

TITLE 2: NATURAL RESOURCES
DIVISION 7: BUILDING AND ZONING CODES

§ 7339. Permit Requirements.

Permit Requirements. Except as exempted by this code, any person, firm or corporation who plans to engage in activities, operations, practices or functions as set forth in the Uniform Fire Safety Code, Article 1, Section 105 shall prior to commencement of activity, operations, practices or function obtain a permit from the Department of Fire and Emergency Medical Services, Fire Prevention Section.

(a) *Conditions of Permits.*

(1) *Scope.* A permit shall constitute permission to maintain, store, use or handle materials, or to conduct processes which produce conditions hazardous to life or property, or to install equipment used in connection with such activities. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of this code. Such permit shall not take the place of any license required by law.

(2) *Expiration of Permit.* A permit issued under this code shall continue until revoked or for such a period of time as designated therein at the time of issuance. It shall not be transferable and any change in use, occupancy, operation or ownership shall require a new permit.

(3) *Compliance.* All permits issued under this code shall be presumed to contain the provision that the applicant, his agents and employees shall carry out the proposed activity in compliance with all the requirements of this code and any other laws or regulations applicable thereto, whether specified or not, and in complete accordance with the approved plans and specifications. Any permits which purport to sanction a violation of this code or any applicable law or regulation shall be void and approval of plans and specifications in the issuance of such permit shall likewise be void.

(b) *Application for Permit.* An application for a permit required by this code shall be made to the Department of Fire and Emergency Medical Services, Fire Prevention Section in such form and detail as it shall prescribe. Applications for permits shall be accompanied by such plans as required by the Fire Prevention Section.

(c) *Inspection Required.* Before a permit may be issued, the commissioner or the commissioner's authorized representative shall inspect and approve the receptacles, vehicles, buildings, devices, premises, storage spaces or areas to be used. In instances where laws or regulations are enforceable by departments other than the Department of Fire and Emergency Medical Services, joint approval shall be obtained from all departments concerned. (signatory agencies).

(d) *Permits for Same Location.* Whenever, under the provisions of this code, more than one permit is required for the same location, such permits may be consolidated into a single permit.

(e) *Revocation of Permits.* Any permit issued under this code may be suspended or revoked when it is determined after a hearing by the commissioner or the commissioner's authorized representative that:

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- (1) It is used by a person other than the person to whom the permit was issued;
- (2) It is used for a location other than that for which it was issued;
- (3) Any of the conditions or limitations set forth in the permit have been violated;
- (4) The permittee fails, refuses or neglects to comply with any order or notice duly served upon him under the provisions of this code within the time provided therein; or
- (5) There has been a false statement or misrepresentation as to a material fact in the application or plans on which the permit or application was based.

(f) *Required Fees.* The Fire Safety official may charge fees for the issuance of permits and review of plans and other procedures authorized under the provisions of this code. The fees shall be established by the Fire Chief with the approval of the commissioner and shall be set forth in the regulations. The fee for permits may vary based on the proposed use or occupancy and values.

(g) *Technical Requirements (General).* The purpose of this section is to set forth the technical procedures, requirements and minimum standards which shall regulate and control fire protection, storage and handling of hazardous materials or any other requirements as set forth in this code, the Uniform Fire Code and standards or any other nationally recognized standards and life safety procedures, as adopted herein.

(h) *Technical Requirements (Specific).* Except as otherwise provided by this code, all fire protection procedures, requirements and minimum standards which shall regulate and control fire protection, storage and handling of hazardous materials and other life safety requirements shall conform to the requirements of Parts I, II, III, IV, V, VI, appendices I-A through VI-I and all other related reference publications of the Uniform Fire Code, as amended, and the Uniform Fire Code standards published by the International Conference of Building Officials and the Western Fire Chief Associations, Inc.

Source: PL 11-56, § 7315, modified; amended by PL 11-98, §§ 2 and 3; introductory paragraph and subsections (b) and (c) amended by global amendment by PL 18-73 §§ 5(a), (c) (Jan. 25, 2015).

Commission Comment: PL 11-56 took effect February 1, 1999. PL 11-56 contained a severability clause as follows:

Section 7317. Severability. If any Section of this Act should be declared invalid by a court of competent jurisdiction, the remainder of this Act shall not be affected thereby.

PL 11-98 took effect September 21, 1999. PL 11-98 contained a severability clause as follows:

Section 5. Severability Clause. If any provision of this Act or the application of any such provision to any person or circumstance should be held invalid by a court of competent jurisdiction, the remainder of this

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Act or the application of its provisions to person or circumstances other than those to which it is held invalid shall not be affected thereby.