

GARRETT COUNTY CODE OF ORDINANCE NO. 150.05

BUILDING REGULATIONS

AN ACT CONCERNING the Garrett County Fire Prevention Code; FOR THE PURPOSE of adopting and implementing a Fire Prevention Code for Garrett County, Maryland; providing for the scope, administration and implementation thereof; providing for inspection and other fees; providing for protection against fires and the removal of fire hazards; providing for appointment of inspectors to enforce the Fire Prevention Code and establishing penalties for violations thereof;

BY Amending Section 150 of the Code of Public Local Laws for Garrett County, Maryland the same being Article 12 of the Code of Public Local Laws of the State of Maryland (the “County Code”) and adopting new Sections 150.05 and 150.06.

BE IT ENACTED BY THE BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND, a body politic and corporate and a political subdivision of the State of Maryland (the “County Commissioners”) that Section 150 of the County Code be and is hereby amended by adding Section 150.05 to read, as follows:

150.05. Adoption of standards.

105.05.1. National Fire Protection Association.

(1) NFPA 1, Uniform Fire Code as published by the National Fire Protection Association;

(2) NFPA 101, Life Safety Code as published by the National Fire Protection Association;

(3) NFPA 303, Fire Protection Standards for Marinas and Boat Yards as published by the National Fire Protection Association; and

(4) IBC Chapters 5 and 9 as published by the International Code Council, Inc.

105.05.2. Incorporation of other standards.

The Fire Prevention Code of the State of Maryland (COMAR 29.06.01), as amended, by the latest editions of the National Fire Protection Association Standards be and the same are hereby adopted and incorporated as fully as if set forth herein, and from the day on which this chapter shall take effect, the provisions thereof shall be controlling within Garrett County, Maryland, insofar as the same may be applicable and not hereinafter modified or amended.

BE IT FURTHER ENACTED that a new Section 150.06 be added to the Code of Ordinances to read, as follows:

150.06. Fire Protection Code.

150.06.1. Definitions.

In this title, the following words have the meanings indicated.

(1) “NFPA” means National Fire Protection Association;

(2) “Fire Marshal” means the Office of the Fire Marshal; and

(3) “Deputy Fire Marshal” means those qualified and appointed by the County Commissioners to serve as Deputy Fire Marshal for Garrett County, Maryland, with the duties and powers to enforce the Code.

150.06.2. Scope.

(a) Applicability. This section applies to new buildings, conditions, or facilities. Except as provided in subsections (b), (c), and (d), this title does not apply to existing buildings, conditions, or facilities unless:

(1) the Fire Marshal or Deputy Fire Marshal has found that the continuation of an existing condition constitutes a distinct hazard adverse to life, property, public safety, or welfare as to require correction; or

(2) the building undergoes a change from one occupancy classification to another or from one occupancy sub-classification to another.

(b) Inapplicability. This section does not apply to one- and two-family dwellings, except for the installation and maintenance of smoke detectors and residential sprinklers when required by any Code

(c) Inapplicability to Maryland Building Rehabilitation Code. The requirements of this section do not apply to work areas that are subject to the Maryland Building Rehabilitation Code as found at Subtitle 10 of Title 12 of the Public Safety Article of the Maryland Annotated Code and associated regulations.

150.06.3 Administration.

Except as otherwise provided in this Code, the Fire Marshal, or Deputy Fire Marshal, shall enforce and administer the provisions of this title.

(a) Conflicts. If there are conflicts within the documents set forth in subsection (a) of this section, the most restrictive provision shall apply.

(b) Matters not provided for. Any requirement essential for fire safety that is not specifically covered by this Code shall be determined by the Garrett County Fire Marshal in accordance with the NFPA National Fire Codes or other NFPA technical publications.

(c) Modifications. Section 1-10 of NFPA 1, Uniform Fire Code, shall be deleted and all appeals under the Fire Prevention Code shall be to the State Fire Prevention Commission. Any person shall be permitted to appeal a decision of the Fire Marshal or Deputy Fire Marshal when it is claimed that any one or more of the following conditions exist:

- (1) The true intent of the Fire Prevention Code has been incorrectly interpreted;
- (2) The provisions of the Fire Prevention Code do not fully apply; or
- (3) A decision is unreasonable or arbitrary as it applies to alternatives or new materials.

150.06.4. Implementation.

The implementation of this title shall be in accordance with the inspection priority and frequency policy of the Office of the Fire Marshal.

150.06.5. Flammable and hazardous chemicals storage - Signs.

All establishments storing or handling flammable or hazardous chemicals shall be plainly marked with signs at entrances to storage or use areas and at other points that are recommended by the Fire Marshal or the Deputy Fire Marshal. These signs shall be in accordance with the “Standard System for the Identification of the Hazards of Materials for Emergency Response”.

150.06.6. Fire Investigations.

The Garrett County Office of the Fire Marshal has the authority to investigate the origin, cause, and circumstances of every fire, explosion, or hazardous materials emergency in Garrett County. When the fire investigator has reason to believe that a fire, explosion, or hazardous materials incident may be the result of a violation of any law, the investigator may immediately take custody of and safeguard all physical evidence in connection with the incident.

150.06.7. Fee Schedule

The Garrett County Office of the Fire Marshal shall utilize the fee schedule set forth in COMAR 29.06.04 as the same may be amended from time to time or as established by the County Commissioners.

150.06.8. Re-inspection Fee.

A fee shall be charged for re-inspections for each called-for inspection that is not ready for inspection. Re-inspection may not be scheduled or conducted without payment of the fee. Notice that a re-inspection fee is required shall be provided in writing on a form prescribed by the County, and adjusted from time to time to be consistent with the Maryland State Fire Marshal fees.

150.06.9. Violations and penalties.

(a) Civil penalties. In the case of any violation of the Garrett County Fire Prevention Code, § 150.05 hereof, the pre-set fines shall be \$100 for a first offense, \$250 for a second offense, \$500 for a third offense, and \$1,000 for a fourth or subsequent offense.