

**DISTRICT OF COLUMBIA
CONSTRUCTION CODES SUPPLEMENT OF 2008
DCMR 12H FIRE CODE SUPPLEMENT**

CHAPTER 1H ADMINISTRATION AND ENFORCEMENT

Delete Chapter 1 of the International Fire Code and substitute the following Sections:

SECTION F-101H GENERAL

F-101.1 Title. The *International Fire Code* (2006) as amended by the *D.C. Fire Prevention Code Supplement* (2008) (DCMR 12H) shall constitute the *D.C. Fire Prevention Code* (2008), hereinafter referred to as the “*Fire Prevention Code*”.

F-101.2 Scope. These regulations prescribe minimum requirements and controls to safeguard life, property or public welfare from the hazards of fire and explosion arising from the storage, handling or use of substances, materials or devices and from conditions hazardous to life, property or public welfare in the use or occupancy of structures, or premises.

F-101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.

F-101.3 Intent. The purpose of the *Fire Prevention Code* is to ensure public safety, health and welfare from conditions which cause fire or explosion and resulting panic; and in general to secure life and property from fire hazards incident to the use, occupancy and maintenance of structures or premises.

F-101.4 Severability. Any part of the *Fire Prevention Code* found to be illegal or void by a court of law shall be segregated from the remainder of the *Fire Prevention Code* and the remainder of the *Fire Prevention Code* shall remain in effect.

F-101.5 Validity. If any part or provision of the *Fire Prevention Code* is held illegal or void, this shall not make void or illegal any other parts or provisions of the *Fire Prevention Code*, which are determined to be legal. It shall be presumed that the *Fire Prevention Code* would have been enacted and adopted without such illegal or void parts or provisions.

F-101.6 Application of References. Unless otherwise specifically provided for in the *Fire Prevention Code*, all references 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 Prevention Code*.

F-101.7 Chapters and Section Numbering. The chapters and Sections of the *Fire Prevention Code Supplement* are numbered to concur and coordinate with the numbering system of the *International Fire Code*.

F-101.8 Provisions. The provisions of the *Fire Prevention Code Supplement* are intended to amend and clarify the *International Fire Code* requirements and make provisions for local

District of Columbia regulations not contained in the *International Fire Code*.

SECTION F-102H APPLICABILITY

F-102.1 Buildings and Property. The *Fire Prevention Code* shall be applicable to all buildings and premises 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) (2001)). The provisions of the *Fire Prevention 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.

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

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

F-102.3 Change of Use of Occupancy. It shall be unlawful to make any change in the use or occupancy of any structure or portion thereof which would subject it to any special provisions of the Construction Codes without first complying with those provisions for the new use by obtaining approval for the new use through issuance of a building permit and a certificate of occupancy. Work required for compliance with this Section shall be performed under a duly issued building permit and shall comply with Section 102.6.4 of the *Building Code*.

F-102.4 Application of Building Code. The design and construction of new structures to provide egress facilities, fire protection, and built-in fire protection equipment shall be controlled by the *Building Code*, and any alterations, additions or changes in structures required by the *Fire Prevention Code* which are within the scope of the *Building Code* shall be made in accordance with the *Building Code*.

F-102.5 Historic Buildings. The provisions of the *Fire Prevention Code* shall not be mandatory for historic buildings or structures meeting the requirements of Chapter 11 of the *Existing Building Code*, when such buildings or structures are judged by the building code official to be safe and in the public interest of health, safety and welfare. The building code official is authorized to approve a fire protection plan developed in accordance with the provisions of NFPA 909 for any designated historic building or structure.

F-102.6 Referenced Codes and Standards. The standards referenced in the *Fire Prevention Code* and listed in Chapter 45 shall be considered part of the requirements of the *Fire Prevention Code*.

Code to the prescribed extent of each such reference.

F-102.6.1 Conflicting Provisions. If conflict arises between the provisions of the Construction Codes Approval and Amendment Act of 1986, approved March 21, 1987 (D.C. Law 6-216, D.C. Official Code § 6-1401 *et seq.* (2001)), as amended, , the D.C. Supplement, and the *International Fire Code* or its referenced standards, the provisions of the Construction Codes Approval and Amendment Act of 1986, as amended, shall control. If conflict arises between the *Construction Codes Supplement*, the *International Fire Code*, and its reference standards:

1. The provisions of the *Construction Codes Supplement* shall take precedence over the *International Fire Code* and its referenced standards.
2. The provisions of the *International Fire Code* other than its referenced standards shall take precedence over its referenced standards.

F-102.7 Subjects not Regulated by the *Fire Prevention Code*. Where no applicable standards or requirements are set forth in the *Fire Prevention Code*, or are contained within other laws, codes or regulations adopted by the District of Columbia, compliance with applicable standards of the National Fire Protection Association or other nationally recognized fire safety standards as are approved, shall be deemed *prima facie* evidence of compliance with the intent of the *Fire Prevention Code*. Nothing herein shall derogate from the authority of the code official to determine compliance with codes or standards for those activities or installations within the code official's jurisdiction or responsibility.

F-102.8 Matters Not Provided For. Any requirement essential for fire safety of an existing building or structure, or essential for the safety of the occupants thereof, and which is not specifically covered by the *Fire Prevention Code*, shall be determined by the code official based on common fire protection engineering practices and relevant industry standards.

SECTION F-103H THE FIRE DEPARTMENT

F-103.1 The Department. The Fire Chief of the Fire and Emergency Medical Service Department shall be the code official for the enforcement of the *Fire Prevention Code*, except as provided in Section F-105.1. References to the term "Department" within the *Fire Prevention Code* shall mean the Fire and Emergency Medical Services Department.

SECTION F-104H APPROVAL

F-104.1 Approved Materials and Equipment. All materials, equipment and devices approved for use by the code official shall be constructed and installed in accordance with the conditions of such approval.

F-104.2 Modifications. When there are practical difficulties or undue economic hardship

involved in complying with the provisions of the *Fire Prevention Code*, the code official is permitted to vary or modify such provisions upon application of the owner or the owners representative, provided that the spirit and intent of the law shall be observed and public welfare and safety be insured. The code official may seek the opinion of the Office of the Attorney General when deemed necessary for the requested modification.

F-104.2.1 Records. The application for modification and the final decision of the code official shall be in writing and shall be officially recorded in the permanent records of the department.

F-104.3 Used Materials and Equipment. Used materials, equipment and devices shall not be re-used unless they have been reconditioned, tested and placed in good and proper working condition and approved for use by the code official.

F-104.4 Alternative Methods and Materials. The provisions of the *Fire Prevention Code* are not intended to prevent the use of any material or method of work not specifically prescribed by the *Fire Prevention Code*, provided such alternative has been approved. The approval of such alternative shall comply with the intent of the provisions of the *Fire Prevention Code*. The material, or method of work offered shall be, for the purposed intended, at least the equivalent of that prescribed in the *Fire Prevention Code* in quality, strength, effectiveness, fire resistance, durability and safety.

F-104.4.1 Research and Investigations. Sufficient technical data shall be submitted to substantiate the proposed installation of any material or assembly. If it is determined that the evidence submitted is satisfactory proof of performance for the proposed installation, the code official shall approve such alternative, subject to the requirements of the *Fire Prevention Code*. The costs of all tests, reports and investigations required under these provisions shall be paid by the applicant.

F-104.4.2 Research Reports. Supporting data, where necessary to assist in the approval of all materials or assemblies not specifically provided for in the *Fire Prevention Code*, shall consist of valid research reports from approved sources.

SECTION F-105H AUTHORITY

F-105.1 Code Official. The Fire Chief of the D.C. Fire and Emergency Medical Services Department shall be the code official for the enforcement of the *Fire Prevention Code*, except that the Director of the Department of Consumer and Regulatory Affairs shall be the code official for the enforcement of all provisions pertaining to the approval, installation, design, modification, maintenance, testing, and inspections of all new and existing fire protection systems.

F-105.2 Appointment. The Fire Chief of the D.C. Fire and Emergency Medical Services Department shall be the code official for the enforcement of the *Fire Prevention Code* except as

provided in F-105.1, References to the term “Department” within the *Fire Prevention Code* shall mean the D.C. Fire and Emergency Medical Services Department, except that references to the term “Department” in all provisions pertaining to the approval, installation, design, modification, maintenance, testing, and inspection of all new and existing fire protection systems shall mean the Department of Consumer and Regulatory Affairs.

F-105.2.1 Delegation of Authority. The code official shall have the authority to delegate his or her duties and powers under the *Fire Prevention Code*, but he or she shall remain responsible for the proper performance of those duties and powers.

F-105.3 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 Prevention Code* and as authorized by the appointing authority.

F-105.4 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.

F-105.5 Restriction of Employees. An official or employee connected with the enforcement of the *Fire Prevention Code*, except one whose only connection is that of a member of the board of appeals established under the provisions of Section F-113, shall not be engaged in, or directly or indirectly connected with, the furnishing of labor, materials, devices or appliances for the construction, alteration or maintenance of a building under the jurisdiction of the *Fire Prevention Code*, or the preparation of plans or of specifications therefore, unless that person is the owner of the building; nor shall such officer or employee engage in any work which conflicts with official duties or with the interests of the Department.

F-105.6 Relief From Personal Responsibility. The code official, officer or employee charged with the enforcement of the *Fire Prevention Code*, while acting for the District of Columbia, shall not thereby be rendered liable personally and is hereby relieved from all personal liability for any damage accrued to persons or property as a result of any act required or permitted in the discharge of official duties.

F-105.6.1 Jurisdictional Liability. The District of Columbia shall not be liable under the *Fire Prevention Code* for any damage to persons or property, by reason of the inspection or re-inspection of structures or equipment authorized herein, or failure to inspect or re-inspect such structures or equipment or by reason of the approval or disapproval of any structure or equipment authorized therein.

SECTION F-106H DUTIES AND POWERS OF THE CODE OFFICIAL

F-106.1 General. The code official shall enforce the provisions of the *Fire Prevention Code* and shall act on any question relative to the mode or manner of construction and the materials to be used in the location, use, occupancy and maintenance of all structures, except as otherwise specifically provided for by statutory requirements or by Section F-105.1.

F-106.2 Applications and Permits. The code official shall receive applications and issue permits as provided in Section F-107, inspect the premises for which such permits have been issued and enforce compliance with the provisions of the *Fire Prevention Code*.

F-106.3 Building Notices and Orders. The code official shall issue all necessary notices and orders to ensure compliance with the *Fire Prevention Code*.

F-106.4 Inspections. The code official shall make all the required inspections, except that the code official is authorized to accept reports of inspections by approved agencies or individuals. All reports of such inspections shall be in writing and certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such experts as deemed necessary to report upon unusual technical issues that may arise.

F-106.5 Identification. The code official and authorized representatives shall carry proper credentials of their respective offices when inspecting any structures and premises in the performance of duties under the *Fire Prevention Code*.

F-106.6 Rules and Regulations. The code official shall have the authority, as necessary in the interest of public safety, health and general welfare to promulgate rules and regulations, to interpret and implement the provisions of the *Fire Prevention Code*, to secure the intent thereof and to designate requirements applicable because of local and climatic or other conditions. Such rules shall not have the effect of waiving any fire safety requirements specifically provided for in the *Fire Prevention Code*, or of violating accepted engineering practices involving public safety.

F-106.7 Department Records. The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records as long as the building or structure to which they relate remains in existence unless otherwise provided by law.

F-106.7.1 Public Access to Records. Official records of the Department shall be available for public inspection at all appropriate times, under procedures established by the code official. Such procedures shall be approved by the Office of the Attorney General for legal sufficiency.

SECTION F-107H PERMITS

F-107.1 Permits Required. Permits shall be obtained from the code official in accordance with the provisions of the *Fire Prevention Code*. Permits shall at all times be kept in the premises designated therein and shall at all times be subject to inspection by the code official.

F-107.2 Application for Permit. Application for a permit required by the *Fire Prevention Code* shall be made to the code official on a form provided by the code official. Applications for permits shall be accompanied by construction documents, technical information and any other information required by the code official for evaluation of the application.

F-107.3 Action on Application. The code official shall examine or cause to be examined all

applications for permits and amendments thereof within a reasonable time after filing. If the code official is satisfied that the proposed work or operation conforms to the requirements of the *Fire Prevention Code* and all laws and ordinances applicable thereto, the code official shall issue a permit therefore as soon as practicable. If the application or the construction documents do not conform to the requirements of all pertinent laws, the code official shall notify the applicant in writing, identifying the non-conforming items and the corresponding relevant code Sections.

F-107.4 Inspections and Tests. Before a permit is issued, the code official or the code official's designated representative shall make or cause to be made such inspections or tests as are necessary to assure that the use and activities for which application is made comply with the provisions of the *Fire Prevention Code*.

F-107.5 Conditions of 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 used in connection with such activities in accordance with the provisions of the *Fire Prevention Code*. A permission shall not be construed as authority to violate, cancel or set aside any of the provisions of the *Fire Prevention Code*. The permit shall remain in effect until revoked, or for the period of time specified on the permit. Permits are not transferable and any change in use, operation or tenancy shall require a new permit.

F-107.6 Approved Construction Documents. Construction documents approved by the code official are approved with the intent that they comply in all respects with the Fire Prevention Code. Any omissions or errors on the construction documents do not relieve the applicant from having to comply with the *Fire Prevention Code*.

F-107.7 Revocation of Permit. The code official shall have the authority to revoke a permit or approval issued under the provisions of the *Fire Prevention Code* if, upon inspection, any significant violation of the code exists, or if conditions of a permit have been violated, or if there has been any substantive false statement or misrepresentation as to material fact in the application, data or plans on which the permit or approval was based.

F-107.7.1 Lapsed Permit. Any permit issued shall become invalid if the authorized work or activity has not commenced within six (6) months after issuance of the permit, or if the authorized work or activity has been suspended or abandoned for a period of six months after the authorized work or activity has commenced.

F-107.8 Payment of Fee. A permit shall not be issued until the established fees have been paid, as follows:

PERMIT FEE SCHEDULE

INSPECTION, REINSPECTION AND SUPPLEMENTAL PERMITS:

Residential inspection (1 and 2 family dwellings)
per site visit and per discipline; first re-inspection of each kind
of inspection is included in the original permit fee

\$100.00

Commercial inspection

per site visit and per discipline; first re-inspection of each kind of inspection is included in the original permit fee \$150.00

Re-inspection fee applies to second and subsequent required re-inspections due to incomplete or incorrect work) per site visit and per discipline. (Residential) \$100.00 (Commercial) \$150.00

PERMITS, GENERAL:

Propane (200 pounds or less) \$100.00
For each pound in excess of 200 pounds \$.50

Bonfires/open burning \$150.00

Open Flame per device \$150.00

Explosives site permit (dynamite/nitro) \$600.00
(Valid for 45 business days)

Explosives vehicle inspection, per vehicle \$150.00
(Valid for 45 business days)

Fireworks Aerial Display Permit (per occurrence) \$450.00

Fireworks Retail and Stand Permit \$250.00

Special Effect and Pyrotechnics Display Permit (per occurrence) \$250.00

Hot Work Operations \$150.00

Miscellaneous (minimum fee) \$150.00

FUEL STORAGE TANKS:

Fuel storage tanks (AST's and UST's), review of shop drawings and Tank installation inspections (up to 3 Tanks) \$250.00

Fuel storage tanks (AST's and UST's), review of shop drawings- Tank removal (up to 3 Tanks) \$100.00

Above ground storage tank (AST's), annual inspection and registration \$100.00

PLANS REVIEW:

Per Set (Includes all other plans: exhibition, emergency response, evacuation plans, hot work program, special events, site, construction, alley and street closure for more than 90 days.) \$150.00

REQUEST FOR SERVICES: FIRE INSPECTORS, FIREFIGHTERS, PARAMEDIC OR EMERGENCY MEDICAL TECHNICIAN: \$65.00 an hour Per person, per hour for a minimum of

HAZARDOUS MATERIALS MITIGATION FEE:	four hours,
Equipment, materials, supplies and man hours	Replacement Cost
USE OF FIRE AND EMS APPARATUS:	
Use of Engine Companies, Truck Companies, Rescue squads, Rapid Hazardous Material Units, or Fireboats for Parades, Festivals and other Special Events	\$400.00 per hour for a minimum of four hours
Use of Ambulance (either basic life support or advanced life support)	\$200.00 (a minimum of four hours)
Firewatch for D. C. Fire Inspectors	\$260.00 (a minimum of four hours)
Requests for expedited permits	Fees Doubled
Operating without an Approved Permit	Fees Doubled
Re-inspections-All subsequent inspections	Fees Doubled

F-107.9 Types of permits. There shall be two types of permits as follows:

1. **Operational permit.** An operational permit allows the applicant to conduct an operation or business for which a permit is required by Section F-107.10 for either:
 - 1.1 A prescribed period.
 - 1.2 Until renewed or revoked

All required operational permits are subject to a \$150.00 fee. Any permit that requires a plan review is also subject to a \$150.00 plan fee review.

2. **Installation permit.** An installation permit allows the applicant to install or modify systems and equipment for which a permit is required by Section F-107.11.

All installation permits are subject to a \$150.00 fee. Any permit that requires a plan review is also subject to a \$150.00 plan fee review.

F-107.10 Required Operational Permits. The code official is authorized to issue operational permits for the operations set forth in Sections F-107.10.1 through F-107.10.43.

F-107.10.1 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.

F-107.10.2 Amusement buildings. An operational permit is required to operate a special amusement building.

F-107.10.3 Aviation facilities. An operational permit is required to use a 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 Prevention Code* include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.

F-107.10.4 Battery systems. An operational permit is required to install stationary lead-acid battery systems having a liquid capacity of more than 50 gallons (189L).

F-107.10.5 Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.

F-107.10.6 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.

F-107.10.7 Combustible fibers. An operational permit is required for the storage and handling of combustible fibers in quantities greater than 100 cubic feet (1.2m³).

Exception: An operational permit is not required for agricultural storage.

F-107.10.8 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 F-107.10.8.

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

**TABLE F-107.10.8
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

F-107.10.9 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 F-107.10.9.

**TABLE F-107.10.9
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
Physical or health hazard not indicated above	Any amount	Any amount

For SI: 1 gallon = 3.785L

F-107.10.10 Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction.

F-107.10.11 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.

F-107.10.12 Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.

F-107.10.13 Explosives. An operational permit is required for the manufacture, storage, handling, sale or use of any quantity of explosive, explosive material, firework, or pyrotechnic special effects within the scope of Chapter 33.

F-107.10.14 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 Department of Transportation (DOT) nor does it apply to piping systems.
2. To store, handle or use Class 1 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:
 - 2.1. The storage or use of Class 1 liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the code official, would cause an unsafe condition.
 - 2.2. 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 thirty (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 remove Class I or Class 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.
5. 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.
6. To place temporarily out of service (for more than 90 days) or otherwise dispose of an underground, protected aboveground or aboveground flammable or combustible liquid tank.
7. To change the type of contents stored in a flammable or combustible liquid tank to a material, which poses a greater hazard than, that for which the tank was designed and constructed.
8. To manufacture, process, blend or refine flammable or combustible liquids.
9. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.
10. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.

F-107.10.15 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.

F-107.10.16 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.

F-107.10.17 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.

F-107.10.18 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 F-107.10.18.

**TABLE F-107.10.18
PERMIT AMOUNTS FOR HAZARDOUS MATERIALS**

TYPE OF MATERIAL	AMOUNT
Combustible liquids	See Section 107.10.14
Corrosive materials Gases Liquids Solids	See Section 107.10.8 55 gallons 1,000 pounds
Explosive materials	See Section 107.10.13
Flammable materials Gases Liquids Solids	See Section 107.10.8 See Section 107.10.14 100 pounds
Highly toxic materials Gases Liquids Solids	See Section 107.10.8 Any amount Any amount
Oxidizing materials Gases Liquids Class 4 Class 3 Class 2 Class 1 Solids Class 4 Class 3 Class 2 Class 1	See Section 107.10.8 Any amount 1 gallon 10 gallons 55 gallons Any amount 10 pounds 100 pounds 500 pounds
Organic Peroxides Liquids Class I Class II Class III Class IV Class V Solids Class I Class II Class III Class IV Class V	Any amount Any amount 1 gallon ^a 2 gallons No permit required Any amount Any amount 10 pounds ^b 20 pounds No permit required
Pyrophoric materials	

Gases	Any amount
Liquids	Any amount
Solids	Any amount
Toxic materials	
Gases	See Section 107.10.8
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 2703.1.1 (1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 20 gallons or less.

b. 200 pounds when Table 2703.1.1 (1) Note k applies and hazard identification signs in accordance with Section 2703.5 are provided for quantities of 200 pounds or less.

F-107.10.19 HPM facilities. An operational permit is required to store, handle or use hazardous production materials.

F-107.10.20 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).

F-107.10.21 Hot work operations. Operational permits and plan reviews of operational permits are 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 construction permit.

3. Fixed-site hot work equipment such as welding booths.
4. Hot work conducted within a hazardous fire area.
5. Applications 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 26. These permits shall be issued only to their employees or hot operations under their supervision.

F-107.10.22 Industrial ovens. An operational permit is required for operations of industrial ovens regulated by Chapter 21.

F-107.10.23 Lumberyards 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).

F-107.10.24 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.

F-107.10.25 LP-gas. An operational permit is required for:

1. Storage and use of LP-gas.
2. Operation of cargo tankers that transport LP-gas.

F-107.10.26 Magnesium. An operational permit is required to melt, cast, heat treat or grind more than 10 pounds (4.54 kg) of magnesium.

F-107.10.27 Miscellaneous combustible storage. An operational permit is required to store in any building or upon any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, rubber tires, rubber, cork or similar combustible material.

F-107.10.28 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.

F-107.10.29 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 hazardous fire area.

F-107.10.30 Open flames and candles. An operational permit is required to use open flames or candles in connection with assembly areas.

Exceptions:

1. Religious Occupancies
2. Candles used in Restaurant Occupancies

F-107.10.31 Organic coatings. An operational permit is required for any organic-coating manufacturing operation producing more than 1 gallon (4L) of an organic coating in one day.

F-107.10.32 Places of assembly. An operational permit is required to operate a place of assembly.

Exception: Places of public assembly with an occupant load of less than 100 persons.

F-107.10.33 Private fire hydrants. An operational permit is required for the removal from service, use or operation of private fire hydrants.

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.

F-107.10.34 Pyrotechnic special effects material. An operational permit is required for use and handling of pyrotechnic special effects material.

F-107.10.35 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.

F-107.10.36 Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.

F-107.10.37 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.

F-107.10.38 Rooftop heliports. An operational permit is required for the operation of a rooftop heliport.

F-107.10.39 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 15.

F-107.10.40 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 exceeds 2,500 cubic feet (71 m³) of total volume of scrap tires and for indoor storage of tires and tire byproducts.

F-107.10.41 Tire-rebuilding plants. An operational permit is required for the operation and maintenance of a tire-rebuilding plant.

F-107.10.42 Waste handling. An operational permit is required for the operation of wrecking yards, junkyards and waste material-handling facilities.

F-107.10.43 Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).

F-107.11 Required installation permits. The code official is authorized to issue installation permits for work as set forth in Sections F-107.11.1 through F-107.11.5.

F-107.11.1 Compressed gases. When the compressed gases in use or storage exceed the amounts listed in Table F-107.10.8, an installation permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a compressed gas system.

Exceptions:

1. Routine maintenance.
2. For emergency repair work performed on an emergency basis, application for a permit shall be made within two working days of commencement of work.

The permit applicant shall apply for approval to close storage, use or handling facilities at least 30 days prior to the termination of the storage, use or handling of compressed or liquefied gases. Such application shall include any change or alteration of the facility closure plan filed pursuant to Section 2701.6.3. The 30-day period is not applicable when approved based on special circumstances requiring such waiver.

F-107.11.2 Flammable and combustible liquids. An installation permit is required:

1. To repair or modify a pipeline for the transportation of flammable or combustible liquids.
2. To install, construct or alter 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.
3. To install, alter, remove, abandon, or otherwise dispose of a flammable or combustible liquid tank.

F-107.11.3 Hazardous materials. An installation permit is required to install, repair damage to, abandon, remove, place temporarily out of service, or close or substantially modify a storage facility or other areas regulated by Chapter 27 when the hazardous materials in use or storage exceed the amounts listed in Table F-107.10.18.

Exceptions:

1. Routine maintenance
2. For emergency repair work performed on an emergency basis, application for permit shall be submitted on the **first business day** following the commencement of work.

F-107.11.4 LP-gas. An installation permit is required for installation or modification of an LP-gas system.

F-107.11.5 Spraying or dipping. An installation permit is required to install or modify a spray room, dip tank or booth.

SECTION F-108H INSPECTIONS

F-108.1 Inspections. The code official shall inspect all structures and premises, except single-family dwellings and dwelling units in two-family and multiple family dwellings, for the purposes of ascertaining and causing to be corrected any conditions liable to cause fire, contribute to the spread of fire, interfere with fire fighting operations, endanger life or any violations of the provisions or intent of the *Fire Prevention Code* or any other ordinance affecting fire safety.

F-108.2 Coordination of Inspections. If more than one code official is required to enforce any provision of the *Fire Prevention Code* or another code or ordinance, it shall be their collective duty to coordinate their inspections and administrative orders as fully practicable so the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of a provision of a law, ordinance or code of the District of Columbia not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

F-108.3 Right of Entry. The code official shall be permitted to enter any structure or premises at all reasonable times to inspect the structure or premises, or to perform any duty imposed upon the code official by the *Fire Prevention Code*, whenever necessary for to enforce the provisions of the *Fire Prevention Code*, or whenever the code official has reasonable cause to believe that there exists in any structure or upon any premises, any condition which makes such structure or premises unsafe; provided that if the structure or premises are occupied, the code official shall

first present proper credentials and request entry. If entry is refused or not obtained, the code official is authorized to pursue recourse as provided by law to secure entry.

F-108.4 Concealed work. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the code official shall have the authority to require that such work be exposed for inspection.

SECTION F-109H AUTHORITY AT THE SCENE OF FIRES AND OTHER EMERGENCIES

F-109.1 Fire and Arson Investigation Authority. The Fire Chief, the Fire Marshal, and his authorized representative shall have the authority to investigate the cause, origin, and circumstances of every fire, explosion, or hazardous materials emergency in which the Fire Department has a reasonable interest. When the Fire Chief, the Fire Marshal, or his authorized representative has reason to believe that a fire, explosion, or hazardous materials incident may be the result of any violation of the law, he 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 property 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.

F-109.2 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.

F-109.3 Authority to Enter and Examine. The Fire Chief, the Fire Marshal or his authorized representative or representatives shall have the authority at all times, in performance of the duties imposed by the provisions of this Section, 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 Marshall or authorized representative(s) shall have the authority to enter, at any time, any building or property 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.

F-109.4 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, this Section. 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 Fire Department.

F-109.5 Authority at Fires and Other Emergencies. The Fire Chief or officer of the Fire 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 that duty. The Fire Chief, or officer of the Fire Department in charge at the scene shall have the authority 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 Fire Department and, in the judgment of the Fire Chief or officer of the Fire Department in charge at the scene, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

F-109.6 Barricades. The Fire Chief or incident commander or fire official or investigator 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 or to manage and control the situation and to handle fire apparatus.

F-109.7 Obstructing operations. No person shall obstruct the operations of the Fire Department in connection with extinguishment or control of any fire, or actions relative to other emergencies, or disobey any lawful command of the Fire Chief or officer of the Fire Department in charge of the emergency, or any part thereof, or any lawful order of a police officer assisting the Fire Department.

F-109.8 Systems and devices. No person shall render a system or device inoperative during an emergency unless by direction of the Fire Chief or Fire Department official in charge of the incident.

SECTION F-110H UNSAFE CONDITIONS

F-110.1 General. Whenever the code official or the code official's designated representative finds in any structure or upon any premises dangerous or hazardous conditions or materials, the code official shall order such dangerous conditions or materials to be removed or remedied in accordance with the provisions of the *Fire Prevention Code*. When necessary to secure safety in addition thereto, the code official shall be authorized to prescribe limitations on the handling and storage of materials or substances or upon operations that are liable to cause fire, contribute to the spread of fire, or endanger life or property. Dangerous conditions or materials include, but are not limited to, the following:

1. Hazardous conditions, which are liable to cause or contribute to the spread of fire in or on the premises, building or structure or endanger life or property.
2. Conditions which interfere with the efficient operation of any fire protection equipment

and system.

3. Obstruction to or on fire escapes, stairs, passageways, doors or windows, liable to interfere with the egress of occupants or the operation of the Fire Department in case of fire.
4. Accumulations of dust or waste material in air conditioning or ventilating systems, or grease in kitchen or other exhaust ducts.
5. Accumulations of grease on kitchen cooking equipment, or oil, grease or dirt upon, under or around any mechanical equipment.
6. Accumulations of rubbish, waste, paper, boxes, shavings, or other combustible materials, or excessive storage of any combustible material.
7. Hazardous conditions arising from defective or improperly used or installed electrical wiring, equipment or appliances.
8. Hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials.
9. Dangerous or unlawful amounts of combustible, explosive or otherwise hazardous materials.
10. All equipment, materials, processes or operations, which are in violation of the provisions and intent of the *Fire Prevention Code*.
11. Overcrowded conditions where the posted maximum occupant load is exceeded.
12. Locked or inoperative designated fire exits.

F-110.2 Maintenance. The owner shall be responsible for the safe and proper maintenance of the structure, premises or lot at all times. In existing structures, the fire protection equipment systems or devices, means of egress and safeguards required by the *Fire Prevention Code* or a previous statute, code or other District of Columbia municipal regulation, shall be maintained in good working order.

F-110.2.1 Occupant Responsibility. If an owner, tenant or other legitimate occupant of a structure 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.

F-110.3 Unsafe Conditions. All structures or existing equipment that are or hereafter become unsafe or deficient in adequate means of egress facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or by reason of illegal or improper use or

occupancy or inadequate maintenance, or which sustained significant structural damage by reason of fire, explosion, or natural disaster, shall be deemed an unsafe condition. A vacant structure, or portion thereof, unguarded or open at the door or window, shall be deemed a fire hazard and unsafe within the meaning of the *Fire Prevention Code*. Unsafe structures or equipment shall be reported to the code official of the Department of Consumer and Regulatory Affairs who shall take appropriate action as deemed necessary, under the provisions of the *Building Code*, the *Property Maintenance Code* or other appropriate statutes or regulations.

F-110.3.1 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 Prevention Code* and the *Building Code*.

SECTION F-111H EMERGENCY MEASURES

F-111.1 Evacuation. When, in the opinion of the code official, there is imminent danger to the occupants or those in the proximity of any structure or premises because of unsafe structural conditions, or inadequacy of any means of egress, or the presence of explosives, explosive fumes or vapors, or the presence of toxic fumes, gases or materials, the code official shall order the immediate evacuation of said structure or premises. All of the occupants so notified shall immediately leave the structure or premises and persons shall not enter or re-enter until authorized to do so by the code official.

F-111.2. Unlawful Continuance. Any person who shall refuse to leave, interfere with the evacuation of other occupants or continue any operation after having been given an evacuation order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be deemed guilty of a misdemeanor.

SECTION F-112H VIOLATIONS OF THE FIRE PREVENTION CODE

F-112.1 Notice of Violation. Whenever the code official observes an apparent or actual violation of a provision of the *Fire Prevention Code*, the code official shall prepare a written notice of violation citing the relevant code section, describing the conditions deemed unsafe and specifying time limits for the re-inspection of same to insure that the required repairs or improvements have been made to render the structure or premises safe and secure.

F-112.1.1 Service. A notice of violation issued pursuant to the *Fire Prevention 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 12A DCMR Section 105.6.3 which are incorporated herein by reference.

F-112.1.2 Revocation of Notice. If the owner, tenant or occupant of a building, or any person chargeable hereunder, is aggrieved by an order issued under the authority of Section F-110, and undue hardship would result from following appeals process of Section

F-113, he or she may, within seventy-two (72) hours from the time such order is issued (excluding Saturdays, Sundays, and legal holidays), appeal from the order to the code official. Unless the order is revoked or suspended by the code official, it shall remain in force and effect.

F-112.1.3 Notification of Residential Tenants. The code official shall notify the occupants of dwelling units, in buildings where a written notice issued, by affixing two (2) copies of the notice in a conspicuous place at the principal entrance of the building and one (1) copy in a conspicuous place in the area where tenant mail boxes are located.

F-112.1.4 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 Prevention Code*.

F-112.2 Failure to Correct Violations. If the notice of violation is not complied with as specified by the code official, the code official shall first issue a collateral citation, then if violations are not corrected as specified, request 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 Prevention Code* or of any related order or direction. The code official shall request the police department to make arrests for any offense cited in the *Fire Prevention Code* or orders of the code official affecting the immediate safety of the public.

F-112.3 Penalty for Violations. Any person, firm, or corporation violating any of the provisions of the *Fire Prevention Code* or failing to comply with any order issued pursuant to any Section thereof, upon conviction thereof shall be punished by a fine of not more than three hundred dollars (\$300) or imprisonment for not more than ninety (90) days, or both. Each day that a violation continues, after a service of notice as provided in the *Fire Prevention Code*, shall be deemed a separate offense.

F-112.4 Civil Infractions. Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of the *Fire Prevention Code*, or any rules or regulations issued under authority of the *Fire Prevention 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. Code, sec. 6-2700 *et seq.*

F-112.5 Unsafe Conditions. When any owner or occupant fails or refuses to comply with an order issued under Section F-110, and when in the opinion of the code official, there exists an actual or potential danger to life, the code official has the authority to order the immediate evacuation of the building or part thereof until the condition is remedied.

F-112.6 Abatement of Violations. The imposition of the penalties herein described shall not prevent the Attorney General from instituting 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, illegal conduct of business or illegal occupancy of a structure

on or about any premises. Nothing herein shall be construed to abolish or impair existing remedies relating to abatement of nuisance property, including, but not limited to, Chapters 31 and 31A of Title 42 of the D.C. Official Code.

F-112.7 Obstruction or Interference: Any owner, tenant or occupant of any building or premises, or other person chargeable under the authority of the *Fire Prevention Code*, who is convicted of willfully obstructing or interfering with the code official in the performance of the code official's duties, shall be punished by a fine of not more than \$300, or imprisonment for not more than ninety (90) days or both.

SECTION F-113 APPEALS

F-113.1 Right of Appeal. Any person directly affected by a notice or order issued under this *Fire Prevention 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.* and regulations promulgated thereunder. The appeal shall be filed within ten (10) days of the date of service of the notice or order. An appeal shall be based on a claim that the true intent of this code has been incorrectly interpreted, the provisions of the code do not fully apply, or the requirements of this code are adequately satisfied by other means. Appeals of notices (other than notices pursuant to Section F-110H (Unsafe Conditions) or section F-111H (Emergency Measures) shall stay the enforcement of the notice until the appeal is heard by the Office of Administrative Hearings.

F-113.2 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, upon petition to the Office of Administrative Hearings, be afforded a hearing as described in Section F-113.1.

F-113.3 Limitations on Authority. An application for appeal shall be based on a claim that the true intent of the *Fire Prevention Code* or the rules legally adopted there under have been incorrectly interpreted, that the provisions of the *Fire Prevention Code* do not fully apply, or that an equally good or better form of construction can be used.

SECTION F-114H STOP WORK ORDER

F-114.1 Order. Whenever the code official finds any work regulated by the *Fire Prevention Code* being performed in a manner contrary to the provisions of the *Fire Prevention Code* or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

F-114.2 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.

F-114.3 Emergencies. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work, but shall follow-up with a written stop work order within 24 hours.

F-114.4 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 ninety (90) days, or both.

CHAPTER 3H FIRE SERVICE FEATURES

SECTION F-308 OPEN FLAMES

Section F308.3 of the Fire Prevention Code is amended by adding:

Exceptions:

1. Religious Occupancies
2. Candles used in Restaurant Occupancies

Section F308.3.1.1 of the Fire Prevention Code is amended to read as follows:

308.3.1.1 Liquefied-petroleum-gas-fueled cooking devices. LP-gas burners with tanks shall not be located on rooftop terraces, combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exception: One- and two-family dwellings.

SECTION F-314 INDOOR DISPLAYS

Add Section F-314.5 to read as follows:

F-314.5 Exhibit Booths. Exhibit booths shall conform to the following:

1. In buildings which are protected by automatic sprinklers, covered exhibit booths shall comply with the requirements of NFPA 13 listed in Chapter 44.
2. Each enclosed or covered area must be protected by an audible smoke detector. This includes storage closets built into the exhibit.
3. Each enclosed or covered area must display a charged fire extinguisher with a minimum rating of 2A20BC.
4. The maximum occupancy of the load bearing area(s) in a multi-story exhibit shall be limited to one person per 15 square feet (1.4m²) of net floor space, not to exceed a total of twenty-five persons. This maximum occupancy must be posted.
5. There should be not less than two means of egress from load bearing areas in a multistory exhibit or from each occupied area of a covered assembly area.

F-314.5.1 Fire Prevention Attendant. In buildings used for temporary exhibits, and which are not protected by automatic sprinklers, a fire protection attendant shall be provided by the exhibitor and shall be on duty at all times that the building is unoccupied, from the time that the enclosure is completed until the time that the enclosure is dismantled.

F-314.5.2 Vehicles and Boats. Vehicles, boats and similar exhibited products having over 100 square feet (9.3 m²) of roofed area shall be provided with smoke detectors.

CHAPTER 5H FIRE SERVICE FEATURES

SECTION F-504H ACCESS TO BUILDING OPENINGS AND ROOFS

Delete Section 504.3 of the Fire Prevention Code in its entirety.

SECTION F-505H PREMISES IDENTIFICATION

Delete Sections 505.1 and 505.2 of the Fire Prevention Code in their entirety and add Section F-505.1 to read as follows:

F-505.1 Address numbers. New and existing buildings shall have approved street numbers on buildings, structures, and premises per Section 118 Street Numbering and Addresses of Structures, Buildings and Premises of the *Building Code*.

SECTION F-509H FIRE COMMAND CENTER

Delete Section 509 of the Fire Prevention Code in its entirety.

CHAPTER 6H BUILDING SERVICES AND SYSTEMS

SECTION F-603H FUEL-FIRED APPLIANCES

Delete Section 603.4 of the Fire Prevention Code in its entirety and add new Section F-603.4 to read as follows (delete Exception):

F-603.4 Portable unvented heaters. Portable unvented fuel fired heating equipment shall be prohibited in occupancies in Groups A, E, I, R-1, R-2, R-3 and R-4.

SECTION F-604H EMERGENCY AND STANDBY POWER SYSTEMS

Delete Section 604.1 of the Fire Prevention Code in its entirety and add new Section F-604.1 to read as follows s:

F-604.1 Maintenance and Inspection. Emergency and standby power systems shall be maintained and inspected in accordance with the ICC *Electrical Code*, NFPA 110 and NFPA 111 and Sections F-604.3 through F-604.5. Existing installations shall be maintained in accordance with the original approval.

Delete Section 604.1.1 of the Fire Prevention Code in its entirety.

Delete Section 604.2 of the Fire Prevention Code in its entirety.

SECTION F-606H MECHANICAL REFRIGERATION

Delete Sections 606.1 through 606.4 of the Fire Prevention Code in their entirety.

Delete Sections 606.7 through 606.9 of the Fire Prevention Code in their entirety.

Delete Sections 606.11 through 606.12 of the Fire Prevention Code in their entirety.

SECTION F-607H ELEVATOR RECALL AND MAINTENANCE

Delete Section 607.1 of the Fire Prevention Code in its entirety and add new Section F-607.1 to read as follows:

F-607.1 Required. Existing elevators with a travel distance of 25 feet (7620 mm) or more above or below the primary 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 in accordance with Chapter 15 of the *Existing Building Code*. New elevators shall be provided with Phase I emergency recall operation and Phase II emergency in car operation in accordance with ASME A17.

SECTION F-608H STATIONARY LEAD-ACID BATTERY SYSTEMS

Delete Section 608.3 of the Fire Prevention Code in its entirety.

Delete Section 608.5 of the Fire Prevention Code in its entirety.

Delete Sections 608.7 through 608.8 of the Fire Prevention Code in their entirety.

SECTION F-609H COMMERCIAL KITCHEN HOODS

Delete Section 609 of the Fire Prevention Code in its entirety.

CHAPTER 9H FIRE PROTECTION SYSTEMS

Delete Section 901.1 of the Fire Prevention Code in its entirety and add new Section F-901.1 to read as follows:

F-901.1 Scope. The provisions of this chapter shall apply to the inspection, operation, testing and maintenance of all fire protection systems.

Delete Sections 901.2 through 903.1 of the Fire Prevention Code in their entirety.

Delete Section 901.4.3 of the Fire Prevention Code in its entirety.

Delete Sections 903.1 through 903.4.2 of the Fire Prevention Code in their entirety.

Delete Section 903.5 of the Fire Prevention Code in its entirety and add new Section F-903.5 to read as follows:

F-903.5 Testing and maintenance. Sprinkler systems shall be tested and maintained in accordance with NFPA 25 listed in Chapter 45.

Delete Sections 904.2 through 904.3.5 of the Fire Prevention Code in their entirety.

Delete Section 904.4 of the Fire Prevention Code in its entirety and add new Section F-904.4 to read as follows:

F-904.4 Inspection and testing. Automatic fire-extinguishing systems shall be inspected and tested in accordance with the provisions of this section.

Delete Section 905.1 of the Fire Prevention Code in its entirety.

Delete Section 905.2 of the Fire Prevention Code in its entirety and add new Section F-905.2 to read as follows:

F-905.2 Maintenance, testing and inspection. Standpipe systems shall be maintained, tested, and inspected in accordance with NFPA 25 listed in Chapter 45.

Delete Sections 905.3 through 905.9 of the Fire Prevention Code in their entirety.

Delete Section 905.11 of the Fire Prevention Code in its entirety and add new Section F-905.11 to read as follows:

F-905.11 Existing buildings. Existing structures with occupied floors located more than 75 feet (22 860 mm) above or below the lowest level of fire department access shall be equipped with standpipes installed in accordance with Section 905 of the *Building Code*. The standpipes shall have an approved fire department connection with hose connections at each floor level above or

below the lowest level of fire department access. A manual-wet standpipe systems shall be permitted.

Delete Section 906.1 of the Fire Prevention Code in its entirety and add new Section F-906.1 to read as follows:

F-906.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1. Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

Exception: In new and existing Group A, B and E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Item 6.

2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 1415.1.
5. Where required by the sections indicated in Table 906.1.
6. Special-hazard areas, including but not limited to laboratories, computer rooms and generator rooms, where required by the fire code official.

Delete Section 907.1 of the Fire Prevention Code in its entirety and add new Section F-907.1 to read as follows:

F-907.1 General. This section covers the application, installation, performance and maintenance of fire alarm systems and their components in existing buildings and structures.

Delete Sections 907.1.1 through 907.2.23 of the Fire Prevention Code in their entirety.

Delete Section 907.3 of the Fire Prevention Code in its entirety and add new Section F-907.3 to read as follows:

F-907.3 Where required; retroactive in existing buildings and structures. An approved manual, automatic or manual and automatic fire alarm system shall be installed in existing buildings and structures in accordance with Sections 907.3.1 through 907.3.1.8 and Section 907 of the *Building Code*. Where automatic sprinkler protection is provided in accordance with Section 903.3.1.1 or 903.3.1.2 and connected to the building fire alarm system, automatic heat detection required by this section shall not be required.

An approved automatic fire detection system shall be installed in accordance with the provisions of this code and NFPA 72. Devices, combinations of devices, appliances and equipment shall be

approved. The automatic fire detectors shall be smoke detectors, except an approved alternative type of detector shall be installed in spaces such as boiler rooms where, during normal operation, products of combustion are present in sufficient quantity to actuate a smoke detector.

Delete Sections 907.4 through 907.19 of the Fire Prevention Code in their entirety.

SECTION F-909 SMOKE CONTROL SYSTEMS

Delete Section 909.1 of the Fire Prevention Code in its entirety and add new Section F-909.1 to read as follows:

F-909.1 Scope and purpose. This section applies to mechanical or passive smoke control systems.

Delete Sections 909.2 through 909.19 of the Fire Prevention Code in their entirety.

SECTION F-910 SMOKE AND HEAT VENTS

Delete Section 910 of the Fire Prevention Code in its entirety.

SECTION F-912 FIRE DEPARTMENT CONNECTIONS

Delete Sections 912.1 through 912.2 of the Fire Protection Code in their entirety

Delete Section 912.5 of the Fire Prevention Code in its entirety.

SECTION F-913 FIRE PUMPS

Delete Sections 913.1 through 913.4.1 of the Fire Prevention Code in their entirety.

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

Delete Section 914 of the Fire Prevention Code in its entirety.

CHAPTER 12H DRYCLEANING

SECTION F-1201H GENERAL

Add new Section F-1201.0 to the Fire Prevention Code to read as follow:

F-1201.0 Responsibility. The special use, equipment, or occupancy described in this chapter shall be designed and installed in accordance with the provisions of both the *Building Code* and the *Fire Prevention Code*. Enforcement of the design and construction shall be under the *Building Code*. Maintenance, inspection, and testing shall be in accordance the provisions of both the *Building Code* and the *Fire Prevention Code* and shall be enforced under the *Fire Prevention Code*. Before proceeding with construction, installation, use, or occupancy, a coordination meeting of all concerned parties shall be held to determine the applicable code requirements.

CHAPTER 14H FIRE SAFETY DURING CONSTRUCTION AND DEMOLITION

SECTION F-1401H GENERAL

Add new Section F-1401.3 to the Fire Prevention Code to read as follows:

F-1401.3 Occupied buildings. Existing buildings or portions thereof undergoing alteration or repair are permitted to remain occupied if fire protection measures and means of egress are provided and maintained in accordance with the *Construction Codes*.

SECTION F-1413H STANDPIPES

Delete Section 1413.1 of the Fire Prevention Code in its entirety.

CHAPTER 15H FLAMMABLE FINISHES

SECTION F-1501H GENERAL

Add new Section F-1501.0 to the Fire Prevention Code to read as follows:

F-1501.0 Responsibility. The special use, equipment, or occupancy described in this chapter shall be designed and installed in accordance with the provisions of both the *Building Code* and the *Fire Prevention Code*. Enforcement of the design and construction shall be under the *Building Code*. Maintenance, inspection, and testing shall be in accordance the provisions of both the *Building Code* and the *Fire Prevention Code* and shall be enforced under the *Fire Prevention Code*. Before proceeding with construction, installation, use, or occupancy, a coordination meeting of all concerned parties shall be held to determine the applicable code requirements.

CHAPTER 22H MOTOR FUEL-DISPENSING FACILITIES AND REPAIR GARAGES

SECTION F-2201H GENERAL

Add new Section F-2201.0 to the Fire Prevention Code to read as follows:

F-2201.0 Responsibility. The special use, equipment, or occupancy described in this chapter shall be designed and installed in accordance with the provisions of both the *Building Code* and the *Fire Prevention Code*. Enforcement of the design and construction shall be under the *Building Code*. Maintenance, inspection, and testing shall be in accordance the provisions of both the *Building Code* and the *Fire Prevention Code* and shall be enforced under the *Fire Prevention Code*. Before proceeding with construction, installation, use, or occupancy, a coordination meeting of all concerned parties shall be held to determine the applicable code requirements.

CHAPTER 24H TENTS, CANOPIES AND OTHER MEMBRANE STRUCTURES

SECTION F-2401H GENERAL

Add new Section F-2401.0 to the Fire Prevention Code to read as follows:

F-2401.0 Responsibility. The special use, equipment, or occupancy described in this chapter shall be designed and installed in accordance with the provisions of both the *Building Code* and the *Fire Prevention Code*. Enforcement of the design and construction shall be under the *Building Code*. Maintenance, inspection, and testing shall be in accordance the provisions of both the *Building Code* and the *Fire Prevention Code* and shall be enforced under the *Fire Prevention Code*. Before proceeding with construction, installation, use, or occupancy, a coordination meeting of all concerned parties shall be held to determine the applicable code requirements.

CHAPTER 25H TIRE REBUILDING AND TIRE STORAGE

SECTION F-2501H GENERAL

Add new Section F-2501.0 to the Fire Prevention Code to read as follows:

F-2501.0 Responsibility. The special use, equipment, or occupancy described in this chapter shall be designed and installed in accordance with the provisions of both the *Building Code* and the *Fire Prevention Code*. Enforcement of the design and construction shall be under the *Building Code*. Maintenance, inspection, and testing shall be in accordance the provisions of both the *Building Code* and the *Fire Prevention Code* and shall be enforced under the *Fire Prevention Code*. Before proceeding with construction, installation, use, or occupancy, a coordination meeting of all concerned parties shall be held to determine the applicable code requirements.

CHAPTER 26H WELDING AND OTHER HOT WORK

SECTION F-2601H GENERAL

Add new Section F-2601.0 to the Fire Prevention Code to read as follows:

F-2601.0 Responsibility. The special use, equipment, or occupancy described in this chapter shall be designed and installed in accordance with the provisions of both the *Building Code* and the *Fire Prevention Code*. Enforcement of the design and construction shall be under the *Building Code*. Maintenance, inspection, and testing shall be in accordance the provisions of both the *Building Code* and the *Fire Prevention Code* and shall be enforced under the *Fire Prevention Code*. Before proceeding with construction, installation, use, or occupancy, a coordination meeting of all concerned parties shall be held to determine the applicable code requirements.

CHAPTER 33H EXPLOSIVES AND FIREWORKS

Add new Section F-3309 to the Fire Prevention Code to read as follows:

SECTION F-3309H FIREWORKS

F-3309.1 General

F-3309.1.1 Scope. The manufacture of fireworks is prohibited in the District of Columbia. The display, sale or discharge of fireworks shall comply with the requirements of this article.

F-3309.1.1.1 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;
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.

F-3309.1.1.2 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.

F-3309.1.1.3 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 selling fireworks shall be labeled or marked with the name of the manufacturer, the number and type of the firework, and directions of use.

F-3309.2 Limitations and Requirements for Permitted Fireworks

F-3309.2.1 Prohibitions. No person shall manufacture, process, package, repackage, 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.

F-3309.2.2 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 (4) increments, each 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.

F-3309.3 Application for License to Sell Fireworks

F-3309.3.1 License Approvals Required. No license shall be issued to any person to engage in the business of selling any fireworks, either at wholesale or at retail, until the application for that license has been approved by the Department of Consumer and Regulatory Affairs.

F-3309.3.2 Appointment of Attorney. In the application for any license under this section, the applicant shall appoint the Mayor as the applicant's true and lawful attorney upon whom may be served any judicial and other processes or legal notices directed to the applicant in any action or proceeding against the applicant growing out of his or her agreement that any process or notice which is so served shall be of the same legal force and validity as if served personally in the District.

F-3309.3.2.1 Process under Section F-3309.3.2. No process or notice shall be served under the provisions of Section F-3309.3.2 upon an individual residing in the District of Columbia or upon any domestic corporation under the District of

Columbia Business Corporation Act (D.C. Code, Title 29, Chapter 9), or upon any foreign corporation having a registered agent in the District of Columbia under the provisions of that Act.

F-3309.3.2.2 Conditions for Section F-3309.3.2. The provisions of Section F-3309.3.2 shall not be operative unless and until all the following have occurred:

1. At least one (1) bona fide effort has been made to serve the process or notice in a manner otherwise provided by law; and
2. The initial effort to serve the process or notice has proved unsuccessful and a notarized statement to that effect is presented to the Mayor at the time of service of process or notice to the Mayor, together with the payment of the fee required under Section F-3309.3.2.3.

F-3309.3.2.3 Fee Under Section F-3309.3.2.1. A fee of \$2.00 shall be paid for each process or notice sought to be served on a licensee under Section F-3309.3.2.

F-3309.3.2.4 Forwarding of Process or Notice. Upon payment of the fee required by Section F-3309.3.2.3, the Mayor shall forward the process or notice by registered or certified mail return receipt requested, to the licensee at the address given by the licensee on the application for a license.

F-3309.4 License to Sell Fireworks: Wholesale

F-3309.4.1 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 F-3309.1.1.2 without first securing a wholesaler's license to sell fireworks from the Department of Consumer and Regulatory Affairs.

F-3309.4.2 Minimum Age. No individual shall be issued a wholesaler's license unless the applicant has passed his or her twenty-first (21st) birthday.

F-3309.4.3 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.

F-3309.4.4 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 kept for inspection by the Fire Chief prior to shipment to any retail licensee, for a period of at least twenty-four (24) hours from June 20 through July 5, inclusive and for a period of at least three (3) business days at all other times; 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.

F-3309.4.5 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 not less than three (3) business days before the date on which the fireworks are delivered to any retail licensee.

F-3309.4.6 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 (3) 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.

F-3309.4.6.1 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.

F-3309.4.6.2 Inclement weather. Inspections may be conducted outside. In an event of inclement weather, the applicant has the option to 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.

F-3309.4.6.3 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.

F-3309.4.6.4 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.

F-3309.4.7 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.

F-3309.4.8 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.

F-3309.4.9 Vehicle standards. In the interest of public safety, all vehicles transporting 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;
3. Tractor-trailer trucks in excess of twenty (20) feet in length and straight trucks in excess of eighteen (18) feet in length shall not be used to transport wholesale fireworks within the District of Columbia.

F-3309.4.10 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 wholesaler licensee with respect to purchases and sales of fireworks.

F-3309.4.11 Other fireworks prohibited. No person licensed under this section shall store, keep for sale, deliver, or display any fireworks other than those authorized by the article.

F-3309.4.12 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 (3) 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 first of each year.

F-3309.5 License to Sell Fireworks. Retail

F-3309.5.1 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 F-3309.1.1.2 without first securing a fireworks retailer's license from the Department of Consumer and Regulatory Affairs.

F-3309.5.2 Sale From Fixed Locations. Retailer's licenses will be issued to persons for the sale of fireworks only from a fixed location.

F-3309.5.3 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.

F-3309.5.4 Retailer's Records. Each retail licensee shall maintain full and complete

records of all purchases of fireworks.

F-3309.5.5 Permit Required. Each retailer shall obtain a permit from the Fire Chief to ensure the proper storage of fireworks.

F-3309.5.6 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.

F-3309.6 Additional Safety Requirements for Fireworks

F-3309.6.1 Prohibitions Near Flammable Materials. No person shall sell, handle, store, or discharge any fireworks within 50 feet (15240 mm) of any gasoline pump, fill line, vent line, or any building where flammable liquids are stored or handled.

F-3309.6.2 Places Where Discharges are Prohibited. No person shall discharge fireworks within 50 feet (15240 mm) of a place where fireworks are stored, handled, or sold.

F-3309.6.3 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.

F-3309.6.4 No Smoking Signs. No smoking signs that comply with Section 3102.3 shall be posted at all retail firework stands.

F-3309.6.5 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.

F-3309.7 Seizure of Fireworks

F-3309.7.1 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.

F-3309.7.2 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.

F-3309.7.3 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.

F-3309.7.3.1 Destruction of Fireworks. If the arrangements required under Section F-3309.7.3 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.

CHAPTER 38H LIQUEFIED PETROLEUM GASES

SECTION F-3801H GENERAL

Delete Section 3801.2 in its entirety and add new Section F-3801.2 to read as follows:

F-3801.2 Permits. Permits shall be required for any of the following:

1. Each permanent installation irrespective of the size of 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.

Distributors shall not fill an LP-gas container for which a permit is required unless a permit for installation has been issued for that location by the code official.

Add new Sections F-3801.4 and F-3801.5 to the Fire Prevention Code to read as follows:

F-3801.4 Empty Containers: Empty containers which have been used in LP-Gas service and partially filled containers, shall be considered as a full container.

F-3801.5 Natural Gas: The use of liquefied petroleum gas is prohibited wherever natural gas is available except where permitted by the code official.