

STATE FIRE PREVENTION COMMISSION
MINUTES
June 19, 2012

Members Present: Timothy F. Dayton, Chairman
Sharon S. Gilyeat, Vice Chairperson
Charles D. Davis
Brian S. Geraci
K.C. Harrington
Mark F. Hubbard
Martin J. LePore
Anthony J. Spencer
Richard L. Yinger

Chairman Dayton called the meeting to order at the Roland Powell Convention Center in Ocean City.

FIRE MARSHAL REPORT

The Office of the State Fire Marshal (OSFM) has four vacant full-time positions: one Fire Safety Inspector (FSI), one Administrative Aide (AA), and two Deputy State Fire Marshals (DSFM). One DSFM position will be filled on June 27th. The other DSFM position will remain vacant to cover turnover requirements. Ninety applications were received for the FSI position and the hiring process is continuing. Additionally there is one part-time contractual Data Device Operator vacancy. Until that vacancy is filled the OSFM is using the services of another OSFM contractor employee, Allison Nicodemus, assigned to the Western Regional Office to perform these critical duties of processing invoices. She has been doing an outstanding job.

The 2012 Maryland fire death total as of June 13th stands at twenty-one, compared to twenty-seven for this period last year. Seventeen of these fatalities occurred in structure fires. This is a record low for the first six months and perhaps may be contributed to the mild winter and lower usage of various sources of heating. Fires involving cigarettes have also decreased. An additional fatality occurred within the past week bringing the total to date to twenty-two.

There are still several fire departments and/or counties not submitting MFIRS in a timely manner – by the 10th day of the following month. Departments continue to be reminded of the importance of submitting accurate and timely reports. The OSFM has to have all reports for 2011 submitted to the U.S. Fire Administration by June 30th. For 2010, the OSFM was only missing reports from a few departments and the Fire Marshal hopes to get 100 percent for 2011.

NFPA has once again agreed to provide code update training for the 2012 NFPA 1 and NFPA 101 codes. The training will be held at the Maryland Fire and Rescue Institute College Park facility. A two-day class for new code officials will be held September 11-12th. Four one-day refreshers classes are scheduled for September 13th, 18th, 19th, and if needed on September 20th. Individuals need only attend one class. There is no cost for the training and many thanks are extended to NFPA and MFRI for assisting with this important training. It is anticipated the 2012 editions and the updated State Fire Prevention Code will be adopted January 1, 2013.

The OSFM Bomb Squad received grant funding for underwater explosive recovery training for disposal technicians who are already certified in SCUBA. The technicians will learn how to safely dispose of explosives or hazardous devices that have been discovered underwater. The State Bomb Squad is currently training as a multi-jurisdictional maritime and underwater bomb response team with other bomb technicians across the state. The most recent program was held in June in Edmond, Oklahoma. The class included technicians from seven states and overseas. Other training completed by the underwater technicians includes Dive Rescue I, Underwater Rigging, Helmet Surface Supplied Certification, and Underwater Remote Cutting and Lifting.

The Fire and Life Safety Information Exchange Program website has received an entire new facelift and updates are being added every week. Please monitor the website and share the address (www.mdflifesafety.org) with others. Any suggestions for the site can be submitted to Megan Hiltz who may be contacted via the website.

The Mid-Atlantic Life Safety Conference "Caring for Your Community – and Yourself" will be held Wednesday September 26th at the Johns Hopkins Applied Physics Laboratory Kossiakoff Center in Howard County. Vicky Taylor, LCSW, from the National Fire Academy will be the keynote speaker and will present, "The Power of Five". Registration is \$50 if postmarked on or before September 7th, and \$60 thereafter. Jurisdictions sending five or more may send a sixth person for free. Additional information is available at <http://www.fabscom.org> where you can also make an on-line payment.

Governor O'Malley declared May 6-12, 2012, as Arson Awareness Week in Maryland. This year's theme addressed youth firesetting. It is imperative that Maryland's fire prevention efforts focus on juvenile firesetting in an endeavor to combat this horrific crime that affects the lives, property, and safety of our communities.

Governor O'Malley has appointed Kenneth J. Mallette as Executive Director of the Maryland Emergency Management Agency.

The Department of State Police will be changing all email addresses. The new addresses will basically be the employee's first name.last name@maryland.gov but there are a few exceptions.

The OSFM continues to issue numerous fire prevention and life safety news releases. They can be viewed on line at the OSFM Facebook page: <http://www.facebook.com/MarylandStateFireMarshal>.

Chief Fire Protection Engineer (CFPE) Larry Iseminger reported the Smoke Alarm Task Force is nearing the completion of its two-year study and will be issuing a report and recommendations to modify and update Maryland's various smoke alarm laws. The committee is seeking to consolidate the various laws into one that is more clear and concise as well as update requirements to incorporate new technologies that have been developed over the last couple decades.

CODE OF MARYLAND REGULATIONS

At the April meeting, the commission members were presented with a proposal for amendments to COMAR 29.06.01 State Fire Prevention Code and 29.06.07 Ground-Based Sparkling Devices as well as the repeal of COMAR 29.06.03 Approval of Testing Laboratories as prepared by the Code Update Committee (copy attached for the record). The members have reviewed the proposal and a motion was made by Commissioner Davis, seconded by Commissioner Spencer and unanimously approved to accept the proposal as submitted and proceed with the adoption process. The proposal will be forwarded to the Administrative, Executive, and Legislative Review (AELR) Committee and Division of State Documents for review and publication in the Maryland Register. It is anticipated a public hearing on the proposed amendments will be held at the next meeting.

APPEALS

Case 09-02 Thursday's Restaurant, Galesville, Anne Arundel County: The appellant filed a petition for judicial review of the Commission's decision in the Circuit Court for Anne Arundel County. The Circuit Court affirmed the Commission's order and the appellant filed an appeal to the Maryland Court of Special Appeals. The Court of Special Appeals has remanded the case back to the Circuit Court and Commission. The commission will take appropriate action when the remanded case is received.

Case 12-03 St. Edmonds United Methodist Church, Chesapeake Beach, Calvert County: The Commission received an appeal of an inspection by the Office of the State Fire Marshal requiring installation of panic hardware. The appeal will be scheduled for August.

Case 12-04 Reinheimer Gazebo, Stevensville, Queen Anne's County: The Commission received an appeal of an inspection by the Queen Anne's County Fire Marshal ordering to cease and desist the use of an assembly gazebo structure until various fire code requirements are met. The appeal will be reviewed with legal counsel and scheduled for August if needed.

CHAIRMAN REPORT

The Commission received an inquiry from Cathy Rueter about Maryland requirements for surgical centers and the reporting of fires/patient burn injuries at surgical centers during surgical procedures. Ms. Rueter is an advocate to reduce surgical burn injuries and is working with the U.S. Food and Drug Administration and other organizations to bring awareness to this issue. Vice Chair Gilyeat will contact Ms. Rueter to discuss her concerns. Fire Marshal Barnard stated hospitals are required by law to report all burn injuries but unfortunately many usually do not. The Fire Marshal will discuss this issue at the next Fire Marshal Subcommittee meeting.

Commissioners Geraci and Hubbard have submitted the appropriate paperwork to request reappointment to another term. The Fire Marshal will forward the reappointments to Colonel Brown to forward to the Governor. Vice Chair Gilyeat is completing her second term and is not eligible for reappointment. She will be replaced when a new member is appointed.

Commissioner Geraci reported the Metro Fire Chiefs will have a news conference on June 28th at 10:00 a.m. at the Maryland Agricultural Center near Hunt Valley about fireworks safety. Commissioner Hubbard reported there will also be one at the new Montgomery County Public Safety Training Academy on June 23rd at 10:00 a.m.

Congratulations were extended to all the newly elected officers of the Maryland State Firemen's Association and the following individuals for their achievements:

- Fire Marshal Barnard, Commissioner Davis, Commissioner Yinger – Legislator of the Year
- Caryn McMahon (DSFM, Southern Region) – Deputy Fire Marshal of the Year Award
- Commissioner Davis, Commissioner Yinger, and Doug Alexander – The MSFA Convention Program book was dedicated to these individuals for their efforts on residential sprinklers

OTHER BUSINESS

John Bender, Underwriters Laboratory representative stated that in his capacity as a liaison to fire service organizations throughout the eastern United States, Maryland deserves credit for their achievements with residential sprinkler initiatives. Other states and jurisdictions are just barely beginning to discuss the issue and take action to require residential sprinklers. Fire Marshal Barnard reported that at a recent NFPA meeting he attended, NFPA President Shannon spoke about residential sprinklers and NFPA's efforts to assist jurisdictions with getting requirements implemented. There is a concern that the International Code Council may be pressured to remove the requirement from its codes.

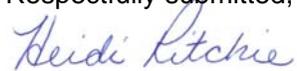
The Fire Marshal and Commission members welcomed Kevin Wright, Wicomico County Fire Marshal; Skip Snyder, Wicomico County Fire Inspector; and OSFM staff members Fire Protection Engineer C.J. Giblin, Deputy Chief Fire Marshal Mark Bilger, and Deputy Chief Fire Marshal Jack Wagner.

Motion by Commissioner Spencer, second by Commissioner Yinger, and unanimously carried to approve the minutes of the April meeting.

MEETING SCHEDULED

The next meeting is scheduled for Thursday, August 30, 2012, 9:30 a.m. at the Laurel Municipal Building, 8103 Sandy Spring Road, Laurel.*

Respectfully submitted,



Heidi Ritchie, Secretary

Attachment: COMAR Proposal

*The meeting was originally scheduled for August 16 but was subsequently rescheduled.

**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

.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 (~~2009~~2012 Edition), except as amended in Regulations .08 and .09 of this chapter, and NFPA 101 Life Safety Code (~~2009~~2012 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 (~~2009~~2012 Edition).

(2) NFPA 101 Life Safety Code (~~2009~~2012 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 in depository libraries and in the depositories described in §C of this regulation.

C. Incorporation by Reference Locations. The documents incorporated by reference in §B of this regulation are available for inspection at the following depositories:

(1) Office of the State Fire Marshal, Headquarters, 1201 Reisterstown Road, Building C, Pikesville, MD 21208, (410) 653-8980, 1-800-525-3124;

(2) Office of the State Fire Marshal, Northeast Regional Office, 2 South Bond Street, Suite 401, Bel Air, MD 21014, (410) 836-4844;

(3) Office of the State Fire Marshal, Upper Eastern Regional Office, 301 Bay Street, Lower Level, Easton, MD 21601, (410) 822-7609;

(4) Office of the State Fire Marshal, Western Regional Office, ~~42 North Jonathan Street, Suite 400, 18345 Colonel Henry K. Douglas Drive, Suite 240~~-Hagerstown, MD 21740, ~~(301) 791-4758~~(301) 766-3888;

(5) Office of the State Fire Marshal, Southern Regional Office, 200 Duke Street, Prince Frederick, MD 20678, (443) 550-6820;

(6) Office of the State Fire Marshal, Metro Regional Office, 15 East Main Street, Westminster, MD 21157, (410) 871-3050;

(7) Office of the State Fire Marshal, Maryland State Police Barracks "C", 1125 National Highway, Cumberland, MD 21502, (301) 729-5021;

(8) Office of the State Fire Marshal, 170 East Main Street, Elkton, MD 21921, (410) 996-2790;

(9) Office of the State Fire Marshal, Lower Eastern Regional Office, 201 Baptist Street, Suite 17, Salisbury, MD 21801, (410) 713-3780;

(10) Office of the State Fire Marshal, Garrett County Public Safety Center, 67 Friendsville Road, McHenry, MD 21541, (301) 387-0437;

(11) Department of Legislative Services Library, 90 State Circle, Annapolis, MD 21401, (410) 946-5400;

(12) Maryland State Law Library, Courts of Appeal Building, 361 Rowe Boulevard, Annapolis, MD 21401, (410) 260-1430;

(13) Thurgood Marshall Law Library, University of Maryland School of Law, 501 West Fayette Street, Baltimore, MD 21201, ~~(410) 706-6502~~(410) 706-0784;

(14) McKeldin Hornbake Library, University of Maryland, Marylandia and Rare Book Department, College Park, MD 20742, ~~(301) 405-0800~~(301) 405-9210; and

(15) State Library Resource Center, Enoch Pratt Central Free Library, Maryland Department, 400 Cathedral Street, Baltimore, MD 21201, ~~(410) 396-5468~~(410) 396-1789.

.07 National Fire Protection Association 101 Life Safety Code.

The NFPA 101 Life Safety Code (~~2009~~2012 Edition) is incorporated by reference, except for the following amendments:

A. Amend Section 2.2 to add the following Subsection: ~~2.2.1~~ Wherever NFPA 5000 is referenced, other than for extracted text, substitute the building code adopted by the AHJ.
(Repealed)

B. Amend Subsection ~~3.3.57~~3.3.62 to add the following Paragraph: ~~3.3.57.33~~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 ~~3.3.131~~13.3.140.1 and Subparagraphs 16.6.1.1.2 and 17.6.1.1.2 to delete "more than 3, but".

D. Amend Paragraphs ~~3.3.178~~43.3.188.4 and 6.1.4.1 to delete "four or more".

E. Amend Paragraphs ~~3.3.178~~423.3.188.12 and 6.1.9.1 to replace "four" with "six".

F. Amend Subsection 4.5.8 and Paragraph ~~4.6.13~~44.6.12.1 to delete "for compliance with the provisions of this Code".

G. Amend Paragraph ~~4.6.13~~34.6.12.3 to delete "by the Code".

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

H-1. Amend Subparagraph 7.2.1.5.12 to replace "required" with "provided".

~~H-1~~H-2. Amend Subparagraph 7.2.1.6.3 to replace "in Chapters 11 through 43" with "by the AHJ and Chapters 11 through 43".

H-3. Amend Subparagraph 7.2.1.7.1 to delete "required to be".

H-4. Amend Subparagraph 7.2.1.7.3 to delete "Required".

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

J. 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.

K. 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 8.15.14, shall be prohibited.

K-1. Amend Subsection 9.7.5 to delete "required by this Code".

K-2. Amend Paragraph 11.8.3.1 to add "High-rise buildings do not include a structure or building used exclusively for open-air parking."

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

L-1. 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.

M. Amend Subsections 16.1.1 and 17.1.1 to add the following Paragraphs:

~~16.1.1.6~~16.1.1.8 and ~~17.1.1.6~~17.1.1.8 Day-care centers providing day care for school-age children before ~~and~~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.

N. Amend Subparagraphs 16.2.11.1.1 and 17.2.11.1.1 to add the following item:

(4) For windows at grade the minimum net clear opening shall be permitted to be 5.0 ft2.

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

P. Amend Sub-subparagraphs 16.6.1.4.1.2 and 17.6.1.4.1.2 to ~~change-replace~~ "7" ~~to~~with "9".

Q. 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.

R. 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.

S. 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 egress~~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.

T. 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. ~~These locks shall be unlocked at all times when the home is occupied for the purpose of family day care. Exception: A double keyed dead bolt lock may be used on the secondary means of escape if the key is readily accessible and the lock is unlocked when the home is occupied for family day care.~~

U. ~~Amend Paragraph 16.6.3.4 to add the following Subparagraph: 16.6.3.4.4 Approved battery-powered smoke alarms, rather than house electrical service powered smoke alarms required by 16.6.3.4.3, shall be permitted where the facility has testing, maintenance, and battery replacement programs that ensure reliability of power to the smoke alarms. (Repealed)~~

V. ~~Amend Paragraphs 16.7.4.1 and 17.7.4.1 to add the following exception: Exception: Day-care homes. (Repealed)~~

W. Amend Subsections 16.7.5 and 17.7.5 to add the following exception: Exception: Day-care homes with no more than three clients for overnight lodging.

X. Amend Subparagraph 17.6.3.4.4 to delete "existing".

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

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

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

BB. Delete Subparagraphs 22.4.5.1.5 and 23.4.5.1.5.

CC. Delete Paragraphs 22.4.5.2 and 23.4.5.2.

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

EE. Amend Paragraph 24.1.1.1 to replace "three" with "five" and delete ", if any, accommodated in rented rooms".

FF. 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 when at grade" after "5.7 ft²".

GG. (Repealed)

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

HH-1. Amend Sub-subparagraph 33.3.3.4.8.1 to delete "33.3.4.8.2 and".

HH-2. Delete Sub-subparagraph 33.3.3.4.8.2.

II. Amend Sub-subparagraph 36.4.4.4.3.2 to add "where approved alternative visible means of occupant notification is provided".

JJ. Delete Paragraphs 36.4.4.8(1)(b) and 37.4.4.8(1)(b). Amend Paragraph 38.2.4.4(3)(a) to replace "stories." with "stories, with no other openings therein."

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

.08 National Fire Protection Association 1 Fire Code.

The NFPA 1 Fire Code (2009~~2012~~ Edition) is incorporated by reference, except for the amendments in Regulation .09 of this chapter and the following amendments:

A. Delete Section 1.9.

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.

D-1. Amend Paragraph 1.12.6.13 to replace "Permits shall" with "Permits may".

E. Amend Subsection ~~4.12.71~~ 12.8 to ~~change-replace~~ "shall" ~~to~~with "may".

E-1. Amend Subsection 1.13.2 to delete "Mandatory." and replace "shall" with "may".

E-2. Delete Paragraphs 1.13.12.4. and 1.16.4.2.

F. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, ~~2009~~2012 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, 2009 edition.

G. Amend Paragraph ~~3.3.145~~3.127 to add "and as referenced in Public Safety Article, §10-101, Annotated Code of Maryland".

H. Amend Paragraph ~~3.3.170.63~~3.182.6 to delete "more than 3 but".

I. Amend Paragraphs ~~3.3.170.73~~3.182.7 and 6.1.4.1 to delete "four or more".

J. Amend Paragraph ~~3.3.170.203~~3.182.22 to replace "three" with "five" and delete ", if any, accommodated in rented rooms".

J-1. Amend Subparagraph 3.3.182.23.3 to replace "of 30.8.1.3" with "for open parking structures" and "NFPA 5000. [5000. 2012]" with "NFPA 88A."

K. Amend Paragraphs ~~3.3.170.233~~3.182.25 and 6.1.9.1 to replace "four" with "six".

L. Amend Paragraph 4.5.8.1 and Subsection 10.4.1 to delete "for compliance with the provisions of this Code".

M. Amend Paragraph 4.5.8.3 and Subsection 10.4.3 to delete "by the Code".

N. 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".

O. Amend ~~Subsection~~Subsections 10.5.1 and 10.5.2 to replace "AHJ" with "AHJ or incident commander".

O-1. Amend Subsection 10.11.2 to replace "candles," with "candles, sky lanterns,".

P. Amend Subsection ~~40.11.610~~11.6.1 to replace "grill" with "gas-fired grill, charcoal grill" and "10 ft (3 m)" with "15 ft (4.6 m)".

P-1. Amend Subsection 10.11.6.2 to replace "grill" with "gas-fired grill, charcoal grill".

Q. Delete Paragraph ~~40.11.6.4~~10.11.6.3.

R. Amend Subsection 10.12.1 to add the following Subparagraph and Paragraph:

10.12.1.1.1 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.

10.12.1.4 Where required by the AHJ, symbols in compliance with NFPA 170 Standard for Fire Safety and Emergency Symbols shall be used.

S. Amend Paragraphs 10.12.1.2 and 10.12.1.3 to replace "Address numbers" with "Premises identification".

T. Replace Table 10.14.1.1 with the following Table:

Occupancy	No Trees Permitted	Cut Tree Permitted with Automatic Sprinkler Systems	Cut Tree Permitted Without Automatic Sprinkler Systems	Balled Tree Permitted
Ambulatory Health Care		×	×	×
Apartment Buildings		Within Unit	Within Unit	×
Assembly		×	×	×
Board and Care		×		×
Business		×	×	×
Day Care Centers		×		×
Day Care Family		×	×	×
Detention and Correctional	×			
Dormitories		×	×	×
Educational	×			
Health Care				×

Hotels		✕	✕	✕
Industrial		✕	✕	✕
Lodging and Rooming		✕	✕	✕
Mercantile		✕	✕	✕
One and Two Family		✕	✕	✕
Storage		✕	✕	✕

Amend Paragraph 10.14.1.1 to replace "Christmas" with "Unless otherwise approved by the AHJ, Christmas"

U. Amend Paragraph 10.14.3.1 to replace "by the manufacturer as being fire retardant" with "by a testing laboratory recognized by the Office of the State Fire Marshal".

V. Amend Paragraph 10.14.9.1 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."

W. Amend Subsection 10.14.1 to add the following new Paragraph: 10.14.1.2 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 Subsection 10.15.2 to insert ", but not limited to," after "such as".

Y. Amend Subparagraph 10.15.11.2.6 to replace "any vehicles" with "any vehicles, buildings,".

Z. Amend Section 10.16 to add the following Subsection: 10.16.6 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.

AA. Amend Subsection 10.16.1 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.

~~BB. Amend Subsection 10.16.3 to 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.~~
(Repealed)

CC. Amend Subsection 10.16.5 to add "and 10,000 ft2 in area".

CC-1. Amend Subsection 10.19.7 to replace "repaired" with "repaired on any balcony, under any overhanging portion, or".

DD. Amend Section 11.1 to add the following Subsection: 11.1.11 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.

EE. Amend Paragraph 11.1.9.3 to add the following Subparagraph: ~~11.1.9.3.1~~ 11.1.9.3.2 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.

EE-1. Amend Paragraph 11.3.6.1.1 to delete the second sentence and replace with the following: All new keys shall be cut to a uniform key code to comply with the Maryland State Elevator Code.

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

~~GG. Amend Paragraph 13.2.2.2 to delete existing wording and replace with the following: All new buildings shall be equipped with an approved standpipe system where required by the International Building Code as incorporated by reference by the Maryland Building Performance Standards. Where a Class III system is required, a Class I system shall be permitted.~~

Subsection 11.12.1 to add the following Paragraph: 11.12.1.1 The provisions of this Section shall not apply to detached parking shade structures, carports, solar trellises, and similar structures.

HH. 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 8.15.14, shall be prohibited.

II. 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. ~~Exception: Day care facilities that comply with the sprinkler requirements of the NFPA 101 Life Safety Code (2009 Edition).~~

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

KK. 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.

~~LL. Delete Subsection 13.5.2.-(Repealed)~~

MM. Amend Subsection 13.6.2 to add ", unless otherwise permitted by the AHJ."

MM-1 Amend Sub-subparagraph 13.6.9.1.2.1 to replace "certified" with "certified or licensed as required by the AHJ".

MM-2. Delete Sub-subparagraphs 13.6.9.1.2.1.1, 13.6.9.1.2.1.2, 13.6.9.1.2.1.3, 13.6.9.1.2.1.4, 13.6.9.1.2.1.5, 13.6.9.1.2.1.6, and 13.6.9.1.2.2.

NN. Amend Sub-subparagraphs 13.7.2.22.1.2 and 13.7.2.22.1.3 to replace "Storage occupancies" with "Storage occupancies less than three stories".

~~OO. Amend Subparagraph 13.7.2.23.3 to add the following Sub-subparagraph: 13.7.2.23.3.4 Approved battery operated smoke alarms, rather than house electrical service powered smoke alarms required by 13.7.2.23.3.3, shall be permitted where the facility has testing, maintenance, and battery replacement programs that ensure reliability of power to the smoke alarms.
(Repealed)~~

PP. Amend Sub-subparagraph ~~13.7.2.24.3.4~~13.7.2.24.4.4 to delete "existing".

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

RR. Amend Paragraphs ~~18.1.1.1~~18.1.3.1 and ~~18.1.1.2~~18.1.3.2 to replace "fire department" with "AHJ".

~~SS. Amend Subsection 18.2.3 to add the following: The AHJ shall have the authority to require and designate public or private fire lanes and fire department access roads as considered necessary. (Repealed)~~

~~TT. Amend Subparagraph 18.2.3.1.3 to delete "When not more than two one and two family dwellings or private garages, carports, sheds, and agricultural buildings, and detached buildings or structures 400 ft²(37 m²) or less are present,". (Repealed)~~

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

UU-1. Amend Paragraph 18.4.5.2 to add the following Subparagraph: 18.4.5.2.3 Required fire flow shall be reduced by 75 percent for open parking structures of Type I or Type II construction that are not protected throughout by an automatic sprinkler system. The resulting fire flow shall not be less than 1,000 gpm (3,785 L/min).

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

~~WW. Amend Sub-subparagraph 20.3.4.2.3.5.1 to add the following exception: Exception: Day-care homes.-(Repealed)~~

XX. Amend Sub-subparagraph 20.3.4.2.3.5.4 to add the following exception: Exception: Day-care homes with not more than three clients for overnight lodging.

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

ZZ. 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.

AAA. Amend Subparagraph 31.3.6.3.1 to delete existing wording and replace with the following: Piles may 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 25 feet of clear space at the base of piles.

BBB. 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.

BBB-1. Delete Chapter 35.

CCC. 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.

DDD. 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.

EEE. 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 (~~2009~~2012 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 fireworks 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 65.5 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.

D. Amend Section 65.5 to add the following Subsection: 65.5.3 Sale or use of sparklers 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.

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

(1) Delete Sections 11.1 and 11.2.

(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: ~~4.4.64.4.7~~ 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.

E-1. Delete Subparagraph 65.10.6.4.5.

F. Amend ~~Subsection 65.10.1~~ Section 74.1 reference to NFPA ~~490~~400 to delete Subsection ~~4.1.11.1.3~~.

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

A. Control of ~~Airblast~~ Air Overpressure for Blasting Operations.

(1) This section applies to ~~airblast~~ 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.

~~(2) Airblast~~ (3) Air Overpressure from blasting shall be controlled so that the maximum allowable ~~airblast~~ 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.

~~(3)~~ (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 $\frac{1}{4}$
80 to 90	9
90 to 100	10 $\frac{1}{2}$
100 to 110	12
110 to 120	13 $\frac{3}{4}$
120 to 130	15 $\frac{1}{2}$
130 to 140	17 $\frac{1}{2}$
140 to 150	19 $\frac{1}{2}$
150 to 160	21 $\frac{1}{2}$
160 to 170	23 $\frac{1}{4}$
170 to 180	25
180 to 190	28
190 to 200	30 $\frac{1}{2}$
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
400 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: $W = D^{1.5/90}$

** 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.

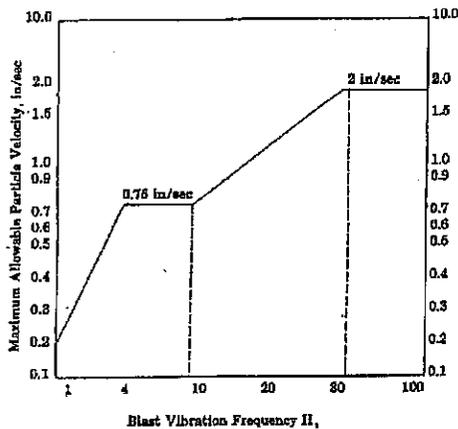
Distance Versus Peak Particle Velocity Method		
Distance		Peak Particle Velocity of Any One Component*
Feet Over	Feet Not Over	Inches Per Second
0 to 100		2.00
100 to 500		1.50
500 to 1,000		1.00
over 1,000		0.75

* 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, azeotropic 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 Sale and Installation of Fire Alarm or Fire Detection Systems.~~

~~It is unlawful for a person, directly or through an agent, to sell, offer for sale, or install any make, type, or model of fire alarm, fire detection, or smoke detection system or device unless the system or device has been tested and listed by a testing laboratory accepted by the State Fire Marshal. See Public Safety Article, §9-105(b), Annotated Code of Maryland. (Repealed)~~

.13 Smoke Detectors for the Deaf or Hearing Impaired—Signs.

A sign required under Public Safety Article, §9-102(c), Annotated Code of Maryland, shall:

A. Be conspicuously posted in such a manner that it is readily visible and legible to the public;

B. Be printed or typed in contrasting colors with respect to the background color of the sign or surface on which it is mounted; and

C. State "Smoke Detectors for the Deaf or Hearing Impaired are Available Upon Request", or other appropriate wording as may be specifically approved by the Fire Marshal, or by the Chief of the Baltimore City Fire Department if the building is located in Baltimore City.

.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 (~~2009~~2012)

Edition) and NFPA 30 Flammable and Combustible Liquids Code (2008~~2012~~ 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~~shall not be permitted.



STATE OF MARYLAND
 DEPARTMENT OF STATE POLICE
 OFFICE OF THE STATE FIRE MARSHAL



Martin O'Malley
 Governor

1201 Reisterstown Road
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 410-653-8980
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 Toll Free 800-525-3124
 April 11, 2012

Colonel Marcus L. Brown
 Superintendent

Anthony G. Brown
 Lt. Governor

William E. Barnard
 State Fire Marshal

Mr. Tim Dayton
 Chairman
 State Fire Prevention Commission
 12 N. Jonathan Street, Suite 100
 Hagerstown, Maryland 21740

Dear Chairman Dayton:

In accordance with Governor O'Malley's regulatory reform initiative to eliminate unnecessary regulations in the State of Maryland, the Office of the State Fire Marshal (OSFM) proposes the repeal of COMAR 29.06.03 - Approval of Testing Laboratories in its entirety. In the review of COMAR regulations directly related to the OSFM, these specific COMAR regulations were deemed to be obsolete.

Since the United States Department of Labor, Occupational Safety and Health Administration, the National Voluntary Laboratories Accreditation Program, International Accreditation Service, Inc., and the International Code Council review and approve testing laboratories and maintain lists of approved testing laboratories, it was determined the OSFM no longer needs to perform this duplicative task. These lists are adequate to ensure that required product testing is being completed by an approved laboratory. There is simply no need for the OSFM to duplicate this effort.

Therefore, it is requested the Commission take the required action to repeal these regulations. Once repealed, any testing laboratory approved by the United States Department of Labor, Occupational Safety and Health Administration, the National Voluntary Laboratories Accreditation Program, International Accreditation Service, Inc., or the International Code Council will be acceptable to perform product testing within the State of Maryland.

Sincerely,

William E. Barnard, CFPS
 State Fire Marshal

gov
 Exec order
 01.01.2011.20

~ ~ ~ ~ REPEAL ~ ~ ~ ~

CHAPTER 03 APPROVAL OF TESTING LABORATORIES
Authority: Public Safety Article §6-206 and Title 6, Subtitle 5
Annotated Code of Maryland
(Adopted Effective May 11, 1992)

.01 Purpose.

The purpose of this chapter is to establish the procedures required for the investigation, approval, and listing of laboratories certified by the State Fire Marshal to perform certain test procedures as required by applicable State law.

.02 Application for Approval.

A. Application for approval shall be made to the State Fire Marshal in the form approved and furnished by the State Fire Marshal.

B. The applicant shall submit a report describing the existing and proposed testing facilities. The report shall be dated and shall be signed by an officer or agent of the testing laboratory, and shall include, but not be limited to, the following information:

- (1) Address and telephone number of the main facility and all branch offices;
- (2) A current organizational chart showing the relationship between administration, operation, and quality control;
- (3) Resumes of the education and experience of key personnel;
- (4) A floor plan of the main facility and all branch offices indicating location of all equipment;
- (5) A list of all equipment identified by manufacturer, model number, and serial number; detailed plans and specifications shall be submitted on any testing equipment that has been fabricated by the applicant;
- (6) Procedures for selecting, receiving, storage, handling, and shipping of test specimens;
- (7) Test standards and procedures most frequently used;
- (8) Method and frequency of test equipment calibration;
- (9) Procedure for safekeeping of records and files;
- (10) Copies of all data sheets and test report forms;
- (11) Facsimile of all contracts executed between the testing laboratory and clients;
- (12) Procedures for periodic updating of the report;
- (13) Method of distributing test reports and certification and who may obtain copies of final reports and procedures required to obtain test reports;
- (14) Procedures for follow-up service designed to serve as a check on the means which the manufacturer exercises to determine compliance of the product with laboratory requirements;

Agency Note: Under the follow-up service, the manufacturer attaches labels, markers, or other authorized evidence of listing to such products as are found to be in compliance with test requirements. Representatives of the testing laboratory make periodic examinations or tests of the products at the factory and may select samples from the factory, the open market, or elsewhere, to be tested for compliance. Should examination or test by the laboratory's representative disclose features not in compliance with requirements, the manufacturer is required either to correct the items or to remove the listing mark.

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(15) A notarized statement of independence with reference to products being tested indicating that the following provisions are in effect as a matter of company or corporate policy:

- (a) There are no managerial affiliations with a producer, supplier, or vendor,
- (b) There are no securities investments in the product line,
- (c) The employment security of personnel is free from influence by a producer, supplier, or vendor,
- (d) There are no stock options in the product line, and
- (e) The agency is not owned, operated, or controlled by a producer, supplier, or vendor; and

(16) Copies of completed test reports to verify their completeness and compliance with the test standard.

.03 Evaluation Procedure.

A. The State Fire Marshal shall review the application to determine compliance with nationally recognized test standards or other generally accepted practices designed to assure proper product operation and effectiveness with respect to fire safety.

B. If the State Fire Marshal accepts the application, the applicant's name shall be entered on the list of acceptable testing laboratories. If the State Fire Marshal does not accept the application, the applicant shall be given a statement of the reasons for not accepting the application, and given an opportunity to appeal.

C. Listings shall apply only to the testing laboratory listed and are not transferable.

D. The applicant may be subject to random, unannounced inspections to verify compliance with the provisions of this chapter.

E. Data sheets.

(1) The applicant shall maintain a data sheet for all tests performed.

(2) The data sheets shall:

- (a) Be in sufficient detail to provide for complete verification and evaluation of the operations and objectives;
- (b) Include the signature of personnel performing the tests; and
- (c) Include the name of the supervisory engineer.

F. Acceptance of testing laboratories listed under the provisions of this chapter may be revoked at any time upon findings of just cause by the State Fire Marshal.

.04 Notification of Change in Name, Location, and Ownership.

Testing laboratories listed under this chapter shall notify the State Fire Marshal in writing within 30 days of any of the following occurrences:

A. The company or address change;

B. Changes in major test equipment;

C. A new branch office is established;

D. Changes in principal officers and key supervisory and responsible personnel in the company.

~ ~ ~ ~ REPEAL ~ ~ ~ ~

Title 29

**DEPARTMENT OF
STATE POLICE**

Subtitle 06 FIRE PREVENTION COMMISSION

.07 Ground Based Sparkling Devices

Authority: Public Safety Article, §§6-206 and 10-109,

Annotated Code of Maryland

.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; and

(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, ~~300 East Joppa Road, Suite 1002, Towson, MD 21286~~ 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 ~~Section 1-16 "Permits and Approvals"~~ the permits and approvals requirements and Chapter 65 "Explosives, Fireworks, and Model Rocketry" of NFPA 1 Fire ~~Prevention~~ Code as incorporated by reference in COMAR 29.06.01-, unless otherwise modified by this chapter.

~~B. Buildings or Structures Containing Ground-Based Sparkling Devices for Sale or Distribution.~~

~~(1)~~ Ground-based sparkling devices may be sold or distributed in any of the following buildings or structures:

~~(a)~~ (1) Permanent buildings or structures constructed in accordance with the codes enforced by the authority having jurisdiction;

~~(b)~~ (2) Tents, canopies, or temporary membrane structures complying with NFPA 1 Fire ~~Prevention~~ Code as incorporated by reference in COMAR 29.06.01;

~~(c)~~ (3) Temporary structures measuring 800 square feet or less, constructed in accordance with this chapter; and

~~(d)~~ (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.

~~(2) Location.~~

~~(a) Except as provided in §B(2)(b) of this regulation, a building or structure under §B of this regulation may not be located within 100 feet of any flammable liquid, flammable gas, or combustible liquid fuel dispensing or storage facility.~~

~~(b) A building or structure that uses 5 percent or less of its gross sales or distribution floor area for ground-based sparkling devices may be located 50 feet or more from a flammable liquid, flammable gas, or combustible liquid fuel dispensing or storage facility.~~

~~(3) Buildings and structures used for the sale, distribution, or storage of ground-based sparkling devices:~~

~~(a) Shall be nonresidential; and~~

~~(b) May not exceed one story.~~

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. Exceptions allowed in Chapter 65 "Explosives, Fireworks, and Model Rocketry" of NFPA 1 Fire Code as incorporated by reference in COMAR 29.06.01 are not permitted.

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 as follows:

~~(1) Within the sales or distribution area but not along the perimeter, not higher than 6 feet above the floor surface;~~

~~(2) Along the perimeter of the sales or distribution facility, not higher than 12 feet above the floor surface; and~~

~~(3) In 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.

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

~~B. Portable fire extinguishers for temporary sales or distribution stands shall be installed and located so that the maximum distance of travel required to reach an extinguisher does not exceed 35 feet.~~

.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. Customers may not be permitted inside a temporary sales or distribution stand unless it complies with the means of egress requirements of this regulation.~~

~~D.C.~~ An approved fire safety and evacuation plan:

(1) Shall be in writing;

(2) Shall be maintained current; and

(3) Shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the facility; and

~~(4) Is not required for temporary ground-based sparkling devices sales or distribution stands.~~

E. A sales or distribution area shall have:

(1) Except as provided in §E(2) of this regulation, a minimum of three exits or as determined in accordance with NFPA 101 Life Safety Code, as adopted by reference in COMAR 29.06.01, whichever number is greater; and

(2) For Class C mercantile occupancies, in which ground-based sparkling devices sales or distribution are conducted, and temporary ground-based sparkling devices sales or distribution stands, a minimum of two exits.

F. Exits provided for:

(1) The sales or distribution area of tents, membrane structures, canopies, and permanent ground-based sparkling devices sales or distribution facilities, including Class C mercantile occupancies, 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 feet; and

(2) Temporary ground-based sparkling devices sales or distribution stands shall be arranged so that the maximum egress travel distance does not exceed 35 feet.

G. Aisles serving as a portion of the exit access in ground-based sparkling devices sales or distribution facilities or within the sales or distribution area of a mercantile occupancy shall comply with the following requirements:

(1) Aisles shall have a minimum clear width of 48 inches;

(2) In temporary ground-based sparkling devices sales or distribution stands where the interior is not accessible to the public, the minimum clear width of the aisle may not be less than 28 inches;

(3) At least one aisle shall be provided which allows travel directly to an exit;

(4) Other required exits shall be located at, or within 10 feet of the end of, an aisle or cross-aisle;

(5) Aisles shall terminate at an exit, another aisle, or a cross-aisle;

(6) An aisle may not terminate in a dead-end;

(7) 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;

(8) Cross-aisle connections shall be provided for each aisle at intervals not greater than 50 feet as measured along the aisle; and

(9) Where cross-aisles are required, at least one cross-aisle shall have at least one end terminate at, or within 10 feet of, an exit.

H. D. Doors and doorways used in the means of egress shall comply with the following requirements:

(1) Egress doors shall be at least 36 inches in width and provide a minimum of 32 inches clear width;

(2) Egress doors provided for temporary ground-based sparkling devices sales or distribution stands where the interior is not accessible to the public shall be at least 28 inches in width;

(3) Exit openings from tents shall have a clear opening width of at least 44 inches;

(4) For other than temporary ground-based sparkling devices sales or distribution stands where the interior is not accessible to the public, every egress door that has a latching device shall have panic hardware complying with NFPA 101 Life Safety Code, as incorporated by reference in COMAR 29.06.01; and

(5) Means of egress doors shall be:

(a) The side-hinge swinging type; and

(b) Arranged to swing in the direction of egress travel.

I. Exits shall be marked by an approved exit sign in accordance with NFPA 101 Life Safety Code, as incorporated by reference in COMAR 29.06.01, and exit signs:

(1) Shall be self-luminous or internally or externally illuminated; and

(2) Are not required to be illuminated in:

(a) Tents or temporary ground-based sparkling devices sales or distribution stands that are not open for business after dusk; or

(b) Temporary ground-based sparkling devices sales or distribution stands where the interior is not accessible to the public.

J. The means of egress, including the exit discharge, shall be illuminated whenever the facility is occupied in accordance with NFPA 101 Life Safety Code, as incorporated by reference in COMAR 29.06.01, and:

(1) Emergency lighting shall be provided for ground-based sparkling devices sales or distribution facilities and shall comply with NFPA 101 Life Safety Code, as incorporated by reference in COMAR 29.06.01; but

(2) Emergency lighting is not required in:

(a) Tents or temporary ground-based sparkling devices sales or distribution stands that are not open for business after dusk; or

(b) Temporary ground-based sparkling devices sales or distribution stands where the interior is not accessible to the public.

.10 Sources of Ignition.

~~A. Smoking or open flame devices are prohibited inside or within 50 feet of a ground-based sparkling device sales or distribution facility.~~

~~B. Electrical wiring shall be in accordance with NFPA 1 Fire Prevention Code as incorporated by reference in COMAR 29.06.01.~~

~~C. Ground-based sparkling devices may not be ignited, discharged, or otherwise used within 100 feet of a ground-based sparkling device sales or distribution facility.~~

~~D. Cooking equipment of any type is prohibited within 20 feet of the exterior of stands, tents, canopies, or membrane structures used for the storage, sale, or distribution of ground-based sparkling devices.~~

~~E. Open flame cooking equipment of any type is not permitted within 50 feet of the exterior of stands, tents, canopies, or membrane structures used for the storage, sale, or distribution of ground-based sparkling devices.~~

~~11 Site Requirements.~~

~~A. Any portion of an exterior wall of a building, sidewall of a tent, or other defined perimeter of a ground-based sparkling device sales or distribution facility shall be accessible within 150 feet of a public way or an approved fire apparatus access.~~

~~B. Except when delivering, loading, or unloading ground-based sparkling devices or other merchandise and materials used, stored, or displayed for sale or distribution in the facility, a motor vehicle or trailer may not be parked within 10 feet of a temporary ground-based sparkling device sales or distribution facility.~~

~~C. Buildings and structures used for the sale, distribution, or storage of ground-based devices may not have loose or piled combustible material, weeds, or long grass within 30 feet of the exterior.~~

~~12.11 Temporary Heating Sources.~~

~~A. Temporary heating units shall be:~~

~~(1) Listed by a testing laboratory approved by the Office of the State Fire Marshal; and~~

~~(2) Used in accordance with their listing.~~

~~B. Temporary heating sources shall have tip-over and temperature overheat protection.~~

~~C. Open flame and exposed element heating devices are prohibited.~~

~~13.12 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.

14.13 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 selling or distributing ground-based sparkling devices may not knowingly sell or distribute ground-based sparkling devices to an individual obviously under the influence of alcohol or drugs.~~

~~G.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.

15.14 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 ~~100~~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.

~~E. At least one sign reading "NO GROUND-BASED SPARKLING DEVICE DISCHARGE WITHIN 100 FEET", in letters at least 2 inches high on a contrasting background, shall be displayed on the exterior of a sales or distribution facility, or as otherwise required by the authority having jurisdiction.~~

~~.16 Housekeeping.~~

~~A. Ground-based sparkling devices sales or distribution areas and storage rooms shall be kept free of accumulations of debris and rubbish.~~

~~B. Ground-based sparkling devices that are damaged shall be removed and not offered for sale and any loose pyrotechnic composition shall be removed immediately.~~

~~.17.15 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.