

**ANNOTATED CODE OF MARYLAND
PUBLIC SAFETY ARTICLE
TITLE 6**

TITLE 6. STATE FIRE PREVENTION COMMISSION AND STATE FIRE MARSHAL

Subtitle 1. Definitions.

6-101. Definitions.

Subtitle 2. State Fire Prevention Commission.

6-201. Established.

6-202. Membership.

6-203. Officers.

6-204. Quorum; meetings; compensation.

6-205. Miscellaneous powers and duties.

6-206. Regulations.

6-207. Authority of Secretary.

Subtitle 3. State Fire Marshal.

6-301. Office established.

6-302. State Fire Marshal.

6-303. Staff.

6-304. Assistant and special assistant State fire marshals.

6-305. General powers and duties of State Fire Marshal.

6-306. Criminal history records check of firefighters, rescue squad members, and paramedics.

6-307. Inspections.

6-308. Fees.

6-309. Investigations.

6-310. Testimony.

6-311. Arrests.

6-312. Written reports of investigations.

6-313. Chimney fire reports.

6-314. Reports of losses by insurers.

6-315. Administrative search warrants - For fire investigations.

6-316. Same - For fire prevention inspections.

6-317. Maintenance of fire hazard prohibited.

6-318. Abatement orders - In general.

6-319. Same - Service of order.

6-320. Same - Failure to comply with order.

6-321. Additional remedies.

6-322. Authority of Secretary.

Subtitle 4. Baltimore City.

- 6-401. Applicability in Baltimore City.
- 6-402. Assistance from Commission and State Fire Marshal.
- 6-403. Reports by Baltimore City Fire Department.

Subtitle 5. Appeals.

- 6-501. Right to file appeal.
- 6-502. Procedure.
- 6-503. Judicial review.

Subtitle 6. Prohibited Acts; Penalties.

- 6-601. Violation of title or regulation.
- 6-602. Interference, obstruction, or false representation.

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Maryland Code/PUBLIC SAFETY/TITLE 6. STATE FIRE PREVENTION COMMISSION AND STATE FIRE MARSHAL/SUBTITLE 1. DEFINITIONS

SUBTITLE 1. DEFINITIONS

§ 6-101. Definitions.

(a) In general.- In this title the following words have the meanings indicated.

Revisor's Note.

This subsection is new language used as the standard introductory language to a definition section.

(b) Commission.- "Commission" means the State Fire Prevention Commission.

Revisor's Note.

This subsection is new language added to avoid repetition of the full title "State Fire Prevention Commission".

(c) Department.- "Department" means the Department of State Police.

Revisor's Note.

This subsection is new language added to avoid repetition of the full title "Department of State Police".

(d) Secretary.- "Secretary" means the Secretary of State Police.

Revisor's Note.

This subsection is new language added to avoid repetition of the full title "Secretary of State Police".

[2003, ch. 5, § 2.]

SUBTITLE 2. STATE FIRE PREVENTION COMMISSION

§ 6-201. Established.

There is a State Fire Prevention Commission in the Department.

[An. Code 1957, art. 38A, § 1(a); 2003, ch. 5, § 2.]

§ 6-202. Membership.

(a) Composition; appointment of members.-

- (1) The Commission consists of nine members.
- (2) Of the nine members of the Commission:
 - (i) one shall be a member of a career fire company;
 - (ii) three shall be members of volunteer fire companies;
 - (iii) one shall be an architect or engineer;
 - (iv) one shall be a building contractor;
 - (v) two shall be representatives of industry; and
 - (vi) one shall be a member of the public.
- (3) Of the nine members of the Commission:
 - (i) one shall reside in Western Maryland, which is the region that consists of Allegany, Carroll, Frederick, Garrett, and Washington counties;
 - (ii) one shall reside in Central Maryland, which is the region that consists of Baltimore, Harford, and Howard counties;
 - (iii) one shall reside in Southern Maryland, which is the region that consists of Anne Arundel, Calvert, Charles, and St. Mary's counties;
 - (iv) one shall reside in the Washington Metropolitan Area, which is the region that consists of Montgomery and Prince George's counties;
 - (v) one shall reside on the Eastern Shore, which is the region that consists of Caroline, Cecil, Dorchester, Kent, Queen Anne's, Somerset, Talbot, Wicomico, and Worcester counties; and
 - (vi) four shall represent the State at large.
- (4) The Secretary shall appoint the members with the approval of the Governor.

(b) Qualifications.- Each member shall have experience and training to

deal with the matters that are the responsibilities of the Commission.

(c) Tenure; vacancies.-

- (1) The term of a member is 5 years.
- (2) The terms of members are staggered as required by the terms provided for members of the Commission on October 1, 2003.
- (3) At the end of a term, a member continues to serve until a successor is appointed and qualifies.
- (4) A member who is appointed after a term has begun serves only for the rest of the term and until a successor is appointed and qualifies.
- (5) A member may not serve more than 2 terms.

(d) Removal.- With the approval of the Governor, the Secretary may remove a member for neglect of duty or other sufficient cause.

[An. Code 1957, art. 38A, § 1(a); 2003, ch. 5, § 2.]

§ 6-203. Officers.

(a) In general.- The Commission shall elect a chairman and vice chairman from among its members.

(b) Absence of chairman.- If the chairman is absent, the vice chairman shall exercise the powers and perform the duties of the chairman.

[An. Code 1957, art. 38A, § 2(a); 2003, ch. 5, § 2.]

§ 6-204. Quorum; meetings; compensation.

(a) Quorum.-

- (1) A majority of the authorized membership of the Commission is a quorum.
- (2) The Commission may not do business unless:
 - (i) there is a quorum; and
 - (ii) either the chairman or vice chairman is present.

(b) Meetings.- The Commission shall meet:

- (1) at least once every 2 months; and
- (2) when called by the chairman or the Secretary.

(c) Compensation and reimbursement for expenses.- A member of the Commission:

- (1) may not receive compensation as a member of the Commission; but
- (2) is entitled to reimbursement for expenses under the Standard State Travel Regulations, as provided in the State budget.

[An. Code 1957, art. 38A, §§ 1(b), 2(a), (b); 2003, ch. 5, § 2.]

§ 6-205. Miscellaneous powers and duties.

(a) Authority over State Fire Marshal.- The Commission may make recommendations to the Secretary about the daily operations of the office

of State Fire Marshal, including recommendations about budget and personnel matters, but the Commission does not have direct line authority over the administration of the office of State Fire Marshal.

(b) Subpoenas; oaths.- The Commission may issue subpoenas and administer oaths in connection with any public hearing held under this title.

(c) Annual report.- On or before September 30 of each year, the Commission shall transmit to the Governor and the Secretary an annual report of the Commission's activities.

(d) Annual seminars.- At least once each year, the Commission shall promote and conduct seminars, conferences, workshops, and meetings to inform the public and fire fighting personnel of the latest techniques in:

- (1) fire prevention programs and procedures;
- (2) life safety measures;
- (3) changes in the State Fire Prevention Code; and
- (4) development of improved fire safety goals.

[An. Code 1957, art. 38A, §§ 2(d), 5, 6, 6A; 2003, ch. 5, § 2.]

§ 6-206. Regulations.

(a) State Fire Prevention Code.-

(1)

(i) To protect life and property from the hazards of fire and explosion, the Commission shall adopt comprehensive regulations as a State Fire Prevention Code.

(ii) The State Fire Prevention Code shall comply with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection.

(iii) The State Fire Prevention Code has the force and effect of law in the political subdivisions of the State.

(2)

(i) Except as provided in subparagraph (ii) of this paragraph, the regulations adopted under this subsection do not apply to existing installations, plants, or equipment.

(ii) If the Commission determines that an installation, plant, or equipment is a hazard so inimicable to the public safety as to require correction, the regulations adopted under this subsection apply to the installation, plant, or equipment.

(b) Fee schedule.-

(1) The Commission shall adopt regulations to establish and administer a fee schedule for:

(i) reviewing building plans to ensure compliance with the State Fire Prevention Code; and

(ii) conducting inspections in accordance with Subtitle 3 of this title.

(2) The Commission shall review the fee schedule annually to ensure that

the money collected at least covers the costs of administering plan review and conducting inspections.

(3) This subsection does not limit the authority of a local authority to establish a fee schedule for plan review and inspections conducted by the local authority.

(c) Hearings.-

(1) Before adopting a regulation, the Commission shall hold at least one public hearing on the proposed regulation.

(2)

(i) The Commission shall publish notice of the hearing at least 15 days before the hearing in a newspaper of general circulation in the State.

(ii) At the same time, the Commission shall send a copy of the notice to each person who has filed a request for notification with the Commission.

(iii) The notice shall contain the time, place, and subject of the hearing and the place and times to examine the proposed regulation.

(d) More stringent law governs.-

(1) The State Fire Prevention Code establishes the minimum requirements to protect life and property from the hazards of fire and explosion.

(2) If a State or local law or regulation is more stringent than the State Fire Prevention Code, the more stringent law or regulation governs if the more stringent law or regulation is:

(i) not inconsistent with the State Fire Prevention Code; and

(ii) not contrary to recognized standards and good engineering practices.

(3) If there is a question whether a State or local law or regulation governs, the decision of the Commission determines:

(i) which law or regulation governs; and

(ii) whether State and local officials have complied with the State Fire Prevention Code.

(e) Copies of State Fire Prevention Code.- The Commission shall make available for public information a copy of the State Fire Prevention Code, and any amendments to the State Fire Prevention Code, in each county courthouse in the State.

[An. Code 1957, art. 38A, §§ 3(a)-(e), 4(b); 2003, ch. 5, § 2.]

§ 6-207. Authority of Secretary.

The exercise of all powers and authority and the performance of all duties and functions vested in the Commission under this article are subject to the powers and authority of the Secretary set forth in Title 2 of this article or elsewhere in State law.

[An. Code 1957, art. 38A, § 2(c); 2003, ch. 5, § 2.]

SUBTITLE 3. STATE FIRE MARSHAL

§ 6-301. Office established.

There is an office of State Fire Marshal in the Department.

[An. Code 1957, art. 38A, § 7(a)(1); 2003, ch. 5, § 2.]

§ 6-302. State Fire Marshal.

(a) Appointment.- The Secretary shall appoint a State Fire Marshal from a list of three names submitted by the Commission.

(b) Qualifications.- The State Fire Marshal shall:

- (1) be a graduate of an accredited college or university; and
- (2) have 5 years of recent progressively responsible experience, at least 3 years of which shall have been at the administrative level, in fire prevention inspection, fire investigation, fire safety promotion, fire protection engineering, fire fighting, or teaching fire safety engineering.

(c) Term.- The State Fire Marshal serves for a term of 6 years.

(d) Executive service.- The State Fire Marshal is in the executive service of the State Personnel Management System.

(e) Removal.-

- (1) At any time, the Secretary may remove the State Fire Marshal for neglect of duty or other conduct unbecoming the office.
- (2) The Commission may recommend to the Secretary that the State Fire Marshal be removed for cause.
- (3)
 - (i) Before removing the State Fire Marshal, the Secretary shall give the State Fire Marshal:
 1. timely notice with a statement of the charges; and
 2. an opportunity for a public hearing on the charges.
 - (ii) The State Fire Marshal may be represented at the hearing by counsel.

(f) Salary.- The State Fire Marshal is entitled to the salary provided in the State budget.

[An. Code 1957, art. 38A, § 7(a)(2); 2003, ch. 5, § 2.]

§ 6-303. Staff.

(a) In general.- The State Fire Marshal may employ a staff in accordance with the State budget.

(b) Deputy State fire marshals.-

- (1) The full time investigative and inspection assistants in the office shall be known as deputy State fire marshals.
- (2) Deputy State fire marshals shall meet the minimum qualifications and complete the training required by the Police Training Commission for a police officer.
- (3) The qualification and training requirements of paragraph (2) of this subsection do not apply to the fire inspectors and fire investigators of the political subdivisions of the State.

(c) Civilian employees.-

- (1) The State Fire Marshal may designate civilian employees to conduct inspections and submit reports as necessary.
- (2) The minimum qualifications for a civilian employee shall be completion of the National Fire Protection Association Standard 1031.

[An. Code 1957, art. 38A, § 7(d); 2003, ch. 5, § 2.]

§ 6-304. Assistant and special assistant State fire marshals.

(a) Assistant State fire marshals - In general.-

- (1) A county or municipal corporation of the State may designate a fire marshal or appropriate fire official to serve as assistant State fire marshal to carry out this title, including issuing orders, in that county or municipal corporation.
- (2) An assistant State fire marshal may not receive compensation from the State.
- (3) The State Fire Marshal shall carry out this title in a county or municipal corporation that has not designated an assistant State fire marshal.

(b) Same - Minimum qualifications.-

- (1) An assistant State fire marshal shall have at least completed National Fire Protection Association (NFPA) Standard 1031 - Fire Inspector I, or the equivalent, as determined by the State Fire Marshal.
- (2) The State Fire Marshal may administer an examination based on NFPA Standard 1031 before designating an individual as an assistant State fire marshal.

(c) Special assistant State fire marshals.-

- (1) The State Fire Marshal may designate as a special assistant State fire marshal:
 - (i) a law enforcement officer involved in arson investigations;
 - (ii) any other suitable individual who meets the standards established under this section; or
 - (iii) on the advice of an assistant State fire marshal, a member of a fire department if:
 1. the designee is a full-time employee of the fire department;
 2. the designee performs fire inspections or fire investigations for the fire department; and
 3. the fire department is organized and operates in the State.
- (2) A special assistant State fire marshal serves at the pleasure of the State Fire Marshal.

(3) A special assistant State fire marshal may not receive compensation from the State.

(4) Each special assistant State fire marshal shall assist the State Fire Marshal in carrying out the duties of the State Fire Marshal under this title.

(d) Removal.- The Commission may remove an assistant or special assistant State fire marshal for just cause by a majority decision:

- (1) on the recommendation of the State Fire Marshal; and
- (2) after an administrative hearing.

[An. Code 1957, art. 38A, § 7(c); 2003, ch. 5, § 2.]

§ 6-305. General powers and duties of State Fire Marshal.

(a) Enforcement of laws and regulations.- The State Fire Marshal shall enforce:

- (1) all laws of the State that relate to:
 - (i) the prevention of fire;
 - (ii) the storage, sale, and use of explosives, combustibles, or other dangerous articles, in solid, liquid, or gaseous form;
 - (iii) the installation and maintenance of all kinds of equipment intended to control, detect, or extinguish fire;
 - (iv) the means and adequacy of exit, in case of fire, from buildings and all other places in which individuals work, live, or congregate, except buildings that are used solely as dwelling houses for no more than two families; and
 - (v) the suppression of arson; and
- (2) the regulations adopted by the Commission under Subtitle 2 of this title.

(b) Implementation of fire safety programs.- By delegation of authority vested in the Commission and within policy established by the Commission, the State Fire Marshal shall implement fire safety programs in the State to minimize fire hazards and disasters and loss of life and property from these causes, including:

- (1) the establishment and enforcement of fire safety practices throughout the State;
- (2) preventive inspection and correction activities;
- (3) coordination of fire safety programs with volunteer and career fire companies and other State agencies and political subdivisions exercising enforcement aspects; and
- (4) critical analysis and evaluation of State fire loss statistics to determine problems and solutions.

(c) Assistance in fire prevention matters.- On request, the State Fire Marshal shall assist in fire prevention matters:

- (1) a chief of a fire company or department;
- (2) a legally designated fire marshal of a county or municipal corporation; or
- (3) a unit or agency of the State or a county or municipal corporation.

- (d) Fire safety and emergency evacuation procedures for State property.-
 - (1) The State Fire Marshal, assistant State fire marshals, and special assistant State fire marshals shall develop for each property owned or leased by the State:
 - (i) fire safety procedures, including fire drills at least quarterly; and
 - (ii) emergency evacuation procedures.
 - (2) Information about fire safety and emergency evacuation procedures shall be available to all State employees on request.
 - (3) The State Fire Marshal shall require the State unit exercising control over the property owned or leased by the State to keep records of fire drills or other exercises that relate to fire safety and emergency evacuation procedures conducted in the property.
- (e) Issuance of permits and licenses.- The State Fire Marshal may issue permits and licenses as required under this article.
- (f) Disposal of hazardous devices and substances.- On request, the State Fire Marshal may assist police and fire authorities to dispose of hazardous devices and substances.

[An. Code 1957, art. 38A, §§ 7(b), 8(a)-(c), (k), (n), 33; 2003, ch. 5, § 2.]

§ 6-306. Criminal history records check of firefighters, rescue squad members, and paramedics.

- (a) Request for criminal history records check.-
 - (1) Subject to Title 10, Subtitle 2 of the Criminal Procedure Article, a fire department or rescue squad of the State or a political subdivision of the State, a volunteer fire company or rescue squad, or an ambulance service licensed under § 13-515 of the Education Article may request the State Fire Marshal or other authorized agency that has access to the Criminal Justice Information System Central Repository in the Department of Public Safety and Correctional Services to conduct an initial criminal history records check on an applicant for employment or appointment as a volunteer or career firefighter, rescue squad member, or paramedic.
 - (2) The request shall be made on the form required by the State Fire Marshal.
- (b) Applicant to provide fingerprints.-
 - (1) An applicant for employment or appointment as a volunteer or career firefighter, rescue squad member, or paramedic shall provide a classifiable set of fingerprints in accordance with paragraphs (2) and (3) of this subsection:
 - (i) for submission to the Criminal Justice Information System Central Repository for a criminal history records check; and
 - (ii) for forwarding to the Federal Bureau of Investigation for a national criminal history records check.
 - (2) The applicant shall provide the fingerprints on a form approved by the

Director of the Criminal Justice Information System Central Repository.

(3)

(i) On request of the State Fire Marshal or an appropriate authority designated by rule of the State Fire Marshal, the applicant shall provide the fingerprints to the State Fire Marshal or the designated authority.

(ii) In a jurisdiction that has designated an assistant State fire marshal, on request of the assistant State fire marshal an applicant in the jurisdiction shall provide the fingerprints to the assistant State fire marshal.

(c) Conviction and arrest records.- A fire department or rescue squad operated by the State or a political subdivision of the State or a volunteer fire company or rescue squad may obtain conviction and arrest records produced by a criminal history records check based on a classifiable set of fingerprints.

(d) Consideration of conviction.- A volunteer or career fire company or rescue squad may consider the existence of a criminal conviction in determining whether to employ or appoint an applicant.

[An. Code 1957, art. 38A, § 7A; 2003, ch. 5, § 2.]

§ 6-307. Inspections.

(a) Duty to inspect public buildings.-

(1) The State Fire Marshal shall inspect for fire exits and reasonable

(i) all institutions owned by the State or a county or municipal corporation; and

(ii) all schools, theaters, churches, and other places of public assembly.

(2) The State Fire Marshal shall report the findings of an inspection and any recommendations to the individual in charge of the institution or other place that was inspected.

(b) Authority to conduct inspections as necessary.-

(1) This subsection does not apply to a building or premises actually occupied as a private dwelling.

(2) The State Fire Marshal may enter a building or premises within the jurisdiction of the State Fire Marshal at reasonable hours to conduct an inspection that the State Fire Marshal considers necessary under this subtitle.

(c) Prior notice prohibited.- An individual, including an employee of the State Fire Marshal, may not give prior notice of an inspection authorized under this subtitle without the written approval of the State Fire Marshal or designee of the State Fire Marshal.

(d) Inspection of place of employment.-

(1) Subject to regulations adopted by the Commission, whenever the State Fire Marshal or designee of the State Fire Marshal inspects a place of employment, a representative of the employer and an authorized employee representative shall be given an opportunity to accompany the State Fire Marshal or designee during the inspection.

(2) If there is no authorized employee representative, the State Fire

Marshal or designee shall consult with a reasonable number of employees about matters of safety and health in the place of employment.

(e) Protection of trade secrets.-

(1) In this subsection, "trade secret" means a confidential formula, pattern, device, or compilation of information that:

- (i) is used in an employer's business;
- (ii) gives the employer an opportunity to obtain an advantage over competitors who do not know or use the information; and
- (iii) is known only to the employer and those employees to whom it is necessary to confide the information.

(2)

(i) Except as provided in subparagraph (ii) of this paragraph, any information reported to or otherwise obtained by the State Fire Marshal or designee of the State Fire Marshal in connection with an inspection or proceeding under this subtitle that contains or might reveal a trade secret is confidential.

(ii) Information described in subparagraph (i) of this paragraph may be disclosed only:

- 1. to other officers or employees responsible for carrying out this subtitle; or
- 2. if relevant in a proceeding under this subtitle.

(3) In a proceeding under this subtitle, the State Fire Marshal, designee of the State Fire Marshal, or a court of competent jurisdiction, as applicable, shall issue appropriate orders to protect the confidentiality of a trade secret.

[An. Code 1957, art. 38A, § 8(d), (e); 2003, ch. 5, § 2.]

§ 6-308. Fees.

(a) For inspections.-

(1) Except as provided in paragraph (2) of this subsection, the State Fire Marshal shall collect the fees established by the Commission under § 6-206 of this title for conducting inspections.

(2) The State Fire Marshal may not collect a fee for inspecting property that is owned by:

- (i) the State or a county or municipal corporation; or
- (ii) a government-affiliated or volunteer fire, rescue, or emergency medical services entity.

(b) For plan review.-

(1)

(i) In this subsection, "plan review" means the review of all construction drawings and specifications for commercial and residential construction.

(ii) "Plan review" includes the review of site, architectural, mechanical, electrical, sprinkler, fire alarm, and special extinguishing systems drawings and specifications.

(2) This subsection does not apply to:

- (i) construction of one- and two-family dwellings; or

- (ii) construction for which plan review is conducted by the local authority.
- (3) The State Fire Marshal shall collect the fees established by the Commission under § 6-206 of this title for reviewing building plans to ensure compliance with the State Fire Prevention Code.
- (4) The fee for plan review shall be submitted with the plans.

- (c) Disposition of fees.- The State Fire Marshal shall:
 - (1) keep records of all fees collected under this section; and
 - (2) pay the money collected under this section into the General Fund.

[An. Code 1957, art. 38A, §§ 8(m), 8C; 2003, ch. 5, § 2.]

§ 6-309. Investigations.

(a) Power to investigate fires and explosions.- At any time, the State Fire Marshal may investigate the origin or circumstances of a fire or explosion or an attempt to cause a fire or explosion that occurs in the State.

(b) Entry into buildings and premises.- At any time, the State Fire Marshal:

- (1) may enter into and examine a building or premises where a fire is burning or where a fire or attempt to cause a fire has occurred;
- (2) may enter into a building or premises adjacent to a building or premises where a fire or attempt to cause a fire has occurred; and
- (3) may take full control and custody of the building or premises and place an individual that the State Fire Marshal considers proper in charge of the building or premises, until the examination and investigation of the State Fire Marshal is completed.

[An. Code 1957, art. 38A, § 8(f); 2003, ch. 5, § 2.]

§ 6-310. Testimony.

(a) In general.-

- (1) The State Fire Marshal may:
 - (i) take the testimony under oath of any person suspected to know or to have the means to know any facts that relate to the matter that is the subject of the inspection or investigation; and
 - (ii) cause the testimony to be reduced to writing.
- (2) The State Fire Marshal shall transmit a copy of the testimony taken under paragraph (1) of this subsection to the State's Attorney for the county where the fire or explosion or attempt to cause a fire or explosion occurred.

(b) Witnesses, subpoenas, and oaths.- The State Fire Marshal may:

- (1) issue subpoenas requiring the attendance of witnesses to testify in relation to any matter that is the subject of an investigation by the State Fire Marshal under this subtitle;
- (2) issue subpoenas requiring the production of documents that relate to

any matter that is the subject of an investigation by the State Fire Marshal under this subtitle; and
(3) administer oaths to witnesses.

(c) Perjury.- A person who testifies falsely under oath in a matter or proceeding of the State Fire Marshal under this subtitle is guilty of perjury and on conviction is subject to the penalties for perjury.

[An. Code 1957, art. 38A, § 8(g)(1), (h); 2003, ch. 5, § 2.]

§ 6-311. Arrests.

(a) Fire or explosion of incendiary origin or related to destructive device.- If in the judgment of the State Fire Marshal testimony taken under oath discloses that a fire or explosion or an attempt to cause a fire or explosion was of incendiary origin or was related to a destructive device, as defined in § 4-501 of the Criminal Law Article, the State Fire Marshal may arrest the suspected incendiary or cause the suspected incendiary to be arrested and charged.

(b) Other crimes.- If on investigation the State Fire Marshal has probable cause to believe that a person has committed or has attempted to commit a crime that involves a fire, fire bombing, or false alarm, or that involves the possession or manufacture of destructive devices or explosive substances, fireworks, or fire bombs, the State Fire Marshal may arrest that person or cause the person to be arrested and charged.

[An. Code 1957, art. 38A, § 8(g); 2003, ch. 5, § 2.]

§ 6-312. Written reports of investigations.

(a) Requested by local government.- At the request of the governing body of a county or municipal corporation of the State, the State Fire Marshal shall make a written report of the investigation of a fire that occurred within that county or municipal corporation.

(b) Requested by property owner or insurer.- At the request of the owner or insurer of property destroyed or damaged by fire or explosion, or in which an attempt to cause a fire or explosion may have occurred, the State Fire Marshal shall make a written report of the result of the investigation regarding the property.

[An. Code 1957, art. 38A, § 8(i), (j); 2003, ch. 5, § 2.]

§ 6-313. Chimney fire reports.

(a) In general.- On determining that a chimney contributed to causing a fire, the State Fire Marshal or the local authority with jurisdiction over fire investigations shall file with the State Fire Marshal a report that identifies the chimney as:

(1) a lined, masonry chimney;

- (2) an unlined, masonry chimney; or
- (3) a prefabricated, metal chimney.

(b) Repository of reports.- The State Fire Marshal shall establish and maintain a repository of reports filed in accordance with subsection (a) of this section.

[An. Code 1957, art. 38A, §§ 8(l), 14B; 2003, ch. 5, § 2.]

§ 6-314. Reports of losses by insurers.

(a) In general.- Within 10 days after the adjustment of a loss from a fire in excess of \$5,000 damage sustained by an insurer doing business in the State, the insurer shall report to the State Fire Marshal, on a form provided by the State Fire Marshal, the information that the State Fire Marshal considers necessary.

(b) Report additional to information required by Insurance Commissioner.- The report required under subsection (a) of this section is in addition to any information required by the Insurance Commissioner.

[An. Code 1957, art. 38A, § 8(j); 2003, ch. 5, § 2.]

§ 6-315. Administrative search warrants - For fire investigations.

(a) Application for warrant - In general.- The State Fire Marshal, a designee of the State Fire Marshal, a full-time fire investigator who is a member of a fire department, or a police officer may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter a vehicle, building, or premises where a fire has occurred to conduct a search to determine the cause and origin of the fire.

(b) Same - Form and contents.- An application under subsection (a) of this section shall:

- (1) be in writing;
- (2) be signed and sworn to by the applicant; and
- (3) particularly describe the vehicle, building, or premises to be searched and the nature, scope, and purpose of the search to be performed by the applicant.

(c) Issuance of warrant.- A judge of the District Court or a circuit court may issue the warrant on finding that:

- (1) a fire of undetermined origin has occurred;
- (2) the scope of the proposed search is reasonable and will not intrude unnecessarily on the fire victim's privacy;
- (3) the search will be executed at a reasonable and convenient time; and
- (4) the owner, tenant, or other individual in charge of the property has denied access to the property, or after making a reasonable effort, the applicant has been unable to locate any of these individuals.

(d) Contents of warrant; scope of search.-

- (1) An administrative search warrant issued under this section shall specify the vehicle, building, or premises to be searched.
- (2) The search conducted may not exceed the limits specified in the warrant.

(e) Execution and return.- An administrative search warrant issued under this section shall be executed and returned to the judge who issued it within:

- (1) the time specified in the warrant, not exceeding 30 days; or
- (2) if no time period is specified in the warrant, 15 days after its issuance.

[An. Code 1957, art. 38A, § 8A; 2003, ch. 5, § 2.]

§ 6-316. Same - For fire prevention inspections.

(a) Application for warrant - In general.- The State Fire Marshal, a designee of the State Fire Marshal, or a full-time fire prevention inspector who is employed by a fire department may apply to a judge of the District Court or a circuit court for an administrative search warrant to enter a building or premises to conduct a fire prevention inspection.

(b) Same - Form and contents.- An application under subsection (a) of this section shall:

- (1) be in writing;
- (2) be signed and sworn to by the applicant; and
- (3) particularly describe the building or premises to be searched and the nature, scope, and purpose of the search to be performed by the applicant.

(c) Issuance of warrant.- A judge of the District Court or a circuit court may issue the warrant on finding that:

- (1) the applicant is authorized or required by law to make the inspection;
- (2) the applicant has demonstrated that the inspection of the premises is sought as a result of:
 - (i) evidence of an existing violation of this article that relates to fire safety, the State Fire Prevention Code, or a local fire prevention code, if applicable; or
 - (ii) a general and neutral administrative plan to conduct fire prevention inspections;
- (3) the owner, tenant, or other individual in charge of the property has denied access to the property, or after making a reasonable effort, the applicant has been unable to locate any of these individuals; and
- (4) the inspection is sought for safety related purposes.

(d) Contents of warrant; scope of search.-

- (1) An administrative search warrant issued under this section shall specify the building or premises to be searched.
- (2) The inspection conducted may not exceed the limits specified in the warrant.

(e) Execution and return.- An administrative search warrant issued under

this section shall be executed and returned to the judge who issued it within:

- (1) the time specified in the warrant, not exceeding 30 days; or
- (2) if no time period is specified in the warrant, 15 days after its issuance.

(f) Information obtained confidential.- Information obtained in accordance with an administrative search warrant under this section is confidential and may not be disclosed except:

- (1) to the extent used in an administrative or judicial proceeding that arises out of a violation that relates to the purpose for which the warrant was issued and within the scope of the warrant; or
- (2) to an owner or occupant of the building or premises.

[An. Code 1957, art. 38A, § 8B; 2003, ch. 5, § 2.]

§ 6-317. Maintenance of fire hazard prohibited.

(a) In general.- A person may not erect, construct, reconstruct, alter, maintain, or use a building, structure, or equipment or use land:

- (1) in a way that endangers life or property due to the hazards of fire or explosion; or
- (2) in violation of any regulation adopted by the Commission under § 6-206 of this title.

(b) Separate offenses.- Each day on which a violation of this section continues after knowledge or official notice of the violation is a separate offense.

[An. Code 1957, art. 38A, §§ 9(a), 13(b); 2003, ch. 5, § 2.]

§ 6-318. Abatement orders - In general.

(a) Authority to issue.- The State Fire Marshal may issue a reasonable abatement order if the State Fire Marshal:

- (1) determines that a building or structure has been constructed, altered, or repaired in a manner that violates a regulation adopted by the Commission before the construction, alteration, or repairs began;
- (2) determines that a building or structure:
 - (i) is a fire hazard because of disrepair, age, dilapidated or abandoned condition, or for any other reason; and
 - (ii) endangers other buildings and property; or
- (3) finds in a building or on premises a combustible, flammable, or explosive substance or material, or other condition dangerous to the safety of individuals who occupy the building or premises and adjacent premises or property.

(b) Form and contents.- An abatement order under this section shall:

- (1) be in writing;
- (2) be directed to the owner or occupant of the building, structure, or premises; and
- (3) contain a notice that:

- (i) compliance with the order is required within the time specified in the notice; and
- (ii) any person aggrieved by the order may file an appeal from the order in accordance with Subtitle 5 of this title.

(c) Relief.- The abatement order may order:

- (1) the repair or demolition of the building or structure or the removal of the combustible, flammable, or explosive substance or material; and
- (2) the remedying of any condition found to be in violation of a regulation adopted by the Commission or to be dangerous to the safety of individuals or property.

[An. Code 1957, art. 38A, §§ 9(b), 10; 2003, ch. 5, § 2.]

§ 6-319. Same - Service of order.

(a) On occupant.- An abatement order directed to the occupant of the premises shall be served within 5 days after the order is issued:

- (1) by delivering a true copy of the order to the occupant or to an adult who is apparently in charge of the premises; or
- (2) if no occupant or adult is found on the premises:
 - (i) by posting a true copy of the order in a conspicuous place on the door or other prominent entrance to the premises; and
 - (ii)
 - 1. by mailing a copy of the order by certified mail, return receipt requested, to the occupant at the occupant's last known address; or
 - 2. if the address of the occupant is not known, by mailing a copy of the order by certified mail, return receipt requested, to the occupant in care of general delivery at the post office that serves the community where the premises are located.

(b) On owner.- An abatement order directed to the owner of the premises shall be served within 5 days after the order is issued:

- (1) by delivering a true copy of the order to the owner; or
- (2) if the owner is absent from the State or the owner's whereabouts are unknown to the State Fire Marshal:
 - (i) by posting a true copy of the order in a conspicuous place on the door or other prominent entrance to the premises; and
 - (ii)
 - 1. by mailing a copy of the order by certified mail, return receipt requested, to the owner at the owner's last known address; or
 - 2. if the address of the owner is not known, by mailing a copy of the order by certified mail, return receipt requested, to the owner in care of general delivery at the post office that serves the community where the premises are located.

[An. Code 1957, art. 38A, § 10; 2003, ch. 5, § 2.]

§ 6-320. Same - Failure to comply with order.

(a) Authority of State Fire Marshal to abate at expense of owner or

occupant.- If an owner or occupant of a building, structure, or premises who is served with a copy of an abatement order in accordance with § 6-319 of this subtitle fails to comply with the order within 30 days after the order is issued, or within 30 days after a court's affirmation of the order becomes final, the State Fire Marshal:

- (1) may enter the building, structure, or premises affected by the order; and
- (2) at the expense of the owner or occupant, may cause:
 - (i) the building, structure, or premises to be repaired or demolished;
 - (ii) the combustible, flammable, or explosive materials to be removed; and
 - (iii) the dangerous conditions to be remedied.

(b) Suit to recover expenses.- If the owner or occupant fails to reimburse the State Fire Marshal for the expenses incurred by the State Fire Marshal under subsection (a) of this section within 30 days after written demand is mailed to the owner or occupant at the owner's or occupant's last known address, the State Fire Marshal may sue in the name of the State to recover the expenses, with interest, in a court of competent jurisdiction.

(c) Cooperation by county or municipal corporation.-

- (1) If the owner or occupant fails to comply with the abatement order after the period of time specified in subsection (a) of this section, the governing body of a county or municipal corporation may cooperate with the State Fire Marshal in repairing, demolishing, or otherwise remedying dangerous conditions in a building or structure in the county or municipal corporation.
- (2) A lien shall attach to the property on which the building or structure stood in the amount of the expense of the work done by the county or municipal corporation.

[An. Code 1957, art. 38A, § 11; 2003, ch. 5, § 2.]

§ 6-321. Additional remedies.

If a building, structure, or equipment is or is proposed to be erected, constructed, reconstructed, altered, maintained, or used, or if land is or is proposed to be used in a way that endangers life or property due to the hazards of fire or explosion or in violation of this article or of any regulation adopted by the Commission under this article, the Commission, State Fire Marshal, or Attorney General may, in addition to other remedies provided by law, file an action for injunction, mandamus, or abatement or any other appropriate action to prevent, enjoin, abate, or remove the unlawful erection, construction, reconstruction, alteration, maintenance, or use.

[An. Code 1957, art. 38A, § 12; 2003, ch. 5, § 2.]

§ 6-322. Authority of Secretary.

The exercise of all powers and authority and the performance of all duties

and functions vested in the State Fire Marshal under this article are subject to the powers and authority of the Secretary set forth in Title 2 of this article or elsewhere in State law.

[An. Code 1957, art. 38A, § 2(c); 2003, ch. 5, § 2.]

SUBTITLE 4. BALTIMORE CITY

§ 6-401. Applicability in Baltimore City.

The powers, duties, and jurisdiction conferred by this article on the Commission and the State Fire Marshal, and any code, regulation, or practice adopted by them under the authority of this article, apply in Baltimore City only to:

- (1) properties owned or operated by the State;
- (2) hospitals, nursing homes, and similar institutions that require State licensure; and
- (3) the licensing of fire sprinkler contractors.

[An. Code 1957, art. 38A, § 14A(a); 2003, ch. 5, § 2.]

§ 6-402. Assistance from Commission and State Fire Marshal.

On request of the chief of the Baltimore City Fire Department, the Commission and State Fire Marshal shall provide any assistance necessary to:

- (1) enforce fire prevention regulations in Baltimore City; and
- (2) investigate the cause or origin of a fire in Baltimore City.

[An. Code 1957, art. 38A, § 14A(b); 2003, ch. 5, § 2.]

§ 6-403. Reports by Baltimore City Fire Department.

The Baltimore City Fire Department shall report to the appropriate agency any noncompliance with the fire prevention code or regulations of Baltimore City or the fire prevention requirements of the State or federal government:

- (1) on property that is owned by the State; and
- (2) in a hospital, nursing home, institution, or school that is licensed by the State or that receives any money from the State or federal government.

[An. Code 1957, art. 38A, § 14A(c); 2003, ch. 5, § 2.]

SUBTITLE 5. APPEALS

§ 6-501. Right to file appeal.

An appeal to the Commission may be taken by:

- (1) a person who is aggrieved by an order or decision of the State Fire Marshal made in the administration or enforcement of this article; or
- (2) an officer, unit, or agency of the State or a political subdivision of the State that is affected by an order or decision of the State Fire Marshal made in the administration or enforcement of this article.

[An. Code 1957, art. 38A, § 14(a); 2003, ch. 5, § 2.]

§ 6-502. Procedure.

The time within which an appeal under § 6-501 of this subtitle must be taken, and the effect, form, and other procedures that relate to the appeal, shall be as specified in regulations adopted by the Commission.

[An. Code 1957, art. 38A, § 14(b); 2003, ch. 5, § 2.]

§ 6-503. Judicial review.

A party who is aggrieved by a final decision of the Commission is entitled to judicial review of the decision as provided in Title 10, Subtitle 2 of the State Government Article.

[An. Code 1957, art. 38A, § 14(c); 2003, ch. 5, § 2.]

SUBTITLE 6. PROHIBITED ACTS; PENALTIES

§ 6-601. Violation of title or regulation.

(a) Prohibited.- A person may not knowingly violate this title or a regulation adopted by the Commission.

(b) Penalty.- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 10 days or a fine not exceeding \$1,000 or both.

[An. Code 1957, art. 38A, § 13(a); 2003, ch. 5, § 2.]

§ 6-602. Interference, obstruction, or false representation.

(a) Interference with or obstruction of emergency assistance prohibited.-

A person may not willfully interfere with or obstruct the State Fire Marshal, a deputy State fire marshal, or a special assistant State fire marshal while the State Fire Marshal, deputy State fire marshal, or special assistant State fire marshal:

- (1) is fighting a fire, performing emergency service, or proceeding to a fire or other emergency; or
- (2) is dispatched on a call for emergency service.

(b) Interference with or obstruction of investigation prohibited.- A person may not willfully interfere with or obstruct the State Fire Marshal, a deputy State fire marshal, or a special assistant State fire marshal in the course of conducting an inspection or investigating a fire or explosion.

(c) Impersonating fire marshal prohibited.- A person may not, with fraudulent design on person or property, falsely represent that the person is a State fire marshal or a sworn employee of the office of State Fire Marshal.

(d) Wearing articles of fire marshal or imitations prohibited.- A person may not have, use, wear, or display without proper authority, for the purpose of deception, a uniform, shield, button, ornament, identification, or shoulder patch, or a simulation or imitation of these articles, adopted by the office of State Fire Marshal.

(e) Penalty.- A person who violates this section is guilty of a misdemeanor and on conviction is subject to imprisonment not exceeding 3 years.

[An. Code 1957, art. 27, § 11D; 2003, ch. 5, § 2.]
