

DISTRICT OF COLUMBIA CONSTRUCTION CODES SUPPLEMENT OF 2013 12 DCMR H FIRE CODE SUPPLEMENT

The District of Columbia has adopted the 2012 edition of the *International Fire Code* (IFC), as amended by this Supplement.

IFC CHAPTERS AMENDED BY THIS SUPPLEMENT:

CHAPTER 1	ADMINISTRATION AND ENFORCEMENT
CHAPTER 2	DEFINITIONS
CHAPTER 3	GENERAL REQUIREMENTS
CHAPTER 5	FIRE SERVICE FEATURES
CHAPTER 6	BUILDING SERVICES AND SYSTEMS
CHAPTER 9	FIRE PROTECTION SYSTEMS
CHAPTER 10	MEANS OF EGRESS
CHAPTER 11	CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS
CHAPTER 56	EXPLOSIVES AND FIREWORKS
APPENDIX B	FIRE-FLOW REQUIREMENTS FOR BUILDINGS
APPENDIX C	FIRE HYDRANT LOCATIONS AND DISTRIBUTION
APPENDIX D	FIRE APPARATUS ACCESS ROADS
APPENDIX H	HAZARDOUS MATERIALS MANAGEMENT PLAN (HMMP) AND HAZARDOUS MATERIALS INVENTORY STATEMENT (HMIS) INSTRUCTIONS

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Strike Chapter 1 of the International Fire Code in its entirety and insert new Chapter 1 in the Fire Code in its place to read as follows:

CHAPTER 1 ADMINISTRATION AND ENFORCEMENT

PART 1 GENERAL PROVISIONS

- 101 Scope and General Requirements
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PART 1 GENERAL PROVISIONS

101 SCOPE AND GENERAL REQUIREMENTS

101.1 Title. The *D.C. Fire Code* (2013), hereinafter referred to as the “*Fire Code*,” shall consist of the 2012 edition of the *International Fire Code* as amended by the *Construction Codes Supplement* (12 DCMR H, Fire Code Supplement).

101.2 Scope. The *Fire Code* establishes regulations affecting or relating to *structures*, processes, *premises* and safeguards regarding:

1. The hazard of fire and explosion arising from the storage, handling or use of *structures*, materials or devices;
2. Conditions hazardous to life, property or public welfare in the occupancy of *structures* or *premises*;
3. Fire hazards in the *structure* or on the *premises* from occupancy or operation; and

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4. Conditions affecting the safety of fire fighters and emergency responders during emergency operations.

101.2.1 Appendices. Provisions in the appendices of the *International Fire Code* shall not apply unless specifically adopted in the *Construction Codes Supplement*.

101.3 Intent. The purpose of the *Fire Code* is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing *buildings, structures* and *premises*, and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Partial Invalidity. If any part or provision of the *Construction Codes* is held illegal or void, this shall not make illegal or void any other parts or provisions of the *Construction Codes* that are determined to be legal. It shall be presumed that the *Construction Codes* would have been enacted and adopted without such illegal or void parts or provisions.

101.4.1 Severability. Any illegal or void part of the *Construction Codes* shall be severed from the remainder of the *Construction Codes* by the court holding such part illegal or void, and the remainder of the *Construction Codes* shall remain effective.

101.4.2 Decisions Involving Existing Structures. The invalidity of any provision in any section of the *Construction Codes* as applied to existing *buildings* and *structures* shall not be held to affect the validity of such section in its application to *buildings* and *structures* erected after the effective date of the *Construction Codes*.

102 APPLICABILITY

102.1 Buildings and Property. The *Fire Code* shall be applicable to all *premises*, including *buildings* and *structures*, and conditions within the District of Columbia and the *structures* appurtenant to such *buildings*, including *buildings* and *structures* appurtenant to *premises* occupied by or for any foreign government as an embassy or chancery, to the extent provided for in Section 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286; D.C. Official Code § 6-1306(g) (2008 Repl.)). The provisions of the *Fire Code* shall not apply to public *buildings* or *premises* owned by the United States Government, including appurtenant structures and portions of *buildings, premises, or structures* that are under the exclusive control of an officer of the United States Government in his or her official capacity. If a lessor is responsible for maintenance and repairs to property leased to the United States Government, the property shall not be deemed to be under the exclusive control of an officer of the United States Government.

102.2. Administrative, Operational and Maintenance Provisions. The administrative, operational and maintenance provisions of the *Fire Code* shall apply to:

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1. Conditions and operations arising after the adoption of the *Fire Code*; and
2. Existing conditions and operations.

102.3 Change of Use of Occupancy. Any change in the use or occupancy of any *structure* or portion thereof shall comply with the provisions of the *Construction Codes*.

102.4 Application of *Building Code*. The design and construction of new *structures* shall comply with the *Building Code*, and any alterations, additions, changes in use or changes in *structures* required by the *Fire Code* must comply with the *Building Code* or the *Existing Building Code* as applicable.

102.5 Application of *Residential Code*. Where *structures* are designed and constructed in accordance with the *Residential Code*, the provisions of the *Fire Code* shall apply as follows:

1. **Construction and design provisions:** Provisions of the *Fire Code* pertaining to the exterior of the *structure* shall apply including, but not limited to, *premises* identification, fire apparatus access and water supplies. Where interior or exterior fire protection systems or devices are installed, construction permits required by the *Fire Code* shall also apply.
2. **Administrative, operational and maintenance provisions:** All such provisions of the *Fire Code* shall apply.

102.6 Historic Buildings. The provisions of the *Fire Code* relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of *buildings* or *structures* shall not be mandatory for historic *buildings* or *structures* meeting the requirements of Chapter 12 of the *Existing Building Code*, when such *buildings* or *structures* are judged by the *code official* not to constitute a distinct hazard to life or property. The *code official* is authorized to approve a fire protection plan developed in accordance with the provisions of National Fire Protection Association (NFPA) Standard 909 for any designated historic *building* or *structure*.

102.7 Referenced Codes and Standards. The codes and standards referenced in the *Fire Code* shall be those that are listed in Chapter 80 of the *International Fire Code* and such codes and standards shall be considered part of the requirements of the *Fire Code* to the prescribed extent of each such reference. Where differences occur between the provisions of the *Fire Code* and the referenced standards, the provisions of the *Fire Code* shall apply.

102.8 Subjects Not Regulated by the *Fire Code*. Where no applicable standards or requirements are set forth in the *Fire Code*, or are contained within other laws, codes, regulations or ordinances adopted by the District of Columbia, compliance with applicable standards of NFPA or other nationally recognized fire safety standards, as *approved* by the *code official*, shall be deemed as *prima facie* evidence of compliance with the intent of the *Fire Code*. Nothing herein shall derogate from the authority of the *code official* to determine compliance with codes

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or standards for those activities or installations within *the code official's* jurisdiction or responsibility.

102.9 Matters Not Provided For. Requirements that are essential for the public safety of an existing or proposed activity, *building* or *structure*, or for the safety of the occupants thereof, which are not specifically provided for by the *Fire Code*, shall be determined by the *code official*.

102.10 Code Precedence. Unless otherwise provided herein, or in the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.* (2012 Supp.)) ("Construction Codes Act"), the following order of precedence is established among the documents adopted: *District of Columbia Construction Codes Supplement*, including standards and amendments; *International Codes*, including standards and amendments.

102.10.1 Conflicts. Where, in any specific case, different sections of the *Construction Codes* specify different materials, methods of construction or other requirements, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement within the *Construction Codes*, the specific requirement shall be applicable.

If conflict arises between the provisions of the Construction Codes Act and the *Construction Codes Supplement*, the *International Codes*, or their referenced standards, the provisions of the Construction Codes Act shall take precedence. If conflict arises between the *Construction Codes Supplement*, the *International Codes*, and their referenced standards:

1. The provisions of the *Construction Codes Supplement* shall take precedence over the *International Codes* and their referenced standards, except as provided in subparagraphs 2 and 3 of this section.
2. The provisions of the *Existing Building Code* shall take precedence over other provisions of the *Construction Codes* and their referenced standards with regard to *existing buildings* and Group R-4 occupancy buildings.
3. The most stringent provisions of the *Existing Building Code* shall take precedence when a *building* is both an *existing building* and a Group R-4 occupancy.
4. The provisions of the *International Codes*, other than their referenced standards, shall take precedence over their referenced standards.

102.11 Other Laws. The provisions of this *Fire Code* shall not be deemed to nullify any provisions of District or federal law.

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102.12 Application of References. References in this Chapter 1 to chapter or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of the *Fire Code*.

102.13 Special Flood Hazard Areas. The storage of equipment or materials that are listed as dangerous materials in 20 DCMR § 3106.2, or that will affect either the base flood elevation or the floodway in any Special Flood Hazard Area, as delineated on the Federal Emergency Management Agency's Flood Insurance Rate Map for the District (20 DCMR § 3101.2), shall be required to obtain a permit from the Department of Consumer and Regulatory Affairs pursuant to 12 DCMR A § 105, and to comply with the requirements of DCMR Title 20, Chapter 31.

102.14 Private Fire Hydrants. The installation, maintenance, repair and replacement of private fire hydrants shall comply with the provisions of the Private Fire Hydrant Act of 2010, effective March 31, 2011 (D.C. Law 18-337; D.C. Official Code § 34-2410.01 *et seq.* (2012 Supp.)) ("Private Fire Hydrant Act").

PART 2 ADMINISTRATIVE PROVISIONS

103 FIRE AND EMERGENCY MEDICAL SERVICES DEPARTMENT

103.1 Code Official for the Fire Code. The Fire Chief of the District of Columbia Fire and Emergency Medical Services Department ("Fire Chief") shall be the *code official* for the enforcement of the *Fire Code*, except that the Director of the Department of Consumer and Regulatory Affairs shall be the *code official* for enforcement of all provisions of the *Fire Code* pertaining to approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems. References to the term "*Department*" within the *Fire Code* shall mean the District of Columbia Fire and Emergency Medical Services Department.

103.2 Duties and Powers of the Code Official. The duties and powers of the *code official* are set forth in Section 104.1.

103.3 Delegation of Authority. The *code official* shall have the authority to delegate his or her duties and powers under the *Fire Code*, but he or she shall remain responsible for the proper performance of those duties and powers.

103.4 Organization. The *code official* shall appoint such number of officers, technical assistants, inspectors and other employees as shall be necessary for the administration of the *Fire Code* and as authorized by the appointing authority.

103.5 Deputy. The *code official* is authorized to designate an employee as deputy who shall exercise all the powers of the *code official* during the temporary absence or disability of the *code official*.

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103.6 Conflicts of Interest. No official or employee of the *Department* shall directly or indirectly engage in any private business transaction or activity that tends in any way to interfere with the performance of his or her duties, including:

1. **Furnishing of Services.** Being engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, *alteration* or maintenance of a *building* or *structure* under the jurisdiction of the *Construction Codes*, or the preparation of plans or specifications of a *building* or *structure* under the jurisdiction of the *Construction Codes*, unless the official or employee is the principal owner of the *building* or *structure*.
2. **Conflict with Official Duties.** Being engaged in any work which conflicts with official duties or with the interest of the *Department*.
3. **Private Work.** Directly or indirectly engaging with or accepting remuneration from any private person, firm, or corporation for the performance of any work as a designer, architect, engineer, consultant or inspector, which work is to be submitted to, passed upon, reviewed, or inspected by any officer of the District of Columbia charged with the administration of any portion of the *Construction Codes*.

103.7 Relief from Personal Liability. Unless otherwise provided by Federal or District of Columbia law, the *code official* and any officials and employees of the *Department* charged with enforcement of the *Construction Codes*, while acting in their official capacity, shall not be liable personally, and are relieved from all personal liability for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of their official duties.

103.7.1 Defense of Suits. Any suit instituted against the *code official* or any officer or employee of the *Department* because of an act performed in the discharge of official duties and under the provisions of the *Construction Codes*, or by reason of any act or omission while performing official duties in connection with the *Construction Codes*, shall be defended by the Office of the Attorney General for the District of Columbia until the final termination of legal proceedings.

103.7.2 Liability for Costs. The *code official* and any official or employee of the *Department* shall not be personally liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of the *Construction Codes*.

103.7.3 Liability for Acts or Omissions. Any official or employee of the *Department*, acting in good faith and without malice, shall be free from liability for acts performed under the provisions of the *Construction Codes* or by reason of any act or omission while performing official duties in connection with the *Construction Codes*.

103.8 Jurisdictional Liability. The District of Columbia government shall not be liable under the *Fire Code* for any damage to persons or property, by reason of the inspection or re-inspection

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of *buildings, structures* or equipment authorized herein, or failure to inspect or re-inspect such *buildings, structures* or equipment or by reason of the approval or disapproval of any *building, structure* or equipment authorized therein.

104 GENERAL AUTHORITY AND RESPONSIBILITIES

104.1 General. The *code official* is hereby authorized to enforce the provisions of the *Fire Code* and shall have the authority to render interpretations of the *Fire Code*, and to adopt policies, procedures, rules and regulations in order to clarify the application of its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of the *Fire Code* and shall not have the effect of waiving requirements specifically provided for in the *Fire Code*.

104.2 Applications and Permits. The *code official* is authorized to receive applications, review construction documents and issue permits for construction regulated by the *Fire Code*, issue permits for operations regulated by the *Fire Code*, inspect the *premises* for which such permits have been issued, and enforce compliance with the provisions of the *Fire Code*.

104.3 Right of Entry. Whenever it is necessary to make an inspection to enforce the provisions of the *Fire Code*, or whenever the *code official* has reasonable cause to believe that there exists in a *building* or upon any *premises* any conditions or violations of the *Fire Code* which make the *building* or *premises* unsafe, dangerous or hazardous, the *code official* shall have the authority to enter the *building* or *premises* at all reasonable times to inspect or to perform the duties imposed upon the *code official* by the *Fire Code*. If such *building* or *premises* is occupied, the *code official* shall present credentials to the occupant and request entry. If such *building* or *premises* is unoccupied, the *code official* shall first make a reasonable effort to locate the owner or other person having charge or control of the *building* or *premises* and request entry. If entry is refused, the *code official* has recourse to every remedy provided by law to secure entry.

104.3.1 Warrant. When the *code official* has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the *building* or *premises* shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the *code official* for the purpose of inspection and examination pursuant to the *Fire Code*.

104.4 Identification. The *code official* shall carry proper identification when inspecting *structures* or *premises* in the performance of duties under the *Fire Code*.

104.5 Notices and Orders. The *code official* is authorized to issue such notices or orders as are required to affect compliance with the *Fire Code* in accordance with Section 109 Violations.

104.6 Official Records. The *code official* shall keep official records as required by Sections 104.6.1 through 104.6.3. Such official records shall be retained for not less than 5 years or for as long as the structure or activity to which such records relate remains in existence, unless

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otherwise provided by other regulations.

104.6.1 Approvals. A record of approvals shall be maintained by the *code official* and shall be available for public inspection during business hours in accordance with applicable laws.

104.6.2 Inspections. The *code official* shall keep a record of each inspection made, including notices and orders issued, showing the findings and disposition of each.

104.6.3 Fire Records. The *Department* shall keep a record of fires occurring within the District of Columbia and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the *code official*.

104.7 Administrative. Application for modification, alternative methods or materials, and the final decision of the *code official*, shall be in writing and shall be officially recorded in the permanent records of the *Department*.

104.8 Approved materials and equipment. All materials, equipment and devices *approved* by the *code official* shall be constructed and installed in accordance with such approval.

104.8.1 Material and equipment reuse. Materials, equipment and devices shall not be reused or reinstalled unless such elements have been reconditioned, tested and placed in good and proper working condition and *approved*.

104.8.2 Technical assistance. To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of a *building* or *premises* subject to inspection by the *code official*, the *code official* is authorized to require the owner or agent to provide, without charge to the District of Columbia government, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the *code official* and shall analyze the fire safety properties of the design, operation or use of the *building* or *premises* and the facilities and appurtenances situated thereon, to recommend necessary changes. The *code official* is authorized to require design submittals to be prepared by, and bear the stamp of, a *registered design professional*.

104.9 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of the *Fire Code*, the *code official* shall have the authority to grant modifications for individual cases, provided the *code official* shall first find that special individual reason makes the strict letter of the *Fire Code* impractical, that the modification is in compliance with the intent and purpose of the *Fire Code*, and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the *Department's* files, and shall be in accordance with Section 104.10 of the *Building Code*.

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104.10 Alternative Materials and Methods. The provisions of the *Fire Code* are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by the *Fire Code*, provided that any such alternative has been *approved* as specified in Section 104.11 of the *Building Code*. The *code official* is authorized to approve an alternative material or method of construction where the *code official* finds that (1) the proposed design is satisfactory and complies with the intent of the provisions of the *Fire Code*, and (2) that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in the *Fire Code* in quality, strength, effectiveness, fire resistance, durability and safety.

104.10.1 Research Reports. Supporting data, when necessary to assist in the approval of materials or assemblies not specifically provided for in the *Fire Code*, shall consist of valid research reports from sources *approved* by the *code official*.

104.10.2 Tests. Whenever there is insufficient evidence of compliance with the provisions of the *Fire Code*, or evidence that a material or method does not conform to the requirements of the *Fire Code*, or in order to substantiate claims for alternative materials or methods, the *code official* shall have the authority to require tests as evidence of compliance to be made at no expense to the District of Columbia government. Test methods shall be as specified in the *Fire Code* or by other recognized test standards. In the absence of recognized and accepted test methods, the *code official* shall approve the testing procedures. Tests shall be performed by an agency *approved* by the *code official*. Reports of such tests shall be retained by the *code official* for the period required for retention of public records.

104.11 Fire Investigations.

104.11.1 Fire and Arson Investigation Authority. The Fire Chief, the Fire Marshal, and his or her authorized representative(s) shall have the authority to investigate the cause, origin, and circumstances of every fire, explosion, or hazardous materials emergency in which the *Department* has a reasonable interest. When the Fire Chief, the Fire Marshal, or their authorized representative(s) have reason to believe that a fire, explosion, or hazardous materials incident may be the result of any violation of the law, he or she shall immediately take custody of and safeguard all physical evidence in connection therewith, and shall have the authority to prohibit the disturbance or removal of any materials, substance, device, or utility in or upon any *building* or *premises* where an incident occurred, until the investigation of the incident is complete. However, the Metropolitan Police Department shall be the primary investigative agency in incidents involving critical injury, death, or assaults with intent to kill.

104.11.2 Fire Records. The Fire Chief shall keep a record of all fires and related facts, including investigation findings and statistics and information about the cause, origin and extent of any fires and related damage.

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104.11.3 Authority to Enter and Examine. The Fire Chief, the Fire Marshal or his or her authorized representative(s) shall have the authority at all times, in performance of the duties imposed by the provisions of the *Fire Code*, to enter upon or examine any area, *building* or *premises*, vehicle or other thing when there is a probable cause to believe that fires or attempts to cause fires exist. The Fire Chief, Fire Marshal or authorized representative(s) shall have the authority to enter, at any time, any *building* or *premises* adjacent to that at which the fire or attempt to cause fires has occurred should they deem it necessary in the proper discharge of their duties, and are authorized, in their discretion, to take full control and custody of such *buildings* and *premises* and place such person in charge thereof as they may deem proper until their examination and investigation is completed.

104.11.4 Arrest and Warrant Powers. The Fire Marshal, and any other personnel designated in writing by the Fire Chief, shall have and exercise, and are hereby invested with, the same general police powers, including arrest powers, as regular members of the Metropolitan Police Department, for the express purpose of enforcing the fire safety laws in effect in the District of Columbia, including, but not limited to, the *Fire Code*. This power shall extend to any arrest, the securing of warrants pursuant to Chapter 5 of Title 23 of the D.C. Official Code, or other lawful action necessary to permit the peaceful completion of any lawful action by the *Department*.

104.11.5 Assistance from Other Agencies. Police and other enforcement agencies shall have authority to render necessary assistance in the investigation of fires when requested to do so.

104.11.6 Authority at Fires and Other Emergencies. The Fire Chief or officer of the *Department* in charge at the scene of a fire or other emergency involving the protection of life or property or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the fire chief is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing which could impede or interfere with the operations of the *Department* and, in the judgment of the *code official*, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

104.11.6.1 Barricades. The Fire Chief or officer of the *Department* in charge at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire

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apparatus.

104.11.6.2 Obstructing Operations. No person shall obstruct the operations of the *Department* in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the *code official* or officer of the *Department* in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the *Department*.

104.11.6.3 Systems and devices. No person shall render a fire protection system or device inoperative during an emergency unless by direction of the *code official* or *Department* official in charge of the incident.

105 PERMITS

105.1 General. Permits shall be in accordance with Sections 105.1.1 through 105.6.47.

105.1.1 Permits Required. Permits required by the *Fire Code* shall be obtained from the *code official*. Permit fees, if any, shall be paid prior to issuance of the permit. Issued permits shall be kept on the *premises* designated therein at all times and shall be readily available for inspection by the *code official*.

105.1.2 Operational Permits. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for either:

1. A prescribed period; or
2. Until renewed or revoked.

105.1.3 Permits for the Same Location. When more than one permit is required for the same location, the *code official* is authorized to consolidate such permits into a single permit, provided that each provision of those permits is listed in the consolidated permit.

105.1.4 President or Vice President's Residence. No permit required under the *Fire Code* shall be issued if it is determined by the *code official* that:

1. The permit affects an area in close proximity to the official residence of the President or Vice-President of the United States; and
2. The United States Secret Service has established that the issuance of the permit would adversely impact the safety and security of the President or Vice-President of the United States.

105.2 Application. Application for a permit required by the *Fire Code* shall be made to the *code official* in such form and detail as prescribed by the *code official*. Applications for permits shall

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be accompanied by such plans as prescribed by the *code official*.

105.2.1 Refusal to Issue Permit. If the application for a permit describes a use that does not conform to the requirements of the *Fire Code* and other pertinent laws and ordinances, the *code official* shall not issue a permit, but shall return the application to the applicant with the refusal to issue such permit. Such refusal shall, when requested, be in writing and shall contain the reasons for refusal.

105.2.2 Inspection Authorized. Before a new operational permit is *approved*, the *code official* is authorized to inspect the receptacles, vehicles, *buildings*, devices, *premises*, storage spaces or areas to be used to determine compliance with the *Fire Code* or any operational constraints required.

105.2.3 Time Limitation of Application. An application for a permit for any proposed work or operation shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been diligently prosecuted or a permit has been issued; except that the *code official* is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. Any extension shall be requested in writing and justifiable cause demonstrated.

105.2.4 Action on Application. The *code official* shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the *code official* shall reject such application in writing, stating the reasons therefore. If the *code official* is satisfied that the proposed work or operation conforms to the requirements of the *Fire Code* and laws and ordinances applicable thereto, the *code official* shall issue a permit therefore as soon as practicable.

105.3 Conditions of a Permit. A permit shall constitute permission to maintain, store or handle materials; or to conduct processes which produce conditions hazardous to life or property; or to install equipment utilized in connection with such activities; or to install or modify any fire protection system or equipment or any other construction, equipment installation or modification in accordance with the provisions of the *Fire Code* where a permit is required by Section 105.6. Such permission shall not be construed as authority to violate, cancel or set aside any of the provisions of the *Fire Code* or other applicable regulations or laws of the District of Columbia.

105.3.1 Expiration. An operational permit shall remain in effect until reissued, renewed, or revoked or for such a period of time as specified in the permit.

105.3.2 Occupancy Prohibited Before Approval. A *building* or *structure* shall not be occupied prior to the *code official* issuing a permit and conducting associated inspections indicating that the applicable provisions of the *Fire Code* have been met.

105.3.3 Conditional Permits. Where permits are required and upon the request of a

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permit applicant, the *code official* is authorized to issue a conditional permit to occupy the *premises* or portion thereof before the entire work or operations on the *premises* is completed; provided, that such portion or portions will be occupied safely prior to full completion or installation of equipment and operations without endangering life or public welfare. The *code official* shall notify the permit applicant in writing of any limitations or restrictions necessary to keep the permit area safe. The holder of a conditional permit shall proceed only to the point for which approval has been given, at the permit holder's own risk and without assurance that approval for the occupancy or the utilization of the entire *premises*, equipment or operations will be granted.

105.3.4 Posting the Permit. Issued permits shall be kept on the *premises* designated therein at all times and shall be readily available for inspection by the *code official*.

105.3.5 Compliance with Fire Code. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of the *Fire Code* or of any other law or regulation of the District of Columbia. Permits presuming to give authority to violate or cancel the provisions of the *Fire Code* or other law or regulation of the District of Columbia shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the *code official* from requiring the correction of errors in the construction documents and other data. Any addition to or alteration of *approved* construction documents shall be *approved* in advance by the *code official*, as evidenced by the issuance of a new or amended permit.

105.3.6 Information on the Permit. The *code official* shall issue all permits required by the *Fire Code* on an *approved* form furnished for that purpose. The permit shall contain a general description of the operation or occupancy and its location and any other information required by the *code official*. Issued permits shall bear the signature of the *code official* or other *approved* legal authorization.

105.4 Revocation. The *code official* is authorized to revoke a permit issued under the provisions of the *Fire Code* for any of the following conditions:

1. The permit is used for a location or establishment other than that for which it was issued.
2. The permit is used for a condition or activity other than that listed in the permit.
3. Any of the conditions or limitations set forth in the permit has been violated.
4. There have been any false statements or misrepresentations as to the material facts in the application for permit or on the plans on which a permit or approval was based.
5. The permit is used by a different *person* than the *person* in whose name the permit was issued.

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6. The permittee failed, refused or neglected to comply with orders or notices duly served in accordance with the provisions of the *Fire Code* within the time provided therein.
7. The permit was issued in error or in violation of an ordinance, regulation or the *Fire Code*.

105.5 [RESERVED].

105.6 Required Operational Permits. The *code official* is authorized to issue operational permits for the operations set forth in Sections 105.6.1 through 105.6.47.

105.6.1 Aerosol Products. An operational permit is required to manufacture, store or handle an aggregate quantity of Level 2 or Level 3 aerosol products in excess of 500 pounds (227 kg) net weight.

105.6.2 Amusement Buildings. An operational permit is required to operate a *special amusement building*.

105.6.3 Aviation Facilities. An operational permit is required to use Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel-servicing vehicles. Additional permits required by other sections of the *Fire Code* include, but are not limited to, *hot work, hazardous materials and flammable finishes* or combustible finishes.

105.6.4 Carnivals and Fairs. An operational permit is required to conduct a carnival or fair.

105.6.5 Cellulose Nitrate Film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

105.6.6 Combustible Dust-Producing Operations. An operational permit is required to operate a grain elevator, flour, starch mill, feed mill, or a plant pulverizing aluminum, coal, cocoa, magnesium, spices or sugar, or other operations producing *combustible dusts* as defined in Chapter 2.

105.6.7 Combustible Fibers. An operational permit is required for the storage and handling of *combustible fibers* in quantities greater than 100 cubic feet (2.8 m³).

Exception: A permit is not required for agricultural storage.

105.6.8 Compressed Gases. An operational permit is required for the storage, use or handling at *normal temperature and pressure* (NTP) of *compressed gases* in excess of the amounts listed in Table 105.6.8.

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Exception: Vehicles equipped for and using *compressed gas* as a fuel for propelling the vehicle.

**TABLE 105.6.8
PERMIT AMOUNTS FOR COMPRESSED GASES**

TYPE OF GAS	AMOUNT (cubic feet at NTP)
Corrosive	200
Flammable (except cryogenic fluids and liquefied petroleum gases)	200
Highly toxic	Any amount
Inert and simple asphyxiant	6,000
Oxidizing (including oxygen)	504
Pyrophoric	Any amount
Toxic	Any amount

105.6.9 Covered Mall Buildings. An operational permit is required for:

1. The placement of retail fixtures and displays, concession equipment, displays of highly combustible goods and similar items in the mall.
2. The display of liquid- or gas-fired equipment in the mall.
3. The use of open-flame or flame-producing equipment in the mall.

105.6.10 Cryogenic Fluids. An operational permit is required to produce, store, transport on site, use, handle or dispense cryogenic fluids in excess of the amounts listed in Table 105.6.10.

Exception: Permits are not required for vehicles equipped for and using cryogenic fluids as a fuel for propelling the vehicle or for refrigerating the lading.

**TABLE 105.6.10
PERMIT AMOUNTS FOR CRYOGENIC FLUIDS**

TYPE OF CRYOGENIC FLUID	INSIDE BUILDING (gallons)	OUTSIDE BUILDING (gallons)
Flammable	More than 1	60
Inert	60	500
Oxidizing (including oxygen)	10	50

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Physical or health hazard not indicated above	Any amount	Any amount
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For SI: 1 gallon =3.785L

105.6.11 Cutting and Welding. An operational permit is required to conduct cutting or welding operations in the District of Columbia.

105.6.12 Dry Cleaning Plants. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.

105.6.13 Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.

105.6.14 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosives, explosive materials, fireworks or pyrotechnic special effects within the scope of Chapter 33.

Exception: Storage in Group R-3 occupancies of smokeless propellant, black powder and small arms primers for personal use, not for resale and in accordance with Section 3306.

105.6.15 Fire Hydrants and Valves. An operational permit is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire department to use or operate fire hydrants or valves.

105.6.16 Flammable and Combustible Liquids. An operational permit is required:

1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the District of Columbia Department of Transportation (DDOT), nor does it apply to piping systems.
2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a *building* or in excess of 10 gallons (37.9 L) outside of a *building*, except that a permit is not required for the following:
 1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless

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such storage, in the opinion of the *code official*, would cause an unsafe condition.

2. The storage or use of paints, oils, varnishes or similar flammable mixtures when such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
4. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

Exception: Fuel oil and used motor oil used for space heating or water heating.

5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the *approved*, stationary on-site pumps normally used for dispensing purposes.
 6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and *combustible liquids* are produced, processed, transported, stored, dispensed or used.
 7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or *combustible liquid* tank.
 8. To change the type of contents stored in a flammable or *combustible liquid* tank to a material that poses a greater hazard than that for which the tank was designed and constructed.
 9. To manufacture, process, blend or refine flammable or *combustible liquids*.
-
10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
 11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.

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105.6.17 Floor Finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.

105.6.18 Fruit and Crop Ripening. An operational permit is required to operate a fruit- or crop-ripening facility or conduct a fruit-ripening process using ethylene gas.

105.6.19 Fumigation and Thermal Insecticidal Fogging. An operational permit is required to operate a business of fumigation or thermal insecticidal fogging and to maintain a room, vault or chamber in which a toxic or flammable fumigant is used.

105.6.20 Hazardous Materials. An operational permit is required to store, transport on site, dispense, use or handle hazardous materials in excess of the amounts listed in Table 105.6.20.

105.6.21 HPM Facilities. An operational permit is required to store, handle or use hazardous production materials.

105.6.22 High-Piled Storage. An operational permit is required to use a building or portion thereof as a high-piled storage area exceeding 500 square feet (46 m²).

105.6.23 Hot Work Operations. An operational permit is required for *hot work* including, but not limited to:

1. Public exhibitions and demonstrations where *hot work* is conducted.
2. Use of portable *hot work* equipment inside a structure.

Exception: Work that is conducted under a permit issued by the Department of Consumer and Regulatory Affairs pursuant to Section 105, 12 DCMR A.

3. Fixed-site *hot work* equipment such as welding booths.
4. *Hot work* conducted within a wildfire risk area.
5. Application of roof coverings with the use of an open-flame device.
6. When *approved*, the *code official* shall issue a permit to carry out a *hot work* program. This program allows *approved* personnel to regulate their facility's *hot work* operations. The *approved* personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 35. These permits shall be issued only to their employees or *hot work* operations under

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their supervision.

105.6.24 Industrial Ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.

**TABLE 105.6.20
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 105.6.16
Corrosive materials	
Gases	See Section 1056.8
Liquids	55 gallons
Solids	1,000 pounds
Explosive materials	See Section 105.6.8
Flammable materials	
Gases	See Section 105.6.8
Liquids	See Section 105.6.16
Solids	100 pounds
Highly toxic materials	
Gases	See Section 105.6.8
Liquids	Any amount
Solids	Any amount
Oxidizing materials	
Gases	See Section 106.6.8
Liquids	
Class 4	Any amount
Class 3	1 gallon
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any amount
Class 3	10 pounds
Class 2	100 pounds
Class 1	500 pounds
Organic Peroxides	
Liquids	
Class I	Any amount
Class II	Any amount
Class III	1 gallon ^a

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Class IV	2 gallons
Class V	No permit required
Solids	
Class I	Any amount
Class II	Any amount
Class III	10 pounds ^b
Class IV	20 pounds
Class V	No permit required
Pyrophoric materials	
Gases	Any amount
Liquids	Any amount
Solids	Any amount
Toxic materials	
Gases	See Section 105.6.8
Liquids	10 gallons
Solids	100 pounds
Unstable (reactive) materials	
Liquids	
Class 4	Any amount
Class 3	Any amount
Class 2	5 gallons
Class 1	10 gallons
Solids	
Class 4	Any amount
Class 3	Any amount
Class 2	50 pounds
Class 1	100 pounds
Water-reactive materials	
Liquids	
Class 3	Any amount
Class 2	5 gallons
Class 1	55 gallons
Solids	
Class 3	Any amount
Class 2	50 pounds
Class 1	500 pounds

For SI: 1 gallon = 3.785 L, 1 pound = 0.454 kg

a. 20 gallons when Table 5003.1.1 (1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 20 gallons or less.

b. 200 pounds when Table 5003.1.1 (1) Note k applies and hazard identification signs in accordance with Section 5003.5 are provided for quantities of 200 pounds or less.

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105.6.25 Lumber Yards and Woodworking Plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).

105.6.26 Liquid- or Gas-Fueled Vehicles or Equipment in Assembly Buildings. An operational permit is required to display, operate or demonstrate liquid- or gas-fueled vehicles or equipment in assembly buildings.

105.6.27 LP-Gas. An operational permit is required for the following storage and/or uses of LP-gas:

1. Each permanent installation irrespective of the size of the containers.
2. The storage of any number of portable containers awaiting use, refill, or sale having a combined total of 60 pounds or more.
3. Any commercial cooking use.
4. Vending stands, vending carts or vehicles.
5. Tanks larger than 5 pounds used inside of any buildings.
6. Operation of cargo tankers that transport LP-gas.

105.6.28 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

105.6.29 Miscellaneous Combustible Storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

105.6.30 Open Burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

Exception: *Recreational fires.*

105.6.31 Open Flames and Torches. An operational permit is required to remove paint with a torch; or to use a torch or open-flame device in a wildfire risk area.

105.6.32 Open Flames and Candles. An operational permit is required to use open flames or candles in connection with assembly areas, dining areas of restaurants or

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drinking establishments.

Exceptions:

1. *Places of religious worship.*
2. Candles in restaurants.

105.6.33 Organic Coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4 L) of an organic coating in one day.

105.6.34 Assembly Group A. An operational permit is required for use of a *building* or *structure* classified under Assembly Group A, as defined in Section 303 of the *Building Code*.

Exception: Assembly uses with an occupant load of less than 100 persons.

105.6.35 Private Fire Hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants, provided, however, that no permit authorizing the installation of a private fire hydrant shall be approved without the recordation of an agreement in the land records of the District of Columbia that satisfies the requirements of the Private Fire Hydrant Act.

Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain test and use private hydrants.

105.6.36 Pyrotechnic Special Effects Material. An operational permit is required for use and handling of pyrotechnic special effects material.

105.6.37 Pyroxylin Plastics. An operational permit is required for storage or handling of more than 25 pounds (11 kg) of cellulose nitrate (pyroxylin) plastics and for the assembly or manufacture of articles involving pyroxylin plastics.

105.6.38 Refrigeration Equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

105.6.39 Repair Garages and Motor Fuel-Dispensing Facilities. An operational permit is required for operation of repair garages and automotive, marine and fleet motor fuel-dispensing facilities.

105.6.40 Rooftop Heliports. An operational permit is required for the operation of a rooftop heliport.

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105.6.41 Spraying or Dipping. An operational permit is required to conduct a spraying or dipping operation utilizing flammable or *combustible liquids* or the application of combustible powders regulated by Chapter 24.

105.6.42 Storage of Scrap Tires and Tire Byproducts. An operational permit is required to establish, conduct or maintain storage of scrap tires and tire byproducts that exceed 2,500 cubic feet (71m³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.

105.6.43 Temporary Membrane Structures and Tents. An operational permit is required to operate an air-supported temporary membrane structure or a tent having an area in excess of 400 square feet (37 m²).

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides, which comply with all of the following:
 - 2.1. Individual tents having a maximum size of 700 square feet (65 m²).
 - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.
 - 2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.

105.6.44 Tire-Rebuilding Plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

105.6.45 Waste Handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material-handling facilities.

105.6.46 Wood Products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).

105.6.47 Emergency Responder Radio Coverage Systems. An operational permit is required for the installation and use of emergency responder radio coverage systems and related equipment.

106 INSPECTIONS

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106.1 Inspection authority. The *code official* is authorized to enter and examine any *building, structure, marine vessel, vehicle or premises* in accordance with Section 104.3 for the purpose of enforcing the *Fire Code*.

106.2 Inspections. The *code official* is authorized to conduct such inspections as are deemed necessary to determine the extent of compliance with the provisions of the *Fire Code* and to approve reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be prepared and submitted in writing for review and approval. Inspection reports shall be certified by a responsible officer of such *approved* agency or by the responsible individual. The *code official* is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues.

106.2.1 Inspection Requests. It shall be the duty of the holder of the permit or their duly authorized agent to notify the *code official* when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by the *Fire Code*.

106.3 Approvals. Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of the *Fire Code* or of other laws or regulations of the District of Columbia. Inspections presuming to give authority to violate or cancel provisions of the *Fire Code* or of other laws or regulations of the District shall not be valid.

107 MAINTENANCE

107.1 Maintenance of Safeguards. Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of the *Fire Code*, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with the *Fire Code* and applicable referenced standards.

107.2 Testing and Operation. Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in the *Fire Code*.

107.2.1 Test and Inspection Records. Required test and inspection records shall be available to the *code official* at all times, and such records as designated shall be filed with the *code official*.

107.2.2 Reinspection and Testing. Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve compliance with the *Fire Code*. The work or installation shall then be resubmitted to the *code official* for inspection and testing.

107.3 Supervision. Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing is conducted at specified intervals in

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accordance with the *Fire Code*.

107.4 Rendering Equipment Inoperable. Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.

107.5 Owner/Occupant Responsibility. Correction and abatement of violations of the *Fire Code* shall be the responsibility of the *owner*. If an occupant creates, or allows to be created, hazardous conditions in violation of the *Fire Code*, the occupant shall be held responsible for the abatement of such hazardous conditions.

107.6 Overcrowding. Overcrowding or admittance of any person beyond the *approved* capacity of a building or a portion thereof shall not be allowed. The *code official*, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

108 APPEALS

108.1 Right of Appeal. Any person directly affected by a notice or order issued under this *Fire Code* shall have the right to appeal to the Office of Administrative Hearings, pursuant to the Office of Administrative Hearings Act, effective March 6, 2002 (D.C. Law 14-76; D.C. Official Code § 2-1831.01 *et seq.* (2012 Supp.)) and regulations promulgated thereunder. The appeal shall be filed within 15 days of the date of service of the notice or order. An appeal shall be based on a claim that the true intent of the *Fire Code* has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of the *Fire Code* are adequately satisfied by other means.

108.2 Stay of Action. Appeals of notices, other than notices pursuant to Section 110 (Unsafe Structures and Equipment) or Section 111 (Stop Work Orders), shall stay the enforcement of the notice until the appeal is heard by the Office of Administrative Hearings.

108.3 Unsafe Conditions; Emergency Measures. Any person ordered to take emergency measures or to correct unsafe conditions shall comply with such order forthwith. Any affected *person* may thereafter pursue their right of appeal pursuant to Section 108.1.

109 VIOLATIONS

109.1 Unlawful acts. It shall be unlawful for a *person*, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize a building, occupancy, premises or system regulated by the *Fire Code*, or cause same to be done, in conflict with or in violation of any of the provisions of the *Fire Code*.

109.2 Notice of violation. When the *code official* finds a *building*, *premises*, vehicle, storage

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facility or outdoor area that is in violation of the *Fire Code*, the *code official* is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for re-inspection.

109.2.1 Service. A notice of violation issued pursuant to the *Fire Code* shall be served upon the owner, operator, occupant, or other *person* responsible for the condition or violation, in accordance with the service provisions set forth in 12 DCMR A, § 113.2.1, which are incorporated herein by reference.

109.2.2 Notification of Residential Tenants. The *code official* shall notify the occupants of *dwelling units*, in *buildings* where a written notice issued, by affixing two copies of the notice in a conspicuous place at the principal entrance of the *building* and one copy in a conspicuous place in the area where tenant mail boxes are located.

109.2.3 Failure to Issue a Notice. Issuance of a notice of violation pursuant to this section is at the discretion of the *code official*. Failure to give a notice of violation shall not be a bar to any criminal prosecution, civil action, or civil infraction proceeding brought under the *Fire Code*.

109.2.4 Compliance with Orders and Notices. A notice of violation issued or served as provided by the *Fire Code* shall be complied with by the owner, operator, occupant or other *person* responsible for the condition or violation to which the notice of violation pertains.

109.2.5 Prosecution of Collateral Fines and Other Violations. If the notice of violation is not complied with as specified by the *code official*, the *code official* may issue a collateral notice, or civil infraction. If violations are not corrected as specified, a request may be made to the District of Columbia Office of the Attorney General to institute the appropriate legal proceedings to restrain, correct or abate the violation or require removal or termination of the unlawful use of the building or structure in violation of the provisions of the *Fire Code* or of any related order or direction. The *code official* may request a law enforcement officer to make arrests for any offense cited in the *Fire Code* or orders of the *code official* affecting the immediate safety of the public.

109.2.6 Unauthorized Tampering. Signs, tags or seals posted or affixed by the *code official* shall not be mutilated, destroyed, obstructed, tampered with or removed without authorization from the *code official*.

109.3 Violation Penalties. Any *person*, firm, or corporation violating any of the provisions of the *Fire Code* or failing to comply with any order issued pursuant to any Section of the *Fire Code*, upon conviction thereof shall be punished by a fine of not more than \$300 or imprisonment for not more than 90 days, or both. Each day that a violation continues, after a service of notice as provided in the *Fire Code*, shall be deemed a separate offense.

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109.4 Civil Infractions. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of the *Fire Code*, or any rules or regulations issued under authority of the *Fire Code* or pursuant to Title I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (D.C. Law 6-42, D.C. Official Code § 2-1801.01 *et seq.* (2007 Repl.)).

109.5 Abatement of Violation. In addition to the imposition of the penalties herein described, the *code official* is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a *structure* or *premises*; or to stop an illegal act, conduct of business or occupancy of a *structure* on or about any *premises*.

110 UNSAFE STRUCTURES AND EQUIPMENT

110.1 General. If during the inspection of a *premises*, a building or structure or any building system, in whole or in part, or existing equipment constitutes a clear and inimical threat to human life, safety or health, the *code official* shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall notify the building *code official* of any repairs, *alterations*, remodeling, removing or demolition required.

110.1.1 Unsafe Conditions. Structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate *means of egress*, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed unsafe conditions. A vacant *structure* which is not secured against unauthorized entry as required by Section 311 shall be deemed unsafe.

110.1.2 Structural Hazards. When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by the *Fire Code*, the *code official* shall immediately notify the building *code official* in accordance with Section 110.1.

110.1.3 Special Measures. Temporary special fire protection measures shall be taken when adequate fire protection is not being provided or hazardous or dangerous conditions exist. Installation of special fire protection equipment is one of the available special measures. Special fire protection equipment shall be installed in accordance with the requirements of the *Fire Code* and the *Building Code*.

110.2 Evacuation. The *code official* or the fire department official in charge of an incident shall be authorized to order the immediate evacuation of any occupied building deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. *Persons* so notified shall immediately leave the structure or premises and shall not enter or re-enter until authorized to do so by the *code official* or the fire department official in charge of the

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incident.

110.3 Summary Abatement. Where conditions exist that violate the *Fire Code* and are deemed hazardous to life and property, the *code official* or fire department official in charge of the incident is authorized to abate summarily such hazardous conditions.

110.4 Abatement. The *owner*, operator or occupant of a *premises*, including any *buildings* or *structures* thereon, deemed unsafe by the *code official* shall abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other *approved* corrective action.

110.5 Maintenance. The *owner* of a *premises*, including any *structures* and *buildings* thereon, shall be responsible for the safe and proper maintenance of the *premises* at all times. In *existing buildings*, the fire protection equipment systems or devices, means of egress and safeguards required by the *Fire Code* or a previous statute, code or other District of Columbia municipal regulation, shall be maintained in good working order.

110.5.1 Occupant Responsibility. If an *owner*, *tenant* or other legitimate occupant of a *premises*, including any *building* or *structure* thereon, creates conditions in violation of the *Construction Codes* by virtue of storage, handling and use of substances, materials, devices and appliances, the *owner*, *tenant* or occupant shall be held responsible for the abatement of said hazardous conditions.

111 STOP WORK ORDER

111.1 Order. Whenever the *code official* finds any work regulated by the *Fire Code* being performed in a manner contrary to the provisions of the *Fire Code* or in a dangerous or unsafe manner, the *code official* is authorized to issue a stop work order.

111.2 Issuance. A stop work order shall be in writing and shall be given to the *owner* of the property, or to the *owner's* agent, or to the *person* doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work is authorized to resume.

111.3 Emergencies. Where an emergency exists, the *code official* shall not be required to give a written notice prior to stopping the work.

111.4 Failure to comply. Any *person* who shall continue any work after having been served with a stop work order, except such work as that *person* is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not more than \$300, or imprisonment for not more than 90 days, or both.

112 SERVICE UTILITIES

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112.1 Authority to Disconnect Service Utilities. The *code official* shall have the authority to authorize disconnection of utility service to a *building, structure* or system in order to safely execute emergency operations or to eliminate an immediate hazard. The *code official* shall notify the serving utility and, whenever possible, the *owner* and occupant of the *building, structure* or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The *owner* or occupant of the *building, structure* or service system shall be notified in writing as soon as practical thereafter.

113 FEES

113.1 Fees. A permit shall not be issued until the applicable fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.

113.2 Fee Schedule. A fee for each plan examination, permit and inspection shall be paid in accordance with the applicable fee schedule published in the *D.C. Register*, as amended from time to time.

113.3 Work Commencing Before Permit Issuance. Any *person* who commences any work, activity or operation regulated by the *Fire Code* before obtaining the necessary permits shall be subject to an additional fee, which shall be in addition to the required permit fees.

113.4 Related Fees. The payment of the fee for the construction, *alteration*, removal or demolition of work done in connection to or concurrently with the work or activity authorized by a permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law.

113.5 Refunds. The *code official* is authorized to establish a refund policy.

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CHAPTER 2 DEFINITIONS

202 Definitions

202 DEFINITIONS

Insert a new definition in Section 202 of the Fire Code to read as follows:

SKY LANTERN. An unmanned device designed to carry an open flame as an airborne decorative device and/or light. Also known as kongming lantern, wish lantern, sky candle, fire balloon or aerial luminaries.

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PART II GENERAL SAFETY PROVISIONS

CHAPTER 3 GENERAL REQUIREMENTS

308 Open Flames

308 OPEN FLAMES

Strike Section 308.1.4 of the International Fire Code in its entirety and insert new Section 308.1.4 to the Fire Code in its place to read as follows:

308.1.4 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated on balconies or within 10 feet (3048mm) of any *building* or combustible construction.

Exceptions:

1. Detached single-family *dwellings*.
2. Where buildings, balconies and decks are protected by an *automatic sprinkler system*.
3. Natural gas grills approved and installed in accordance with the *Construction Codes*, provided that such grills are installed on a non-combustible surface and located 10 feet (3048 mm) or more from any combustible construction.

Insert new Section 308.1.6.3 in the Fire Code to read as follows:

308.1.6.3 Sky Lanterns. The lighting of, use, and release of untethered *sky lanterns* is prohibited.

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PART III BUILDING AND EQUIPMENT DESIGN FEATURES

CHAPTER 5 FIRE SERVICE FEATURES

- 507 Fire Protection Water Supplies
- 508 Fire Command Center

507 FIRE PROTECTION WATER SUPPLIES

Strike Section 507.5.2 of the International Fire Code in its entirety and insert new Section 507.5.2 in the Fire Code in its place to read as follows:

507.5.2 Inspection, testing and maintenance. Fire hydrant systems shall be subject to periodic tests as required by the fire *code official*. Fire hydrant systems shall be maintained in an operative condition at all times and shall be repaired where defective. Additions, repairs, *alterations* and servicing shall comply with *approved* standards. Approved markings such as color, status rings, and flow rating bands shall be provided and maintained for all fire hydrants in accordance with the requirements of the fire *code official*.

507.5.2.1 Private fire hydrant systems. Private fire hydrant systems shall comply with the Private Fire Hydrant Act of 2010, effective March 31, 2011 (D.C. Law 18-337; D.C. Official Code §34-2410 et. seq.(2012 Supp.)) (“Private Fire Hydrant Act”).

508 FIRE COMMAND CENTER

Strike Sections 508.1 through 508.1.5 of the International Fire Code in their entirety and insert new Sections 508.1 through 508.1.5 in the Fire Code in their place to read as follows:

508.1 General. Where required by other sections of this code and in all *high-rise buildings*, a *fire command center* for fire department operations shall be provided and shall comply with Sections 508.1.1 through 508.1.5.

508.1.1 Location and access. The *fire command center* shall be directly accessible from the exterior on the address side of the building; or, where approved by the *code official* in consultation with the Fire Chief, in an interior location which has direct access from the entrance lobby on the address side of the building.

508.1.1.1 Identification. The entrance door to the *fire command center* shall be illuminated and clearly marked “Fire Command Center” with letters a minimum of 3 inches (76 mm) in height on a contrasting background. In instances where the *fire command center* is not located near the building’s main entrance, a sign

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indicating the location of the fire control room shall be conspicuously posted near the building's main entrance.

508.1.1.2 Prohibited use. Electrical, mechanical or plumbing equipment other than those associated with the *fire command center*, shall not be located within the *fire command center*. The *fire command center* shall not be used for other than its intended use unless approved by the Fire Chief.

508.1.1.3 Locking arrangements. The *fire command center* shall be secured from unauthorized entry and shall be accessible to the Department at all times.

508.1.1.4 Access. Where access to the *fire command center* from the building's exterior is restricted because of secured openings, a key box in accordance with Section 506 of the *Fire Code* shall be installed at the building's main entrance or other approved location for *Department* access. The key box shall be of an *approved* type and shall contain keys to gain necessary access to the building and *fire command center* as required by the *code official* in consultation with the Fire Chief.

508.1.2 Separation. The *fire command center* shall be separated from the remainder of the building by not less than a 1-hour *fire barrier* constructed in accordance with Section 707 of the *International Building Code* or *horizontal assembly* constructed in accordance with Section 711 of the *International Building Code*, or both.

508.1.3 Size. The *fire command center* shall be of sufficient size to accommodate all equipment and features required by this section but not less than 96 square feet (8.9 m²). A minimum clear aisle width of 48 inches (1220 mm) shall be provided in front of all equipment panels.

508.1.4 Layout approval. A layout of the *fire command center* and all features required by this section to be contained therein shall be submitted for approval prior to installation.

508.1.5 Required features. The *fire command center* shall comply with NFPA 72 and shall contain the following features:

1. The emergency voice/alarm communication system control unit.
2. The fire department communications system.
3. Fire detection and alarm system annunciator.
4. Annunciator unit visually indicating the location of the elevators and whether they are operational.

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5. The fire-fighter's control panel required by Section 909.16 for smoke control systems installed in the building.
6. Controls for unlocking *stairway* doors simultaneously.
7. Sprinkler valve and water-flow detector display panels.
8. Emergency and standby power status indicators.
9. A telephone for *Department* use with controlled access to the public telephone system.
10. Fire pump status indicators.
11. Schematic building plans indicating the typical floor plan and detailing the building core, *means of egress*, *fire protection systems*, fire-fighting equipment and fire department access, and other building features affecting emergency response. The schematic plans shall be readily accessible, diagrammatic in nature, and fabricated of durable material or provided with a protective cover and bound in one set.
12. A copy of the facility's Fire Safety Plans and Fire Evacuation Plans that are prepared and maintained in accordance with the *Fire Code*.
13. Generator supervision devices, manual start and transfer features.
14. Public address system, where specifically required by other sections of this code.
15. Elevator fire recall switch in accordance with ASME A17.1.
16. Elevator emergency or standby power selector switch(es), where emergency or standby power is provided.
17. An *approved* Building Information Card that contains, but is not limited to, the following information:
 - 17.1. General building information that includes: property name, address, the number of floors in the building (above and below grade), use and occupancy classification (for mixed uses, identify the different types of occupancies on each floor), estimated building population (i.e., day, night, weekend);

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