

§2452. Life safety and property protection

The Commissioner of Public Safety shall adopt and may amend rules governing the safety to life from fire in or around all buildings or other structures and mass outdoor gatherings, as defined in Title 22, section 1601, subsection 2, within the commissioner's jurisdiction. Automatic sprinkler systems may not be required in existing noncommercial places of assembly. Noncommercial places of assembly include those facilities used for such purposes as deliberation, worship, entertainment, amusement or awaiting transportation that have a capacity of 100 to 300 persons. Automatic sprinkler systems may not be required in existing commercial places of assembly that are open for no more than 50 days per calendar year. "Commercial places of assembly" includes bars with live entertainment, dance halls, nightclubs, assembly halls with large open areas in which patrons stand or sit, commonly referred to as "festival seating," and restaurants. Rules adopted pursuant to this section are routine technical rules, except that rules pertaining to fire sprinklers are major substantive rules, both of which are defined in Title 5, chapter 375, subchapter 2-A. [PL 2011, c. 691, Pt. A, §25 (RPR).]

1. Effective date.

[PL 2007, c. 632, §2 (RP).]

2. Rights declared. Any person aggrieved by a rule or by an act of the commissioner in enforcing the rule may have that person's rights declared by bringing an action for declaratory judgment under Title 14, chapter 707, naming the commissioner as defendant.

[PL 1997, c. 728, §25 (AMD).]

3. Violation. A person who violates a rule issued by the commissioner under this section commits a Class E crime.

[PL 2003, c. 535, §3 (AMD).]

4. Exception. Notwithstanding chapter 314 and Title 10, chapter 1103, a recovery residence must be treated as a residence for a family if the recovery residence meets the following requirements:

A. The recovery residence must be certified based on criteria developed by a nationally recognized organization that supports persons recovering from substance use disorder; [PL 2019, c. 358, §1 (NEW).]

B. The recovery residence must have no more than 2 residents per bedroom; [PL 2019, c. 358, §1 (NEW).]

C. The recovery residence must have at least one full bathroom for every 6 residents; [PL 2019, c. 358, §1 (NEW).]

D. The recovery residence must meet the requirements of all adopted building codes and sections 2464 and 2468 applicable to a one-family or 2-family residence with regard to smoke detectors, carbon monoxide detectors and fire extinguishers; and [PL 2019, c. 358, §1 (NEW).]

E. If the recovery residence is located in a multiunit apartment building, the recovery residence must meet all state and local code requirements for the type of building in which the recovery residence is located. [PL 2019, c. 358, §1 (NEW).]

For the purposes of this subsection, "recovery residence" means a shared living residence for persons recovering from substance use disorder that is focused on peer support, provides to its residents an environment free of alcohol and illegal drugs and assists its residents by connecting the residents to support services or resources in the community that are available to persons recovering from substance use disorder.

[PL 2019, c. 358, §1 (NEW).]

Existing buildings licensed pursuant to Title 22, Subtitle 6 having more than 6 boarders, with the exception of board and care facilities and children's homes, must comply with any rules for residential board and care occupancies required by the Commissioner of Public Safety, except that such existing

facilities of not more than 2 stories in height are not required to be fire resistive, protected or unprotected noncombustible, protected wood frame or heavy timber construction. Such existing facilities must be protected by a complete approved automatic sprinkler system and meet all other requirements of residential board and care occupancies as required by the Commissioner of Public Safety. [PL 2007, c. 82, §3 (AMD).]

Existing boarding care facilities licensed pursuant to Title 22, Subtitle 6 must comply with the applicable fire safety requirements of the Life Safety Code adopted by the Commissioner of Public Safety pursuant to Title 22, section 7856. [PL 2003, c. 535, §3 (AMD).]

Existing children's homes licensed pursuant to Title 22, Subtitle 6 must comply with the applicable fire safety requirements of the Life Safety Code of the National Fire Protection Association adopted by the Commissioner of Public Safety pursuant to Title 22, section 8103. [PL 2003, c. 535, §3 (AMD).]

SECTION HISTORY

PL 1967, c. 301 (AMD). PL 1971, c. 592, §35 (AMD). PL 1973, c. 187 (AMD). PL 1973, c. 660 (AMD). PL 1975, c. 142 (AMD). PL 1975, c. 491, §3 (AMD). PL 1975, c. 771, §266 (AMD). PL 1977, c. 78, §161 (AMD). PL 1979, c. 59, §§1,2 (AMD). PL 1985, c. 770, §17 (AMD). PL 1997, c. 728, §25 (AMD). PL 2001, c. 596, §B22 (AMD). PL 2001, c. 596, §B25 (AFF). PL 2003, c. 411, §§2,3 (AMD). PL 2003, c. 535, §3 (AMD). PL 2007, c. 82, §3 (AMD). PL 2007, c. 632, §§1, 2 (AMD). PL 2011, c. 349, §1 (AMD). PL 2011, c. 398, §1 (AMD). PL 2011, c. 691, Pt. A, §25 (AMD). PL 2019, c. 358, §1 (AMD).

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