

Maryland State Fire Marshal

Fire Prevention Code

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

Annotated Code of Maryland

(Amended Effective August 1, 2004)

.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 Uniform Fire Code (2003 Edition), except as amended in Regulations .08 and .09 of this chapter, and NFPA 101 Life Safety Code (2003 Edition), except as amended in Regulation .07 of this chapter. Certain requirements of the International Building Code 2003 are also adopted by incorporation by reference in Regulations .06 — .17 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 that the existing situation constitutes a hazard so inimicable 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 authority having jurisdiction, 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.* The requirements of this chapter do not apply to work areas subject to COMAR 05.16 (Maryland Building Rehabilitation Code) adopted by the Department of Housing and Community Development under Article 83B, §6-503, Annotated Code of Maryland, except as provided by COMAR 05.16 (Maryland Building Rehabilitation Code).

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.

.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 the Public Safety Article, Annotated Code of Maryland, or this chapter requires that a permit or certificate of approval be obtained from the State Fire Marshal, the permit 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 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" means the State Fire Marshal or the legally appointed designee as prescribed in this chapter.

(2)* "Individuals with disabilities" means those individuals who have a disability as defined in the Fair Housing Amendment Act of 1988, 42 U.S.C. §3601 et seq. as follows:

(a) A physical or mental impairment which substantially limits one or more of the person's major life activities;

(b) A record of having such an impairment; or

(c)* Being regarded as having such an impairment, but this term does not include current, illegal use of or addiction to a controlled substance (as defined in 21 U.S.C. § 802).

(3) "International Code Council (ICC)" means International Code Council, Inc., 5203 Leesburg Pike, Suite 708, Falls Church, VA 22041-3401.

(4) "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.

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

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

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

(c) 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.

(6) "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, Uniform Fire Code (2003 Edition).
- (2) NFPA 101, Life Safety Code (2003 Edition).
- (3) International Building Code 2003, 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, 300 East Joppa Road, Suite 1002, Towson, MD 21286, (410) 339-4200, 1-800-525-3124;
- (2) Office of the State Fire Marshal, Northeast Regional Office, 2 South Bond Street, Bel Air, MD 21014, (410) 836-4844;
- (3) Office of the State Fire Marshal, Eastern Regional Office, 315 Aurora Park Drive, Unit 2, Easton, MD 21601, (410) 822-7609;
- (4) Office of the State Fire Marshal, Western Regional Office, 12 North Jonathan Street, Suite 100, Hagerstown, MD 21740, (301) 791-4758;
- (5) Office of the State Fire Marshal, Southern Regional Office, 200 Duke Street, Prince Frederick, MD 20678, (410) 535-8845;
- (6) Office of the State Fire Marshal, Metro Regional Office; 7543 Main Street, Suite 101, Sykesville, MD 21784 (410) 552-0154;
- (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) 996-0630;
- (9) Office of the State Fire Marshal, 201 Baptist Street, Suite 17, Salisbury, MD 21801, (410) 543-6573;
- (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) Marshal Law Library, University of Maryland School of Law, 111 South Greene Street, Baltimore, MD 21201, (410) 706-0783;

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

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

.07 National Fire Protection Association 101 Life Safety Code.

The NFPA 101 Life Safety Code (2003 Edition) is incorporated by reference, except for the following amendments:

A. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, 2003 edition. Wherever NFPA 5000 is referenced, substitute the building code adopted by the authority having jurisdiction.

B. Amend section 3.3.47 to add the following new subsection and definition:

3.3.47.3 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 subsections 3.3.110.1, 16.6.1.1.2, and 17.6.1.1.2 to change the definition of "Day-Care Home" by deleting the phrase "...more than three, but...".

D. Amend subsections 3.3.152.4 and 6.1.4.1 to change the definition of "Day-Care Occupancy" by deleting the phrase "...four or more...".

E. Amend subsections 3.3.152.13 and 6.1.9.1 to change the definition of "Residential Board and Care Occupancy" by changing "A building or portion thereof..." to "A building or portion thereof that does not qualify as a one- and two-family dwelling...".

F. Amend section 4.8 to add the following additional subsection: 4.8.2.4 Emergency plans shall be maintained in a location approved by the authority having jurisdiction.

G. Amend subsection 7.9.1.2 to replace the word "only" in the first sentence with ", but not be limited to,".

H. Amend subsections 12.2.5.4.1(1), 12.2.5.4.1(2), 13.2.5.4.1(1) and 13.2.5.4.1(2) to change "1000" to "250".

I. Amend section 12.3.5 to add the following subsection:

12.3.5.4 The following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with section 9.7: Bars, dance halls, discotheques, nightclubs, assembly occupancies with festival seating.

J. Amend subsections 12.7.6.3 and 13.7.6.3 to add the following regarding audiences to be informed of exits:

(1) It is the duty of the individual in charge to call the attention of those present, immediately before the beginning of the proceedings for which the people are assembled, to the number and location of the exits, and to state that the doors to all exits are unlocked. Before making the announcement, it is the duty of the individual to make an actual inspection to verify that the doors are unlocked and the means of egress are free of obstructions, and to correct any deficiencies found.

(2) It is the duty of the individual in charge to call the attention of everyone present at the proceedings to the exits by displaying or announcing the following: "Notice. For your own safety, look for your nearest exit. In case of emergency, walk, do not run, to that exit."

(3) The requirement for calling the attention of everyone present at the proceedings to the exits is complied with by one of the following methods:

(a) Oral announcement of the notices in this section at the beginning of the proceedings.

(b) Showing the notices in this section on the viewing screen where the motion pictures are shown.

(c) Printing the notices in this section in bold type letters not less than ¼ inch in height on the back of programs for the proceedings. Nothing but the notice shall be placed on the back of the program.

(d) Having a fixed sign or signs displaying the notices in this section printed in letters of a size and clearness that can be easily read from each point in the assembly room.

K. Amend section 13.3.5 to add the following subsection:

13.3.5.4 Where occupant load exceeds 100, the following assembly occupancies shall be protected throughout by an approved, supervised automatic sprinkler system in accordance with section 9.7: Bars, dance halls, discotheques, nightclubs, assembly occupancies with festival seating.

L. Amend sections 16.1 and 17.1 to add the following subsections:

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

M. Amend sections 16.2 and 17.2 to add the following subsections:

16.2.11.1.1(4) and 17.2.11.1.1(4) For windows at grade the minimum net clear opening shall be permitted to be 5.0 square feet.

N. Amend subsections 16.6.1.4.1(A) and 17.6.1.4.1(A) to delete "...more than three, but..." and change "...seven..." to "...nine...".

O. Amend subsections 16.6.1.4.1(B) and 17.6.1.4.1(B) to change "...not less than seven..." to "...not less than nine...".

P. Amend subsections 16.6.1.7.1 and 17.6.1.7.1 to delete existing wording and replace with the following:

In family day-care homes, a day-care provider's own children under the age of two years shall be counted as clients served and the following shall apply:

(1) At any given time, a day-care provider may not care for more than eight clients, of whom no more than four may be under the age of two years.

(2) An adult to child ratio of at least one adult to every two children under the age of two years shall be maintained at all times.

Q. Amend subsection 16.6.2.1 and 17.6.2.1 to add the following sentence:

Bulkhead doors may not serve as a primary means of escape.

R. Amend subsections 16.6.2.2 (Reserved) and 17.6.2.2 (Reserved) as follows:

SLIDING DOOR: For family day-care homes, a sliding door used as a required means of egress 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.

S. Amend subsections 16.6.2.3 (Reserved) and 17.6.2.3 (Reserved) as follows:

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.

T. Amend subsection 16.6.3.4.3 to add the following exception:

Exception: Battery-operated smoke alarms shall be accepted in place of house electric service-powered smoke alarms if, in the opinion of the authority having jurisdiction, the facility has demonstrated testing, maintenance, and battery replacement programs that ensure reliability of power to the smoke alarms.

U. Amend subsections 16.7.4.1 and 17.7.4.1 to add the following exception:

Exception: Day-care homes.

V. 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.

W. Amend subsection 17.6.3.4.4 to delete the word "existing".

X. Amend subsection 24.1.1.1 by placing a period after the word "dwellings" and replacing the remainder of the sentence with the following:

One- and two-family dwellings include:

- (a) A building containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than five outsiders, if any, accommodated in rented rooms.
- (b) A living unit for five or fewer individuals with disabilities as defined in Regulation .05B of this chapter, in addition to live-in staff.
- (c) A living unit for six to eight individuals with disabilities as defined in Regulation .05B of this chapter, in addition to live-in staff, if specific information is presented to the authority having jurisdiction that the residents of

the living unit have no unique and specific needs which warrant imposition of the fire safety standards required by either Chapter 26, 32 or 33 of the NFPA 101 Life Safety Code, (2003 Edition).

Y. Amend subsections 24.2.2.3(C), 32.2.2.3.1(3), and 33.2.2.3(3) by adding the phrase ", or not less than 5.0 square feet when at grade" after the word "(5.7 square feet)".

Z. Amend subsection 24.2.5.1 to add the following exception:

Exception: Maximum riser heights of 8¼ inches (210mm) and minimum tread depths of 9 inches (229mm) are permitted for stairs in new construction. A nosing not less than ¾ inch (19mm) but not more than 1¼ inches (32mm) shall be provided on stairs with solid risers where the tread depth is less than 11 inches (279mm).

AA. Amend subsection 26.1.1.1 to change "...buildings..." to "...buildings that do not qualify as one- and two-family dwellings..."

BB. Amend subsection 32.3.1.3 by replacing the phrase "Chapter 7 of NFPA 5000, Building Construction and Safety Code", with "33.3.1.3."

CC. Delete subsections 36.4.4.8(1)(b) and 37.4.4.8(1)(b).

DD. Amend subsection 42.8.2.2.3.1 to add the following exception:

Exception: Subsection 7.2.2.5.1 does not apply to open-air parking structures.

.08 National Fire Protection Association 1 Uniform Fire Code.

The NFPA 1 Uniform Fire Code (2003 Edition) is incorporated by reference, except for the amendments in Regulation .09 of this chapter and the following amendments:

A. Delete section 1.8.

B. Delete section 1.9.

C. Delete section 1.10. (See COMAR 29.06.02.)

D. Delete subsection 1.11.3.

E. Amend subsection 1.12.1 to add the following new subsection:

1.12.1.1 Permits, certificates, notices, approvals, or orders required by this code shall be governed by the policies and procedures of the authority having jurisdiction.

F. Amend subsection 1.12.19 to change the word "shall" to "may".

G. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, 2003 edition. Wherever NFPA 5000 is referenced, substitute the building code adopted by the authority having jurisdiction.

H.* Amend subsection 3.3.91.1 to change definition of "Consumer Fireworks" by adding the following to the end of the sentence: "...and as referenced in Public Safety Article § 10-101, Annotated Code of Maryland."

I. Amend subsection 3.3.138.5 to change the definition of "Day-Care Home" by deleting the phrase "...more than three but...".

J. Amend subsection 3.3.138.6 to change the definition of "Day-Care Occupancy" by deleting the phrase "...four or more...".

K. Amend subsection 3.3.138.19 to change the definition of "One- and Two-Family Dwelling" by replacing the definition with the following:

One- and two-family dwellings include:

(a) A building containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than five outsiders, if any, accommodated in rented rooms.

(b) A living unit for five or fewer individuals with disabilities as defined in Regulation .05B of this chapter, in addition to live-in staff.

(c) A living unit for six to eight individuals with disabilities as defined in Regulation .05B of this chapter, in addition to live-in staff, if specific information is presented to the authority having jurisdiction that the residents of the living unit have no unique and specific needs which warrant imposition of the fire safety standards required by either Chapter 26, 32 or 33 of the NFPA 101 Life Safety Code (2003 Edition).

L. Amend subsection 3.3.138.22 to change the definition of "Residential Board and Care Occupancy" by changing "A building or portion thereof..." to "A building or portion thereof that does not qualify as a one- and two-family dwelling...".

M. Amend subsection 4.5.8.1 to delete "...for compliance with the provisions of this Code ,...".

N. Amend subsection 4.5.8.2 to delete "...by the Code...".

O. Amend subsection 10.1.2 to add "...except as amended by COMAR 29.06.01.07 and COMAR 29.06.01.08."

P. Amend subsection 10.8.2 to change "incident commander" to "authority having jurisdiction".

Q. Delete subsection 10.15.1, including Table 10.15.1. (See COMAR 29.06.06)

R. Delete subsection 10.15.9. (See COMAR 29.06.06)

S. Amend subsection 10.16.2 to insert the phrase ", but not limited to," after the words "such as" and add the following subsections:

10.16.2.1 The owner or operator of a crop maze amusement attraction shall advise all employees of the

fire and/or life safety regulations established in this chapter prior to employees assuming their respective duties.

10.16.2.2 The owner or operator of a crop maze or their employees shall provide safety instructions to the visitors and patrons of a crop maze prior to their entrance to the maze.

10.16.2.3 At least two employees shall be on duty to monitor a crop maze during hours of operation. At least one of the two employees on duty monitoring the maze shall be located on an elevated platform at least ten feet above the maze.

10.16.2.4 The owner or operator of a crop maze shall contact the local fire department and provide the fire department with the opportunity to prepare a pre-plan of the crop maze amusement attraction prior to the start of seasonal operations.

10.16.2.5 There shall be no open flame producing devices or equipment within the confines of a crop maze.

10.16.2.6 There shall be no smoking permitted within the confines of a crop maze.

10.16.2.7 Not more than 200 persons per acre, including adults and children, shall occupy a crop maze at any one time.

10.16.2.8 Motorized vehicles may not be parked within 75 feet of a crop maze.

10.16.2.9 A fire lane at least 10 feet wide shall be cleared between a crop maze and any structures or vegetation outside the maze.

10.16.2.10 During hours of darkness, visitors to a crop maze may only use flashlights to illuminate their travel through the maze. Candles, gas-fired lanterns, cigarette lighters, or similar open flame or flame producing devices shall be prohibited for use inside a crop maze at all times.

10.16.2.11 A public address system shall be readily available to employees at a crop maze to assist them in making announcements to the visitors or patrons of a crop maze in the event of an emergency. A bull horn or loud speaker shall suffice as a public address system.

10.16.2.12 The entrance and exit from a crop maze may not be blocked or obstructed at any time the theme park is open for business and occupied by the public.

10.16.2.13 Fireworks may not be discharged within 300 feet of any crop maze at any time.

T. Amend subsection 10.17.2 to delete existing wording and replace with the following:

The authority having jurisdiction 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.

U. Delete subsection 10.17.5

V.* Amend subsection 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 2003. Where a Class III system is required, a Class I system shall be permitted.

W.* Amend subsection 13.3.2.1 to add the following new subsection:

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 2003. Exception: Day care facilities that comply with the sprinkler requirements of the NFPA 101 Life Safety Code 2003.

X. Amend subsection 13.3.2.3 to add ", ambulance and rescue" after the word "fire".

Y. Delete subsection 13.5.2.

Z. Amend subsection 13.6.1.2 by adding the following to the end of the sentence: ", unless otherwise permitted by the authority having jurisdiction."

AA. Amend subsection 13.7.2.23.3.3 to add the following exception:

Exception: Battery-operated smoke alarms rather than house electric service-powered smoke alarms shall be accepted when, in the opinion of the authority having jurisdiction, the facility has demonstrated testing, maintenance, and battery replacement programs that ensure reliability of power to the smoke alarms.

BB. Amend subsection 13.7.2.24.3.4 to delete the word "existing".

CC. Amend subsection 14.13.1.2 to replace the word "only" in the first sentence with ", but not be limited to,".

DD. Amend subsection 18.2.2 to add the following statement:

The authority having jurisdiction shall have the authority to require and designate public or private fire lanes and fire department access roads as considered necessary.

EE. Amend subsection 18.2.2.1.1 to delete "When there are not more than two one- and two-family dwellings or private garages, carports, sheds, and agricultural buildings,".

FF. Amend sections 20.1.1 and 20.3.1 to add "...except as amended by COMAR 29.06.01.07 and COMAR 29.06.01.08."

GG. Amend subsection 20.1.4.6.3 to add the following regarding audiences to be informed of exits:

(1) It is the duty of the individual in charge to call the attention of those present, immediately before the beginning of the proceedings for which the people are assembled, to the number and location of the several exits in the building or hall, and to state that the doors to all exits are unlocked. Before making the announcement, it is the duty of the individual to make an actual inspection to verify that the doors are unlocked and the means of egress are free of obstructions, and to correct any deficiencies found.

(2) It is the duty of the individual in charge to call the attention of everyone present at the proceedings to the exits by displaying or announcing the following: "Notice. For your own safety, look for your nearest exit. In case of emergency, walk, do not run, to that exit."

(3) The requirement for calling the attention of everyone present at the proceedings to the exits is complied with by one of the following methods:

(a) Oral announcement of the notices in this section at the beginning of the proceedings.

(b) Showing the notices in this section on the viewing screen where the motion pictures are shown.

(c) Printing the notices in this section in bold type letters not less than 1/4 inch in height on the back of programs for the proceedings. Nothing but the notice shall be placed on the back of the program.

(d) Having a fixed sign or signs displaying the notices in this section printed in letters of a size and clearness that can be easily read from each point in the assembly room.

HH. Amend subsections 20.2.1, 20.5.1, 20.10.1, 20.11.1, 20.14.1, 20.15.1, and 29.1.1 to add "...except as amended by COMAR 29.06.01.07."

II. Amend subsection 20.3.3.1.1 to delete "...more than three but...".

JJ. Amend subsection 20.3.3.2.3.4(A) to add the following exception:

Exception: Day-care homes.

KK. Amend subsection 20.3.3.2.3.4(E) to add the following exception:

Exception: Day-care homes with not more than three clients for overnight lodging.

LL. Amend subsection 28.1.6.2.2 to add the following additional exception:

Exception No. 2: Covered slips less than 12,000 square feet in total area.

MM. Amend subsection 31.3.6.2.2 to add the following additional item:

(8) 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.

NN. Delete subsection 31.3.6.3.1

OO. Amend subsection 31.3.6.3.2 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.

PP. Amend section 42.2.7.11 to add the following additional subsections:

42.2.7.11.7 Management/owner officials or employees shall conduct daily site visits to ensure that all equipment is operating properly.

42.2.7.11.8 Regular equipment inspection and maintenance at the service station shall be conducted.

42.2.7.11.9 The telephone number of the owner or operator of the service station shall be posted at a prominent place at the station.

42.2.7.11.10* The exact address of the service station shall be listed on the emergency instruction card required to be posted at a telephone or other approved, clearly identified means to notify the fire department as required in Section 9-5 of NFPA 30A.

42.2.7.11.11 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.

QQ. Amend Table 60.2.2.1(a), Notes a and b to replace the words "34.1.3.2 of NFPA 5000" and "34.2.4 of NFPA 5000" with "the building code adopted by the authority having jurisdiction."

RR. Delete subsection 60.5.12.2.

.09 Fireworks and Explosive Materials.

The NFPA 1 Uniform Fire Code (2003 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 §B(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 new 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 section 65.9 reference to NFPA 495 as follows:

(1) Delete sections 10.1 and 10.2.

(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:

4.4.6 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.

F. Amend section 65.10 reference to NFPA 490 to delete subsection 2-2.1.

.10 Control of Airblast and Ground Vibration for Blasting Operations.

A. Control of Airblast for Blasting Operations.

(1) This section applies to airblast 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) Airblast from blasting shall be controlled so that the maximum allowable airblast 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; and

(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) 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)—(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) If 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, 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
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Feet Over	Feet Not Over	Pounds
0 — 5		¼
5 — 10		½
10 — 15		¾
15 — 60		**
60 — 70		6
70 — 80		7¼
80 — 90		9
90 — 100		10½
100 — 110		12
110 — 120		13¾
120 — 130		15½
130 — 140		17½
140 — 150		19½
150 — 160		21½
160 — 170		23¼
170 — 180		25
180 — 190		28
190 — 200		30½
200 — 220		34
220 — 240		39
240 — 250		42
250 — 260		45

260 — 280	49
280 — 300	55
325 — 350	69
350 — 375	79
375 — 400	85
400 — 450	98
450 — 500	115
500 — 550	135
550 — 600	155
600 — 650	175
650 — 700	195
700 — 750	220
750 — 800	240
800 — 850	263
850 — 900	288
900 — 950	313

Distance to a Building		Weight of Explosive per Delay
Feet Over	Feet Not Over	Pounds
950 — 1,000		340
1,000 — 1,100		375

1,100 — 1,200	435
1,200 — 1,300	493

This table over 60 feet is based upon the formula: $W = D^{1.5}$

90

** .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 §B(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 §B(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.

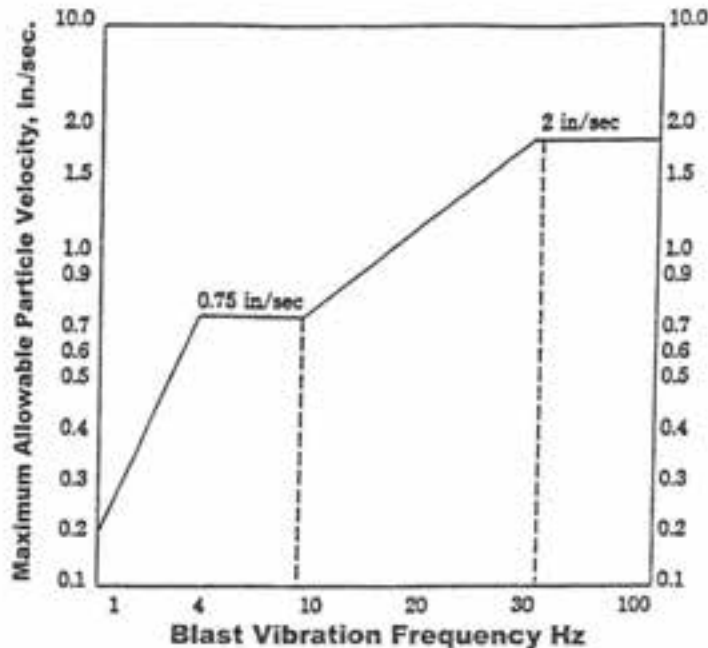
(b) Table B.

Distance Versus Peak Particle Velocity Method

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

(c) For peak particle velocity of any one component under §B(6)(b) of this regulation, 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:



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 — 150 hertz or greater, and a velocity range from 0.0 — 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 a 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;
- (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;
- (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 which include the following:
 - (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 Fire Extinguishers.

A. Permit to Service or Repair Portable Fire Extinguishers. A permit shall be obtained from the 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.

.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.

.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 Uniform Fire Code (2003 Edition), NFPA 30 Flammable and Combustible Liquids Code (2000 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* Manufactured Homes and Trailer Parks.

The smoke detector requirements of Public Safety Article, Title 9, Subtitle 1, Annotated Code of Maryland, apply to manufactured homes.

.17 Symbol for Occupants Needing Evacuation Assistance.

A.* Under Public Safety Article, § 9-504, Annotated Code of Maryland, the following description applies to the display of a sign, sticker, or other appropriate symbol for the purpose of indicating an occupant of a building needing evacuation assistance:

- (1) Size — square, 4½
- (2) Design — Maltese cross with capital letter "R";
- (3) Color — international orange; and
- (4) Material — reflectorized, cross and letter.

B. Sponsorship may not appear on the face of the symbol described in §A of this regulation, but may be imprinted on the adhesive backing paper.

C. A diagram of the approved design of the symbol described in §A of this regulation is as follows:



D. Mounting. When symbols are provided, one symbol shall be affixed to the upper left quadrant of the front door or on the window closest to the left side of the door and one shall be affixed to the window occupied by each person needing evacuation assistance. If this room is the location of the window closest to the left side of the front door, both symbols shall be affixed with one above the other.

E. Distribution. A symbol for evacuation assistance may not be distributed in Maryland unless it complies with §§A—C of this regulation.