight of Explosives Method		
Distance to a Building		Weight of Explosive per Delay
Feet Over	Feet Not Over	Pounds
0 to 5		1/4
5 to 10		1/2
10 to 15		3/4
15 to 60		**
60 to 70		6
70 to 80		7-1/4
80 to 90		9
90 to 100		10-1/2
100 to 110		12
110 to 120		13-3/4
120 to 130		15-1/2
130 to 140		17-1/2
140 to 150		19-1/2
150 to 160		21-1/2
160 to 170		23-1/4
170 to 180		25
180 to 190		28
190 to 200		30-1/2
200 to 220		34
220 to 240		39
240 to 250		42
250 to 260		45
260 to 280		49

280 to 300	55
300 to 325	61
325 to 350	69
350 to 375	79
375 to 400	85
00 to 450	98
450 to 500	115
500 to 550	135
550 to 600	155
600 to 650	175
650 to 700	195
700 to 750	220
750 to 800	240
800 to 850	263
850 to 900	288
900 to 950	313
950 to 1,000	340
1,000 to 1,100	375
1,100 to 1,200	435
1,200 to 1,300	493

This table over 60 feet is based upon the formula: W = D1.5/90
** 1/10 of a pound of explosive per foot of distance to a building.

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

(6) Peak Particle Velocity Dependent on Distance Method.

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

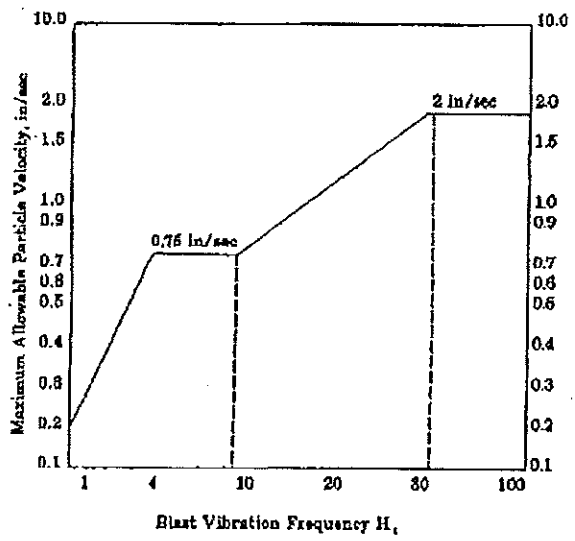
(b) Table B.

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

* The instrument's transducer shall be firmly coupled to the ground.

(7) Particle Velocity Criteria Dependent on Frequency Content. The following chart provides continuously variable particle velocity criteria dependent on the frequency content of the ground motion. The method of analysis shall be approved by the State Fire Marshal and provide an analysis showing all the frequencies present within the 1—50 hertz range:

Blast Vibration Frequency Hz, Maximum Allowable Particle Velocity, in/sec.



C. Instrumentation.

(1) A direct velocity recording seismograph capable of recording the continuous wave form of the three mutually perpendicular components of motions, in terms of particle velocity, shall be used. Each seismograph shall have a frequency response from 2 to 150 hertz or greater, and a velocity range from 0.0 to 2.0 inches per second or greater.

(2) All field seismographs shall be capable of internal dynamic calibration and shall be calibrated according to the manufacturers' specifications at least once per year.

(3) All seismographs shall be operated by competent individuals trained in the correct use of seismographs. Seismograph records shall be analyzed and interpreted by an independent third party approved by the State Fire Marshal.

D. Records.

(1) A record of each blast shall be kept. All records, including seismograph reports, shall be retained for at least 3 years, be available for inspection, and include the following items:

(a) Name of company or contractor;

(b) Location, date, and time of blast. The geographical coordinates (longitude and latitude) shall be identified;

(c) Name, signature, and Social Security number of blaster in charge;

(d) Type of material blasted;

(e) Number of holes, burden, and spacing;

(f) Diameter and depth of holes;

(g) Type of explosives used;

(h) Total amount of explosives used;

(i) Maximum amount of explosives per delay period of 8 milliseconds or greater;

(j) Method of firing and type of circuit;

(k) Direction and distance in feet to nearest dwelling house, public building, school, church, and commercial or institutional building not owned or leased by the person conducting the blasting;

(l) Weather conditions including such factors as wind direction, etc.;

(m) Height or length of stemming;

(n) If mats or other protection to prevent fly rock were used;

(o) Type of detonators used and delay period used;

(p) Seismograph records including seismograph readings when required containing:

(i) Name and signature of the individual operating the seismograph,

(ii) Name of the individual analyzing the seismograph records, and

(iii) Seismograph reading; and

(q) The maximum number of holes per delay period of 8 milliseconds or greater.

(2) The person taking the seismograph reading shall accurately indicate the exact location of the seismograph, if used, and shall also show the distance of the seismograph from the blast.

E. Liability Insurance for Explosives Handlers.

(1) As provided in Public Safety Article, Title 11, Annotated Code of Maryland, proof of liability insurance shall be provided by an applicant for a license to:

(a) Manufacture explosives;

(b) Engage in the business of dealing in explosives; or

(c) Possess any explosives other than for use in firearms.

(2) The minimum amount of liability insurance required for licensing for the activities specified in §E(1) of this regulation is $1,000,000.

.11 Portable Fire Extinguishers.

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

B. Sale of Portable Fire Extinguishers.

(1) It is unlawful for a person, directly or through an agent, to sell or offer for sale in the State any make, type, or model of portable fire extinguisher, either new or used, unless the make, type, or model of extinguisher has been tested and listed by a testing laboratory accepted by the State Fire Marshal.

(2) An extinguisher is not approved even if it bears the label of an accepted testing laboratory if it contains any of the following liquids:
(a) Carbon tetrachloride, chlorobromomethane, azeotrophic chloromethane, dibromodifluoromethane, 1,2-dibromo-2-chloro-1,2-trifluoroethane;
(b) 1,2-dibromo-2,2-difluoroethane, methyl bromide, ethylene dibromide;
(c) 1,2-dibromotetrafluoroethane, hydrogen bromide, methylene bromide, bromodifluoromethane, dichlorodifluoromethane; or
(d) Any other toxic or poisonous liquid.

.11-1 Nonwater-based Fixed Fire Extinguishing Systems.
A license shall be obtained from the State Fire Marshal's Office by every individual, firm, or corporation commercially installing, servicing, or repairing nonwater-based fixed fire extinguishing systems.

.12 (Repealed)

.13 (Repealed)

.14 Sale and Use of Heaters and Stoves.
A. Gasoline Stoves. The sale or use of gasoline stoves or other similar fuel-burning cooking or heating appliances using Class I flammable liquids as defined in NFPA 1 Fire Code (2015 Edition) and NFPA 30 Flammable and Combustible Liquids Code (2015 Edition), is prohibited unless the appliance has been tested and listed by a testing laboratory accepted by the State Fire Marshal. The appliance shall be installed, operated, and maintained in a safe manner in accordance with the prescribed recommendation of the manufacturer and the conditions stated in the listing by the respective testing laboratory.

B. Unvented Portable Kerosene-Fired Heaters.
(1) The sale or use of unvented portable kerosene-fired heaters is permitted only if the heater or appliance meets the U.L. Subject 647 and bears the label of a testing laboratory accepted by the State Fire Marshal.
(2) The heaters shall only be used as permitted under Commercial Law Article, §14-1310, Annotated Code of Maryland.
(3) Each heater shall contain a warning label stating: "This device must not be operated while unattended". In addition, the heater shall contain the manufacturer's warning label required by Commercial Law Article, §14-1310, Annotated Code of Maryland.

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

.16 Visual Obscuration Systems.
Visual obscuration systems associated with security or burglar alarm systems may not be permitted.

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

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

A. Appeals.

(1) When a person is aggrieved by an order or decision of the State Fire Marshal, made in the course of the administration or enforcement of the State Fire Prevention Code and Public Safety Article, Title 6, Annotated Code of Maryland, the person shall file within 20 days a written petition of appeal with the State Fire Prevention Commission, setting forth the reason for the appeal.

(2) The 20-day period during which an appeal may be taken begins on the date the notice of the Fire Marshal's order or decision was received by the person or agent in accordance with Public Safety Article §6-319 , Annotated Code of Maryland.

(3) The original petition for appeal and nine copies of it shall be filed with the State Fire Prevention Commission, 18345 Colonel Henry K. Douglas Drive, Suite 240, Hagerstown, MD 21740.

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

C. Before the hearing and upon specific written request of any party or counsel, in accordance with Public Safety Article, §6-502, Annotated Code of Maryland, the State Fire Marshal may furnish for copying at the State Fire Marshal's office documents or other material in the State Fire Marshal's files relating to the matter at issue. Upon written request, the State Fire Marshal shall furnish the names of witnesses who have personal knowledge of matters material to the matter at issue.

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

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

(1) Additional evidence at any time during the hearing; and

(2) Oral arguments at the close of all of the evidence.

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

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

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

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

TITLE 29 DEPARTMENT OF STATE POLICE
SUBTITLE 06 FIRE PREVENTION COMMISSION
CHAPTER 03 APPROVAL OF TESTING LABORATORIES
Authority: Public Safety Article §6-206 and Title 6, Subtitle 5
Annotated Code of Maryland
(Repealed Effective January 1, 2013)

COMAR 29.06.04
TITLE 29 DEPARTMENT OF STATE POLICE
SUBTITLE 06 FIRE PREVENTION COMMISSION
CHAPTER 04 FEES FOR FIRE PREVENTION SERVICES
Authority: Public Safety Article, §§6-206, 6-308, 9-701, and 9-702
Annotated Code of Maryland
(Amended Effective November 1, 2014)

.01 Scope.

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

B. This chapter does not apply to any municipal corporation or county that has adopted, before the effective date of this chapter, an ordinance or regulation that establishes a fee schedule for building inspections or plans review.

C. Municipal or County Corporations.
(1) The fee schedule established by the State Fire Prevention Commission may be used, amended, or referenced by a municipal or county corporation that chooses to establish its own fee schedule.
(2) A municipal or county corporation establishing its own fee schedule shall be responsible for administering its own:
(a) Plan reviews or inspections;
(b) Fee Processing; and
(c) Payment collection.

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

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

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

B. Terms Defined.
(1) "Code" means the State Fire Laws, Public Safety Article, Titles 6 and 9, Annotated Code of Maryland, and the State Fire Prevention Code under COMAR 29.06.01.
(2) "Fire protection system" means:
(a) Fire alarm and detection systems with a fire alarm control panel;
(b) Sprinkler, water spray, and combined sprinkler and standpipe systems;
(c) Standpipe systems and hose systems;
(d) Fire pumps and associated valves, piping, controllers, driver, and related equipment;
(e) Gaseous and chemical extinguishing systems that use gases such as halon or carbon dioxide, or dry or wet chemical compounds as the primary extinguishing agent;

(f) Foam systems that use a foaming agent to control or extinguish a fire in a flammable liquid installation, aircraft hangar, and other recognized applications; and

(g) Smoke control systems that include smoke exhaust, stair pressurization, and other recognized air-handling systems specifically designed to exhaust or control smoke, or create pressure zones to minimize the hazard of smoke spread caused by fire.

(3) "Initial inspection" means an inspection conducted for fire code compliance not generated by a previously identified fire code violation.

(4) "Local fire authority" means those municipal or county fire officials specifically authorized under the Public Safety Article, Annotated Code of Maryland, to enforce the provisions of the State Fire Laws and Fire Prevention Code.

(5) "New building or condition" means a building, structure, installation, plant, equipment, renovation, or condition:

(a) For which a building permit is issued on or after the effective date of this chapter;

(b) On which actual construction is started on or after the effective date of this chapter in a jurisdiction where a building permit is not required;

(c) That represents a change from one occupancy classification to another on or after the effective date of this chapter; or

(d) That represents a situation, circumstance, or physical makeup of any structure, premise, or process that was commenced on or after the effective date of this chapter.

(6) "Reinspection" means an inspection conducted for fire code compliance generated by a previously identified fire code violation.

(7) "State fire authority" means the State Fire Marshal or legally appointed designee.

.04 Fees in General.

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

(1) Plan review, and use and occupancy inspection;

(2) Fire protection system plan review and inspection; and

(3) Fire safety inspection.

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

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

(a) Preliminary or construction plans for the construction of a new building, addition, expansion, or renovation of an existing building or facility; and

(b) Plans for a fire protection system.

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

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

C. Fee Payment for Fire Safety Inspections.

(1) Fees for fire safety inspections are payable upon receipt of an invoice from the State fire authority upon completion of the inspection. Failure to pay this fee within the specified time may result in:

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

(2) The fire safety inspection fee may not be charged if the initial inspection is conducted in response to a specific complaint regarding an alleged violation of the Code. Any reinspection based on the initial inspection is subject to the fees outlined in Regulation .07C of this chapter.
(3) The fire safety inspection fee may not be charged if the initial inspection is initiated by the State fire authority. Any reinspection based on the initial inspection is subject to the fees outlined in Regulation .07C of this chapter.

D. Payment Method.
(1) Fee payments shall be made payable to the Office of the State Fire Marshal.
(2) Cash payment is not acceptable.
(3) Fee payment shall be in the form of a check, money order, or other approved means.

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

F. Technical Assistance, Unclassified Inspections, and Special Events.
Fees for technical assistance, unclassified inspections, and special events shall be based upon criteria required in Regulation .08 of this chapter.

.05 Fees for Plan Review and Use and Occupancy Inspection.
A. Fee Schedule.
(1) The fee schedule in this section is to be used to calculate the fee to be paid for the review of plans for and inspection of all new and existing buildings, including a change in use or occupancy. Where a local jurisdiction elects to conduct plan reviews and adopts a fee schedule for these reviews but does not conduct the inspections, the State Fire Marshal shall be permitted to reduce the fee schedule rate under this regulation by 50% to cover the costs of inspections conducted by the State Fire Marshal.
(2) The review and inspection is required to obtain a building permit, or a use and occupancy permit from a State or local government agency or licensing authority in order to construct, renovate, or occupy a building or facility, or install a fire protection system.
(3) Fees are as follows:
(a) Assembly occupancy—8 cents per square foot;
(b) Educational occupancy—10 cents per square foot;
(c) Health care occupancy—10 cents per square foot;
(d) Detention or correctional occupancy—10 cents per square foot;
(e) Residential occupancy—8 cents per square foot;
(f) Mercantile occupancy—8 cents per square foot;
(g) Business occupancy—8 cents per square foot;
(h) Industrial occupancy—6 cents per square foot;
(i) Storage occupancy—6 cents per square foot; or
(j) $100 per plan review or use and occupancy inspection, whichever is greater;

(k) Flammable or combustible liquid storage tank—1 cent per gallon of maximum tank capacity or $200 per tank, whichever is greater, although tanks less than 660 gallons used to provide heating fuel or other utility service to a building or facility are exempt from the fee;
(l) Marina or pier—$120 plus $1.50 per slip; and
(m) Outside storage of flammable and combustible materials such as scrap tire, lumber, mulch, tree stumps, drums of flammable or combustible liquids, etc.—$120 per acre or fraction of an acre.

B. The fee due shall be calculated using the appropriate rate in §A of this regulation applied to:
(1) The gross square feet per floor for a new building or tenant space or a change in its use or occupancy;
(2) The gross square feet of an area being renovated or altered; or
(3) The gross square feet per floor for a storage occupancy when a shell building without a specific occupancy or tenancy is to be built.

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

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

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

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

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

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

A. The fee schedule that follows in this section is to be used to calculate the fee to be paid for plan review and inspection of the fire protection systems specified:
(1) Fire alarm and detection system—$150 per fire alarm control panel, plus $2 per fire alarm initiating and indicating device;
(2) Sprinkler, water spray, and combined sprinkler and standpipe system
(a)$2 per sprinkler head and $3 per extended coverage sprinkler head or $150 per system, whichever is greater; and
(b) $100 for each additional hydrostatic test; or
(c) $75 per dwelling unit for one- and two-family dwellings;

(3) Standpipe and hose system—$50 per 100 linear feet of piping or fraction of 100 linear feet, or $150 per system, whichever is greater;
(4) Fire pump—50 cents per gallon per minute (gpm) of rated pump capacity or $300 per pump, whichever is greater, although this fee does not apply to limited service pumps for residential sprinkler systems as permitted for NFPA 13D systems;
(5) Water storage tanks – $100 per tank, although this fee does not apply to residential sprinkler system tanks as permitted for NFPA 13D systems;
(6) Gaseous and chemical extinguishing system—The greater of:
(a) $1 per pound of gaseous or dry chemical extinguishing agent, although this fee does not apply to a reserve supply of extinguishing agent;
(b) $100 per 30,000 cubic feet of volume of the portion of protected space; or
(c) $150 per system; and
(d) $150 per wet chemical extinguishing system;

(7) Foam system—$100 per nozzle or local applicator device plus $2 per sprinkler head for a combined sprinkler and foam system, or $150 per system, whichever is greater;
(8) Smoke control system—$100 per 50,000 cubic feet of volume or the portion of the protected or controlled space, up to a maximum of $1,500 per system, or $300 per system, whichever is greater.

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

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

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

D. A fee applies if the tests outlined in §B of this regulation reveal that the system being inspected or tested does not meet applicable standards as follows:
(1) First reinspection or retest—$200; and
(2) Each additional reinspection or retest—$250.

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

B. The following fees are to be applied based upon the occupancy classification for the building:
(1) Assembly occupancy:
(a) 1,001 or more individuals—$360;
(b) 301 to 1,000 individuals—$240;
(c) 50 to 300 individuals—$120;
(d) Fairgrounds for properties with:
(i) Nine buildings or less—$240;
(ii) Ten buildings or more—$480.

(2) Educational occupancy:
(a) Elementary school, which includes kindergarten and prekindergarten facilities—$120;
(b) Middle or junior high school—$180;
(c) Senior high school—$180;
(d) Family or group day care homes:
(i) Initial inspection—$75;
(ii) Renewal inspection—$50;
(e) Nursery or day care centers—$100;
(3) Health care occupancy:
(a) Ambulatory health care center—$180 per 3,000 square feet or fraction of 3,000 square feet;
(b) Hospital, nursing home and limited care facility—$120 per building plus $2.50 per patient bed;
(4) Detention and correctional occupancy—$120 per building plus $2.50 per rated bed capacity;
(5) Residential occupancy:
(a) Hotel and motel—$120 per building plus $2.50 per guest room or suite;
(b) Dormitory—$120 per building plus $2.50 per bed;
(c) Apartment—$120 per building plus $2.50 per apartment;
(d) Lodging or rooming house—$120 per building plus $2.50 per bed;
(e) One and two family dwelling, including alternate living units and foster care homes—$75;
(f) Board and care home—$120 per building plus $2.50 per bed;
(6) Mercantile occupancy:
(a) Class A—over 30,000 square feet—$300;
(b) Class B—3,000 to 30,000 square feet—$150;
(c) Class C—less than 3,000 square feet—$100;
(7) Business occupancy—$120 per 3,000 square feet or fraction of 3,000 square feet;
(8) Industrial or storage occupancy:
(a) Low or ordinary hazard—$120 per 5,000 square feet or fraction of 5,000 square feet;
(b) High hazard—$200 per 5,000 square feet or fraction of 5,000 square feet;
(9) Manufactured home sites and communities—$120 per facility plus $2.50 per site;
(10) Campgrounds:
(a) Vehicular campgrounds—$120 per facility plus $2.50 per campsite;
(b) Campgrounds with sleeping accommodations—$180 per facility plus $2.50 per bed;
(c) Campgrounds without sleeping accommodations—$120 per facility;
(11) Outside storage of combustible materials, for example, scrap tire, lumber, mulch, tree stumps, etc.—$60 per acre or fraction of an acre.
(12) Outside storage of flammable or combustible liquids/gases (drums or tanks)—$120 per 5,000 square feet or fraction of 5,000 square feet.
(13) Marinas and piers—$120 plus $1.50 per slip.

C. A fee applies if more than one reinspection outlined in §B of this regulation is required to correct a previously identified fire code violation as follows:
(1) Second reinspection—$200; and
(2) Each additional reinspection—$250.

.08 Fees for Technical Assistance, Unclassified Inspections, and Special Events.
A. The fee schedule in this regulation is used to calculate the fee to provide technical assistance or unclassified inspections, to include special events, in the form of plan review or on-sites inspections.

B. A separate technical assistance fee shall be charged at the following rate and prorated to the nearest 1/2 hour:
(1) Deputy fire marshal or fire safety inspector—$75 per hour; and
(2) Fire protection engineer—$100 per hour.

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

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

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

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

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

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

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

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

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

B. A license is not required for the following activities:
(1) Inspections and tests by insurance representatives acting in the performance of their assigned duty;
(2) Inspections, tests, and repairs by a full-time maintenance employee of the property owner, knowledgeable about fire sprinkler systems, acting in the performance of the employee's assigned duty for the property owner;
(3) Inspections, tests, plan review, and ensuring the maintenance of, and any emergency maintenance activity on, a fire sprinkler system, or restoration of an operating, or recently operated, fire sprinkler system to active service by an individual acting in the individual's capacity as a member of a state, county, municipal, career, or volunteer fire department, or authority having jurisdiction;
(4) Installation of a limited area fire sprinkler system or emergency temporary repairs performed by a licensed master plumber in accordance with COMAR 29.06.01; or
(5) Inspections, tests, preparation of design and specification documents, hydraulic calculations, layout, and plan review of fire sprinkler systems by a Maryland-registered professional engineer knowledgeable about fire sprinkler systems.

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

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

B. Terms Defined.
(1) "Designated Qualified Individual" means an owner or employee of a fire sprinkler contractor who is responsible for overseeing work performed by other persons employed by the contractor and who possesses the required NICET qualification or professional engineer qualifications in accordance with the appropriate class of license as listed in this chapter.
(2) "Fire Sprinkler Contractor" means a person that inspects, tests, performs maintenance on, installs, repairs, modifies, or lays out a fire sprinkler system in accordance with standards adopted by reference in COMAR 29.06.01.

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

.04 Licensure.
A. Each fire sprinkler contractor who performs work in Maryland shall possess a valid license of the appropriate class as listed in this regulation. A fire sprinkler contractor, except a person exempt under this chapter or Public Safety Article §9-903(b), Annotated Code of Maryland, who

inspects, tests, performs maintenance on, installs, repairs, modifies, or lays out a fire sprinkler system in a residential or commercial building in the State shall possess a valid license under this regulation. The following table illustrates the capabilities of each class of the sprinkler contractor license:

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

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

B. Class I Fire Sprinkler Contractor License.

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

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

(a) Have not less than 3 years experience in the inspection, testing, and performance of maintenance of residential and commercial fire sprinkler systems as determined by the State Fire Marshal; and

(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, inspection, and testing of water-based systems.

C. Class IIa Fire Sprinkler Contractor License.

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

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

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

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

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

D. Class IIb Fire Sprinkler Contractor License.

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

(2) To obtain a class IIb fire sprinkler contractor license, a person shall:
(a) Have not less than 3 years experience in the layout of residential fire sprinkler systems as determined by the State Fire Marshal; and
(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

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

F. Class IId Fire Sprinkler Contractor License.
(1) A fire sprinkler contractor engaged in the installation, repair, or modification of residential fire sprinkler systems that are in accordance with NFPA 13D shall possess a class IId fire sprinkler contractor license.
(2) To obtain a class IId fire sprinkler contractor license, a person shall:
(a) Possess a Maryland master plumber license and comply with all applicable provisions of Business Occupations and Professions Article, Title 12, Annotated Code of Maryland; and
(b) Employ at least one designated qualified individual who possesses and maintains a NICET Engineering Technician Level II or higher certification or equivalent in the field of fire protection, automatic sprinkler system layout.

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

H. Class IIIb Fire Sprinkler Contractor License.

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

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

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

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

I. Class IIIc Fire Sprinkler Contractor License.

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

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

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

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

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

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

K. Additional Authorized Work.

(1) A fire sprinkler contractor in possession of a class IIIa fire sprinkler contractor license may engage in any fire sprinkler system work covered by a class IIa or class IId fire sprinkler contractor license.

(2) A fire sprinkler contractor in possession of a class IIIb fire sprinkler contractor license may engage in any fire sprinkler system work covered by a class IIb fire sprinkler contractor license.

(3) A fire sprinkler contractor in possession of a class IIIc fire sprinkler contractor license may engage in any fire sprinkler system work covered by all other classes of fire sprinkler contractor licenses except class I.

(4) A fire sprinkler contractor in possession of a class IIa fire sprinkler contractor license may engage in any fire sprinkler system work covered by a class IId fire sprinkler contractor license only on residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R.

(5) A fire sprinkler contractor in possession of a class IIc fire sprinkler contractor license may engage in fire sprinkler system work covered by a class IIa, class IIb, or class IId fire sprinkler contractor license only on residential fire sprinkler systems that are in accordance with NFPA 13D or NFPA 13R.

L. Fire Sprinkler System Layout.

(1) Layout of plans and preparation for automatic fire sprinkler systems shall be prepared under the supervision of one of the following:

(a) The designated qualified individual employed by a fire sprinkler contractor who meets the qualification listed for the appropriate license classification under §D, E, H, or I of this regulation; or

(b) A Maryland registered professional engineer, knowledgeable in areas about fire sprinkler systems.

(2) Plans shall be marked with the fire sprinkler contractor license number and one of the following:

(a) The designated qualified individual's original signature, NICET level, certification number, and expiration date; or

(b) The original signature and seal of a professional engineer who is registered in Maryland.

M. Notification Requirements.

(1) Within 14 days of any change of address, the fire sprinkler contractor shall:

(a) Notify the Office of the State Fire Marshal in writing of the change;

(b) Return the license certificate requiring the revision; and

(c) Submit the fee as specified in §Q of this regulation for a revised license certificate.

(2) Within 5 business days from the termination of a designated qualified individual, the fire sprinkler contractor shall notify the Office of the State Fire Marshal in writing of the termination.

(3) Within 30 days of termination of the designated qualified individual, or prior to the expiration of a current license, whichever occurs first, the fire sprinkler contractor shall submit a new application to the Office of the State Fire Marshal identifying the new designated qualified individual as defined in Regulation .03 of this chapter.

(4) Within 14 days of any change to information submitted on the license application, the fire sprinkler contractor shall notify the Office of the State Fire Marshal in writing of the change.

N. License Expiration.

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

O. Liability Insurance Requirements.

(1) To hold any class fire sprinkler contractor license, a person shall maintain continuous comprehensive general liability insurance coverage and provide proof of this coverage in the form of a certificate of insurance with a 30-day cancellation notification provision. The Office of the State Fire Marshal shall be named as the certificate holder. Coverage under this subsection shall include:

(a) A minimum of $1,000,000 combined single limit bodily injury or death and property damage liability insurance; and

(b) Products and completed operations insurance.

(2) Failure to maintain the required coverage is considered sufficient grounds for suspension or revocation of the license.

P. Application.

(1) An application for an initial fire sprinkler contractor license shall be made to the State Fire Marshal on a form designated by the State Fire Marshal.

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

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

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

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

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

.06 Hearings for Denied, Suspended, and Revoked Applications and Licenses.
A. Except as provided in Regulation .07 of this chapter, and before any action is taken under Regulation .05 of this chapter, the State Fire Marshal shall mail to the applicant or fire sprinkler contractor at the last known address of the applicant or fire sprinkler contractor written notice stating:
(1) The basis for the contemplated action; and
(2) That the applicant or fire sprinkler contractor may request a hearing before the State Fire Prevention Commission by mailing or delivering a written request to the Commission within 20 days of the date of the written notice.

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

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

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

B. The State Fire Marshal shall promptly give the fire sprinkler contractor/licensee:
(1) Written notice of the suspension, the finding, and the reasons that support the finding; and
(2) An opportunity for a hearing before the State Fire Marshal.

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

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

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

TITLE 29 DEPARTMENT OF STATE POLICE
SUBTITLE 06 FIRE PREVENTION COMMISSION
CHAPTER 06 FRESH CUT AND LIVE TREE FIRE SAFETY REGULATIONS
Authority: Public Safety Article §6-206
Annotated Code of Maryland
REPEALED - JANUARY 1, 2010

TITLE 29 DEPARTMENT OF STATE POLICE
SUBTITLE 06 FIRE PREVENTION COMMISSION
CHAPTER 07 GROUND BASED SPARKLING DEVICES
Authority: Public Safety Article, §§6-206 and 10-109
Annotated Code of Maryland
(Amended Effective January 1, 2013)

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

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

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

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

B. Terms Defined.
(1) "Class C mercantile occupancy" means a mercantile occupancy of not more than 3,000 square feet gross area used for sales purposes on one story only, excluding mezzanines.
(2) "Ground-based sparkling device" means a device that is:
(a) Nonaerial;
(b) Nonexplosive;
(c) Labeled in accordance with the requirements of the U.S. Consumer Products Safety Commission; and
(d) Considered consumer fireworks as defined in NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01.
(3) "Open-air mercantile operation" means an operation conducted outside of all structures, with the operations area devoid of all walls and roofs except for small, individual, weather canopies.
(4) "Prepackaged ground-based sparkling device merchandise" means ground-based sparkling device items or groups of ground-based sparkling device items that have been packaged by the manufacturer or distributor before they are offered for sale to the consumer.

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

B. Registration forms may be obtained at the Office of the State Fire Marshal Headquarters, 1201 Reisterstown Road, Building C, Pikesville, MD 21208 and at State Fire Marshal installations throughout the State.

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

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

.05 Sales and Storage of Ground-Based Sparkling Devices.
A. Wholesalers and distributors of ground-based sparkling devices shall comply with the permits and approvals requirements and Chapter 65 "Explosives, Fireworks, and Model Rocketry" of NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01, unless otherwise modified by this chapter.

B. Ground-based sparkling devices may be sold or distributed in any of the following buildings or structures:
(1) Permanent buildings or structures constructed in accordance with the codes enforced by the authority having jurisdiction;
(2) Tents, canopies, or temporary membrane structures complying with NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01;
(3) Temporary structures measuring 800 square feet or less, constructed in accordance with this chapter; and
(4) Temporary ground-based sparkling device sales or distribution stands greater than 800 square feet in area which meet the requirements for a permanent structure.

C. All storage of ground-based sparkling devices:
(1) Shall be secured to prevent unauthorized access by the public;
(2) May not be located in direct sunlight; and
(3) May not exceed 5 percent of the basement floor area if located in a basement.

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

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

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

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

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

C. Height and Clearance. Ground-based sparkling devices on display or located on shelves, counters, or other fixtures may only be displayed with at least an 18-inch clearance from the ceiling and in temporary sales or distribution stands where the interior is not accessible to the general public, not higher than 8 feet from the floor surface.

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

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

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

C. An approved fire safety and evacuation plan shall:
(1) Be in writing;
(2) Be maintained current; and
(3) Be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the facility.

D. Exit openings from tents shall have a clear opening width of at least 44 inches.

.10 Sources of Ignition.
Electrical wiring shall be in accordance with NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01.

.11 (Repealed)

.12 Temporary Heating Sources.
Temporary heating units shall be listed by a testing laboratory approved by the Office of the State Fire Marshal and used in accordance with their listing.

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

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

C. Combustible and flammable liquid generator fuel may not:
(1) Exceed 5 gallons; or
(2) Be stored less than 20 feet from the exterior of a sales or distribution facility.

D. Flammable gas generator fuel may not:
(1) Exceed 20 pounds; or
(2) Be stored less than 20 feet from the exterior of a sales or distribution facility.

.14 Personnel.
A. At least one individual 18 years old or older shall be:
(1) Present at all times in sales and distribution facilities during the hours of sale and distribution to the public; and
(2) Responsible for supervision of the facility and its operation.

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

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

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

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

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

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

B. Where not otherwise required by local or state laws, ordinances, or regulations, a sign reading "NO GROUND-BASED SPARKLING DEVICE SALES OR DISTRIBUTION TO PERSONS UNDER 16 YEARS OLD. PHOTO I.D. REQUIRED" shall be conspicuously posted in letters not less than 1 inch high at:
(1) Each entrance of the sales or distribution facility or in the vicinity of the ground-based sparkling device sales or distribution display; and
(2) The point of sale or distribution.

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

D. At least one sign reading "NO GROUND-BASED SPARKLING DEVICE DISCHARGE WITHIN 300 FEET", in letters at least 2-inches high on a contrasting background, shall be conspicuously posted in the vicinity of the ground-based sparkling device sales or distribution display, or as otherwise required by the authority having jurisdiction.

.16 (Repealed)

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