

County Council Of Howard County, Maryland

2009 Legislative Session

Legislative Day No. 5

Resolution No. 33 -2009

Introduced by: The Chairperson at the request of the County Executive

A RESOLUTION adopting fees for Fire Prevention Services.

Introduced and read first time _____, 2009.

By order _____
Stephen LeGendre, Administrator

Read for a second time at a public hearing on _____, 2009.

By order _____
Stephen LeGendre, Administrator

This Resolution was read the third time and was Adopted____, Adopted with amendments____, Failed____, Withdrawn____, by the County Council
on _____, 2009.

Certified By _____
Stephen LeGendre, Administrator

Approved by the County Executive _____, 2009

Ken Ulman, County Executive

NOTE: [[text in brackets]] indicates deletions from existing law; TEXT IN SMALL CAPITALS indicates additions to existing law; Strike-out indicates material deleted by amendment; Underlining indicates material added by amendment

1 **WHEREAS**, Section 6-206(b) of the Public Safety Article of the Annotated Code of
2 Maryland authorizes the State Fire Prevention Commission to adopt fees for reviewing building
3 plans and conducting inspections; and
4

5 **WHEREAS**, Sections 9-701 and 9-702 of the Public Safety Article of the Annotated
6 Code of Maryland authorizes a local governing body to adopt a fire prevention code and to
7 establish and administer a fee schedule for conducting inspections and plan review; and
8

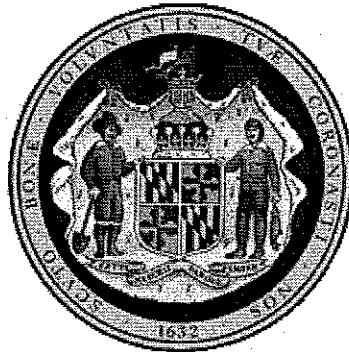
9 **WHEREAS**, Howard County has adopted a fire prevention code as codified in Title 17,
10 Subtitle 1 of the Howard County Code and Section 17.104(b)(40A) which authorizes the
11 adoption of fees; and
12

13 **WHEREAS**, the Code of Maryland Regulations at Section 29.06.04.01 provides that the
14 fee schedule established by the State Fire Prevention Commission can be used, amended, or
15 referenced by a County that chooses to establish its own fee schedule; and
16

17 **WHEREAS**, the County Executive wishes to adopt the State Fire Prevention
18 Commission Fee Schedule, as provided in the attached Exhibit A, for those fire prevention
19 services provided by the Department of Fire and Rescue Services.
20

21 **NOW, THEREFORE, BE IT RESOLVED** by the County Council of Howard County,
22 Maryland this ____ day of _____, 2009 that it adopts the State of Maryland, Fire
23 Prevention Code, Fees for Fire Prevention Services, attached to this Resolution as Exhibit A, for
24 those fire prevention services conducted by Howard County.
25

26 **BE IT FURTHER RESOLVED** that the fee schedule shall be effective July 1, 2009 and
27 shall continue in effect until changed or repealed by subsequent resolution.



State of Maryland Fire Prevention Code

***Martin O'Malley
Governor***

***Anthony G. Brown
Lt. Governor***

***Colonel Terrence B. Sheridan
Secretary
Department of State Police***

***William E. Barnard, CFPS
State Fire Marshal***

***Promulgated by:
State Fire Prevention Commission
Richard K. Brooks III, Chairman***

<http://firemarshal.state.md.us>

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

.01 Scope.

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

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

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

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

.02 Incorporation by Reference.

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

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

.03 Definitions.

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

B. Terms Defined.

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

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

.04 Fees in General.

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

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

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

- (1) Fees for plan review and use and occupancy inspections are payable upon receipt of an invoice from the State fire authority of:
 - (a) Preliminary or construction plans for the construction of a new building, addition, expansion, or renovation of an existing building or facility; and
 - (b) Plans for a fire protection system.
- (2) Fee payments shall be reviewed by the State fire authority to ensure that they are in the proper amount. If a fee payment is incorrect, an invoice requesting the balance of the fee shall be sent to the person identified on the original invoice.
- (3) Failure to pay the fee within the required time shall result in appropriate administrative or legal action. Further plan review or inspection action may not take place until the fee is paid in full. This may result in delay of the issuance of a building permit, or use and occupancy permit for the building or facility.

C. Fee Payment for Fire Safety Inspections.

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

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

- (a) Administrative or legal action;
 - (b) No further inspection activity;
 - (c) Denial of the issuance or renewal of a permit or license held by the facility being inspected; and
 - (d) Violation of Public Safety Article, §§6-601, 6-317, 9-109, 9-206, 9-905, Annotated Code of Maryland.
- (2) The fire safety inspection fee may not be charged if the inspection is conducted in response to a specific complaint regarding an alleged violation of the Code.

D. Payment Method.

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

E. Reinspection and Retest Fees.

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

F. Disputes Over Fees.

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

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

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

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

A. Fee Schedule.

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

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

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

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

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

D. The fee for a mixed occupancy shall:

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

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

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

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

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

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

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

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

B. The fees also include, for a:

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

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

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

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

.07 Fees for Fire Safety Inspections.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

.09 Disposition of Fees.

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

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