

MARYLAND REGISTER

Proposed Action on Regulations

Transmittal Sheet PROPOSED OR REPROPOSED Actions on Regulations	Date Filed with AELR Committee	TO BE COMPLETED BY DSD
	07/16/2015	Date Filed with Division of State Documents
		Document Number
		Date of Publication in MD Register

1. Desired date of publication in Maryland Register: 8/7/2015

2. COMAR Codification

Title Subtitle Chapter Regulation

29 06 01 02, .06—.09, .13, .14

29 06 07 07

3. Name of Promulgating Authority

Maryland State Police

4. Name of Regulations Coordinator

Thomas L Vondersmith

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410-653-4253

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1201 Reisterstown Road

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thomas.vondersmith@maryland.gov

5. Name of Person to Call About this Document

Heidi Ritchie

Telephone No.

877-890-0199

Email Address

msh.sfpc@maryland.gov

6. Check applicable items:

New Regulations

Amendments to Existing Regulations

Date when existing text was downloaded from COMAR online: May 5, 2015.

Repeal of Existing Regulations

Recodification

Incorporation by Reference of Documents Requiring DSD Approval

Reproposal of Substantively Different Text:

: Md. R
(vol.) (issue) (page nos) (date)

Under Maryland Register docket no.: --P.

7. Is there emergency text which is identical to this proposal:

Yes No

8. Incorporation by Reference

Check if applicable: Incorporation by Reference (IBR) approval form(s) attached and 18 copies of documents proposed for incorporation submitted to DSD. (Submit 18 paper copies of IBR document to DSD and one copy to AELR.)

9. Public Body - Open Meeting

OPTIONAL - If promulgating authority is a public body, check to include a sentence in the Notice of Proposed Action that proposed action was considered at an open meeting held pursuant to State Government Article, §10-506(c), Annotated Code of Maryland.

OPTIONAL - If promulgating authority is a public body, check to include a paragraph that final action will be considered at an open meeting.

10. Children's Environmental Health and Protection

Check if the system should send a copy of the proposal to the Children's Environmental Health and Protection Advisory Council.

11. Certificate of Authorized Officer

I certify that the attached document is in compliance with the Administrative Procedure Act. I also certify that the attached text has been approved for legality by Mark H. Bowen, Assistant Attorney General, (telephone #410-653-4223) on July 10, 2015. A written copy of the approval is on file at this agency.

Name of Authorized Officer

William M. Palozzi

Title

Secretary

Telephone No.

410-653-4219

Date

July 15, 2015

Title 29
DEPARTMENT OF STATE POLICE
Subtitle 06 FIRE PREVENTION COMMISSION

29.06.01 Fire Prevention Code

Subtitle 06 FIRE PREVENTION COMMISSION

29.06.07 Ground-Based Sparkling Devices

Authority: Public Safety Article, §§6-206, 6-501, and 10-109, Annotated Code of Maryland.

Notice of Proposed Action

[]

The Secretary of the Department of State Police proposes to amend Regulations .02, .06—.09, and .04 and repeal Regulation .03 under COMAR 29.06.01 Fire Prevention Code and to amend Regulation .07 under COMAR 29.06.07 Ground-Based Sparkling Devices.

Statement of Purpose

The purpose of this action is to conform regulations with the documents being incorporated by reference: The National Fire Protection Association 1 Fire Code 2015 Edition, National Fire Protection Association 101 Life Safety Code 2015 Edition, and certain requirements of the International Building Code as incorporated by reference by the Maryland Building Performance Standards.

Comparison to Federal Standards

There is no corresponding federal standard to this proposed action.

Estimate of Economic Impact

The proposed action has no economic impact.

Economic Impact on Small Businesses

The proposed action has minimal or no economic impact on small businesses.

Impact on Individuals with Disabilities

The proposed action has no impact on individuals with disabilities.

Opportunity for Public Comment

Comments may be sent to Heidi Ritchie, COAMR Manager, Fire Prevention Commission, 18345 Colonel Henry K. Douglas Drive, Suite 240, Hagerstown, MD 21740, or call 877-890-0199, or email to msp.sfpc@maryland.gov, or fax to 301-766-3889. Comments will be accepted through . A public hearing will be held, To be scheduled.

Open Meeting

Final action on the proposal will be considered by the Fire Prevention Commission during a public meeting to be held on date to be scheduled, at .

Economic Impact Statement Part C

A. Fiscal Year in which regulations will become effective: FY 2016

B. Does the budget for the fiscal year in which regulations become effective contain funds to implement the regulations?

Yes

C. If 'yes', state whether general, special (exact name), or federal funds will be used:

General funds

D. If 'no', identify the source(s) of funds necessary for implementation of these regulations:

E. If these regulations have no economic impact under Part A, indicate reason briefly:

The tasks associated with these regulations will be completed within existing operations.

F. If these regulations have minimal or no economic impact on small businesses under Part B, indicate the reason and attach small business worksheet.

These regulations do not have an economic impact on small business operations.

G. Small Business Worksheet:

Attached Document:

29.06.01.00 (5/5/15)

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

29.06.01.02

.02 Purpose.

A. (text unchanged)

B. This chapter incorporates by reference NFPA 1 Fire Code ([2012]2015 Edition), except as amended in Regulations .08 and .09 of this chapter, and NFPA 101 Life Safety Code ([2012]2015 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. (text unchanged)

29.06.01.06

.06 Incorporation by Reference.

A. (text unchanged)

B. Documents Incorporated.

(1) NFPA 1 Fire Code ([2012]2015 Edition).

(2) NFPA 101 Life Safety Code ([2012]2015 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, 18345 Colonel Henry K. Douglas Drive, Suite 240, Hagerstown, MD 21740, (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) 706-0784;

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

(15) State Library Resource Center, Enoch Pratt Free Library, Maryland Department, 400 Cathedral Street, Baltimore, MD 21201, (410) 396-1789.] *in state depository libraries.*

29.06.01.07

.07 National Fire Protection Association 101 Life Safety Code.

The NFPA 101 Life Safety Code ([2012]2015 Edition) is incorporated by reference, except for the following amendments:

A. Amend Section 2.2 to add the referenced publication NFPA 1124 Code for the Manufacturer, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

[A.]B. (text unchanged)

[B.]C. Amend Paragraph [3.3.140.1]3.3.142.1 and Subparagraphs 16.6.1.1.2 and 17.6.1.1.2 to delete "more than 3, but".

[C.]D. Amend Paragraphs [3.3.188.4]3.3.190.4 and 6.1.4.1 to delete "four or more".

[D.]E. Amend Paragraphs [3.3.188.12]3.3.190.12 and 6.1.9.1 to replace "four" with "six".

[E.]F. —[F.]G. (text unchanged)

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

[H.]I.—[L.]M. (text unchanged)

N. Amend Paragraph 9.6.1.3 and Subsection 9.11.1 to delete "required by this Code".

[M.]O. (text unchanged)

[N.]P. 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]8.15.15, shall be prohibited.

[O.] Amend Subsection 9.7.5 to delete "required by this Code".]

[P.]Q.—[R.]S. (text unchanged)

ALL NEW

T. Amend Paragraphs 14.7.2.3 and 15.7.2.3 to delete existing wording and replace with the following:

Fire emergency egress drills shall be conducted as follows:

(1) Not less than one fire emergency egress drill shall be conducted every month the facility is in session, unless the following criteria are met:

(a) In climates where the weather is severe, the monthly fire emergency egress drills shall be permitted to be deferred; and

(b) In educational occupancies which are

(i) fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be five, with a least two of the required drills conducted in the first four months of the school year; or

(ii) not fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be eight, with at least three of the required drills conducted in the first four months of the school year.

(2) All occupants of the building shall participate in the fire emergency egress drill.

(3) One fire emergency egress drill, other than for educational occupancies that are open on a year-round basis, shall be required within the first 30 days of operation.

END ALL NEW

[S.]U. Amend Subsections 16.1.1 and 17.1.1 to add the following Paragraphs: [16.1.1.8 and 17.1.1.8]16.1.1.9 and 17.1.1.9 Day-care centers providing day care for school-age children before 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.

[T.]V. Amend Subparagraphs 16.2.11.1.1 and 17.2.11.1.1 to add the following item: (4) For [windows at]grade floor windows the minimum net clear opening shall be permitted to be 5.0 [ft2]square feet.

[U.]W.—[Z.]BB. (text unchanged)

[AA.] 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.]

[BB.]CC.—[HH.]II. (text unchanged)

[II.]JJ. Amend Paragraph [24.1.1.1]24.1.1.2 to replace "three" with "five" and delete ", if any, accommodated in rented rooms".

[JJ.]KK. 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]square feet for grade floor windows" after "5.7 ft²".

[KK.]LL.—[MM.]NN. (text unchanged)

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

OO. Amend [Paragraph 38.2.4.4(3)(a) to replace "stories." with "stories, with no other openings therein."Table 42.2.5 to replace "50" with "75" and "15" with "23" for common path of travel for ordinary hazard storage

occupancy not protected throughout by an approved, supervised automatic sprinkler system in accordance with 9.7.1.1(1).

PP. (text unchanged)

QQ. Amend Sub-subparagraphs 42.8.3.4.1.1 and 42.8.3.4.1.3 to replace "Parking structures" with "Parking structures less than three stories".

29.06.01.08

.08 National Fire Protection Association 1 Fire Code.

The NFPA 1 Fire Code ([2012]2015 Edition) is incorporated by reference, except for the amendments in Regulation .09 of this chapter and the following amendments:

A. [Delete Section 1.9.]Amend Paragraph 1.7.12.2 to add the following sentence: *The AHJ shall be authorized to require plans to bear the stamp of a registered design professional.*

B.—H. (text unchanged)

I. Amend Section 2.2 to delete the referenced publication NFPA 5000 Building Construction and Safety Code, [2012]2015 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]2013 edition. *Add the referenced publication NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.*

[J. Amend Paragraph 3.3.127 to add "and as referenced in Public Safety Article, §10-101, Annotated Code of Maryland".]

ALL NEW

J. Amend Section 3.3 to add the following Subsection. *3.3.278 Fireworks. Any composition or device for the purpose of producing a visible or audible effect for entertainment purposes by combustion, deflagration or detonation, and that meets the definition of Consumer Fireworks or Display Fireworks as set forth in NFPA 1124 Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition, and as referenced in Public Safety Article, §10-101, Annotated Code of Maryland.*

K. Amend Subsection 3.3.14 to add the following Paragraph: *3.3.14.13 Consumer Fireworks Retail Sales Area. The portion of a consumer fireworks retail sales facility or store, including the immediately adjacent aisles, where consumer fireworks are located for the purpose of retail display and sale to the public.*

END ALL NEW

[K.]L. Amend Paragraph [3.3.182.6]3.3.183.6 to delete "more than 3 but".

[L.]M. Amend Paragraphs [3.3.182.7]3.3.183.7 and 6.1.4.1 to delete "four or more".

[M.]N. Amend Paragraph [3.3.182.22]3.3.183.22 to replace "three" with "five" and delete ", if any, accommodated in rented rooms".

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

O. Amend Paragraphs [3.3.182.25]3.3.183.25 and 6.1.9.1 to replace "four" with "six".

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

Q. Amend Paragraph 4.5.8.3 [and Subsection 10.4.3]to delete "by the Code".

R. (text unchanged)

S. Amend Subsections [10.5.1 and 10.5.2]10.4.1 and 10.4.2 to replace "AHJ" with "AHJ or incident commander".

[T. Amend Subsection 10.11.2 to replace "candles," with "candles, sky lanterns,".]

[U.]T. Amend Subsection [10.11.6.1]10.10.6.1 to replace ["grill" with "gas-fired grill, charcoal grill" and "]"10 ft (3 m)" with ["15 ft (4.6 m)"]15 feet (4.6 meters)".

[V. Amend Subsection 10.11.6.2 to replace "grill" with "gas-fired grill, charcoal grill".

W. Delete Paragraph 10.11.6.3.]

[X.]U. Amend Subsection [10.12.1]10.11.1 to add the following Subparagraph and Paragraph:

[10.12.1.1.1]10.11.1.1 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]10.11.1.4 Where required by the AHJ, symbols in compliance with NFPA 170 Standard for Fire Safety and Emergency Symbols shall be used.

[Y.]V. Amend Paragraphs [10.12.1.2 and 10.12.1.3]10.11.1.2 and 10.11.1.3 to replace "Address numbers" with "Premises identification".

W. Amend Subsection 10.13.1 to add the following new Paragraph: *10.13.1.2 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.*

[Z.]X. Amend Paragraph [10.14.1.1]10.13.1.1 to replace "Christmas" with "Unless otherwise approved by the AHJ, Christmas".

[AA.]Y. Amend Paragraph [10.14.3.1]10.13.3.1 to replace "by the manufacturer [as being fire retardant]" with "by a testing laboratory recognized by the Office of the State Fire Marshal".

[BB.]Z. Amend Paragraph [10.14.9.1]10.13.9.1 to replace "½ in. (13 mm)" with ["2 in. (50 mm)]two inches (50 millimeters) and add the following sentence: "A natural cut tree shall not exceed 10 [ft. (3 m)]feet (3 meters) in height, excluding the tree stand."

[CC. 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.

DD. Amend Subsection 10.15.2 to insert ", but not limited to," after "such as".]

[EE.]AA. Amend Subparagraph [10.15.11.2.6]10.14.11.2.6 to replace "any vehicles" with "any vehicles, buildings,".

[FF.]BB. Amend Section [10.16]10.15 to add the following Subsection: [10.16.6]10.15.6 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.

[GG.]CC. Amend Subsection [10.16.1]10.15.1 to replace "10 ft (3m)" with ["15 ft (4.6m)]"15 feet (4.6 meters)" 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.

[HH.]DD. Amend Subsection [10.16.5]10.15.5 to add "and shall not exceed 10,000 [ft²]square feet in area".

[II.]EE. Amend Subsection [10.19.7]10.18.7 to replace "repaired" with "repaired on any balcony, under any overhanging portion, or".

[JJ.]FF. Amend Section 11.1 to add the following Subsection:

[11.1.11]11.1.9 Clearance. A clear space of not less than 30 inches (762 [mm]millimeters) in width, 36 inches (914 [mm]millimeters) in depth, and 78 inches (1981 [mm]millimeters) in height shall be provided in front of electrical service equipment. Where the electrical service equipment is wider than 30 inches (762 [mm]millimeters), 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.

[KK.]GG. Amend Paragraph [11.1.9.3]11.1.7.3 to add the following Subparagraph: [11.1.9.3.2]11.1.7.3.2 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)]one inch (25 millimeters) high and not less than ¼ [in. (6.4 mm)]inch (6.4 millimeters) in stroke width.

[LL.]HH. Amend Paragraph [11.3.6.1.1]11.3.6.1 to [delete the second sentence and replace with the following]add the following sentence: [All new keys]Keys for new elevators shall be cut to a uniform key code to comply with the Maryland State Elevator Code.

[MM.]II. (text unchanged)

[NN. Amend 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.]

[OO.]JJ. 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]8.15.15, shall be prohibited.

[PP.]KK.—[RR.]MM. (text unchanged)

[SS.]NN. Amend Subsection [13.6.2]13.6.1.2 to add ", unless otherwise permitted by the AHJ."

[TT.]OO. Amend Sub-subparagraph [13.6.9.1.2.1]13.6.4.1.2.1 to replace "certified" with "[certified or]licensed as required by the AHJ".

[UU.]PP. 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]13.6.4.1.2.1.1, 13.6.4.1.2.1.2, 13.6.4.1.2.1.3, 13.6.4.1.2.1.4, 13.6.4.1.2.1.5, 13.6.4.1.2.1.6.

QQ. Amend Sub-subparagraph 13.6.4.1.2.3 to replace "certified" with "licensed".

[VV.]RR. Amend Sub-subparagraphs [13.7.2.22.1.2 and 13.7.2.22.1.3]13.7.2.28.1.2 and 13.7.2.28.1.3 to replace "Storage occupancies" with "Storage occupancies less than three stories".

[WW. Amend Sub-subparagraph 13.7.2.24.4.4 to delete "existing".]

[XX.]SS.—[ZZ.]UU. (text unchanged)

[AAA. 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/m)

ALL NEW

VV. Amend Subparagraph 20.2.4.2.3 to delete existing wording and replace with the following:

Fire emergency egress drills shall be conducted as follows:

(1) Not less than one fire emergency egress drill shall be conducted every month the facility is in session, unless the following criteria are met:

(a) In climates where the weather is severe, the monthly fire emergency egress drills shall be permitted to be deferred; and

(b) In educational occupancies which are

(i) fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be five, with a least two of the required drills conducted in the first four months of the school year; or
(ii) not fully protected by an automatic sprinkler system, the total number of annual fire emergency egress drills shall be eight, with at least three of the required drills conducted in the first four months of the school year.

(2) All occupants of the building shall participate in the fire emergency egress drill.

(3) One fire emergency egress drill, other than for educational occupancies that are open on a year-round basis, shall be required within the first 30 days of operation.

END ALL NEW

[BBB.]WW. (text unchanged)

[CCC. 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.]

[DDD.]XX. (text unchanged)

ALL NEW

YY. Amend Subsection 26.1.5 to add the following Paragraphs:

26.1.5.2 When requested by the AHJ a hazard assessment shall be conducted by a technically qualified person acceptable to the AHJ.

26.1.5.3 When requested by the AHJ a list of hazardous materials used in each laboratory shall be provided. The list shall specify the chemical name, quantity and hazard class.

26.1.5.4 New laboratories or laboratories where the NFPA 45 laboratory hazard classification changes shall post an information placard near the main entrance to the laboratory. The placard shall state the building name or address, room number, NFPA 45 laboratory hazard classification, edition of NFPA 45, maximum allowable quantities of flammable liquids both inside a storage cabinet and open use, and maximum quantities of flammable gases permitted within the laboratory.

ZZ. Amend Chapter 26 to add the following Section and Subsection:

26.3 Construction

26.3.1 All laboratories, laboratory suites or laboratory units within the scope of NFPA 45, regardless of the laboratory hazard classification in NFPA 45, shall be separated by at least one-hour fire resistance rated construction from non-laboratory areas. If a higher fire resistance rating is required by Table 5.1.1 in NFPA 45 or the building code, the higher fire resistance rating shall be used. Rooms that are an incidental use to the lab shall be considered part of the laboratory for the purpose of this requirement and shall not require additional separation.

END ALL NEW

[EEE.]AAA. (text unchanged)

[FFF.]BBB. Amend Subparagraph 31.3.6.3.1 to delete existing wording and replace with the following: Piles [may]shall 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]30 feet of clear space at the base of piles.

[GGG.]CCC. (text unchanged)

[HHH. Delete Chapter 35.]

[III.]DDD.—[KKK.]FFF. (text unchanged)

29.06.01.09

.09 Fireworks and Explosive Materials.

The NFPA 1 Fire Code ([2012]2015 Edition) is incorporated by reference, except for the amendments in Regulation .08 of this chapter and the following amendments:

A.—B. (text unchanged)

C. Amend Section 65.2 to add the following subsection: 65.2.3 All storage of display fireworks shall comply with NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

[C.]D. (text unchanged)

[D.]E. Amend Section 65.5 to add the following [Subsection:]Subsections:

65.5.2 The manufacture, transportation, or storage of fireworks shall comply with NFPA 1124, Code for the Manufacture, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles, 2006 edition.

65.5.3 Sale or use of [sparklers]fireworks shall comply with the following:

(1)—(3) (text unchanged)

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

(1) Delete Sections [11.1 and 11.2]11.2 and 11.3.

(2)—(3) (text unchanged)

[F. Delete Subparagraph 65.10.6.4.5.]

ALL NEW

G. NOTE: The content of this regulation is extracted text from NFPA 1, 2012 edition, by permission. Copyright © 2012 NFPA

Amend Chapter 65 to add the following:

65.10 Sale, Handling, and Storage of Consumer Fireworks.

65.10.1 Applicability.

65.10.1.1 General Requirements. Retail sales of consumer fireworks in both new and existing buildings, structures, and facilities shall comply with the requirements of this section unless otherwise indicated.

65.10.1.1.1 New Facilities.

65.10.1.1.1.1 For the purpose of applying the requirements of this section, the following consumer fireworks retail sales (CFRS) facilities and stores shall be considered to be new:

(1) Permanent CFRS facilities and stores that are not initially occupied until after the effective date of this Code, unless plans are submitted and accepted for review, plans have been approved for construction, or a building permit has been issued prior to the effective date of this Code;

(2) Permanent CFRS facilities and stores constructed prior to the effective date of this Code and in which the retail sales of consumer fireworks have not been conducted either seasonally or year-round within one year prior to the effective date of this Code; or

(3) Temporary CFRS facilities and stores.

65.10.1.1.1.2 In a store where the area of the retail sales floor occupied by the retail displays of consumer fireworks is increased after the effective date of this Code, such that the area exceeds the limits specified in 65.10.5.1.1(1), the building shall be considered to be a new CFRS facility.

65.10.1.1.2 Existing Facilities. For the purpose of applying the requirements of Section 65.10, CFRS facilities and stores not considered to be new as specified in 65.10.1.1.1 shall be considered to be existing.

65.10.1.1.3 Minimum Requirements. Existing life safety features that do not meet the requirements for new buildings but that exceed the requirements for existing buildings shall not be further diminished.

65.10.1.1.4 Modernization or Renovation. Any alteration or any installation of new equipment shall meet, as nearly as practicable, the requirements for new construction.

65.10.1.1.4.1 Only the altered, renovated, or modernized portion of an existing building, system, or individual component shall be required to meet the provisions of this Code that are applicable to new construction.

65.10.1.1.4.2 If the alteration, renovation, or modernization adversely impacts required life safety features, additional upgrading shall be required.

65.10.1.1.4.3 Except where another provision of this Code exempts a previously approved feature from a requirement, the resulting feature shall be not less than that required for existing buildings.

65.10.1.2 Facility Classification. The requirements of this section shall apply to the following:

(1) Permanent buildings and structures, including the following:

(a) Stores; and

(b) CFRS facilities.

(2) Temporary facilities, including the following:

(a) CFRS stands;

(b) Tents;

(c) Canopies; or

(d) Membrane structures.

65.10.2 Special Limits for Retail Sales of Consumer Fireworks.

65.10.2.1 Retail sales of consumer fireworks, including their related storage and display for sale of such fireworks, shall be in accordance with this Code.

65.10.2.2 Retail sales of consumer fireworks shall be limited to mercantile occupancies defined in 3.3.183.17 and NFPA 101.

65.10.2.3 Any building or structure used for the retail sales of consumer fireworks, including their related storage, shall comply with Section 20.12 and NFPA 101 for mercantile occupancies, except as provided in this Code.

65.10.2.4 Retail sales of display fireworks and pyrotechnic articles, including the related storage and display for sale of such fireworks and articles, shall be prohibited at a CFRS facility or store.

65.10.2.5 Retail sales of certain explosive devices prohibited by the Child Safety Act of 1966, including the related storage and display for sale of such devices, shall be prohibited at a CFRS facility or store.

65.10.2.6 The retail sales of pest control devices, including their related storage and display for sale, shall be prohibited at a CFRS facility or store.

65.10.2.7 The retail sales of fireworks that do not comply with the regulations of the U.S. Consumer Product Safety Commission as set forth in 16 CFR 1500 and 1507 and the regulations of the U.S. Department of Transportation as set forth in 49 CFR 100 to 178, including their related storage and display for sale, shall be prohibited.

65.10.3 General Requirements for All Retail Sales.

65.10.3.1 Exempt Amounts.

65.10.3.1.1 The requirements of this section shall not apply to CFRS facilities or stores where the consumer fireworks are in packages and where the total quantity of consumer fireworks on hand does not exceed 125 pounds (net) (56.8 kilograms) of pyrotechnic composition or, in a building protected throughout with an approved automatic

sprinkler system installed in accordance with Section 13.3 and NFPA 13, 250 pounds (net) (113.6 kilograms) of pyrotechnic composition.

65.10.3.1.2 Where the actual weight of the pyrotechnic composition of consumer fireworks is not known, 25 percent of the gross weight of the consumer fireworks, including packaging, shall be permitted to be used to determine the weight of the pyrotechnic composition.

65.10.3.2 Permits. Where required by state or local laws, ordinances, or regulations, a permit for the following shall be obtained:

(1) Construction, erection, or operation of the following:

(a) Permanent building or structure; or

(b) Temporary structure such as a stand, tent, or canopy used for the purpose of the retail display or sale of consumer fireworks to the public; and

(2) Storage of consumer fireworks in connection with the retail display or sale of consumer fireworks to the public.

65.10.3.3 Plans. Plans for facilities other than stands and tents shall include the following:

(a) Minimum distances from the following:

(i) Public ways;

(ii) Buildings;

(iii) Other CFRS facilities;

(iv) Motor vehicle fuel-dispensing station dispensers;

(v) Retail propane-dispensing station dispensers;

(vi) Flammable and combustible liquid aboveground tank storage; and

(vii) Flammable gas and flammable liquefied gas bulk aboveground storage and dispensing areas within 300 feet (91.5 meters) of the facility used for the retail sales of consumer fireworks;

(b) Vehicle access and parking areas;

(c) Location and type of portable fire extinguishers;

(d) Floor plan and layout of storage and displays to indicate compliance with this chapter and applicable state or local laws, ordinances, or regulations;

(e) Means of egress; and

(f) Construction details.

65.10.3.4 Fire Department Access. Any portion of an exterior wall of a building, sidewall of a tent, or other defined perimeter of a CFRS facility or store shall be accessible within 150 feet (45.7 meters) of a public way or an approved fire apparatus access.

65.10.3.5 Construction of Buildings and Structures. Consumer fireworks shall only be permitted to be sold at retail in any of the following buildings or structures, provided that any new building or structure does not exceed one story in height:

(1) Permanent buildings or structures constructed in accordance with the building code enforced by the AHJ;

(2) Tents, canopies, or temporary membrane structures complying with NFPA 102, Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures;

(3) Temporary structures constructed in accordance with this chapter;

(4) Temporary CFRS stands greater than 800 square feet (74 square meters) in area that also meet the requirements for a permanent structure; or

(5) Vehicles, such as vans, buses, trailers, recreational vehicles, motor homes, travel trailers, trucks, and automobiles, complying with the applicable requirements for CFRS stands.

65.10.3.6 An automatic sprinkler system designed and installed in accordance with Section 13.3 and NFPA 13 shall be provided throughout permanent CFRS facilities and stores in which CFRS are conducted in the following buildings:

(1) New buildings greater than 6,000 square feet (557.2 square meters) in area; or

(2) Existing buildings greater than 7,500 square feet (694 square meters) in area.

65.10.3.6.1 Door and window openings in the fire barrier wall shall be protected by self-closing fire doors or fixed fire windows having a fire protection rating of not less than one hour and shall be installed in accordance with Section 12.4 and NFPA 80, Standard for Fire Doors and Other Opening Protectives.

65.10.3.6.2 Any other openings or penetrations in the fire barrier wall shall be protected in accordance with NFPA 101.

65.10.3.6.3 Every CFRS facility and store shall have no fewer than two portable fire extinguishers with a minimum rating of 2A, at least one of which shall be of the pressurized water type.

65.10.3.7 Storage Rooms. Storage rooms containing consumer fireworks in a new permanent CFRS facility or store shall be protected with an automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13 or separated from the retail sales area by a fire barrier having a fire resistance rating of not less than one hour.

65.10.3.8 Portable Fire Extinguishers.

65.10.3.8.1 Specification. Portable fire extinguishers shall be provided as required for extra (high) hazard occupancy in accordance with Section 13.6 and NFPA 10.

65.10.3.8.2 Extinguisher Type. Where more than one portable fire extinguisher is required, at least one fire extinguisher shall be of the multipurpose dry chemical type if the facility is provided with electrical power.

65.10.3.8.3 Location. Portable fire extinguishers for permanent consumer fireworks retail sales facilities and stores shall be located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed 75 feet (23 meters), as specified in NFPA 10.

65.10.3.9 Fire Alarms. A fire alarm system shall be provided as required by Section 13.7 and NFPA 101.

65.10.3.10 Smoke Control.

65.10.3.10.1 Smoke and heat vents designed and installed in accordance with NFPA 204, Standard for Smoke and Heat Venting, shall be provided in the CFRS area of new permanent CFRS facilities or stores where the ceiling height is less than 10 feet (3.05 meters) and the travel distance to reach an exit is greater than 25 feet (7.6 meters).

65.10.3.10.2 The smoke and heat vents required by 65.10.3.10.1 shall be automatically activated by a smoke detection system installed throughout the CFRS area in accordance with NFPA 72.

65.10.3.11 No Smoking Signs.

65.10.3.11.1 Smoking shall not be permitted inside or within 50 feet (15.5 meters) of the CFRS area.

65.10.3.11.2 At least one sign that reads as follows, in letters at least two inches (51 millimeters) high on a contrasting background, shall be conspicuously posted at each entrance or within 10 feet (3.05 meters) of every aisle directly serving the CFRS area in a store: "FIREWORKS — NO SMOKING"

65.10.3.12 Distance from Bulk Dispensing and Bulk Storage.

65.10.3.12.1 CFRS facilities and stores shall not be located within 50 feet (15.2 meters) of the following:

(1) Retail propane-dispensing station dispensers;

(2) Aboveground storage tanks for flammable or combustible liquid, flammable gas, or flammable liquefied gas;

or

(3) Compressed natural gas-dispensing station dispensers.

65.10.3.12.2 New CFRS facilities and stores, existing CFRS stands and tents, and temporary CFRS facilities shall not be located within 50 feet (15.2 meters) of motor vehicle fuel-dispensing station dispensers.

65.10.3.12.3 Existing CFRS facilities, other than CFRS stands, tents, and temporary facilities, and existing stores shall not be located within 25 feet (7.6 meters) of motor vehicle fuel-dispensing station dispensers.

65.10.3.12.4 Fuel tanks on vehicles or other motorized equipment shall not be considered bulk storage.

65.10.3.12.5 Fuel storage for generators shall be in accordance with 65.10.4.9.2.

65.10.3.12.6 CFRS areas and storage areas shall not be located within 300 feet (91.2 meters) of any aboveground bulk storage or bulk dispensing area for the following:

(1) Flammable or combustible liquid;

(2) Flammable gas; or

(3) Flammable liquefied gas.

65.10.3.13 Fire Safety and Evacuation Plan. For a CFRS facility or store, an approved fire safety and evacuation plan shall be prepared in writing and maintained current.

65.10.3.14 Means of Egress.

65.10.3.14.1 Number of Exits.

65.10.3.14.1.1 The minimum number of exits provided from the retail sales area shall be not less than three or as determined in accordance with Chapter 14 and NFPA 101, whichever number is greater.

65.10.3.14.1.2 Required means of egress from the retail sales area shall not be allowed to pass through storage rooms.

65.10.3.14.2 Egress Travel Distance. Exits provided for the retail sales area of tents, membrane structures, canopies, and permanent CFRS facilities, including Class C stores, 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 (22.9 meters).

65.10.3.14.3 Aisles. Aisles serving as a portion of the exit access in CFRS areas shall comply with this paragraph.

65.10.3.14.3.1 Aisle Width.

65.10.3.14.3.1.1 Aisles shall have a minimum clear width of 48 inches (1.2 meters).

65.10.3.14.3.1.2 The required width of aisles shall be maintained unobstructed at all times the facility is occupied by the public.

65.10.3.14.3.2 Aisle Arrangements.

65.10.3.14.3.2.1 Not less than one aisle shall be provided and arranged so that travel along the aisle leads directly to an exit.

65.10.3.14.3.2.2 Other required exits shall be located at, or within 10 feet (3.05 meters) of, the end of an aisle or a cross-aisle.

65.10.3.14.3.2.3 Aisles shall terminate at an exit, another aisle, or a cross-aisle.

65.10.3.14.3.2.4 Dead-end aisles shall be prohibited.

65.10.3.14.3.2.5 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.

65.10.3.14.3.2.6 Cross-aisle connections shall be provided for each aisle at intervals not greater than 50 feet (15.2 meters) as measured along the aisle.

65.10.3.14.3.2.7 Where cross-aisles are required, not less than one cross-aisle shall have at least one end terminate at, or within 10 feet (3.05 meters) of, an exit.

65.10.3.14.4 *Doors and Doorways.* Doors and doorways used in the means of egress shall comply with this paragraph.

65.10.3.14.4.1 *Egress doors shall be not less than 36 inches (910 millimeters) in width (providing a minimum of 32 inches (813 millimeters) clear width).*

65.10.3.14.4.2 *Every egress door that has a latching device shall be provided with panic hardware complying with Chapter 14 and NFPA 101.*

65.10.3.14.4.3 *Means of egress doors shall be of the sidehinge swinging type and shall be arranged to swing in the direction of egress travel.*

65.10.3.14.5 *Exit Signs.*

65.10.3.14.5.1 *Exits shall be marked by an approved exit sign in accordance with Section 14.14 and NFPA 101.*

65.10.3.14.5.2 *Exit signs shall be required to be self-luminous or internally or externally illuminated.*

65.10.3.14.6 *Emergency Lighting.*

65.10.3.14.6.1 *The means of egress, including the exit discharge, shall be illuminated whenever the facility is occupied in accordance with Section 14.12 and NFPA 101.*

65.10.3.14.6.2 *Emergency lighting shall be provided for CFRS facilities and stores and shall comply with Section 14.13 and NFPA 101.*

65.10.3.15 *Retail Sales Displays.*

65.10.3.15.1 *General.* The requirements of this section shall apply only to CFRS areas, unless otherwise specifically indicated.

65.10.3.15.2 *Height of Sales Displays.* To provide for visual access of the retail sales area by the employees and customers, partitions, counters, shelving, cases, and similar space dividers shall not exceed six feet (1.8 meters) in height above the floor surface inside the perimeter of the retail sales area.

65.10.3.15.2.1 *Merchandise on display or located on shelves or counters or other fixtures shall not be displayed to a height greater than six feet (1.8 meters) above the floor surface within the CFRS area.*

65.10.3.15.2.2 *Where located along the perimeter of the consumer fireworks retail sales area, the maximum height of sales displays shall be limited to 12 feet (3.66 meters).*

65.10.3.15.3 *Flame Breaks.*

65.10.3.15.3.1 *Where continuous displays of consumer fireworks are located on shelving, cases, counters, and similar display fixtures, a flame break shall be provided so that the maximum distance between flame breaks does not exceed 16 feet (4.9 meters) where measured along the length of the display.*

65.10.3.15.3.2 *The flame break shall extend as follows:*

(1) *From the display surface to not less than six inches (150 millimeters) above the full height of the displayed merchandise or to the underside of the display surface directly above; and*

(2) *For the full depth of the displayed merchandise.*

65.10.3.15.3.3 *Where packaged fireworks merchandise is displayed on the same level as individual unpackaged fireworks devices, the flame break required in 65.10.3.15.3.1 shall not be required where both of the following criteria are met:*

(1) *The length of the display level containing individual unpackaged fireworks devices is interrupted by packaged fireworks merchandise, or open space, or any combination thereof, having a continuous length of not less than eight feet (2.4 meters); and*

(2) *The distance between flame breaks does not exceed 32 feet (9.8 meters).*

65.10.3.15.3.4 *Where a merchandise display level contains packaged fireworks merchandise, such merchandise shall be permitted to be displayed in a continuous length on the same level, where the display does not exceed 32 feet (9.8 meters) without the flame break required in 65.10.3.15.3.1.*

65.10.3.15.3.5 *An aisle having a minimum width of 48 inches (1.2 meters) shall be permitted to substitute for the flame break required in 65.10.3.15.3.1.*

65.10.3.15.3.6 *Where displays of merchandise face aisles that run along both long sides of the display fixtures or display surface, a flame break shall be installed lengthwise between the abutting display fixtures or along the approximate longitudinal centerline of the display surface so as to separate the merchandise facing one of the aisles from the merchandise that abuts it facing the other aisle.*

65.10.3.15.3.7 *Freestanding display racks, pallets, tables, or bins containing packaged fireworks merchandise shall be permitted without flame breaks, provided the dimensions of the area occupied by the fireworks merchandise do not exceed four feet (1.2 meters) in width, eight feet (2.4 meters) in length, and six feet (1.8 meters) in height, and the displayed fireworks merchandise is separated from other displays of merchandise by aisles having a minimum clear width of four feet (1.2 meters).*

65.10.3.15.3.8 *Where both of the facing vertical surfaces of the abutting display fixtures are constructed of perforated hardboard panels not less than ¼ inch (6 millimeters) thick that are separated from each other by an open space not less than 1½ inches (38 millimeters) wide, a flame break specified in 65.10.3.15.3.6 shall not be required.*

65.10.3.15.4 *Shelving.*

65.10.3.15.4.1 *Shelving or other surfaces used to support fireworks display merchandise shall be permitted to have not more than 10 percent of the area of the shelf contain holes or other openings.*

65.10.3.15.4.2 The 10 percent limitation on the area of holes or other openings in the shelf used to support fireworks display merchandise shall not be applicable under the following conditions:

(1) Where both of the facing vertical surfaces of the abutting display fixtures are constructed of perforated hardboard panels not less than ¼ inch (6 millimeters) thick and separated from each other by an open space not less than 1½ inches (38 millimeters) wide; or

(2) Where such merchandise is suspended from or fastened to the shelf or surface or is displayed as packaged merchandise on the surface or in bins.

65.10.3.15.4.3 Flame breaks and solid display surfaces shall not be required for packaged fireworks merchandise displayed in bins or display racks or on pallets or tables located at the end of a row of display fixtures where the following conditions are met:

(1) Such end displays are separated from the ends of the display fixtures by an open space not less than three inches (76 millimeters) wide;

(2) The fireworks merchandise occupies an area having dimensions not greater than the width of the end of the row of display fixtures and a depth not greater than 36 inches (910 millimeters); and

(3) The minimum required widths of the adjacent aisles are maintained, but in no case is the aisle width less than 48 inches (1.2 meters).

65.10.3.15.5 Covered Fuses.

65.10.3.15.5.1 Only consumer fireworks meeting the criteria for covered fuses as described in 65.10.3.15.5.2 shall be permitted where the retail sales of consumer fireworks are conducted.

65.10.3.15.5.2 A consumer fireworks device shall be considered as having a covered fuse if the fireworks device is contained within a packaged arrangement, container, or wrapper that is arranged and configured such that the fuse of the fireworks device cannot be touched directly by a person handling the fireworks without the person having to puncture or tear the packaging or wrapper, unseal or break open a package or container, or otherwise damage or destroy the packaging material, wrapping, or container within which the fireworks are contained.

65.10.3.15.6 Reserved.

65.10.3.15.7 Horizontal Barriers. Combustible materials and merchandise shall not be stored directly above the consumer fireworks in retail sales displays unless a horizontal barrier constructed of plywood at least 3/8 inch (9.5 millimeters) thick is installed directly above the consumer fireworks as follows:

(1) Barriers shall extend from rack face to rack face and shall be tight to the vertical barriers;

(2) Barriers shall be supported by horizontal rack members;

(3) Transverse vertical barriers constructed of plywood at least 3/8 inch (9.5 millimeters) thick shall be provided at the rack uprights extending from rack face to rack face; and

(4) For double-row racks, longitudinal vertical barriers constructed of plywood at least 3/8 inch (9.5 millimeters) thick shall be provided at the rack uprights in the center of the rack.

65.10.3.16 Electrical Equipment. All electrical wiring shall be in accordance with NFPA 70.

65.10.3.17 Heating Equipment.

65.10.3.17.1 Heating units shall be listed and shall be used in accordance with their listing.

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

65.10.3.17.3 Open-flame and exposed-element heating devices shall be prohibited.

65.10.3.18 Portable Generators.

65.10.3.18.1 Class II and Class III combustible liquid generator fuel shall be limited to not more than five gallons (18.9 liters).

65.10.3.18.2 Portable generators shall be permitted to use Class I flammable liquids as fuel, provided the quantity of such fuel is limited to two gallons (7.6 liters).

65.10.3.19 Operations.

65.10.3.19.1 General. Means of egress, including but not limited to aisles, doors, and exit discharge, shall be clear at all times when the facility or the building is occupied.

65.10.3.19.2 Distances from Entrances and Exits.

65.10.3.19.2.1 No consumer fireworks shall be displayed for sale or stored within five feet (1.5 meters) of any public entrance in an enclosed building or structure.

65.10.3.19.2.2 No consumer fireworks shall be displayed for sale or stored within two feet (0.6 meters) of any exit or private entrance in an enclosed building or structure.

65.10.3.19.3 Security.

65.10.3.19.3.1 CFRS facilities and stores shall be secured when unoccupied and not open for business, unless fireworks are not kept in the facility during such times.

65.10.3.19.3.2 The fireworks displayed or stored in a CFRS facility or store shall be allowed to be removed and transferred to a temporary storage structure or location.

65.10.3.19.4 Fireworks shall not be ignited, discharged, or otherwise used within 300 feet (91.5 meters) of a CFRS facility or store.

65.10.3.20 Display and Handling. Not less than 50 percent of the available floor area within the retail sales area shall be open space that is unoccupied by retail displays and used only for aisles and cross-aisles.

65.10.3.21 Housekeeping.

65.10.3.21.1 *CFRS areas and storage rooms shall be kept free of accumulations of debris and rubbish.*

65.10.3.21.2 *Any loose pyrotechnic composition shall be removed immediately.*

65.10.3.21.3 *Vacuum cleaners or other mechanical cleaning devices shall not be used.* 65.10.3.21.4 *Brooms, brushes, and dustpans used to sweep up any loose powder or dust shall be made of nonsparking materials.*

65.10.3.21.5 *Consumer fireworks devices that are damaged shall be removed and not offered for sale.*

65.10.3.21.6 *Damaged consumer fireworks shall be permitted to be returned to the dealer or shall be disposed of according to the manufacturer's instructions.*

65.10.3.22 *Training. All personnel handling consumer fireworks shall receive safety training related to the performance of their duties.*

65.10.3.23 *Under the Influence. Any person selling consumer fireworks shall not knowingly sell consumer fireworks to any person who is obviously under the influence of alcohol or drugs.*

65.10.3.24 *Records.*

65.10.3.24.1 *Records shall be maintained on available inventory on the premise.*

65.10.3.24.2 *Records shall be made available to the AHJ upon request.*

65.10.4 *Consumer Fireworks Retail Sales (CFRS) Facility Requirements.*

65.10.4.1 *Plan. Where required, plans for CFRS facilities shall be submitted to the AHJ with the permit application.*

65.10.4.2 *Site Plan. The site plan for tents shall show the location of the tent on the site and indicate the minimum separation distances required by 65.10.4.7.*

65.10.4.3 *Construction Materials. The following construction materials requirements shall apply to new permanent CFRS facilities in jurisdictions that have not adopted a local building code:*

(1) *Buildings having an area up to and including 8,000 square feet (743 square meters) shall be permitted to be constructed of any approved construction materials; or*

(2) *Buildings having an area greater than 8,000 square feet (743 square meters) shall be constructed in accordance with one of the following:*

(a) *Buildings shall be constructed of noncombustible or limited-combustible materials; or*

(b) *Buildings with exterior walls having a fire resistance rating of not less than two hours shall be permitted to have the roof decking and its supporting structure and interior partitions constructed of combustible materials; and*

(3) *Roof coverings for any building shall have a minimum rating of Class C.*

65.10.4.4 *Multiple-Tenant Buildings.*

65.10.4.4.1 *Where new CFRS facilities are located in a building containing other tenants, the CFRS facility shall be separated from the other tenants by fire barriers having no openings and a fire resistance rating of not less than two hours.*

65.10.4.4.2 *Where the new CFRS facility is protected per Section 13.3 and NFPA 13, the fire resistance rating of the fire barrier required by 65.10.4.4.1 shall be permitted to be not less than one hour.*

65.10.4.4.3 *Any penetrations of the fire barrier shall be protected in accordance with NFPA 101.* 65.10.4.5 *Fire Protection.*

65.10.4.5.1 *Automatic Sprinkler System Alarm. Any waterflow alarm device shall be arranged to activate audible and visual alarms throughout the CFRS facility in accordance with Section 13.7 and NFPA 72.*

65.10.4.5.2 *Portable Fire Extinguishers. Portable fire extinguishers for temporary CFRS facilities shall be installed and located so that the maximum distance of travel required to reach an extinguisher from any point does not exceed 35 feet (10.6 meters).*

65.10.4.5.3 *Public Notification. In permanent CFRS facilities greater than 3,000 square feet (278.6 square meters) in area, a public address system or a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with Section 13.7 and NFPA 72 shall be provided at a constantly attended location when the CFRS facility is occupied.*

65.10.4.6 *Site Requirements.*

65.10.4.6.1 *Clearance to Combustibles. The area located within 30 feet (9 meters) of a CFRS facility shall be kept free of accumulated dry grass, dry brush, and combustible debris.*

65.10.4.6.2 *Parking. No motor vehicle or trailer used for the storage of consumer fireworks shall be parked within 10 feet (3 meters) of a CFRS facility, except when delivering, loading, or unloading fireworks or other merchandise and materials used, stored, or displayed for sale in the facility.*

65.10.4.6.3 *Fireworks Discharge. At least one sign that reads as follows, in capital letters at least four inches (102 millimeters) high on a contrasting background, shall be conspicuously posted on the exterior of each side of the CFRS facility: "NO FIREWORKS DISCHARGE WITHIN 300 FEET"*

65.10.4.7 *Separation Distances.*

65.10.4.7.1 *Permanent Facilities.*

65.10.4.7.1.1 *New Facilities. New permanent consumer fireworks retail sales facilities shall be separated from adjacent permanent buildings and structures in accordance with Table 65.10.4.7.1.1.*

Table 65.10.4.7.1.1 Separation Distances Between New Permanent Buildings and Structures

Separation Distances		Exterior Wall Fire Resistance Rating (hour)	Exterior Wall Opening Protection rating (hour)
Feet	Meters		
<10	<3.05	2	1 ½
≥10 to <60	≥3.05 to <18.3	1	¾
≥60	≥18.3	0	0

65.10.4.7.1.2 Existing Facilities. Existing permanent CFRS facilities shall be separated from adjacent permanent buildings and structures by not less than 10 feet (3.05 meters) or shall be separated by a wall with a one-hour fire resistance rating.

65.10.4.7.2 Temporary Facilities. Temporary CFRS facilities shall be located as specified in Table 65.10.4.7.2.

Table 65.10.4.7.2 Temporary CFRS Facilities — Minimum Separation Distances

	Buildings		Combustibles ^a		Tents ^b		Vehicle Parking		Stands ^c		Storage of Consumer Fireworks	
	feet	meters	feet	meters	feet	meters	feet	meters	feet	meters	feet	meters
Tents ^b	20	6.1	20	6.1	20	6.1	10	3.05	20	6.1	20	6.1
Stands ^c	20	6.1	10	3.05	20	6.1	10	3.05	5 ^d	1.5 ^d	20	6.1

^a The required clearances to combustibles shall also comply with 65.10.4.6.1.

^b Tents refers to temporary retail sales of consumer fireworks in tents, canopies, and membrane structures.

^c Stands refers to temporary CFRS stands.

^d Where stands are separated from each other by less than 20 feet (6.1 meters), the aggregate area of such stands shall not exceed 800 square feet (74 square meters).

65.10.4.8 Means of Egress.

65.10.4.8.1 General.

65.10.4.8.1.1 Means of egress in CFRS facilities shall comply with the applicable requirements of Chapter 14 and NFPA 101, as modified by 65.10.3.14 and 65.10.4.8.

65.10.4.8.1.2 Means of egress in tents and membrane structures used for retail sales of consumer fireworks shall also comply with NFPA 102, as modified by 65.10.3.14 and 65.10.4.8.

65.10.4.8.2 The evacuation plan shall be posted in a conspicuous location that is accessible to the public as well as to persons employed or otherwise working in the CFRS facility.

65.10.4.8.3 Exit signs shall not be required to be illuminated in tents that are not open for business after dusk.

65.10.4.8.4 Emergency lighting shall not be required in tents that are not open for business after dusk.

65.10.4.8.5 Exit openings from tents shall have a clear opening width of not less than 44 inches (1100 millimeters).

65.10.4.9 Source of Ignition.

65.10.4.9.1 Temporary Electrical Equipment. Battery powered equipment, electrical equipment, and electrical cords that are used in conjunction with a CFRS facility area shall be listed and shall be used in accordance with their listing.

65.10.4.9.1.1 Temporary wiring installed in a temporary structure, including tents and canopies, shall comply with NFPA 70.

65.10.4.9.1.2 Where temporary electrical conductors are placed on top of an outdoor surface to connect the permanent power source to the temporary CFRS facility's temporary electrical system, the conductors shall be provided with physical protection against damage caused by pedestrian or vehicular traffic.

65.10.4.9.2 Portable Generators.

65.10.4.9.2.1 Portable generators supplying power to CFRS facilities shall use only Class II or Class III combustible liquid fuels.

65.10.4.9.2.2 Portable generators shall be located not less than 20 feet (6.1 meters) from the CFRS facility.

65.10.4.9.2.3 Generator fuels shall be stored not less than 20 feet (6.1 meters) from the CFRS facility.

65.10.4.9.2.4 Where the generator fuel storage is located not less than 50 feet (15.2 meters) from the CFRS facility, the quantity of such fuel shall not be limited by 65.10.3.18.

65.10.4.9.3 Cooking Equipment.

65.10.4.9.3.1 Cooking equipment of any type shall not be permitted within 20 feet (6.1 meters) of tents, canopies, or membrane structures used for the storage or sale of consumer fireworks.

65.10.4.9.3.2 Open flame cooking equipment of any type shall not be allowed within 50 feet (15.2 meters) of tents, canopies, or membrane structures used for the storage or sale of consumer fireworks.

65.10.4.10 Quantity Limitations. The floor area occupied by the retail displays of consumer fireworks in permanent CFRS facilities shall not exceed 40 percent of the available floor area within the retail sales area.

65.10.4.11 Flame Breaks. In CFRS facilities the longitudinal flame break required in 65.10.3.15.3.6 shall not be required where the display fixture or surface is adjacent to an aisle that is not used for public egress.

65.10.5 Stores.

65.10.5.1 General.

65.10.5.1.1 For the purpose of this chapter, stores in which retail sales of consumer fireworks are conducted shall not be considered CFRS facilities as defined in 3.3.72 where both of the following conditions exist:

(1) The area of the retail sales floor occupied by the retail displays of consumer fireworks does not exceed 25 percent of the area of the retail sales floor in the building or 600 square feet (55.5 square meters), whichever is less; and

(2) The consumer fireworks are displayed and sold in a manner approved by the AHJ and comply with the applicable provisions of this code, federal and state law, and local ordinances.

65.10.5.1.2 Consumer fireworks displayed for sale in stores shall comply with the following:

(1) Such fireworks shall be under the visual supervision of a store employee or other responsible party while the store is open to the public;

(2) Such fireworks shall be packaged fireworks merchandise; and

(3) Such fireworks shall be packaged and displayed for sale in a manner that will limit travel distance of ejected pyrotechnical components if ignition of the fireworks occurs.

65.10.5.2 Egress. Means of egress in stores shall comply with Chapter 14 and NFPA 101, unless otherwise specified in 65.10.3.14.

65.10.5.3 Storage Rooms. Storage rooms containing consumer fireworks in a new permanent store shall be protected with an automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13 or separated from the retail sales area by a fire barrier having a fire resistance rating of not less than one hour.

65.10.5.3.1 Door and window openings in the fire barrier wall shall be protected by self-closing fire doors or fixed fire windows having a fire protection rating of not less than one hour and shall be installed in accordance with Section 12.4 and NFPA 80.

65.10.5.3.2 Any other openings or penetrations in the fire barrier wall shall be protected in accordance with NFPA 101.

65.10.5.4 Alarm Notification. In Class B stores, a public address system or a means for manually activating audible and visible alarm indicating devices located throughout the facility in accordance with Section 13.7 and NFPA 72 shall be provided at a constantly attended location when the store is occupied.

65.10.5.5 Flame breaks shall be allowed to be omitted in stores protected throughout with an automatic sprinkler system installed in accordance with Section 13.3 and NFPA 13.

65.10.6 Stands.

65.10.6.1 Site Plan. The site plan for stands shall show the location of the stand on the site and indicate the minimum separation distances required by 65.10.4.7.

65.10.6.2 Temporary Stands.

65.10.6.2.1 Portable Fire Extinguisher. Temporary CFRS stands of less than 200 square feet (18.6 square meters) shall be required to have only one portable fire extinguisher.

65.10.6.2.2 Fire Safety and Evacuation Plan. An approved fire safety and evacuation plan shall not be required for temporary CFRS stands.

65.10.6.2.3 Means of Egress.

65.10.6.2.3.1 Retail sales areas within temporary CFRS stands shall have a minimum of two exits.

65.10.6.2.3.2 Exits provided for temporary fireworks retail sales stands shall be located such that the maximum egress travel distance as measured from the most remote point to an exit along the natural and unobstructed path of egress travel does not exceed 35 feet (10.6 meters).

65.10.6.2.3.3 Customers shall not be permitted inside a temporary CFRS stand unless it complies with the means of egress requirements in 65.10.3.14.

65.10.6.2.3.4 Exit signs shall not be required to be illuminated in stands that are not open for business after dusk, or in temporary CFRS stands where the interior is not accessible to the public.

65.10.6.2.3.5 Emergency lighting shall not be required in stands that are not open for business after dusk or for temporary CFRS stands where the interior is not accessible to the public.

65.10.6.3 Minimum Separation Distances. Temporary CFRS stands shall be separated from adjacent buildings and structures in accordance with Table 65.10.4.7.2.

65.10.6.4 Stands Not Open to the Public.

65.10.6.4.1 Minimum Clear Width of Aisles. In temporary CFRS stands where the interior is not accessible to the public, the minimum clear width of the aisle shall be permitted to be not less than 28 inches (710 millimeters).

65.10.6.4.2 Egress Doors.

65.10.6.4.2.1 Egress doors provided for temporary CFRS stands where the interior is not accessible to the public shall be permitted to be not less than 28 inches (710 millimeters) in width.

65.10.6.4.2.2 For temporary CFRS stands where the interior is not accessible to the public, latching devices on doors shall be permitted without panic hardware.

65.10.6.4.3 Storage. In temporary CFRS stands where the interior is not accessible to the public, the maximum height of sales displays shall be limited to eight feet (2.44 meters).

65.10.6.4.4 Flame Breaks. Temporary CFRS stands where the interior is not accessible to the public shall not be required to comply with 65.10.3.15.3.

65.10.6.4.5 Covered Fuses.

65.10.6.4.5.1 Only consumer fireworks meeting the criteria for covered fuses as described in 65.10.3.15.5.2 shall be permitted where the retail sales of consumer fireworks are conducted.

65.10.6.4.6 Sales Display. The following shall apply to the sales display of consumer fireworks in temporary CFRS stands that do not allow access to the interior of the stand by the public:

(1) Consumer fireworks shall be displayed in a manner that prevents the fireworks from being handled by persons other than those operating, supervising, or working in the temporary CFRS stand; and

(2) The handling requirements of 65.10.6.4.6(1) shall not apply to packaged assortments, boxes, or similarly packaged containers of one or more items, regardless of type.

END ALL NEW

[G.]H. (text unchanged)

29.06.01.13

.13 Repeal

29.06.01.14

.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 ([2012]2015 Edition) and NFPA 30 Flammable and Combustible Liquids Code ([2012]2015 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. (text unchanged)

STATE OF MARYLAND
EXECUTIVE DEPARTMENT

**OFFICE OF THE SECRETARY OF STATE
DIVISION OF STATE DOCUMENTS**

LAWRENCE J. HOGAN, JR.
Governor

BOYD K. RUTHERFORD
Lt. Governor

JOHN C. WOBENSMITH
Secretary of State

Maryland Register

**Code of Maryland Regulations
(COMAR)**

Incorporation by Reference
APPROVAL FORM

Date: July 13, 2015
COMAR: 29.06.01.06

Thomas L. Vondersmith, Jr.
Planning and Research Division
Maryland Department of State Police
1201 Reisterstown Road
Pikesville, MD 21208

Dear Tom:

The following documents are approved for incorporation by reference:
(1) National Fire Protection Association (NFPA) 1 Fire Safety Code, 2015 Edition;
and
(2) National Fire Protection Association (NFPA) 101 Life Safety Code, 2015
Edition.

Please note the following special instructions: None

Attach a copy of this approval form when submitting an emergency or proposed regulation to the AELR Committee and when submitting a proposed regulation to DSD for publication in the Maryland Register. If submitting through ELF, include as part of the attachment.

Any future changes to the incorporated documents do not automatically become part of the regulation. If there are subsequent changes to the incorporated documents, and the agency wishes those changes to become a part of its regulations, the agency must amend the regulation incorporating the documents.

Please call us if you have any questions.

Sincerely,
Gail S. Klakring
Senior Editor