

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF PROPOSED RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2008 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the intent to adopt the following amendments to Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations, as well as to rename Title 12.

This proposed rulemaking would adopt the following codes published by the International Code Council (ICC), as amended by this rulemaking in a new District of Columbia Construction Codes Supplement of 2013, as the District of Columbia Construction Codes: the 2012 edition of the International Building Code; the 2012 edition of the International Residential Code; the 2012 edition of the International Fuel Gas Code; the 2012 edition of the International Mechanical Code; the 2012 edition of the International Plumbing Code; the 2012 edition of the International Property Maintenance Code; the 2012 edition of the International Fire Code; the 2012 edition of the International Energy Conservation Code; the 2012 edition of the International Existing Building Code; the 2012 edition of the International Green Construction Code; the 2012 edition of the International Swimming Pool and Spa Code; and the 2011 edition of the National Electrical Code (NFPA 70) published by the National Fire Protection Association.

This proposed rulemaking would repeal the D.C. Construction Codes Supplement of 2008, adopted December 26, 2008 (55 DCR 13094), consisting of the following: the 2006 edition of the ICC International Building Code; the 2006 edition of the ICC International Residential Code; the 2006 edition of the ICC International Fuel Gas Code; the 2006 edition of the ICC International Mechanical Code; the 2006 edition of the ICC International Plumbing Code; the 2006 edition of the ICC International Property Maintenance Code; the 2006 edition of the ICC International Fire Code; the 2006 edition of the ICC International Energy Conservation Code; the 2006 edition of the ICC International Existing Building Code; and the 2005 edition of the National Fire Protection Association (NFPA 70) National Electrical Code.

Comments on this proposed rulemaking must be submitted by 5 p.m. on Friday, January 25, 2013. The process for submitting comments is detailed on the final page of this proposed rulemaking.

The Chairperson also hereby gives notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to section 10(a) of the Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, and final rulemaking action will not be taken until the later of thirty (30) days after the date of

The *District of Columbia Fire Code* (2013), referred to as the "*Fire Code*," consists of the 2012 edition of the *International Fire Code* (*International Fire Code*), published by the International Code Council (ICC), as amended by the *District of Columbia Fire Code Supplement* (2013) (12 DCMR H). The *International Fire Code* is copyrighted by the ICC and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ffc/2012/index.htm?bu=IC-P-2012-000003&bu2=IC-P-2012-000019>.

publication of this notice in the *D.C. Register* or Council approval of the amendment.

Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations is amended as follows:

The title of title 12 is renamed as the District of Columbia Construction Codes Supplement of 2013.

Subtitle 12 A (Building Code Supplement of 2008) is repealed in its entirety and replaced with a new Building Code Supplement of 2013.

Subtitle 12 B (Residential Code Supplement of 2008) is repealed in its entirety and replaced with a new Residential Code Supplement of 2013.

Subtitle 12 C (Electrical Code Supplement of 2008) is repealed in its entirety and replaced with a new Electrical Code Supplement of 2013.

Subtitle 12 D (Fuel Gas Code Supplement of 2008) is repealed in its entirety and replaced with a new Fuel Gas Code Supplement of 2013.

Subtitle 12 E (Mechanical Code Supplement of 2008) is repealed in its entirety and replaced with a new Mechanical Code Supplement of 2013.

Subtitle 12 F (Plumbing Code Supplement of 2008) is repealed in its entirety and replaced with a new Plumbing Code Supplement of 2013.

Subtitle 12 G (Property Maintenance Code Supplement of 2008) is repealed in its entirety and replaced with a new Property Maintenance Code Supplement of 2013.

Subtitle 12 H (Fire Code Supplement of 2008) is repealed in its entirety and replaced with a new Fire Code Supplement of 2013.

Subtitle 12 I (Energy Conservation Code Supplement of 2008) is repealed in its entirety and replaced with a new Energy Conservation Code Supplement of 2013.

Subtitle 12 J (Existing Building Supplement of 2008) is repealed in its entirety and replaced with a new Existing Building Code Supplement of 2013.

Subtitle 12 K (Fees) is redesignated as Subtitle M (Fees).

A new Subtitle 12 K (Green Construction Code Supplement of 2013) is added.

A new Subtitle 12 L (Swimming Pool and Spa Code Supplement of 2013) is added.

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For purposes of clarity, the following table lists each chapter of the ICC and NFPA 70 codes amended by the District of Columbia Construction Codes Supplement of 2013:

SUBTITLE A – BUILDING CODE SUPPLEMENT

Chapter 1	Administration and Enforcement
Chapter 2	Definitions
Chapter 3	Use Group and Classification
Chapter 4	Special Detailed Requirements Based on Use and Occupancy
Chapter 5	General Building Heights and Areas
Chapter 7	Fire-Resistance-Related Construction
Chapter 9	Fire Protection Systems
Chapter 10	Means of Egress
Chapter 12	Interior Environment
Chapter 14	Exterior Walls
Chapter 15	Roof Assemblies and Rooftop Structures
Chapter 16	Structural Design
Chapter 18	Soils and Foundations
Chapter 26	Plastic
Chapter 30	Elevators and Conveying Systems
Chapter 31	Special Construction
Chapter 32	Encroachments into the Public Right-of-Way
Chapter 33	Safeguards During Construction
Chapter 34	Existing Structures
Chapter 35	Referenced Standards
Appendix E	Supplementary Accessibility Requirements

SUBTITLE B – RESIDENTIAL CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 3	Building Planning
Chapter 9	Roof Assemblies
Chapter 11	Energy Efficiency
Chapter 12	Mechanical Administration
Chapter 15	Exhaust Systems
Chapter 16	Duct Systems
Chapter 24	Fuel Gas
Chapter 25	Plumbing Administration
Chapter 29	Water Supply and Distribution
Chapter 30	Sanitary Drainage
Chapter 44	Referenced Standards
Appendix H	Patio Covers
Appendix J	Existing Buildings and Structures

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- Appendix K Sound Transmission
- Appendix M Home Day Care – R-3 Occupancies

SUBTITLE C – ELECTRICAL CODE SUPPLEMENT

- Article 90 Introduction
- Article 408 Switchboards and Panelboards

SUBTITLE D – FUEL GAS CODE SUPPLEMENT

- Chapter 1 Scope and Administration
- Chapter 2 Definitions
- Chapter 5 Chimneys and Vents
- Chapter 8 Referenced Standards

SUBTITLE E – MECHANICAL CODE SUPPLEMENT

- Chapter 1 Scope and Administration
- Chapter 2 Definitions
- Chapter 4 Ventilation
- Chapter 5 Exhaust Systems
- Chapter 6 Duct Systems
- Chapter 8 Chimneys and Vents
- Chapter 9 Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment
- Chapter 10 Boilers, Water Heaters and Pressure Vessels
- Chapter 11 Refrigeration
- Chapter 15 Referenced Standards

SUBTITLE F – PLUMBING CODE SUPPLEMENT

- Chapter 1 Scope and Administration
- Chapter 3 General Regulations
- Chapter 4 Fixtures, Faucets and Fixture Fittings
- Chapter 6 Water Supply and Distribution
- Chapter 8 Indirect/Special Waste
- Chapter 11 Storm Drainage
- Chapter 13 Nonliquid Saturated Treatment Systems

SUBTITLE G – PROPERTY MAINTENANCE CODE SUPPLEMENT

- Chapter 1 Administration and Enforcement
- Chapter 2 Definitions
- Chapter 3 Requirements
- Chapter 4 Light, Ventilation and Occupancy Limitations

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Chapter 5	Plumbing Facilities and Fixture Requirements
Chapter 6	Mechanical and Electrical Requirements
Chapter 7	Fire Safety Requirements
Chapter 8	Referenced Standards

SUBTITLE H – FIRE CODE 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

SUBTITLE I – ENERGY CONSERVATION CODE SUPPLEMENT

Chapter 1[CE]	Administration
Chapter 4[CE]	Commercial Energy Efficiency
Chapter 1[RE]	Scope and Administration

SUBTITLE J – EXISTING BUILDING CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 4	Prescriptive Compliance Method
Chapter 6	Repairs
Chapter 7	Alterations-Level 1
Chapter 8	Alterations-Level 2
Chapter 9	Alterations-Level 3
Chapter 10	Change of Occupancy
Chapter 15	Construction Safeguards

SUBTITLE K – GREEN CONSTRUCTION CODE

Chapter 1	Scope and Administration
Chapter 2	Definitions

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Chapter 3	Green Building Act and ASHRAE 189.1
Chapter 4	Site Development and Land Use
Chapter 5	Material Resource Conservation and Efficiency
Chapter 6	Energy Conservation, Efficiency, and CO ₂ ^e
Chapter 7	Water Resource Conservation, Quality and Efficiency
Chapter 8	Indoor Environmental Quality and Comfort
Chapter 9	Commissioning
Chapter 10	Existing Buildings
Chapter 11	Existing Building Site Development
Chapter 12	Referenced Standards
Appendix A	Project Electives

SUBTITLE L – SWIMMING POOL AND SPA CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions

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**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
- 102 Applicability

PART 2 ADMINISTRATIVE PROVISIONS

- 103 Fire and Emergency Medical Services
- 104 General Authority and Responsibilities
- 105 Permits
- 106 Inspections
- 107 Maintenance
- 108 Appeals
- 109 Violations
- 110 Unsafe Buildings
- 111 Stop Work Order
- 112 Service Utilities
- 113 Fees

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 (71m³) 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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- 17.2. Building emergency contact information that includes: a list of the building's emergency contacts (e.g., building manager, building engineer, etc.) and their respective work phone number, cell phone number, and email address;
- 17.3. Building construction information that includes: the type of building construction (e.g., floors, walls, columns, and roof assembly);
- 17.4. *Exit stair* information that includes: number of *exit stairs* in the building, each *exit stair* designation and floors served, location where each *exit stair* discharges, *exit stairs* that are pressurized, *exit stairs* provided with emergency lighting, each *exit stair* that allows reentry, *exit stairs* providing roof access;
- 17.5. Elevator information that includes: number of elevator banks, elevator bank designation, elevator car numbers and respective floors that they serve, location of elevator machine rooms, location of sky lobby, location of freight elevator banks;
- 17.6. Building services and system information that includes: location of mechanical rooms, location of building management system, location and capacity of all fuel oil tanks, location of emergency generator, location of natural gas service;
- 17.7. *Fire protection system* information that includes: locations of standpipes, location of fire pump room, location of fire department connections, floors protected by *automatic* sprinklers, location of different types of sprinkler systems installed (e.g., dry, wet, pre-action, etc.); and
- 17.8. Hazardous material information that includes: location of hazardous material, quantity of hazardous material.

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CHAPTER 6 BUILDING SERVICES AND SYSTEMS

601 General

601 GENERAL

Strike Section 601.2 of the International Fire Code in its entirety and insert new Section 601.2 in its place to read as follows:

602.1 Permits. Permits shall be obtained for refrigeration systems and battery systems as set forth in Section 105.6.

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CHAPTER 9 FIRE PROTECTION SYSTEMS

- 903 Automatic Sprinkler Systems
- 905 Standpipe Systems
- 907 Fire Alarm and Detection Systems
- 908 Emergency Alarm Systems
- 909 Smoke Control Systems
- 914 Fire Protection Based on Special Detailed Requirements of Use and Occupancy

903 AUTOMATIC SPRINKLER SYSTEMS

Strike Section 903.4.2 of the International Fire Code in its entirety and insert new Section 903.4.2 to the Fire Code in its place to read as follows:

903.4.2 Alarms. An approved audible device, located on the exterior of the building in an *approved* location, shall be connected to each *automatic sprinkler system*. Such sprinkler water-flow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the *automatic sprinkler system* shall actuate the building fire alarm system.

Exception: An alarm device shall not be required on the exterior of the building when the sprinkler system is monitored by an approved central station, remote supervising station or proprietary supervising station in accordance with NFPA 72.

905 STANDPIPE SYSTEMS

Strike Section 905.2 of the International Fire Code in its entirety and insert new Section 905.2 to the Fire Code in its place to read as follows:

905.2 Installation standard. Standpipe systems shall be installed in accordance with this section and NFPA 14.

Exceptions:

1. The residual pressure of 100 psi for 2½-inch hose connection and 65 psi for 1½-inch hose connection is not required to be greater than 65 psi in buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 903.3.1.1, where the highest floor level is not more than 150 feet above the lowest level of fire department vehicle access.
2. No fire pump shall be required provided that the standpipes are capable of a minimum 250 gallons per minute (gpm) at 65 psi to the topmost floor in buildings equipped

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throughout with an *automatic sprinkler system*, or a minimum of 500 gpm at 65 psi to the topmost floor in all other *buildings*, from the lowest level of fire department vehicle access.

Strike Section 905.3.1 of the International Fire Code in its entirety and insert new Section 905.3.1 in the Fire Code in its place to read as follows:

905.3.1 Building height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of the fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access. In determining the lowest level of fire department vehicle access for purposes of this section, recessed loading docks for four vehicles or less shall be excluded. Conditions where topography makes access from the fire department vehicle to the building impractical or impossible shall be excluded from the determination of the lowest level or highest level of fire department vehicle access.

Exceptions:

1. Class I standpipes are allowed in buildings equipped throughout with an *automatic sprinkler system* in accordance with Section 903.1.1 or 903.3.1.2.
2. Class I manual standpipes are allowed in *open parking garages* where the highest floor is located not more than 150 feet (45 720 mm) above the lowest level of fire department vehicle access.
3. Class I manual dry standpipes are allowed in *open parking garages* that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.
4. Class I standpipes are allowed in *basements* equipped throughout with an *automatic sprinkler system*.
5. Hose stations for use by the building occupants shall not be required, subject to the approval of the Fire Chief, provided that each hose connection is 2 1/2 inches (63.5 mm) and is equipped with a 2 1/2-inch by 1 1/2-inch (63.5 mm by 38.2 mm) reducer and a cap attached with a chain.

907 FIRE ALARM AND DETECTION SYSTEMS

Strike Section 907.3.3 of the International Fire Code in its entirety and insert new Section 907.3.3 in the Fire Code in its place to read as follows:

907.3.3 Elevator emergency operation. Automatic fire detectors and all fire alarm

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system components installed for elevator emergency operation shall be installed in accordance with the provisions of ASME A17.1 and NFPA 72. Smoke detectors shall not be installed in unsprinklered elevator hoistways unless they are installed to activate the elevator hoistway smoke relief equipment.

Strike Section 907.6.3.1 of the International Fire Code in its entirety and insert new Sections 907.6.3.1 through 907.6.3.1.1.2.1 to the Fire Code in its place to read as follows:

907.6.3.1 Zoning indicator panel. A zoning indicator panel and the associated controls shall be provided in an *approved* location that is readily discernible and readily accessible to the responding fire department. The visual zone indication shall lock in until the system is reset and shall not be canceled by the operation of an audible alarm-silencing switch. Zoning indicator panels shall include remote annunciator panels and zoning displays that are integral to the fire alarm control equipment.

907.6.3.1.1 Remote annunciator panels. Where remote annunciator panels are required, they shall be provided at the main entrance, at each designated fire department entrance, and where specified by Section 907.6.3.1.1.2. Remote annunciator panels shall be provided as follows:

907.6.3.1.1.1 Directory-style display. A directory-style annunciator shall be provided in buildings with more than one story above or below grade and in buildings with more than one zone per floor. The directory-style annunciator shall consist of either an alpha-numeric LCD display or an *approved* directory-style panel with individual lamps. As a minimum, the annunciator shall indicate related floor, zone and status conditions using readily identifiable designations in plain English text.

Exception: Where a graphic display with individual lamps is provided in accordance with Section 907.6.3.1.1.2.1.

907.6.3.1.1.2 Graphic display. A graphic annunciator display shall be provided at the main entrance, and in the fire command center or at the fire alarm control panel location where there is no fire command center, for buildings of the following types:

1. *High-rise buildings.*
2. Covered mall buildings.
3. Nursing homes and hospitals.
4. Buildings of any occupancy where three or more exits are provided per floor level above or below the level of exit

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discharge.

5. Buildings comprised of more than one street address with separate entrances.
6. Buildings with Group A occupancies of greater than 1,000 persons.

907.6.3.1.1.2.1 Graphic display features. Graphic annunciator displays shall consist of an integrated graphic annunciator panel or where *approved* in buildings not more than four stories above or two stories below the fire department entrance, a directory-style annunciator panel with a permanently mounted graphic diagram. Graphic annunciator displays shall be fabricated of a durable material and shall incorporate the following features:

1. A graphic diagram that identifies:
 - 1.1. Building address.
 - 1.2. North arrow.
 - 1.3. Building floor plan outline of each general type, where the orientation of each diagram is consistent with the annunciator location.
 - 1.4. Fire alarm zoning.
 - 1.5. Location of exit stairways, labeled with designations that are consistent with Section 1022.9 and labeled to indicate stairways that provide roof access.
 - 1.6. Location of elevator banks.
 - 1.7. Location of elevator machine room.
 - 1.8. Location of the annunciator with “YOU ARE HERE” marker.
 - 1.9. Location of fire command center or fire alarm control equipment.
 - 1.10. Location of fire department connections.

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2. Individual lamps that identify each associated device, floor, zone, and system status condition. Lamp colors shall be coordinated with the associated system conditions as follows: red for alarm; yellow or amber for supervisory; and yellow or amber for system trouble. Green lamps are permitted to indicate annunciator power supervision. A push-button style switch shall be provided for lamp test operation.
3. Audible alert sounder that locally annunciates alarm, trouble, and supervisory conditions, with alert silencing-switch that is accessible to authorized personnel only.

Exception: An audible sounder is not required for an annunciator panel where the required audible annunciation is provided by fire alarm control equipment that is located adjacent to the annunciator.

908 EMERGENCY ALARM SYSTEMS

Strike Sections 908.1 and 908.2 of the International Fire Code in their entirety and insert new Sections 908.1 and 908.2 in the Fire Code in their place to read as follows:

908.1 General. The systems required by this section shall be designed and installed in accordance with the provisions of both this code and the *Building Code*. Before proceeding with design, construction, installation, or use of systems required by Section 908.2 through 908.6, the *owner* shall request and participate in a coordination meeting with DCRA and the Fire Department to determine the applicable code requirements. The meeting shall be attended by all concerned parties, including, but not limited to, the *owner*, contractor, architect and design professionals.

908.2 Group H occupancies; Group H-5 Occupancy. Emergency alarms for the detection and notification of an emergency condition in Group H occupancies shall be provided as required in Chapter 50. Emergency alarms for notification of an emergency condition in an HPM facility shall be provided as required in Section 2703.12. A continuous gas-detection system shall be provided for HPM gases in accordance with Section 2703.13.

909 SMOKE CONTROL SYSTEMS

Strike Section 909.16 of the International Fire Code and accompanying Exception; do not strike subsections 909.16.1 through 909.16.3 of the International Building Code. Insert new Section 909.16 and accompanying Exception in the Fire Code to read as follows:

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909.16 Fire-fighter’s smoke control panel. A fire-fighter’s smoke control panel for fire department emergency response purposes only shall be provided and shall include manual control or override of automatic control for mechanical smoke systems. The panel shall be located in a *fire command center* complying with Section 508 in high-rise buildings or buildings with smoke-protected assembly seating. In all other buildings, the fire-fighter’s smoke control panel shall be installed in an *approved* location adjacent to the fire alarm control panel. The fire-fighter’s smoke control panel shall comply with Sections 909.16.1 through 909.16.3.

Exception: Where buildings are equipped with stair pressurization systems and/or elevator hoistway venting systems or elevator hoistway pressurization systems and no mechanical smoke control systems per Section 909 of the *Building Code*, the required manual controls are permitted to be integral to the fire alarm control panel or located at another *approved* location and are not required to comply with the provisions of Section 909.16.

Maintain subsections 909.16.1 through 909.16.3 without any changes.

914 FIRE PROTECTION BASED ON SPECIAL DETAILED REQUIREMENTS OF USE AND OCCUPANCY

Strike Section 914.3.1.2, Water supply to required fire pumps, of the International Fire Code in its entirety without substitution.

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CHAPTER 10 MEANS OF EGRESS

- 1003 General Means of Egress
- 1005 Means of Egress Sizing
- 1008 Doors, Gates and Turnstiles
- 1015 Exit and Exit Access Doorways
- 1022 Interior Exit Stairways and Ramps
- 1024 Luminous Egress Path Markings

1003 GENERAL MEANS OF EGRESS

Strike Section 1003.2 of the International Fire Code in its entirety and insert new Section 1003.2 in the Fire Code in its place to read as follows:

1003.2 Ceiling height. The *means of egress* shall have a ceiling height of not less than 7 feet (2134 mm).

Exceptions:

1. Sloped ceilings in accordance with Section 1208.2 of the *Building Code*.
2. Ceilings of *dwelling units* and *sleeping units* within residential occupancies in accordance with Section 1208.2 of the *Building Code*.
3. Allowable projections in accordance with Section 1003.3.
4. Stair headroom in accordance with Section 1009.5.
5. Door height in accordance with Section 1008.1.1.
6. Ramp headroom in accordance with Section 1010.6.2.

1005 MEANS OF EGRESS SIZING

Strike Section 1005.3.1 of the International Fire Code in its entirety and insert a new Section 1005.3.1 in the Fire Code in its place to read as follows:

1005.3.1 Stairways. The capacity, in inches (mm), of *means of egress stairways* shall be calculated by multiplying the occupant load served by such *stairway* by a means of egress capacity factor of 0.3 inch (7.6 mm) per occupant. Where *stairways* serve more than one story, only the occupant load of each story considered individually shall be used in calculating the required capacity of the *stairways* serving that story.

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Exception: For other than Group H and I-2 occupancies, the capacity, in inches (mm), of the *means of egress stairways* shall be calculated by multiplying the *occupant load* served by the *stairway* by a *means of egress* capacity factor of 0.2 inch (5.1 mm) per occupant in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2.

Strike Section 1005.3.2 of the International Fire Code in its entirety and insert a new Section 1005.3.2 in the Fire Code in its place to read as follows:

1005.3.2 Other egress components. The capacity, in inches (mm), of *means of egress* components other than *stairways* shall be calculated by multiplying the occupant load served by such component by a *means of egress* capacity factor of 0.2 inch (5.1 mm) per occupant.

Exception: For other than Group H and I-2 occupancies, the capacity, in inches (mm), of *means of egress* components other than *stairways* shall be calculated by multiplying the *occupant load* served by such component by a *means of egress* capacity factor of 0.15 inch (3.8 mm) per occupant in buildings equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2

1008 DOORS, GATES AND TURNSTILES

Strike Section 1008.1.9.11 of the International Fire Code in its entirety and insert new Section 1008.1.9.11 to the Fire Code in its place to read as follows:

1008.1.9.11 Stairway doors. *Interior stairway means of egress* doors shall be openable from both sides without the use of a key or special knowledge or effort.

Exceptions:

1. *Stairway* discharge doors shall be openable from the egress side and shall only be locked from the opposite side.
2. This section shall not apply to doors arranged in accordance with Section 403.5.3 of the *Building Code*.
3. In *stairways* serving not more than four stories, doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

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4. *Stairway* exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group B, F, M and S occupancies where the only interior access to the tenant space is from a single *exit stair* where permitted in Section 1021.2.
5. *Stairway* exit doors shall be openable from the egress side and shall only be locked from the opposite side in Group R-2 occupancies where the only interior access to the *dwelling unit* is from a single *exit stair* where permitted in Section 1021.2.
6. In buildings five or more stories in height, including existing buildings without a fire command center complying with Section 508, doors are permitted to be locked from the side opposite the egress side provided they are unlocked without unlatching upon activation of the building's fire alarm system and the stairway is provided with a telephone or other two-way communication system in accordance with Section 403.5.3 of the *Building Code*.

1015 EXIT AND EXIT ACCESS DOORWAYS

Strike Section 1015.2.1 of the International Fire Code in its entirety and insert new Section 1015.2.1 in the Fire Code in its place to read as follows:

1015.2.1 Two exits or exit access doorways. Where two *exits* or *exit access doorways* are required from any portion of the *exit access*, the *exit* doors or *exit access doorways* shall be placed a distance apart equal to not less than one-half of the length of the maximum overall diagonal dimension of the building or area to be served measured in a straight line between *exit* doors or *exit access doorways*. Interlocking or *scissor stairs* shall be counted as one *exit stairway*.

Exceptions:

1. Where interior *exit stairways* are interconnected by a 1-hour fire-resistance-rated *corridor* conforming to the requirements of Section 1018, the required *exit* separation shall be measured along the shortest direct line of travel within the *corridor*.
2. Where a building is equipped throughout with an *automatic sprinkler system* in accordance with Sections 903.3.1.1 or 903.3.1.2, the separation distance of the *exit* doors or *exit access doorways* shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

1022 INTERIOR EXIT STAIRWAYS AND RAMPS

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Strike Section 1022.9 of the International Fire Code in its entirety and insert new Section 1022.9 in the Fire Code in its place to read as follows:

1022.9 Stairway signage. Signs shall be provided in all *interior exit stairways* and *ramps* connecting more than three stories, and for all *interior exit stairways* and *ramps* in buildings with three or more *interior exit stairways* or *ramps*.

1022.9.1 Signs outside stairway. A sign complying with ICC A117.1 shall be provided at each entrance to the *exit stairway* and *ramp*, identifying the *stair* or *ramp* with the same designations used for the *stairway* identification signs in Section 1022.9.2.1. The sign also shall state “EXIT” in raised characters and Braille in accordance with Section 1011.4 of the *Fire Code*.

1022.9.2 Signs inside stairway. *Stairway* identification signs, floor-level signs, and *exit discharge* signs shall comply with the following requirements:

1022.9.2.1 Stairway identification signs. A *stairway* identification sign shall be provided at each floor landing in the *interior exit stairway* and *ramp* designating the floor level, the terminus of the top and bottom of the *interior exit stairway* and *ramp* and the identification of the *stair* or *ramp*. The signage shall also identify the story of, and the direction to, the *exit discharge* and the availability of roof access from the *interior exit stairway* and *ramp*. The sign shall be located entirely between 5 feet (1524 mm) and 8 feet (2438 mm) above the floor landing in a position that is readily visible when the doors are in the open and closed positions and located so that occupants egressing from floors that are more remote from the exit discharge will face the sign frontally at some point in their path of egress

Exception: *Stairway* identification signs are not required to identify the *story* of, and direction to, the *exit discharge* in *interior exit stairways* and *ramps* that connect less than three stories.

1022.9.2.1.1 Signage requirements. *Stairway* identification signs shall comply with all of the following requirements:

1. The signs shall be a minimum size of 18 inches (457 mm) by 12 inches (305 mm).
2. The word “STAIR” and the *stair* designation or “RAMP” and the *ramp* designation shall consist of numerals and/or capital letters designating the identification of the *interior exit stairway* and *ramp*. The characters shall be a minimum of 1 1/2 inches (38 mm) in height but not greater than one-third the height of the floor level identification characters.

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3. The numerals or capital letters designating the floor level shall be a minimum of 5 inches (127 mm) in height and located in the center of the sign.
4. All other lettering and numbers shall be a minimum of 1 inch (25 mm) in height but not greater than the *stair* or *ramp* identification characters.
5. The directional arrow shall be a minimum of 4 inches (102 mm) in length.
6. If the *interior exit stairway* or *ramp* provides access to the roof, the words “FIRE DEPT. ROOF ACCESS” shall be displayed immediately after the *stair* or *ramp* identification.
7. The signs shall identify floor levels, *stairs* and *ramps* by one or more characters, using a designation that is consistent with the floor level, *stair* and *ramp* designations used throughout the building.
8. Characters and their background shall have a non-glare finish. Characters shall contrast with their background, with either light characters on a dark background or dark characters on a light background.
9. The sign shall be of an approved design, and shall be durable and of a material that complies with other sections of the *Construction Codes*. Unless painted on the wall, the sign shall be securely fastened to the structure.

1022.9.2.2 Floor-level signs. In addition to the *stairway* identification sign, a floor-level sign in raised characters and Braille complying with ICC A117.1 shall be located at each floor-level landing adjacent to the door leading from the *interior exit stairway* and *ramp* into the *corridor* to identify the floor level.

1022.9.2.3 Exit discharge signs. A sign stating “EXIT” in raised characters and Braille shall be located adjacent to the door to the *exit discharge* in accordance with Section 1011.4.

1024 LUMINOUS EGRESS PATH MARKINGS

Strike Section 1024 of the International Fire Code in its entirety without substitution.

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CHAPTER 11 CONSTRUCTION REQUIREMENTS FOR EXISTING BUILDINGS

- 1101 General
- 1102 Definitions
- 1103 Fire Safety Requirements for Existing Buildings
- 1104 Means of Egress for Existing Buildings

1101 GENERAL

Strike Section 1101.2 of the International Fire Code in its entirety and insert new Section 1101.2 in the Fire Code in its place to read as follows:

1101.2 Intent. The intent of this chapter is to provide a minimum degree of fire and life safety to persons occupying *existing* buildings. *Existing* buildings shall comply with the requirements of the *Building Code* that applied at the time of construction, and any other D.C. laws which apply to *existing* buildings. When the fire *code official*, in consultation with the building *code official*, believes that an existing or newly presented condition in an *existing* building has reduced compliance with the minimum degree of fire and life safety required by this chapter, the fire *code official* may require that a life safety evaluation of that condition be prepared, consistent with the requirements of Section 104.8.2. The life safety evaluation shall identify any changes that are necessary to address the condition and restore compliance with the required minimum degree of fire and life safety. The building shall be modified to comply with the recommendations set forth in the *approved* evaluation; provided, that the modifications required shall not exceed the minimum requirements of the *Existing Building Code*.

1103 FIRE SAFETY REQUIREMENTS FOR EXISTING BUILDINGS

Strike Section 1103.23 of the International Fire Code in its entirety and insert new Section 1103.23 in the Fire Code in its place to read as follows:

1103.23 Elevator operation. *Existing* elevators with a travel distance of 25 feet (7620 mm) or more above or below the main floor or other level of a building, and intended to serve the needs of emergency personnel for fire-fighting or rescue purposes, shall be provided with emergency operation when required by the *Existing Building Code*.

Strike Section 1103.6 of the International Fire Code in its entirety and insert new Section 1103.6 in the Fire Code in its place to read as follows:

1103.6 Standpipes. *Existing* buildings shall be equipped with standpipe systems installed in accordance with Section 905 where required in Sections 1103.6.1 and 1103.6.2. The fire *code official* is authorized to approve the use of manual standpipe systems to achieve compliance with this section where the responding fire department is capable of providing the required hose flow

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at the highest standpipe outlet.

Exception: *Existing* buildings that are equipped with existing standpipe systems are not required to upgrade the standpipe systems to comply with the installation requirements of Section 905, where approved by the *fire code official*.

1103.6.1 Existing multiple-story buildings. *Existing* buildings with occupied floors located more than 75 feet (22 860 mm) above the lowest level of fire department vehicle access or more than 75 feet (22 860 mm) below the highest level of fire department vehicle access shall be equipped with standpipes systems.

1103.6.2 Existing helistops and heliports. *Existing* buildings with a rooftop helistop or heliport located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access shall be equipped with a standpipe system extended to the roof level on which the helistop or heliport is located in accordance with Section 2007.

1104 MEANS OF EGRESS FOR EXISTING BUILDINGS

Strike Section 1104.24 of the International Fire Code in its entirety without substitution.

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CHAPTER 56 EXPLOSIVES AND FIREWORKS

Strike Section 5601.1.3 of the International Fire Code in its entirety and substitute new Section 5601.1.3 in its place in the Fire Code to read as follows:

5601.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 5604.
2. Manufacture, assembly and testing of fireworks as allowed in Section 5605.
3. The use of fireworks for fireworks displays as allowed in Section 5608.
4. The possession, storage, sale, handling and use of specific types of Division 1.4G fireworks where allowed by Section 5609, provided such fireworks comply with CPSC 16 CFR Parts 1500 and 1507, and DOTn 49 CFR Parts 100–185, for consumer fireworks.

Strike Section 5609 of the International Fire Code in its entirety and insert new Section 5609 in the Fire Code in its place to read as follows:

5609 CONSUMER FIREWORKS

5609.1 General.

5609.1.1 Scope. The manufacture of fireworks is prohibited in the District of Columbia. The display, sale or discharge of consumer fireworks shall comply with the requirements of this Section.

5609.1.1.1 Prohibited Fireworks. The manufacture, possession, storage, display, sale, setting off, or discharge of any fireworks listed below is prohibited in the District of Columbia:

1. Firecrackers of any kind or description;
2. Any fireworks that explodes, such as cherry bombs, salutes, roman candles, floral shells, artillery shells;
3. Any firework intended to move after the piece is placed and fired; such as bottle rockets, parachutes, buzzbombs, pinwheels, helicopters, jumping jacks;

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4. Sparklers more than 20 inches (508 mm) in length;
5. Any firework that contains mercury, arsenic tetryl, phosphorous, sulphocyanide, mercury, magnesium, potassium picrate, gallic acid, chlorate compounds, gunpowder, sulphur, chlorate or potash and sugar, or any highly oxidizing agent;
6. Any firework having a side fuse, or a fuse inserted at any point along the length of the firework; and
7. Any firework found by the Fire Chief to be dangerous to the safety of any person or property.

5609.1.1.2 Permitted Fireworks. The following fireworks are permitted to be stored, displayed, sold, delivered, used and possessed in accordance with the provisions of this article:

1. Any firework specifically excepted in this article;
2. Toy paper caps containing not more than twenty-five hundredths (0.25) of a grain of explosive composition per cap;
3. Sparklers not more than 20 inches (508 mm) in length;
4. Torches;
5. Box fire;
6. Fountains;
7. Cones;
8. Non-poisonous snakes;
9. Paper novelty items;
10. Colored lights; and
11. Any other fireworks tested by an *approved* agency or organization and approved by the *code official*.

5609.1.1.3 Labeling. Each standard retail package or retail item of fireworks stored, kept for sale, sold, or delivered by any person engaged in the business of

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selling fireworks shall be labeled or marked with the name of the manufacturer, the number and type of the firework, and directions of use.

5609.2 Limitations and Requirements for Permitted Fireworks.

5609.2.1 Prohibitions. No person shall manufacture, process, package, repack, store, keep for sale, display, sell or deliver any of the following in the District of Columbia:

1. Any firework which emits flame or sparks to a distance greater than 12 feet (3658 mm);
2. Any imitation or actual firework which resembles a firecracker or cherry bomb;
3. Any firework that has a fuse which is not individually protected by a protective cap or seal approved by the Fire Chief or the designated agent of the Fire Chief; or
4. Any cylindrical tube firework that has a clay choke or other restrictive device which may delay the escape of gases.

5609.2.2 Cylindrical Tube Fireworks. Cylindrical tube fireworks that comply with the following requirements are permitted to be sold or offered for sale in the District of Columbia:

1. The top surface of the composition load shall be flat (parallel to the plane of the tube end);
2. The space between the top surface and the open end of the tube shall be equal in all diameters to the maximum inside diameter of the tube, without restrictions of any kind;
3. Between the lower end of the composition load and the base of the tube there shall be a solid clay plug with a minimum length of 1 inch (25 mm);
4. The plug shall be formed of clay moistened with oil, dextrine, or other material suitable to give uniform hardness and strength and to ensure positive adhesion to the inside of the tube;
5. There shall be no void between the end of the composition load and the clay plug, or between the clay plug and the handle or spike;
6. The specifications for the manufacture of the firework shall require the clay plug to be loaded into the tube in not less than four increments, each

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separately loaded and separately pressed;

7. Handles or spikes shall be inserted into the tube a minimum distance of 2 inches (51 mm) or 25 percent of the tube length in tubes less than 5 inches (152 mm) long; and
8. The spike or handle shall be firmly attached to the clay base and to the sides of the tube.

5609.3 License to Sell Fireworks. No *person* shall engage in the business of selling or offering to sell any fireworks, either at wholesale or at retail, until a license in accordance with Section 5609.4 or 5609.5, as applicable, has been issued by the Department of Consumer and Regulatory Affairs.

5609.4 License to Sell Fireworks: Wholesale.

5609.4.1 Wholesale License Required. No person shall engage in the business of selling or offering to sell at wholesale in the District of Columbia any of the permitted fireworks described in Section 5609.1.1.2 without first securing a wholesaler's license to sell fireworks from the Department of Consumer and Regulatory Affairs.

5609.4.2 Minimum Age. No individual shall be issued a wholesaler's license unless the applicant has passed his or her 21st birthday.

5609.4.3 Deadline for applications. All applications for a wholesale license to sell fireworks shall be submitted to the Department of Consumer and Regulatory Affairs no later than May 25 for the sale of fireworks during the same calendar year. This license must be renewed annually.

5609.4.4 License conditions. All wholesale license applicants shall:

1. Maintain for the period of the license issued to him or her a depot or warehouse in the District of Columbia, in which all fireworks shall be held for at least 24 hours during the period from June 20 through July 5, inclusive, and for at least three business days at all other times, for inspection by the Fire Chief prior to shipment to any retail licensee; or
2. Submit to inspection of the entire contents of each wholesale shipment, at a site to be determined by the Fire Chief, prior to distribution to any retail licensee.

5609.4.5 Warehouse inspections. Each wholesale licensee applicant who maintains a warehouse or depot in the District of Columbia shall notify the Fire Chief of each shipment received or deposited at the warehouse or depot. Said notice shall be furnished

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not less than three business days before the date on which the fireworks are delivered to any retail licensee.

5609.4.6 Non-warehouse inspections. Each wholesale licensee applicant who does not maintain a warehouse or depot in the District of Columbia is required to provide advance notice of at least three business days to schedule appointments for inspection. All inspections shall be conducted by appointment only, during hours to be determined by the Fire Chief and at a site to be provided by the District of Columbia, except that from June 28 through July 4, inclusive, wholesale licensee applicants shall provide advance notice of at least 24 hours. Inspections will be scheduled between the hours of 10:00 am and 2:00 pm.

5609.4.6.1 No storage of fireworks on site. The site provided by the District of Columbia for inspections shall not be used to store, sell or distribute fireworks. Fireworks shall be removed from the inspection site immediately following completion of the inspection.

5609.4.6.2 Inclement weather. Inspections may be conducted outside. In an event of inclement weather, the applicant has the option of either rescheduling the inspection for a later date or providing, at his or her own expense, a tarp or other means of protection for the fireworks during such inspection.

5609.4.6.3 Unloading and Reloading of Fireworks. It is the applicant's responsibility to provide sufficient labor to unload and reload each fireworks shipment, as shall be required for inspection. The inspectors shall not participate in unloading or reloading fireworks.

5609.4.6.4 Voucher issued. After the fireworks have been inspected and approved, the Fire Chief shall issue to the wholesale licensee a voucher, which shall be carried on the vehicle used to transport wholesale fireworks at all times.

5609.4.7 Overnight storage. No wholesale fireworks shall be stored overnight in the District of Columbia except in a warehouse, depot or other facility pursuant to a permit issued by the Department of Consumer and Regulatory Affairs for such purposes. For the purposes of this section, overnight shall be defined as the hours between 8:00 p.m. to 5:00 a.m. All wholesale fireworks that are not stored in an approved location are required to be removed from the jurisdiction.

5609.4.8 Restrictions on deliveries. No wholesale licensee shall make deliveries to retail sale location during rush hour. For the purposes of this section, rush hour shall be defined as the hours between 6:30 a.m. and 9:30 a.m. and between 3:30 p.m. and 6:30 p.m. daily, except Saturdays, Sundays and legal holidays.

5609.4.9 Vehicle standards. In the interest of public safety, all vehicles transporting

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wholesale fireworks shall meet the following standards.

1. All vehicles used to transport or distribute wholesale fireworks shall be placarded to indicate their contents;
2. A 2A20 BC fire extinguisher shall be carried in the cab of each vehicle; and
3. Tractor-trailer trucks in excess of 20 feet in length and straight trucks in excess of 18 feet in length shall not be used to transport wholesale fireworks within the District of Columbia.

5609.4.10 Wholesaler's records. Each wholesaler licensee shall maintain full and complete records of all purchases and sales of fireworks. The Fire Chief is authorized to examine the books and records of any wholesale licensee with respect to purchases and sales of fireworks.

5609.4.11 Other fireworks prohibited. No person licensed under this section shall store, keep for sale, deliver, or display any fireworks other than those authorized by this article.

5609.4.12 Sample required. Persons engaged in the business of selling or offering to sell fireworks at wholesale shall submit to the Fire Chief at least three samples of each firework proposed to be sold or delivered by the wholesaler, together with complete specifications and a chemical analysis for each firework. These samples shall be submitted to the Office of the Fire Marshal no later than February 1 of each year.

5609.5 License to Sell Fireworks: Retail.

5609.5.1 Retail license required. No person shall engage in the business of selling or offering to sell at retail in the District of Columbia any of the fireworks described in Section 5609.1.1.2 without first securing a fireworks retailer's license from the Department of Consumer and Regulatory Affairs.

5609.5.2 Permit required. Each retailer shall obtain a permit from the Fire Chief to ensure the proper storage of fireworks.

5609.5.3 Retail sale of fireworks. All fireworks for retail sale in the District of Columbia shall be purchased in the District of Columbia from a licensed fireworks wholesaler.

5609.5.4 Minimum age. No individual shall participate in the retail sale of fireworks unless he or she has reached his or her 18th birthday.

5609.5.5 Application period. The application period shall be from June 1 of each

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calendar year through June 25. If June 25 falls on a day other than a *business day*, the last day of the application period shall be the last *business day* prior to June 25.

5609.5.6 Hours of sales operation. No fireworks product shall be offered for retail sale from any location in the District of Columbia between the hours of 10:00 p.m. to 10:00 a.m.

5609.5.7 Sale from fixed locations. A retail license will be issued to persons for the sale of fireworks only from a fixed location.

5609.5.8 Retailers records. Each retail licensee shall maintain full and complete records of all purchases of fireworks.

5609.5.9 Financial responsibility. Any person or business applying for a permit for the purposes of storage or retail of fireworks shall file with the Fire Chief or his representative a corporate surety bond in the principal minimum sum of \$100,000 or a public liability insurance policy for the same sum for the purposes of payment of damages to persons or property which arise from, or are caused by, the conduct of any act authorized by the permit upon which any judicial judgment results. This section shall apply to all permanent and temporary retail establishments.

5609.6 Additional Safety Requirements for Fireworks.

5609.6.1 Prohibitions near flammable materials. No person shall sell, handle, store, or discharge any fireworks within 50 feet (15 240 mm) of any gasoline pump, fill line, vent line, or any building where flammable liquids are stored or handled.

5609.6.2 Places where discharges are prohibited. No person shall discharge fireworks within 50 feet (15 240 mm) of a place where fireworks are stored, handled, or sold.

5609.6.3 Removal or relocation. If the Fire Chief finds that fireworks are stored or displayed in any of the following ways, the Fire Chief is authorized to issue written orders to the licensee to remove or relocate that storage or display.

1. In a location that would impede egress from the premises in the event of a fire;
2. In close proximity to a source of possible ignition; or
3. In any other manner that is dangerous to persons or property.

5609.6.4 No Smoking Signs. No smoking signs that comply with Section 310.3 shall be posted at all retail firework stands.

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5609.6.5 Fire Extinguishers. At least one fire extinguisher with a minimum rating of 2A shall be installed in each retail fireworks stand. The fire extinguisher shall be maintained in accordance with NFPA 10.

5609.7 Seizure of Fireworks.

5609.7.1 Fireworks Subject to Seizure. All fireworks sold, offered for sale, stored, processed, or transported in violation of this article shall be subject to seizure by the Fire Chief.

5609.7.2 Impounding. The Fire Chief shall impound all seized fireworks in a place under such conditions that will reduce as much as reasonably possible any threat from those impounded fireworks to the safety of any person or property.

5609.7.3 Notice to Destroy or Transport. At the time of seizure, the Fire Chief shall issue a written notice to the owner of the fireworks or the owner's agent stating that all seized fireworks shall be destroyed 30 days from the date of the notice. All seized fireworks approved for sale in the District of Columbia shall be returned provided the owner of the fireworks or the owner's agent can make arrangements satisfactory to the Fire Chief within 30 days from the date of the notice to properly transport the permitted fireworks to an approved location.

5609.7.4 Destruction of Fireworks. If the arrangements required under Section 5609.7.3 are not made within 30 days from the date on which written notice is given by the Fire Chief to the owner of the fireworks or the owner's agent, the Fire Chief shall destroy or order the destruction of the seized fireworks in a manner that reasonably avoids danger to any person or property.

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APPENDIX B FIRE-FLOW REQUIREMENTS FOR BUILDINGS

The provisions of Appendix B, Fire-Flow Requirements for Buildings, to the International Fire Code are adopted in their entirety as Appendix B to the Fire Code.

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APPENDIX C FIRE HYDRANT LOCATIONS AND DISTRIBUTION

The provisions of Appendix C, Fire Hydrant Locations and Distribution, to the International Fire Code are adopted in their entirety as Appendix C to the Fire Code.

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APPENDIX D FIRE APPARATUS ACCESS ROADS

The provisions of Appendix D, Fire Apparatus Access Roads, to the International Fire Code are adopted in their entirety as Appendix D to the Fire Code.

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**APPENDIX H HAZARDOUS MATERIALS MANAGEMENT PLAN (HMMP)
AND HAZARDOUS MATERIALS INVENTORY STATEMENT
(HMIS) INSTRUCTIONS**

The provisions of Appendix H, Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions, to the International Fire Code are adopted in their entirety as Appendix H to the Fire Code.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at ConstructionCodes@dc.gov, not later than 5 p.m. on Friday, January 25, 2013.

Comments should clearly specify which Subtitle, Chapter, and Section of the proposed District of Columbia Construction Codes they are related to.

Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.

Free copies of these proposed regulations are available on the DCRA website at <http://dcra.dc.gov> by going to the “About DCRA” tab, clicking on “News Room”, and then clicking on “Rulemaking”. Additionally, the DCRA website will list links to each of the ICC and NFPA 70 codes.

The *District of Columbia Fire Code* (2011), referred to as the “*Fire Code*,” consists of the 2012 edition of the *International Fire Code* as amended by the *District of Columbia Fire Code Supplement* (2013) (12 DCMR H). The *International Fire Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ifc/2012/index.htm?bu=IC-P-2012-000003&bu2=IC-P-2012-000019>.