



# ANNUAL REPORT

FISCAL YEAR  
2015

July 1, 2014 – June 30, 2015

## **50<sup>th</sup> ANNIVERSARY OF FIRE PREVENTION COMMISSION**

2014 marked the 50<sup>th</sup> anniversary of the establishment of the modern-era State Fire Prevention Commission and the State Fire Marshal's Office. A commemorative dinner banquet was held October 18, 2014, to memorialize the occasion.

Governor Millard J. Tawes (served 1959-1967) had a deep interest in the fire service and very much wanted to improve fire safety in Maryland and expand the role and effectiveness of the Maryland State Fire Marshal. The first annual Governor's Fire Prevention Conference was held during the Tawes administration. He established a Committee on Fire Codes in 1963 with its initial meeting being held on July 26, 1963. Joint Resolution 13 charged the Committee with studying the inconsistent fire codes throughout the State and deciding whether greater uniformity was desirable. At that time, only seven counties in the State had a fire code and the only statewide fire regulations pertained to fireworks and explosives. Regulations promulgated by the State Insurance Commissioner were effective only in the counties which had no fire code. The Maryland State Firemen's Association strongly supported the need for an improved fire code and increased code enforcement. This effort was also supported by the Maryland Legislative Council. The seven member Maryland State Fire Prevention Commission, the Maryland State Fire Marshal's Office, and the modern Maryland State Fire Code were modeled after what was already in place in Delaware since 1959.

Senate Bill 15, Chapter 46, Acts of 1964 repealed the existing provisions of Article 38A of the Annotated Code of Maryland and enacted new subtitles "Fire Prevention Commission and Fire Marshal, Appeals, Fireworks, and Explosives." The bill went on to repeal section 489 of Article 48A on the Insurance Code, abolish the position of ex-officio Fire Marshal held by the Insurance Commissioner, establish the State Fire Prevention Commission and State Fire Marshal's Office, and provide for the promulgation of the State Fire Code. Essentially, the State Fire Marshal position would be removed from the Insurance Commissioner's Office and placed in a separate and distinct Office of the State Fire Marshal. The rapidly growing population and the increased complexities of fire protection in the State were cited as justification for the move.

Initial 1964 wording included the following: "The State Fire Prevention Commission, by September 1, 1964, shall promulgate comprehensive regulations for the safeguarding of life and property from the hazards of fire and explosion as a State Fire Prevention Code. Regulations embodied in the State Fire Prevention Code shall be in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection and shall have the force and effect of law in the several counties, cities and political subdivisions of the State. Such regulations and amendments shall not apply to existing installations, plants or equipment unless the State Fire Prevention Commission has duly found that the continuation thereof constitutes a hazard so inimicable to the public welfare and safety as to require correction."

The 1964 law required that the State Fire Code initially promulgated by the State Fire Prevention Commission was to be based upon the draft fire code prepared by the Assistant Fire Marshal prior to the passage of the Act. Other provisions of the 1964 law included powers to conduct public hearings, submit an annual report to the

Governor, establish minimum qualifications of the State Fire Marshal, powers and duties, authority to investigate cause and origin, authority to inspect, power of subpoena, authority to order repair or demolition, penalties for violations, procedures for appeal, fireworks and permits, and explosives. The adopted State Fire Code would be a minimum set of regulations and the provisions of any other statute or local regulation when more stringent would govern.

The Law was signed by Governor Tawes on April 7, 1964, with an effective date of July 1, 1964. The Commission was tasked with the responsibility of appointing a State Fire Marshal no later than August 31, 1964, with his duties to begin on September 1, 1964. The State Fire Code would also take effect on this date. The State Insurance Commissioner was directed in the statute to continue to execute his powers as State Fire Marshal up until this time. Membership of the Maryland State Firemen's Association and firefighters from throughout the State were credited with convincing their local lawmakers to support this historic legislation.

The first meeting of the State Fire Prevention Commission took place on July 17, 1964, in College Park. Raymond L. Adkins from Berlin, Maryland, First Vice President of the Maryland State Firemen's Association was elected as the first Chairman of the State Fire Prevention Commission and Robert C. Byrus, Director of the University of Maryland Fire Service Extension was elected as the Vice Chairman. Also serving on the original Commission were David E. Kirk of Cumberland, Past President of the Maryland State Firemen's Association; Earl W. Smith, Director of the Baltimore City Safety Council; John W. Smith, Past President of the Maryland State Firemen's Association representing Southern Maryland; Robert F. Novak of the Martin-Marietta Corporation representing Central Maryland; and Moylan E. Brown, Executive Secretary of the L.P. Gas Association of Maryland. The Commission voted and selected James C. Robertson as the State Fire Marshal effective September 1, 1964. Mr. Robertson served as the Maryland State Fire Marshal until 1982. At the time of his departure he was the longest-serving State Fire Marshal in the United States. He remained active and interested in fire prevention throughout the United States until his passing on November 8, 2013.

Continuing to review and modify the fire code draft, the State Fire Code would be based upon the 1960 edition of certain portions of the National Board of Fire Underwriters Fire Prevention Code and certain standards of the National Fire Protection Association. An extraordinary amount of work was accomplished in the few short months between the signing of Senate Bill 15 on April 7, 1964, and the first day of the modern State Fire Prevention Commission and State Fire Marshal's Office on September 1, 1964. It is interesting to note that many provisions in the 1964 law and the initial 1964 State Fire Code remain in the statute and regulation fifty years later in 2014.

The present day nine-member Commission continues to review and update the State Fire Prevention Code and regulations on a regular basis.

*Historical information courtesy of  
Chief Fire Protection Engineer A. Larry Iseminger, Jr.  
Office of the State Fire Marshal*

## **PUBLIC SAFETY ARTICLE TITLE 6-201:**

The State Fire Prevention Commission was established in 1964 and consists of nine (9) members appointed to a maximum of two five-year terms by the Secretary of the State Police, with the approval of the Governor in accordance with Public Safety Article Title 6-201. The following members served on the Commission in FY 2015:

<b>C. Daniel Davis, Jr.</b> <b>Chairman</b> <b>Term Expired June 30, 2015*</b>	<b><i>Southern Maryland</i></b> <b><i>Volunteer Fire Company</i></b>
<b>Mark. F. Hubbard</b> <b>Vice Chairman</b> <b>Term Expires June 30, 2017**</b>	<b><i>Central Maryland</i></b> <b><i>Career Fire Company</i></b>
<b>Timothy F. Dayton</b> <b>Term Expired June 30, 2014***</b>	<b><i>Western Maryland</i></b> <b><i>Volunteer Fire Company</i></b>
<b>K. C. Harrington</b> <b>Term Expires June 30, 2018**</b>	<b><i>Eastern Shore</i></b> <b><i>Building Contractor</i></b>
<b>Martin J. LePore</b> <b>Term Expires June 30, 2016**</b>	<b><i>At-Large</i></b> <b><i>Industry Representative</i></b>
<b>Anthony J. Spencer</b> <b>Term Expires June 30, 2019**</b>	<b><i>At-Large</i></b> <b><i>Member of the Public</i></b>
<b>Stacy N. Welch</b> <b>Term Expires June 30, 2017</b>	<b><i>At-Large</i></b> <b><i>Architect/Engineer</i></b>
<b>Richard L. Yinger</b> <b>Term Expires June 30, 2018**</b>	<b><i>At-Large</i></b> <b><i>Volunteer Fire Company</i></b>
<b>Vacant</b>	<b><i>Washington-Metropolitan</i></b> <b><i>Industry Representative</i></b>

\*Reappointment to second term pending

\*\*Second Term – Not eligible for reappointment

\*\*\*Second term expired – Serving until replaced

The Fire Prevention Commission may be contacted as follows:

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Website: <http://sfpc.mdsp.org>  
Secretary: Heidi Ritchie

**PUBLIC SAFETY ARTICLE TITLE 6-204:**

The Commission is mandated to hold a minimum of six regular meetings every year. A quorum was achieved at all meetings. All members met the attendance requirements.

Public meeting agendas and approved minutes are posted at the Commission's website:

<http://sfpc.mdsp.org>

<b>FISCAL YEAR ATTENDANCE ROSTER</b>						
<b>MEETING DATES LOCATION &amp; MEMBERS</b>	<b>8/21/14 College Park</b>	<b>10/16/14 College Park</b>	<b>12/18/14 Laurel</b>	<b>2/19/15 Annapolis</b>	<b>4/16/15 Laurel</b>	<b>6/23/15 Ocean City</b>
DAVIS	P	P	P	P	A	P
DAYTON	P	A	P	P	A	P
HARRINGTON	P	A	A	P	P	P
HUBBARD	P	P	A	P	P	P
LEPORE	P	P	P	P	P	P
SPENCER	P	P	P	A	P	P
WELCH	P	A	P	P	P	A
YINGER	P	P	P	P	P	P

P=Present    A=Absent

**PUBLIC SAFETY ARTICLE TITLE 6-501:**

The Commission is empowered to hear appeals filed by a person who is aggrieved by an order or decision of the State Fire Marshal or his designee in the course of enforcing the State Fire Prevention Code. The commission received one appeal in Fiscal Year 2015.

**Case 15-01 WISP RESORT – McHenry, Garrett County**

The petitioner appealed the State Fire Marshal designee's order to comply with requirements for public assembly occupancies in a membrane structure (tent) that remains in place for more than 180 days in a 12-month period. The structure has a calculated occupant load of more than 300 persons and is in place year round. These requirements include, in part, that the structure be provided with an approved automatic sprinkler or fire suppression system and an approved fire alarm system. Based on the requirements of the State Fire Prevention Code as adopted by the Commission, the Commission affirmed the decision of the State Fire Marshal designee and denied the appeal.

**PUBLIC SAFETY ARTICLE TITLE 6-205:**

The Commission is mandated to promote and conduct seminars, conferences, workshops and meetings at least once each year to inform the public and firefighting personnel of the latest techniques in fire prevention programs and procedures, life safety measures, changes in the State Fire Prevention Code, and development of improved fire and life safety goals.

**Mid-Atlantic Life Safety Conference**

The Fire Prevention Commission co-sponsored the Mid-Atlantic Life Safety Conference held September 23, 2014, in Laurel, Maryland. This annual conference offers a variety of safety oriented workshops presented by some of the nation's leading fire and emergency services professionals. Approximately 250-300 persons attend this annual event, including several Commission members. Commissioner Martin LePore serves on the Conference Steering Committee.

**PUBLIC SAFETY ARTICLE TITLE 6-206:**

The Commission is empowered to promulgate, amend, and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion and to hold public hearings pertaining to such regulations. Code of Maryland Regulations as promulgated by the Commission may be viewed at the Commission's website: <http://sfpc.mdsp.org>

**COMAR 29.06.04 Fees for Fire Prevention Services**

In Fiscal Year 2014, State Fire Marshal Brian S. Geraci requested the Commission consider amendments to COMAR 29.06.04.01 and 29.06.04.05 to allow local jurisdictions that wish to conduct its own plan reviews but not conduct the inspections to charge a fee for their plan review services and have a State Fire Marshal designee conduct the inspections. The amendments would allow the State Fire Marshal designee conducting the inspections to reduce the inspection fee by 50 percent. By majority vote the Commission agreed with the proposal. A public hearing on the proposed amendments was held on August 21, 2014, and the amendments were adopted November 1, 2014.

**COMAR 29.06.01 and 29.06.07 Fire Prevention Code and Regulations for Ground-Based Sparkling Devices**

With the publication of the 2015 editions of NFPA 1 Fire Code and NFPA 101 Life Safety Code, the Commission delegated a committee to review changes in these national standards. Commissioners Anthony Spencer and Stacy Welch served on the committee along with members of the Office of the State Fire Marshal and other local fire and building code authorities. The Commission unanimously voted to accept the committee's proposal to amend the regulations and proceed with the formal adoption process. A public hearing will be scheduled in the Fall of 2015 with an anticipated adoption date of January 1, 2016.

## **OTHER ACTIVITIES**

Throughout the year, Commission members attend and participate in a variety of activities and serve on committees involving fire prevention education, fire and emergency services, and code enforcement.

### **MID-ATLANTIC ASSOCIATION OF STATE FIRE COMMISSIONS**

The Mid-Atlantic Association of State Fire Commissions is comprised of fire commissions from twelve (12) member states for the purpose of sharing and promoting state and national goals related to fire prevention and education. The states of Connecticut, Delaware, Kentucky, Maryland, New Jersey, New York, North Carolina, Pennsylvania, South Carolina, Tennessee, Virginia, and West Virginia each host the annual conference on a rotating basis.

Representatives discuss a variety of topics related to fire code enforcement issues, proactive initiatives for automatic sprinkler system installations, funding sources, firefighter recruitment and training, and fire prevention education.

Due to budget restrictions and change of personnel, West Virginia was unable to host the event and no conference was held in 2014.

### **MARYLAND STATE FIREMEN'S ASSOCIATION**

Chairman Davis, Commissioner Yinger, and Commissioner Dayton serve on a variety of committees under the auspices of this association. The association membership is comprised of volunteer departments from throughout the State whose mission is to serve, promote, advocate and represent the interests of the volunteer fire, rescue, and emergency medical services of Maryland.

The association sponsors an annual contest to recognize fire, rescue, and ambulance departments' efforts in promoting fire prevention in their communities. The Fire Prevention Commission took the opportunity during the association's annual convention in Ocean City to participate in convention activities and present Certificates of Appreciation to several fire and emergency services departments for their contributions to fire prevention and fire safety education.

### **ALLEGANY-GARRETT COUNTY FIRE AND RESCUE ASSOCIATION**

Commissioner Dayton is a member of this association which serves, promotes, advocates and represents the interests of thirty-seven volunteer fire, rescue and emergency medical services companies in Allegany and Garrett Counties.