

(5) EXCEPT AS PROVIDED UNDER PARAGRAPH (3)(II) OF THIS SUBSECTION, A DISTANCE PRESCRIBED UNDER THIS SECTION MAY NOT BE REDUCED BECAUSE OF THE PRESENCE OF A BARRICADE OR EARTH COVER.

(B) FENCING.

(1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS SUBSECTION, A FIREWORKS PLANT SHALL BE COMPLETELY SURROUNDED BY A SUBSTANTIAL FENCE THAT:

(I) IS AT LEAST 6 FEET TALL;

(II) CONTAINS AT LEAST THREE STRANDS OF BARBED WIRE; AND

(III) EXCEPT AS PROVIDED IN PARAGRAPH (3) OF THIS SUBSECTION, CONTAINS OPENINGS EQUIPPED WITH SUITABLE GATES THAT ARE KEPT SECURELY LOCKED WHEN NOT IN USE.

(2) EXCEPT FOR AN OFFICE BUILDING IN WHICH PROCESSING OR STORAGE IS PROHIBITED, EACH BUILDING IN A FIREWORKS PLANT SHALL BE LOCATED WITHIN THE FENCE REQUIRED UNDER PARAGRAPH (1) OF THIS SUBSECTION.

(3) THE MAIN GATE OF THE PLANT MAY BE LEFT OPEN DURING THE REGULAR HOURS OF PLANT OPERATION IF THE GATE IS WITHIN THE UNOBSTRUCTED VIEW AND UNDER THE OBSERVATION OF AUTHORIZED RESPONSIBLE EMPLOYEES OR GUARDS.

(4) THE LICENSEE SHALL POST CONSPICUOUS SIGNS AT LEAST EVERY 500 FEET ALONG THE FENCE OF THE FIREWORKS PLANT THAT STATE "WARNING — NO SMOKING — NO TRESPASSING".

REVISOR'S NOTE: This section is new language derived without substantive change from former Art. 38A, § 20(a), (c), and (d) and the second sentence of § 15(j).

In the introductory language of subsection (a)(1) of this section, the clause "[s]ubject to paragraphs (2) and (3) of this subsection" is added for clarity.

Also in the introductory language of subsection (a)(1) of this section, the former phrase "[n]o fireworks plant shall be located so" is deleted for brevity, since it is the distance of the mixing building or storage building which is delimited by the subsection, and not the entire plant.

In subsection (a)(1)(ii) of this section, the reference to any "other" inhabited building is added for clarity, since it is unlikely that a school, church, hospital, or place of assembly — unless abandoned — would ever be uninhabited long enough to justify the lesser 200-foot distance.

In subsection (a)(3)(i) of this section, the conjunction "and" is substituted for the former reference to "or" to clarify that a finishing and assembling building must be both 75 feet from other finishing and assembling buildings "and" 200 feet from fireworks storage buildings.