



## MONTGOMERY COUNTY FIRE AND RESCUE SERVICE

Isiah Leggett  
County Executive

Richard R. Bowers  
Fire Chief

### FIRE CODE COMPLIANCE SECTION

#### ADMINISTRATIVE INTERPRETATION 11-02

### CODE APPLICATION TO EXISTING BUILDINGS, STRUCTURES AND CONDITIONS

**CODE REFERENCE:** *Montgomery County Fire Safety Code, Section 22-2 prescribes minimum requirements and controls to safeguard life, property and the public from the hazards of fire, explosion and other conditions.*

*Montgomery County Fire Safety Code, Section 22-3 applies the minimum requirements to existing conditions including those legally in existence in prior codes, when such existing conditions constitute a Distinct Hazard to life or property.*

**BACKGROUND:** Montgomery County has adopted various National Fire Protection Association standards, making the adopted standards part of the *Montgomery County Fire Safety Code*.

**INTERPRETATION:** The current Montgomery County Fire Safety Code applies to existing conditions except in cases where: (1) the condition was legally in existence prior to the adoption of the current Montgomery County Fire Safety Code; and (2) the existing condition does not constitute a Distinct Hazard to life or property as determined by the Fire Chief or designee. The current Fire Safety Code applies to the extent necessary to remedy the distinct hazard.

An inspection of an existing building may be triggered by many circumstances, including, but not limited to:

- (1) Identification of a distinct hazard condition;
- (2) Application for, or renewal of, a required permit;
- (3) A complaint;

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#### Fire Code Enforcement Section

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- (4) Identification of systems deficiencies or impairments during inspection, maintenance and testing;
- (5) A call for emergency service; or
- (6) Requests by the owner, occupant, or tenant.

This interpretation does not apply to new construction or modification(s) to structures or conditions.

In cases where meeting the code requirement(s) will create an undue financial burden on a building owner or tenant, the Fire Marshal, with input from the owner or occupant, will attempt to gain acceptable compliance through alternative means and methods in accordance with Chapter 5 of NFPA 101, Section 4.6.4 of NFPA 101, Chapter 5 of NFPA 1, and Sections 22-2 and 22-3 of the *Montgomery County Fire Safety Code*.

**PREPARED BY:**

Assistant Chief Michael A. Donahue, Deputy Fire Marshal

**DATE:** June 9, 2011

**FIRE MARSHAL**



D. H. Stechel