DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

NOTICE OF PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs (DCRA) pursuant to the authority set forth in Section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code, sec. 6-1409) (2007 Supp.)), and Mayor's Order 87-259, dated November 13, 1987, hereby gives notice of the intent to adopt the D.C. Construction Codes of 2008, consisting of the 2006 edition of the International Code Council (ICC) International Building Code, the 2006 edition of the ICC International Residential Code, the 2006 edition of the ICC International Fuel Gas Code, the 2006 edition of the ICC International Mechanical Code, the 2006 edition of the ICC International Plumbing Code, the 2006 edition of the ICC International Property Maintenance Code, the 2006 edition of the ICC International Fire Code, the 2006 edition of the ICC International Energy Conservation Code, the 2006 International Existing Buildings Code, the 2005 edition of the NFPA National Electrical Code, and a new Title 12 of the District of Columbia Municipal Regulations (DCMR), the Construction Codes Supplement of 2008 including local variations to the adopted codes.

Notice is hereby given of the repeal of the D.C. Construction Codes adopted in 2003, consisting of the 2000 edition of the International Code Council (ICC) International Building Code, the 2000 edition of the ICC International Residential Code, the 2000 edition of the ICC International Fuel Gas Code, the 2000 edition of the ICC International Mechanical Code, the 2000 edition of the ICC International Plumbing Code, the 2000 edition of the ICC International Property Maintenance Code, the 2000 edition of the ICC International Fire Code, the 2000 edition of the ICC International Energy Conservation Code, the D.C. Existing Buildings Code Supplement of 2002, the 1996 edition of the NFPA National Electrical Code, and the Construction Codes supplement of 2003 including local variations to the adopted codes.

Pursuant to Section 10 of the Act, the proposed rulemaking shall be transmitted to the Council of the District of Columbia for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part, within the 45-day review period, the proposed rules shall be deemed approved upon expiration of the 45-day period. The proposed rules will not become effective until at least thirty (30) days from the date of publication of this notice in the D.C. Register, or until approved or deemed approved by the Council, whichever occurs later.

All persons desiring to comment on this proposed rulemaking should submit comments in writing to Paul Waters, Legislative Liaison, Department of Consumer and Regulatory Affairs, Suite 9400, 941 North Capitol Street, NE, Washington, D.C. 20002, not later than thirty (30) days after publication of this notice in the *D.C. Register*. Copies of the proposed rules are available for public inspection at the Washingtonia Division of the Martin Luther King, Jr. Public Library, 901 G Street, N.W., Washington, D.C.

DISTRICT OF COLUMBIA
CONSTRUCTION CODE SUPPLEMENT OF 2008
DCMR 12A BUILDING CODE SUPPLEMENT

CHAPTER 1A ADMINISTRATION AND ENFORCEMENT

Delete Chapter 1 in its entirety and substitute the following:

SECTION 101A GENERAL

101.1 The Construction Codes . The *D.C. Construction Codes* (2008), hereinafter referred to as the "*Construction Codes,*" shall consist of the *Building Code, Residential Code, Electrical Code, Fuel Gas Code, Mechanical Code, Plumbing Code, Property Maintenance Code, Fire Safety Code, Energy Conservation Code* and *Existing Building Code*, as defined in Sections 101.2 through 101.4.8 of 12A DCMR. The *District of Columbia Construction Code Supplement of 2008 (*the "*Construction Code Supplement*") shall consist of the additions, insertions, deletions and changes to the 2006 edition of the *International Codes* published by the International Code Council (ICC) and to the *National Electrical Code* (2005) published by the National Fire Protection Association (NFPA) (collectively the "*International Codes*") which are adopted pursuant to the provisions of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*).

101.1.1 The Construction Codes Scope and Intent. Chapter 1A of 12A DCMR shall serve as the administrative and enforcement provisions for the *Building Code, Residential Code, Electrical Code, Fuel Gas Code, Mechanical Code, Plumbing Code, Energy Conservation Code* and *Existing Building Code*, except as otherwise provided herein. Administrative and enforcement provisions for the *Property Maintenance Code* and the *Fire Prevention Code* are set forth in 12G DCMR, Chapter 1G and 12H DCMR, Chapter 1H, respectively.

101.2 D.C. Building Code. The *D.C. Building Code* (2008), hereinafter referred to as the "*Building Code* " shall consist of the *International Building Code* (2006) as amended by the *Construction Codes Supplement* (12A DCMR Building Code Supplement).

101.2.1 Appendices. Provisions in the appendices of the *International Building Code* (2006) shall not apply unless specifically adopted.

101.2.2 Administration and Enforcement Chapter 1 of the *International Building Code* (2006) is deleted in its entirety. The provisions of Chapter 1A of 12A DCMR shall apply to the *Building Code* and are incorporated by this reference.

101.2.3 Scope. The provisions of the *Building Code* shall apply to the construction, alteration, addition, repair, removal, demolition, use, location, movement, enlargement, occupancy and maintenance of all buildings and structures, appurtenances attached to buildings or structures, signs, advertising devices and premises in the District of Columbia and apply to existing or proposed buildings and structures; except as such matters are otherwise provided for in other ordinances or statutes, or in the rules and regulations authorized for promulgation under the provisions of the *Building Code*. These regulations establish minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, space heating and sanitation; for safety from fire; for space and location; for safe and sanitary maintenance of all structures and premises now in existence; for minimum requirements for all existing buildings and structures for means of egress, fire protection systems and other equipment and devices necessary for life safety from fire; for rehabilitation and reuse of existing structures, and construction and those for alterations and repairs.

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall be permitted to comply with the *Residential Code* listed in Subsection 101.3.

2. Existing buildings undergoing repair, alteration or additions and change of occupancy shall comply with the *Existing Building Code* listed in Subsection 101.4.8.

101.2.4 Intent. The purpose of the *Building Code* is to establish the minimum standards to safeguard the public health, safety, and general welfare through structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

101.3 D.C. Residential Code. The *D.C. Residential Code* (2008), hereinafter referred to as the "*Residential Code*," shall consist of the *International Residential Code* (2006) as amended by the *Construction Code Supplement* (12B DCMR Residential Code Supplement).

101.3.1 Appendices. Provisions in the appendices of the *International Residential Code* (2006) shall not apply unless specifically adopted.

101.3.2 Administration and Enforcement . Chapter 1 of the *International Residential Code* (2006) is deleted in its entirety. The provisions of Chapter 1A of 12A DCMR shall apply to the *Residential Code* and are incorporated by this reference.

101.3.3 Scope. The provisions of the *Residential Code* shall apply to the construction, movement, enlargement, replacement, equipment, use and occupancy, location, removal and demolition of detached one- and two-family dwellings and townhouses not more than three stories above-grade in height with a separate means of egress and their accessory structures.

101.3.4 Intent. The purpose of the *Residential Code* is to establish the minimum standards to safeguard the public health, safety, and general welfare through affordability, structural strength, means of egress facilities, stability, sanitation, adequate light and ventilation, energy conservation, and safety to life and property from fire and other hazards attributed to the built environment and to provide safety to fire fighters and emergency responders during emergency operations.

101.4 Referenced Codes. The codes listed in Subsections 101.4.1 through 101.4.8 and referenced elsewhere in the *Building Code* shall be considered part of the requirements of the *Construction Codes* to the prescribed extent of each such reference.

101.4.1 D.C. Electrical Code. The *D.C. Electrical Code* (2008) hereinafter referred to as the "*Electrical Code*," shall consist of the National Fire Protection Association (NFPA) *National Electrical Code* (2005) as amended by the *Construction Code Supplement* (12C DCMR Electrical Code Supplement)..

101.4.1.1 Appendices. Provisions in the appendices of the NFPA *National Electrical Code* (2005) shall not apply unless specifically adopted.

101.4.1.2 Administration and Enforcement. The provisions of Chapter 1A of 12A DCMR shall apply to the *Electrical Code* and are incorporated by this reference.

101.4.1.3 Repeal. Article 90 of the *National Electrical Code* (2005) is deleted in its entirety.

101.4.1.3.1 Mandatory Rules and Explanatory Material. Mandatory rules of the *National Electrical Code* are characterized by the use of the word "shall." Explanatory material in the form of Fine Print Notes (FPN) is not mandatory.

101.4.1.4 Scope. The provisions of the *Electrical Code* shall apply to the design, installation, maintenance, alteration, conversion, changing, repairing, removal, and inspection of electrical conductors, equipment, and systems in buildings or structures and on private or public space within the District of Columbia, for the transmission, distribution, and use of electrical energy for power, heat, light, radio, television, signaling, and for other purposes.

Exceptions:

1. Installations of communications equipment under the exclusive control of communications utilities located outdoors or in building spaces used exclusively for such installations are not subject to the *Electrical Code*.

2. Electrical installations, including associated lighting, under the exclusive control of electrical utilities for the purpose of communications, metering, generation, control, transformation, transmission, or distribution of electricity, when such installations are located in buildings used exclusively by utilities for such purposes, or outdoors on property owned or leased by the utility, or on or along public highways, streets, roads, and other public right-of-ways, or outdoors on private property by established rights such as easements, such installations are not subject to the *Electrical Code*.

101.4.1.5 Intent. The purpose of the *Electrical Code* is to establish the minimum requirements to safeguard persons and property from hazards arising from the use of electricity, and is not intended as a design specification or as an instruction manual for untrained persons.

101.4.2 D.C. Fuel Gas Code. The *D.C. Fuel Gas Code* (2008), hereinafter referred to as the "*Fuel Gas Code*," shall consist of the *International Fuel Gas Code* (2006) as amended by the *Construction Code Supplement* (12D DCMR Fuel Gas Code Supplement).

101.4.2.1 Appendices. Provisions in the appendices of the *International Fuel Gas Code* (2006) shall not apply unless specifically adopted.

101.4.2.2 Administration and Enforcement. Chapter 1 of the *International Fuel Gas Code* (2006) is deleted in its entirety. The provisions of Chapter 1A of 12A DCMR shall apply to the *Fuel Gas Code* and are incorporated by this reference.

101.4.2.3 Scope. The provisions of the *Fuel Gas Code* shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous

hydrogen systems, and related accessories, as follows:

1. Gaseous hydrogen systems shall be regulated by Chapter 7.

2. The regulations cover piping systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 psig (140 kPa gauge) or less, except as provided in Section 402.6.1. Coverage shall extend from the point of delivery to the outlet of the equipment shutoff valves. Piping system requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance.

3. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air, and venting and connection to piping systems.

4. The requirements for the design, installation, maintenance, alteration, and inspection of mechanical operating with fuels other than fuel gas shall be regulated by the *Mechanical Code*.

101.4.2.3.1 Exempted Installations and Equipment. The *Fuel Gas Code* shall not apply to the following:

1. Portable LP-Gas equipment of all types that is not connected to a fixed fuel system.

2. Installation of farm equipment such as brooders, dehydrators, dryers and irrigation equipment.

3. Raw material (feedstock) applications except for piping to special atmosphere generators.

4. Oxygen-fuel gas cutting and welding systems.

5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.

6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.

7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by chemical reactions or used in chemical reactions.

8. LP-Gas installations at utility gas plants.

9. Liquefied natural gas (LNG) installations.

10. Fuel gas piping in power and atomic energy plants.

11. Proprietary items of equipment, apparatus, or instruments such as gas generating sets, compressors and calorimeters.

12. LP-Gas equipment for vaporization, gas mixing and gas manufacturing.

13. Temporary LP-Gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.

14. Installation of LP-Gas systems for railroad switch heating.

15. Installation of LP-Gas and compressed natural gas (CNG) systems on vehicles.

16. Except as provided in Subsection FG-401.1.1 of the *Fuel Gas Code*, gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-Gas.

17. Building design and construction, except as specified herein.

18. Piping systems for mixtures of gas and air within the flammable range with an operating pressure greater than 10 psig (69 kPa gauge).

19. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.

101.4.2.4 Intent. The purpose of the *Fuel Gas Code* is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of fuel gas systems.

101.4.3 D.C. Mechanical Code. The *D.C. Mechanical Code* (2008), hereinafter referred to as the "*Mechanical Code*," shall consist of the *International Mechanical Code* (2006) as amended by the *Construction Code Supplement* (12E DCMR Mechanical Code Supplement).

101.4.3.1 Appendices. Provisions in the appendices of the *International Mechanical Code* (2006) shall not apply unless specifically adopted.

101.4.3.2 Administration and Enforcement . Chapter 1 of the *International Mechanical Code* (2006) is deleted in its entirety. The provisions of Chapter 1A of 12A DCMR shall apply to the *Mechanical Code* and are incorporated by this reference.

101.4.3.3 Scope. The provisions of the *Mechanical Code* shall regulate the design, installation, maintenance, alteration, and inspection of mechanical systems that are permanently installed and utilized to provide control of environmental conditions and related processes within buildings. The *Mechanical Code* shall also regulate those mechanical systems, systems components, equipment and appliances specifically addressed herein. The installation of fuel gas distribution piping and equipment, fuel gas-fired appliances and fuel gas-fired appliance venting systems shall be regulated by the *Fuel Gas Code*.

101.4.3.4 Intent. The purpose of the *Mechanical Code* is to provide minimum standards to safeguard life or limb, health, property, public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems.

101.4.4 D.C. Plumbing Code. The *D.C. Plumbing Code* (2008), hereinafter referred to as the "*Plumbing Code*," shall consist of the *International Plumbing Code* (2006) as amended by the *Construction Code Supplement* (12F DCMR Plumbing Code Supplement).

101.4.4.1 Appendices. Provisions in the appendices of the *International Plumbing Code* (2006) shall not apply unless specifically adopted.

101.4.4.2 Administration and Enforcement. Chapter 1 of the *International Plumbing Code* (2006) is deleted in its entirety. The provisions of Chapter 1A of 12A DCMR shall apply to the *Plumbing Code* and are incorporated by this reference.

101.4.4.3 Scope. The provisions of the *Plumbing Code* shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. The *Plumbing Code* shall also regulate non flammable medical gas, inhalation anesthetic, vacuum piping, non-medical oxygen systems and sanitary and condensate vacuum collection systems. The design and installation of fuel gas distribution piping and equipment, fuel gas fired water heaters, and water heater venting systems shall be regulated by the *Fuel Gas Code*. The design and installation of chilled water piping in connection with refrigeration process and comfort cooling, and hot water piping in connection with building

heating shall conform to the requirements of the *Mechanical Code*. The design and installation of piping for fire sprinklers and standpipes shall conform to the requirements of the *Building Code*. Water and drainage connections to such installations shall be made in accordance with the requirement of the *Plumbing Code*.

101.4.4.4 Intent. The purpose of the *Plumbing Code* is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.

101.4.5 D.C. Property Maintenance Code. The *D.C. Property Maintenance Code* (2008), hereinafter referred to as the "*Property Maintenance Code*," shall consist of the *International Property Maintenance Code* (2006) as amended by the *Construction Code Supplement* (12G DCMR Property Maintenance Code Supplement).

101.4.5.1 Administration and Enforcement . Chapter 1 of the *International Property Maintenance Code* (2006) is deleted in its entirety. Administration and enforcement provisions for the *Property Maintenance Code* are set forth in 12G DCMR, Chapter 1G.

101.4.5.2 Scope.
The provisions of the *Property Maintenance Code* shall apply to all existing residential and nonresidential buildings and structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment, and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing buildings, structures and premises, and for administration, enforcement and penalties.

101.4.5.3 Intent. The purpose of the *Property Maintenance Code* is to ensure public health, safety and welfare in so far as they are affected by the continued occupancy and maintenance of structures and premises. Existing structures and premises that do not comply with these provisions shall be altered or repaired to provide a minimum level of health and safety as required herein.

101.4.6 D.C. Fire Prevention Code. The *D.C. Fire Prevention Code* (2008), hereinafter referred to as the "*Fire Prevention Code*," shall consist of the *International Fire Code* (2006) as amended by the *Construction Code Supplement* (12 H DCMR Fire Prevention Code Supplement).

101.4.6.1 Appendices. Provisions in the appendices of the *International Fire Code* (2006) shall not apply unless specifically adopted.

101.4.6.2 Administration and Enforcement. Chapter 1 of the *International Fire Code* (2006) is deleted in its entirety. Administration and enforcement provisions for the *Fire Prevention Code* are set forth in 12H DCMR, Chapter 1H.

101.4.6.3 Scope. The provisions of the *Fire Prevention Code* shall establish regulations affecting or relating to structures, processes, premises and safeguards regarding: the hazard of fire and explosions arising from the storage, handling or use of structures, materials or devices; conditions hazardous to life, property or public welfare in the occupancy of structures or premises; or fire hazards in the structure or on the premises from occupancy or operation

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

101.4.7 D.C. Energy Conservation Code. The *D.C. Energy Conservation Code* (2008), hereinafter referred to as the "*Energy Conservation Code*," shall consist of the *International Energy Conservation Code* (2006), as amended by the. *Construction Code Supplement* (12I DCMR Energy Conservation Code Supplement).

101.4.7.1 Repeal. Subsections 101.1, 101.2, 101.3, 101.4.2, 103, 104, 105, 106 and 107 of Chapter 1 of the *International Energy Conservation Code* (2006) are deleted without substitution.

101.4.7.2 Administration and Enforcement. The provisions of Chapter 1A of 12A DCMR shall apply to the *Energy Conservation Code* and are incorporated by this reference.

101.4.7.3 Scope. The provisions of the *Energy Conservation Code* shall apply to the design of energy-efficient buildings and structures, or portions thereof, which provide facilities or shelter for public assembly, educational, business, mercantile, institutional, storage and residential occupancies, as well as those portions of factory and industrial occupancies designed primarily for human occupancy. The *Energy Conservation Code* thereby addresses the design of energy-efficient building envelopes and the selection and installation of energy-efficient mechanical, service-water heating, electrical distribution and illumination systems and equipment, for the effective use of energy in these buildings and structures.

Exception: Energy conservation systems and components in existing buildings undergoing repair, alteration, or addition, and change of occupancy, shall comply with the *Existing Building Code*.

101.4.7.4 Intent. The purpose of the *Energy Conservation Code* is to regulate the design and construction of buildings for the effective use of energy. The *Energy Conservation Code* is intended to provide flexibility to permit the use of innovative approaches and techniques to achieve effective use of energy. The *Energy Conservation Code* is not intended to abridge safety, health or environmental requirements contained in other applicable codes or ordinances.

101.4.8 D.C. Existing Building Code. The *D.C. Existing Building Code* (2008), hereinafter referred to as the "*Existing Building Code*," shall consist of the *International Existing Building Code* (2006) as amended by the *Construction Code Supplement* (12J DCMR Existing Building Code Supplement).

101.4.8.1 Appendices. Provisions in the appendices of the *International Existing Building Code* (2006) shall not apply unless specifically adopted.

101.4.8.2 Administration and Enforcement. Chapter 1 of the *International Existing Building Code* (2006) is deleted in its entirety. The provisions of Chapter 1A of 12A DCMR shall apply to the *Existing Building Code* and are incorporated by this reference.

101.4.8.3 Scope. The provisions of the *Existing Building Code* shall apply to the repair, alteration, change of occupancy, addition, and relocation of any building or structure that was erected and occupied or issued a certificate of occupancy at least one year before a construction permit application was made to DCRA. The *Existing Building Code* shall also establish requirements for existing elevators and escalators.

101.4.8.4 Intent. The purpose of the *Existing Building Code* is to provide flexibility to permit the use of alternative approaches to achieve compliance

with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change or occupancy, addition and relocation of existing buildings.

101.4.8.5 Applicability. The *Existing Building Code* shall apply to the repair, alteration, change of occupancy, addition and relocation of all existing buildings, regardless of occupancy, subject to the criteria of Subsections 101.4.8.5.1 and 101.4.8.5.2.

101.4.8.5.1 Buildings not previously occupied. A building or portion of a building that has not been previously occupied or used for its intended purpose in accordance with the laws in existence at the time of its completion shall comply with the provisions of the *Building Code* or the *Residential Code*, as applicable, for new construction or with any current permit for such occupancy.

101.4.8.5.2 Buildings previously occupied. The legal occupancy of any building existing on the date of adoption of the *Existing Building Code* shall be permitted to continue without change, except as is specifically covered in the *Existing Building Code*, the *Fire Prevention Code*, or the *Property Maintenance Code*, or as is deemed necessary by the code official, as defined in Subsection 103.1 of the *Building Code*, for the general safety and welfare of the occupants and the public.

101.4.8.6 Compliance methods. The repair, alteration, change of occupancy, addition or relocation of all existing buildings shall comply with one of the methods listed in Subsections 101.4.8.6.1 through 101.4.8.6.3 as selected by the applicant. Application of a method shall be the sole basis for assessing the compliance of work performed under a single permit unless otherwise approved by the code official, as defined in Subsection 103.1 of the *Building Code*. Subsections 101.4.8.6.1 through 101.4.8.6.3 shall not be applied in combination with each other.

Exception: Alterations complying with the laws in existence at the time the building or the affected portion of the building was built shall be considered in compliance with the provisions of the *Existing Building Code* unless the building has sustained substantial structural damage as defined in Subsection 506.2, or the building is undergoing more than a limited structural alteration as defined in Subsection 807.5.3. New structural members added as part of the repair or alteration shall comply with the *Building Code*. Repairs and alterations of existing buildings in flood hazard

areas shall comply with Subsections 302.1, 501.4 and 601.3, respectively, of the *Existing Building Code*.

101.4.8.6.1 Prescriptive compliance method. Repairs, alterations, additions and changes of occupancy complying with Chapter 3 of the *Existing Building Code* in buildings complying with the *Fire Prevention Code* shall be considered in compliance with the provisions of the *Existing Building Code*.

101.4.8.6.2 Work area compliance method. Repairs, alterations, additions, changes in occupancy and relocated buildings complying with the applicable requirements of Chapters 4 through 12 of the *Existing Building Code* shall be considered in compliance with the provisions of the *Existing Building Code*.

101.4.8.6.3 Performance compliance method. Repairs, alterations, additions, changes in occupancy and relocated buildings complying with Chapter 13 of the *Existing Building Code* shall be considered in compliance with the provisions of the *Existing Building Code*.

101.5 Jurisdiction. The *Construction Codes* shall apply to buildings, structures and premises within the limits of the District of Columbia, including buildings, structures and premises owned, occupied or controlled by the government of the District of Columbia or any of its independent agencies.

101.5.1 Exemption from Jurisdiction. Except for permit requirements for land disturbing activities involving the implementation of storm water management, erosion and sediment control, and floodplain management measures, and to the extent required by the Soil Erosion and Sedimentation Control Amendment Act of 1994, effective August 26, 1994 (D.C. Law 10-166; D.C. Official Code § 6-1403), the *Construction Codes* 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. If the underlying real property is owned by the United States government, but leased to private parties for development pursuant to a long-term ground lease or comparable property interest, the property shall not be deemed to be under the exclusive control of an officer of the United States government for purposes of this exemption.

101.5.2 Foreign Missions. The *Construction Codes* shall apply to those buildings 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)), that is, foreign missions shall substantially comply with the *Construction Codes* as required by the U.S. Secretary of State in a manner determined by the Secretary to be not inconsistent with the international obligations of the United States. Notwithstanding the foregoing, a permit shall be required for all land disturbing activities.

101.5.3 President or Vice President's Residence. No permit required under the *Construction Codes* shall be issued if it is determined by the code official, defined in Subsection 103.1 of the *Building Code*, that:

1. The permit affects an area in close proximity to the official residence of the President or Vice President of the United States; and

2. The United States Secret Service has established that the issuance of the permit would adversely impact the safety and security of the President or the Vice President of the United States.

SECTION 102A APPLICABILITY

102.1 General. The provisions of these regulations shall cover all matters affecting or relating to buildings, structures, and systems as set forth in Section 101A. A building or structure shall not be constructed, maintained, extended, repaired, removed or altered in violation of these provisions.

Exception: The raising, lowering, or moving of a building or structure as a unit, necessitated by a change in legal grade or widening of a street, shall be permitted, provided the building or structure is not otherwise altered or its use or occupancy is not changed.

102.1.1 Code Precedence. Unless otherwise provided herein, or in the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*), as amended, the following order of precedence is established among the documents adopted as part of the *Construction Codes: International Building Code*, standards and amendments; *International Residential Code*, standards and amendments; *International Mechanical Code*, standards and amendments; *International Fire Code*, standards and amendments; *International Plumbing Code*, standards and amendments. Where there is a conflict between the codes, an earlier named code takes precedence over a later named code.

Where there is a conflict, the Fuel Gas Code, the Electrical Code and the Energy Conservation Code take precedence over any of the aforementioned codes.

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

102.2 Public Works Standards. Work performed in public space, not specifically addressed in the *Construction Codes*, shall conform to the pertinent standards of the District of Columbia Department of Transportation (DDOT) and of the District of Columbia Water and Sewer Authority (WASA). Fire hydrants located in private property shall comply with the *Fire Prevention Code*.

102.3 Application of References. Unless otherwise specifically provided in the *Construction Codes*, all references to article or section numbers, or to provisions not specifically identified by number, shall be construed to refer to such article, section or provision of the *Construction Codes*.

102.4 Referenced Standards. The standards referenced in the *Construction Codes* and listed in Chapter 35 of the *International Building Code* (2006), in Chapter 43 of the *International Residential Code* (2006), in Appendix A of the NFPA *National Electrical Code* (2005), in Chapter 8 of the *International Fuel Gas Code* (2006), in Chapter 15 of the *International Mechanical Code* (2006), in Chapter 13 of the *International Plumbing Code* (2006), in Chapter 8 of the *International Property Maintenance Code* (2006), in Chapter 45 of the *International Fire Code* (2006), in Chapter 6 of the *International Energy Conservation Code* (2006) and in Chapter 15 of the *International Existing Building Code* (2006), shall be considered part of the requirements of the *Construction Codes* to the prescribed extent of each such reference.

102.4.1 Conflicts. If conflict arises between the provisions of D.C. Law 6-216, Construction Codes Approval and Amendments Act of 1986 (D.C. Official Code § 6-1401 *et seq.*), as amended, and the *Construction Code Supplement* , the *International Codes*, or their referenced standards, the provisions of D.C. Law 6-216 (D.C. Official Code § 6-1401 *et seq.*) shall take precedence. If conflict arises between the *Construction Code Supplement* , the *International Codes*, and their reference standards:

1. The provisions of the *Construction Code Supplement* shall take precedence over the *International Codes* and their referenced standards except as provided in subparagraphs 2 and 3;

2. The provisions of the *Existing Building Code* shall take precedence over other provisions of the *Construction Codes,* and their reference standards with regard to existing structures and Use Group R-4 buildings*;*

3. The most stringent provisions of the *Existing Building Code* shall take precedence when a building is both an existing structure and in Use Group R-4.

4. The provisions of the *International Codes* other than their reference standards shall take precedence over their referenced standards.

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

102.5.1 Segregation of Invalid Provisions. Any illegal or void part of the *Construction Codes* shall be segregated from the remainder of the *Construction Codes* by the court holding such part illegal or void, and the remainder of the *Construction Codes* shall remain effective.

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

102.6 Existing Structures. The legal use and occupancy of any structure existing on the effective date of the *Construction Codes*, or for which a permit has been heretofore approved, shall be permitted to continue without change.

Exceptions:

1. Provisions of the *Building Code*, the *Property Maintenance Code*, the *Fire Prevention Code* or the *Existing Building Code* that are specifically required to be applied retroactively.

2. Provisions of the *Construction Codes* deemed necessary by the code official, as defined in Subsection 103.1 of the *Building Code*, for the general safety, health and welfare of the occupants and the public.

102.7 Continuation of Unlawful Use. The continuation of occupancy or use of a building or structure, or of a part thereof, contrary to the provisions of the *Construction Codes* or the *Zoning Regulations*, shall be deemed a violation or infraction under Section 113 of the *Building Code*. The code official, defined in Section 103.1 of the *Building Code*, is authorized to issue a notice of violation and order requiring discontinuance of the use or occupancy pursuant to Section 113 of the *Building Code* and the owner or other violator shall

be subject to the penalties or fines prescribed in Section 113 of the *Building Code*.

SECTION 103A DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

103.1 Code Official. The Director of the Department of Consumer and Regulatory Affairs shall enforce the provisions of the *Construction Codes*, except those of the *Fire Prevention Code* as provided in Subsection 103.2, and shall be hereinafter referred to as the code official or as the Director.

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

103.1.2 Department. Where used herein the word "Department" shall refer to the Department of Consumer and Regulatory Affairs, except that references to "Department" in the *Fire Prevention Code* shall refer to the D.C. Fire and Emergency Medical Services Department.

103.2 Code Official for the Fire Prevention Code. 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*, unless the Director of the Department of Consumer and Regulatory Affairs is specifically identified as the code official for purposes of the *Fire Prevention Code.* Notwithstanding the foregoing, the Director of the Department of Consumer and Regulatory Affairs shall be the code official for the enforcement of all provisions in the *Construction Codes*, other than the *Fire Prevention Code*, pertaining to new and existing fire protection systems.

103.3 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 *Construction Codes*.

103.3.1 Deputy. The code official is authorized to designate an employee or employees as deputy who shall exercise powers of the code official during the temporary absence or disability of the code official, as delegated.

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

1. **Furnishing of Services.** Being engaged in, or directly or indirectly connected with, the furnishing of labor, materials or appliances for the construction, alteration or maintenance of a building under the jurisdiction of the *Construction Codes*, or the preparation of plans or specifications of a building under the jurisdiction of the *Construction Codes*, unless the official or employee is the principal owner of the building.

2. **Conflict with Official Duties.** Engaging in any work which conflicts with official duties or with the interest of the Department.

3. **Private Work.** Directly or indirectly engaging with or accepting remuneration from any private person, firm, or corporation for the performance of any work as a designer, architect, engineer, consultant or inspector, which work is to be submitted to, passed upon, reviewed, or inspected by any officer of the District of Columbia charged with the administration of any portion of the *Construction Codes*.

103.5 Public Access to Records. In accordance with procedures established by the code official, official records of the Department shall be available for public inspection at all appropriate times pursuant to the Freedom of Information Act, effective March 25, 1977 (D.C. Law 1-96; D.C. Official Code § 2-531 *et seq*.) Pursuant to D.C. Official Code § 2-532, the Department may collect a fee, in accordance with 1 DCMR 408, for researching and copying requested documents. Advisory Neighborhood Commissioners shall not be required to pay a fee. Because permit applications are amended and revised throughout the review process, the code official shall provide information that is current as of the date stated on the response.

SECTION 104A DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of the *Construction Codes* and shall act on any question relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment and the location, use, occupancy and maintenance of buildings and structures, except as otherwise specifically provided for by statutory requirements or as provided for in Subsection 103.2 and Subsections 104.2 through 104.7.

104.1.1 Legal Authority. The code official shall have power, in the interest of public safety, health and welfare, to promulgate administrative rules to interpret and implement the provisions of the *Construction Codes* to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural, architectural, plumbing, mechanical, electrical or fire performance requirements specifically provided for in the *Construction Codes* or of violating accepted engineering practice involving public safety.

104.2 Applications and Permits. The code official shall receive applications and shall

approve all permits and certificates issued for the erection, razing, demolition, alteration, and use of buildings and structures, to enforce compliance with the provisions of the *Construction Codes*.

104.3 Building Notices and Orders. The code official shall issue the necessary notices or orders to cause the removal of illegal or unsafe conditions, to require the necessary safeguards during construction, to require adequate means of egress facilities in existing buildings and structures, to ensure compliance with the applicable code requirements for the safety, health and welfare of the public, and shall institute administrative and legal actions to correct violations or infractions, including actions pursuant to An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, approved April 14, 1906 (34 Stat. 114: D.C. Official Code § 42-3131.01 *et seq*.), and the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, as amended, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-3171.01 *et seq*.)

104.4 Inspections. The code official shall make or cause to be made the required inspections for which a permit or certificate has been issued, except third-party and special inspections done under Subsections 109.4 or 109.3.9 or Chapter 17 of the *Building Code*. The code official is authorized to accept reports of inspection by approved third party or special inspection agencies in accordance with Subsections 109.4 or 109.3.9 and Chapter 17 of the *Building Code*. All reports of such third party or special inspection agencies shall comply with the requirements set forth in Subsections 109.4, 109.3.9 or Chapter 17 of the *Building Code*, as applicable. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that may arise.

104.5 Credentials. Authorized representatives of the code official shall carry proper credentials of their respective office for inspecting any buildings or premises while performing duties under the *Construction Codes*.

104.6 Right of Entry. The code official, in the performance of his or her duties, shall have the right to enter any unoccupied building; any building under construction, alteration, or repair; any building being razed or moved; any building or premises which he or she has reason to believe to be unsafe or a menace to life or limb; or any building, the use of which may require the issuance of a license or a certificate of occupancy. With respect to the inspection of any occupied habitable portion of any building, consent to such inspection shall first be obtained from any person of suitable age and discretion therein, except that if an acute emergency occurs and immediate steps must be taken to protect the public, such consent need not be obtained. When attempting to gain entrance for inspection, the code official shall show an official identification issued by the Department. If entry is refused, the code official is authorized to apply to the Superior Court for an administrative search warrant.

104.7 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 so long as the

building or structure to which they relate remains in existence, unless otherwise provided for by statute, rule or regulation.

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

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

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

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

104.9 Approved Materials, Equipment and Devices. All materials, equipment and devices approved for use by the code official shall be constructed and installed in accordance with such approval.

104.9.1 Used Materials, Equipment and Devices. The use of used materials, which meet the requirements of the *Construction Codes* for new materials, is permitted. Used equipment and devices shall not be reused unless approved by the code official.

104.9.2 Unlabeled Products. Where materials, assemblies or products are required by the *Construction Codes* to be labeled, materials, assemblies or products which are not labeled, listed or classified by an approved testing agency and which are proposed to be installed in the District of Columbia, shall be tested and labeled by an approved testing laboratory or shall be approved in accordance with Sections 1701 and 1703 of the *Building Code* at the expense of the applicant, before a permit can be granted for this installation.

104.9.3 Assembled Components. Any mechanical or electrical appliance which is not labeled, listed or classified by an approved testing agency, which is an assembly of individually labeled or listed subassemblies or components and which is proposed

to be installed in the District of Columbia, shall be tested and approved in accordance with Subsection 104.9.2 of the *Building Code*, before a permit can be granted for its installation.

104.9.4 Manufactured Homes. Before erecting or installing in the District of Columbia any prefabricated structure, manufactured at a remote site and transported in one or more sections, to be used as a one or two-family dwelling, a certificate of approval by an agency approved by the code official shall be furnished with every prefabricated assembly. Placement of prefabricated assemblies at the building site shall be inspected by the code official to determine compliance with the *Residential Code* and a final inspection of the foundation systems and the building service equipment connections shall be provided by the code official. Provisions for foundation systems necessary to provide for the installation of a manufactured home unit, building service equipment connections necessary for connecting manufactured homes to water, fuel or power supplies and sewage systems, and alterations, additions or repairs to existing manufactured homes are contained in Appendix E of the *Residential Code* and are incorporated by this reference.

104.9.5 Prefabricated Construction. Before erecting or installing in the District of Columbia any prefabricated structure, manufactured at a remote site and transported in one or more sections, to be used as other than a one or two-family dwelling, a certificate of approval, by an agency approved by the code official, shall be furnished with every prefabricated assembly. Placement of prefabricated assemblies at the building site shall be inspected by the code official to determine compliance with the *Construction Codes* and a final inspection of the foundation systems and the building service equipment connections shall be provided by the code official. Provisions shall be made for foundation systems necessary to provide for the installation of prefabricated construction and building service equipment connections necessary for connecting prefabricated construction to water, fuel or power supplies and sewer systems, in accordance with the requirements of the *Construction Codes* for new construction.

104.10 Modifications. Wherever there are practical difficulties or undue economic hardship involved in carrying out the provisions of the *Construction Codes*, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of the *Construction Codes* impractical and the modification is in compliance with the intent and purpose of the *Construction Codes* and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modification shall be recorded and entered in the appropriate files of the Department.

The code official may seek the opinion of the Office of the Attorney General for the District of Columbia when deemed necessary for the requested modification.

104.10.1 Procedure for Modifications. The application for modification shall be submitted on a form provided by the Department. The final decision of the code official shall be in writing and shall be officially recorded with the application for permit, in the permanent records of the Department. All modifications shall be approved or disapproved by the Director or his or her designated representative for the specific purpose of approval of modifications.

104.10.2 Improper Procedure. Any verbal waiver or verbal permission to deviate from or violate any provision of the *Construction Codes* is null and void.

104.11 Alternative Materials, Equipment, Methods of Construction and Design. The provisions of the *Construction Codes* are not intended to prevent the use of any material, equipment or method of construction not specifically prescribed by the *Construction Codes*, provided any such alternative has been approved. Alternative materials, equipment or methods of construction shall be approved when the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of the *Construction Codes*, and that the material, equipment or method offered is, for the purpose intended, at least the equivalent of that prescribed in the *Construction Codes* in quality, strength, effectiveness, fire-resistance, durability and safety. Approvals shall conform to Sections 1701 and 1703 of the *Building Code*.

104.12 Reasonable Accommodation Under the Fair Housing Act. Requests for reasonable accommodation under the Fair Housing Act, 42 U.S.C. §3604(f)(3)(B), shall be made according to the procedures set forth in 14 DCMR §111.

SECTION 105A PERMITS

105.1 Required Permits. A permit shall be obtained from the code official before any of the construction activities or regulated actions specified in Subsections 105.1.1 through 105.1.13 shall begin. Depending on the scope of work, as specified in Subsections 105.1.1 through 105.1.13, a construction project shall require one or more of the following types of permit:

1. Building permit.

2. Interior demolition permit.

3. Partial demolition permit.

4. Raze permit.

5. Sign permit.

6. Special sign permit

7. Projection permit.

9. Public space permit.

9. Specialty permit.

10. Miscellaneous permit.

11. Supplemental permit.

Certain types and scopes of work, as specified in Subsection 105.2, are exempted from the permit requirement of this section. The use of postcard permits as specified in Subsections 105.5.4 through 105.5.4.3 shall be deemed in compliance with the permit requirement of this section.

105.1.1 Quarterly Installation Permit. In place of an individual permit for each alteration to an already approved equipment installation, upon application the code official is authorized to issue a quarterly permit to any person, firm, or corporation regularly employing one or more licensed trade persons in the building or on the premises owned or operated by the permit applicant, for work that would otherwise require a licensed master to obtain an installation permit.

105.1.2 Quarterly Permit Records. The person to whom a quarterly permit is issued shall keep a detailed written record of all alterations to an approved equipment installation made under such quarterly permit. Such records shall be open to the code official at all reasonable times or shall be filed with the code official when requested.

105.1.3 Owner's Responsibility. The owner, builder, or authorized representative shall be responsible for securing all the required permits, or for obtaining a declaration by the code official stating that a permit is not required. Work started without a permit where a permit is determined to be required shall be a violation of the *Construction Codes*.

105.1.4 Building Permits. A building permit is required for the following activities:

1. New construction, including constructing, adding to or moving a building or structure;

2. Altering or repairing an existing building or structure;

3. Build-out the interior layout of a tenant space within a new building shell;

4. Repair fire damage to a building or structure;

5. Erect or replace a retaining wall;

6. Erect or replace a fence;

7. Erect or replace an awning, canopy, tent or other membrane structure, or similar structures;

8. Install or remove an underground storage tank;

9. Erect a radio, television or other telecommunications tower;

10. Construct, alter or repair a swimming pool;

11. Construct supporting structures for heavy equipment.

12. Underpinning;

13. Change of use or occupancy, increase in load or modification of floor layout of the building or structure.

105.1.5 Interior Demolition Permits. An interior demolition permit is required to demolish interior non-bearing walls, interior finishes and other interior non-bearing elements. The code official shall issue such a permit upon request, whether in connection with a future reconstruction project or not, and whether it affects egress, fire and life safety of occupied areas or not, subject to the provisions of Chapter 33 of the *Building Code* and Chapter 14 of the *Fire Prevention Code* listed in Chapter 35.

105.1.6 Partial Demolition Permits. A partial demolition permit is required for the following activities:

1. Removal or demolition of a part of a building or structure that is of greater scope than that allowed under an interior demolition permit pursuant to Subsection 105.1.5, but of a lesser scope than the raze of the entire building or structure down to the ground, as provided for in Subsection 105.1.7.

2. Interior demolition within a building or structure, that would otherwise be allowed under an interior demolition permit issued pursuant to Subsection 105.1.5, where any interior space of that building or structure has been specifically designated as a historic landmark.

105.1.7 Raze Permits. A raze permit is required to secure the right to remove a building or structure down to the ground.

105.1.7.1 Approvals Required . A raze permit shall not be issued until all applicable clearances have been obtained, including but not limited to, historic preservation, environment, public space, zoning, rental housing, vector control, construction and plumbing inspections. The applicant must notify all utilities having service connections within the structure such as water, electric, gas, sewer, telephone and other connections. The permit shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in an approved manner.

105.1.7.1.1 Service Connections to Mechanical Equipment. Fuel-fired or electrically-supplied heating appliances or equipment shall not be removed from any building or structure to be razed, until a raze permit has been issued in accordance with this Section 105.1.7.

105.1.7.1.2 Rental Housing Act. Where the property owner requires a raze permit for purposes of complying with Section 501(g) of the Rental Housing Act, effective July 17, 1985 (D.C. Law 6-10; D.C. Official Code § 42-3505.01(g)) , and the owner provides evidence that a utility release will not be issued until the building has been vacated, a conditional raze permit will be issued, provided all clearances and approvals other than the utility release have been obtained and the owner certifies that the utility releases will be obtained and the tenants will be evicted lawfully pursuant to D.C. Official Code § 42-3505.01 (g) before proceeding with razing operations.

105.1.7.2 Lot Regulation. Whenever a structure is razed, the premises shall be maintained free from unsafe or hazardous conditions by the proper regulation of the lot, restoration of established grades and the erection of the necessary retaining walls and fences in accordance with the provisions of Chapter 33 of the *Building Code*.

105.1.8 Sign Permits. A sign permit is required to install or alter a sign or other advertising device subject to the provisions of Section 3107 of the *Building Code*, unless exempted therein.

105.1.9 Projection Permits. A projection permit is required to construct, enlarge, alter or remove a projection beyond the property line. This includes projections above ground and vaults in public space.

105.1.10 Public Space Permits. A public space permit is required for all construction

activity conducted in the public space as specified by 24 DCMR, including, but not limited to, the following:

1. To install, alter or remove enclosed or unenclosed sidewalk cafés;

2. To install temporary fences, sidewalk protection or construction trailers in public space;

3. To install cranes or similar hoisting devices;

4. To place a dumpster for construction debris;

5. To locate refrigeration systems in accordance with Section 120.2 of the *Building Code*;

6. To otherwise occupy public space, to the extent deemed necessary by the Director of the Department of Transportation to be in the public interest.

105.1.11 Specialty Permits. A specialty permit, as indicated hereafter, is required for the following activities:

1. Underpinning Permit, to underpin existing walls, footings, foundations or other structural load bearing elements.

2. Excavation Permit, to excavate or perform other earth disturbing activities. All work shall comply with soil erosion and sedimentation control regulations specified in 21 DCMR Subsection 502.1 and the storm water management regulations specified in 21 DCMR Subsection 526.1.

3. Sheeting and Shoring Permit, to install excavation and slope stabilization systems.

4. Grading Permit, for grading, regrading or land filling operations. All work shall comply with soil erosion and sedimentation control regulations specified in 21 DCMR Subsection 502.1 and the storm water management regulations specified in 21 DCMR Subsection 526.1.

5. Capacity Placard Permit, to obtain approval of the posted maximum occupant load for the placards required by Subsection 1004.3.

6. Capacity Increase Permit, to secure approval of an increase in allowable occupant load for a building or premises.

7. After-Hours Permit, to engage in construction, installation, maintenance, alteration, repair, demolition, or razing activities outside normal working hours, subject to noise regulations set forth in 20__DCMR chapters 27 and 28, 14 DCMR §2515, and the "Georgetown Project and Noise Control Amendment Act of 2004", effective December 7, 2004 (DC Law 15-214;. For the purposes of this permit, normal working hours shall be from seven (7) a.m. to seven (7) p.m., Monday through Saturday, exclusive of legal holidays.

8. Tower Crane Permit, to install cranes or other similar hoisting devices, in public space or private property.

The code official is authorized to waive the specialty permits required under items 1, 2, 3, 4, 5 or 6 of this section if a building permit is issued for a wider scope of work that includes the scope of work covered by those specialty permits.

105.1.11.1 Limitations on After-Hours Work in Residential Areas. No after-hours permit shall be issued for work in an area zoned "residential" under the *Zoning Regulations* (11 DCMR) then in effect, or in an area within 500 feet (152 400 mm) of such residential zone, or within 500 feet (152 400 mm) of a building with sleeping quarters, unless the code official determines that not issuing such permit would pose a threat to public safety, health and welfare.

105.1.12 Miscellaneous Permits. A miscellaneous building permit is required for the following activities:

1. Installing stationary scaffolding above two stories in height;

2. Cleaning exteriors of buildings or structures, in private or public space, using steam, chemical cleaning or sandblasting;

3. Blasting operations;

4. Waterproofing and damp proofing;

5. Erecting observation stands, except as provided by section 105(g) of the First Amendment Rights and Police Standards Act of 2004, effective April 13, 2005 (D.C. law 15-352);D.C. Official Code § 5-331.05(g)) for First Amendment assemblies;

6. Renewal Permit, to obtain an extension of a valid unused building permit, as authorized by Subsection 105.5.1;

7. Revision Permit, to revise or amend a valid current permit, as authorized by Subsection 105.3.3;

8. Installation of dish antenna on the façade of any building, to include a building, in a historic district or on a historically designated building or structure.

9. Transfer of a valid building permit as authorized by Subsection 105.3.1.3.

The code official is authorized to waive the miscellaneous permit required under item 4 of this section if a building permit is issued for a wider scope of work that includes the scope of work covered by that miscellaneous permit.

105.1.13 Supplemental Permits. A supplemental permit, as indicated hereafter, is required in addition to the applicable permits described in Subsections 105.1.4, 105.1.5, 105.1.6 and 105.1.7.

1. Supplemental electrical installation permit, for installation of electrical systems and fixtures, as specified in Subsection 105.1.14.

2. Supplemental fuel gas installation permit, for installation of gas-fueled appliances and equipment, as specified in Subsection 105.1.15.

3. Supplemental mechanical installation permit, for installation of refrigerating and cooling systems and mechanical equipment, as specified in Subsection 105.1.16.

4. Supplemental plumbing installation permit, for installation of plumbing systems and fixtures, as specified in Subsection 105.1.17.

5. Supplemental air quality permit, to obtain license to install and/or operate stationary air pollution source equipment or an air pollution control device on a stationary source, as specified in Subsections 200.1 and 200.2 of Title 20 DCMR, except as exempted in the same Title.

6. Supplemental elevator/escalator permit, for installation, modernization and/or repair of new and existing elevators, escalators or conveying systems, except for general maintenance per ASME A17.1, as specified in Subsection 105.1.18.

105.1.14 Permits Required for Electrical Work. Installation, replacement or repair of electrical appliances and equipment, electrical wiring for power and lighting, other than equipment exempt under Subsection 105.2.2.1, shall require an electrical installation permit. Electrical installation permits are required, namely, for the following:

1. **Power Limited Wiring.** Electrical permit is required for the installation of fire alarm and detection systems and other power limited wiring, such as burglar alarms, telephone data cables, and security, installed by other than public utility companies.

2. **Electrical Signs.** Electrical permit shall be required for the erection of a sign on or in which lights of any description are to be used, or which will be illuminated by artificial means.

3. **Preventive Maintenance.** Electrical permits are required to perform preventive maintenance in switchboards, as required in Article E-408-23 of the *Electrical Code*.

4. **Temporary Wiring.** Electrical permit shall be required for the installation of electric wiring of a temporary nature for light, heat, or power purposes, and is issued contingent upon the removal of said wiring and apparatus upon expiration of the permit.

5. **Barricade Lamps.** Electrical permit shall be required for temporary obstruction barricade lamps on or over an authorized temporary enclosing fence or barricade on public property and for other temporary lighting in public space back of the inner edge of a public sidewalk; such temporary permits shall be approved by the District of Columbia Department of Transportation (DDOT).

6. **Construction Hoists.** Electrical permit shall be required for the installation of building material hoists used in building construction.

7. **Electrical Current Use During Building Construction.** Electrical permit shall be required for the temporary use of electric current for light, heat, or power purposes on any permanent system of wiring, pending completion and final approval thereof.

8. **Electrical Work in Connection with the Installation of Mechanical Equipment.** Electrical permit shall be required for electrical work in connection with the installation of mechanical equipment.

105.1.14.2 Temporary Permits. Permits required under items 4 and 5 of Subsection 105.1.14 shall be valid for 90 days, and shall be renewable before expiration, for 90-day periods. Permits required under item 7 of Subsection 105.1.14 shall be valid for one year or until completion of the purpose for which they were issued, whichever comes first, and shall be renewable before expiration, for one-year periods.

105.1.14.3 Quarterly Permits. The code official is authorized to issue quarterly permits for the installation of lighting and appliance branch circuits and replacement of motor branch circuits, motor, and controls, for three-month periods, to owners or occupants of a building regularly employing one or more licensed master electricians on the premises.

105.1.14.4 Private wiring in public space. The code official shall issue electrical permits upon approval by the Director of the Department of Transportation, for private lamp posts, yard lights, step or similar lighting pertaining to residential type occupancies, behind the public sidewalk line. Applications for electrical permits for private wiring in public space for the erection of private lamp posts, yard lights, step or similar lighting shall be accompanied by an outside light agreement, a sketch showing the distance from the public sidewalk or street to the lighting and at least one lateral distance from the property line to the said lighting.

105.1.15 Permits Required for Fuel Gas Work. Installation or replacement of fuel gas fired mechanical equipment, or any replacement of or repair to the gas line serving such appliances shall require a supplemental fuel gas installation permit. Fuel gas installation permits shall be obtained for the following:

1. Gas fired water or space heating appliances other than boilers.

2. Gas fired boilers in single-family dwellings.

3. Gas fired hot water boilers with a gas input rating of less than 525,000 Btu/h (154 kW).

105.1.16 Permits Required for Mechanical Work. Installation, replacement or repair of refrigerating or cooling equipment, pressure vessels or boilers, other than equipment exempt under Subsection 105.2.2.2, shall require a supplemental mechanical installation permit.

105.1.17 Permits Required for Plumbing Work. Installation, replacement or repair of plumbing systems, plumbing fixtures, or their appurtenances, other than work exempt under Subsection 105.2.2.3, shall require a supplemental plumbing installation permit. A plumbing installation permit is required, namely, for water pressure booster pumps or recirculation pumps.

105.1.18 Permits Required for Elevator, Escalator and Conveying System Work. Installation, replacement/modernization or repair, except for general maintenance, of elevator, escalator and conveying systems shall require a supplemental elevator/escalator installation permit.

105.2 Work Exempted from Permit. The types of work listed in this section, in the amounts indicated hereafter, shall not require a permit, except as provided for in Subsection 105.2.5. Work exempted from permit shall not include work in any piping system involving brazed, soldered or welded joints. The code official is authorized to determine whether a limited scope of work, other than those listed hereafter, is exempted from permit requirement.

1. Brick pointing.

2. Caulking, patching and plaster repair.

3. Papering, tiling, carpeting and installation of cabinets, counter tops and architectural millwork.

4. Installation of window screens and storm windows.

5. Repair in kind of existing fences.

6. Retaining walls, 4 feet (1219 mm) or less in height, measured from the bottom of the footing to the top of the wall, for one and two family dwellings only.

7. Detached garden storage sheds complying with Subsection 105.2.6.

8. Painting, other than application of fire-retardant paint.

9. Replacement *in kind* of one of the items listed hereafter. For the purpose of this section, "replacement in kind," when applied to architectural features, means replacement with a feature of like material that replicates the existing feature in proportion, appearance, texture, design, detail and dimensions.

    a. Non-rated windows and non-rated doors for one and two-family dwellings only.

    b. Roofing and coping.

    c. Siding.

    d. Gutters and downspouts.

    e. Private sidewalks and driveways.

    f. Patios.

    g. Non-rated suspended ceiling tile.

h. Floor coverings.

i. Not more than 160 square feet (14.9m^2) of gypsum board.

j. Not more than 10 linear feet (3.05m) of ductwork, in other than hazardous exhaust and commercial kitchen exhaust systems.

10. Pedestrian walkways and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of a required accessible route.

11. Prefabricated pools accessory to a Use Group R-3 occupancy which are less than 24 inches (610 mm) deep, do not exceed 1,000 gallons (4 000 L) and are installed entirely above ground.

12. Swings and other playground equipment accessory to one- and two-family dwellings.

13. Window awnings supported by an exterior wall of Use Group R-3 buildings, and awnings exempted per Section 3105.

14. Movable cases and counters not over 5 feet 9 inches (1753 mm) in height, in spaces of Use Group M.

15. Excavation Permit for minor land disturbing activities as defined in Title 21 DCMR.

a. Home gardening and individual home landscaping repairs and maintenance;

b. Single family dwelling utility service connections or utility construction, where excavated material is removed from the job site;

c. Tilling, planting, or harvesting of agricultural or horticultural crops;

d. The digging of holes for fences, sign posts or poles;

e. Emergency work to protect life, limb, or property, and emergency repairs. In all land disturbing activities that would have required an approved erosion and sedimentation control plan, the land disturbed shall be shaped and stabilized in accordance with the requirements of the *Construction Codes*.

105.2.1 Emergency Work. When necessary to make emergency repairs or replacements to buildings, structures or systems, an application for a permit to cover all emergency work shall be submitted on the first business day following the performance of such emergency work.

105.2.2 Ordinary Repairs. Supplemental permits are not required for certain ordinary repairs, as specified in Subsections 105.2.2.1 through 105.2.2.4. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

105.2.2.1 Electrical Permits Not Required. An electrical installation permit shall not be required for the following:

1. Repair portable electrical equipment.

2. Repair lighting fixtures.

3. Repair or replace ballasts, sockets, receptacles, or snap switches.

4. Make other minor repairs at existing outlets.

105.2.2.2 Fuel Gas Permits Not Required. A fuel gas installation permit shall not be required for minor repairs to fuel gas systems, not involving any cutting into, plugging, extension, relocation or removal of any gas pipe.

105.2.2.3 Mechanical Permits Not Required. A mechanical installation permit shall not be required for the following:

1. Any portable heating appliance.

2. Any portable ventilation equipment.

3. Any portable cooling unit.

4. Replacement of any minor part, which does not alter approval of equipment, or make it unsafe.

5. Any portable evaporative cooler.

6. Any self-contained refrigerating system with a refrigerating effect of

24,000 Btu/h (7,034 W) or less.

7. Any non-kerosene-fueled water or space heating appliance other than boilers.

8. Distribution, exhaust, and make-up air systems ductwork and appurtenant devices, such as dampers, connectors, louvers, diffusers, grilles, or insulation.

9. Air circulation, supply, or exhaust fans.

10. Work exempted by item 9.j of Subsection 105.2.

105.2.2.4 Plumbing Permits Not Required. A plumbing installation permit shall not be required for the following:

1. Repairs, which involve only the working parts of a faucet or valve.

2. Clearance of stoppages.

3. Repairing of defective faucets or valves, provided alterations are not made to the existing piping and fixtures.

4. Minor repairs not involving the removal or setting of any plumbing fixtures.

5. Repair or replacement of water meters performed by the District of Columbia Water and Sewer Authority (WASA).

105.2.3 Public Service Agencies. A permit shall not be required under the *Construction Codes* for the installation, alteration or repair of equipment used for generation, transmission, distribution, metering or treatment that is under the ownership or control of public service agencies subject to the jurisdiction of the Public Service Commission, or of WASA.

Exception: A permit shall be required for all projects involving land disturbing activities and for all work described in Subsection 105.2.5.

105.2.4 Compliance with Code Provisions. Despite being exempted from permit, the work performed pursuant to Subsection 105.2 shall conform to the relevant provisions of the *Construction Codes*.

105.2.5 Permit Exemptions not applicable in Historic Districts or to Historically

Designated Structures. When the proposed scope of work would qualify to be exempted from permit pursuant to items 1, 5, 6, 7, 9.a, 9.b, 9.c, 9.e, 9.f, 10, 11, 15 and 17.d. of Subsection 105.2, and the work is to occur on the land of or the exterior of buildings or structures located in historic districts, or of historically designated buildings or structures, an application for a building permit, pursuant to Subsection 105.1.4, shall be required.

105.2.6 Limitations on Exempted Garden Storage Sheds. The permit exemption of Subsection 105.2(7) is limited to a single garden storage shed that does not exceed 50 square feet (4.65 m^2) in area, is less than 10 feet (3048 mm) in overall height, is an accessory structure to a building of Use Group R-3 or to a building under the jurisdiction of the *Residential Code*, and is erected in a lot with no other exempted storage shed.

105.3 Application for Permit. The application for permit shall be submitted in the form prescribed and provided by the code official, and shall be accompanied by any filing fee deposit required pursuant to Subsection 108.2.1.1 and any other fees required by the code official to be paid at the time of filing. All other fees shall be paid prior to issuance of the permit pursuant to Section 108. If a property is located in a CM or M zone district, the "Standards of External Impact" application required by the Zoning Regulations (11 DCMR) shall also be submitted. The code official may reject an application at the time of filing if the application and required supporting documents are not substantially complete." Submittal requirements shall be in accordance with Section 106. The application form shall contain the statement "Making of a false statement in this form is punishable by criminal penalties pursuant to D.C. Official Code § 22-2405" in the applicant's signature box.

105.3.1 Action on Application. The code official shall examine or cause to be examined all applications for permit and amendments to applications within a reasonable time after filing. If deficiencies in the application, plans or other supporting documents are discovered during processing, the code official is authorized , in his or her discretion, to give the applicant an opportunity to correct the deficiencies prior to taking action to approve or reject the application. If the application or the plans do not conform to the requirements of all pertinent laws, the code official is authorized to reject such application. The code official shall state the reasons for the rejection in writing, citing specific sections of the *Construction Codes*, and stating the applicant's right of appeal under Section 112. If the code official is satisfied that the proposed work conforms to the requirements of the *Construction Codes* and all applicable laws, rules, and regulations, the code official shall issue a permit as soon as practicable.

105.3.1.1 Expedited Construction Documents Review Procedures; Third-Party Plan Review The applicant shall have the option of providing for a third-party plans reviewer or third-party reviewing agency, at the applicant's expense, to perform a code compliance review of the project, including review of one or more components of the construction documents set forth in this section, and to provide the code official with a certified report of the findings

of the review, in a format acceptable to the code official. "Components" of construction documents as used in this section shall refer to the various disciplines requiring review. The code official shall accept such reports from approved third-party plans reviewers or plans review agencies, provided that the code official determines that such agencies and reviewers satisfy the qualification and reliability requirements established by the code official and all such reports are certified by reviewers who possess a valid license as a registered architect or professional engineer in the District of Columbia. If the code official is satisfied that the proposed construction documents or certified components of construction documents conform to the requirements of the *Construction Codes* and all applicable laws, rules, and regulations, the code official shall approve the construction documents or certified components of the construction documents.

Wherever the terms "third-party reviewer", "third-party plans reviewer", or "third-party review agency" are used in this section, these terms shall refer to and be equivalent to a "peer reviewer" as that term is defined and described in D.C. Official Code, § 6-1405.02 (a)(7).

105.3.1.1.1 Minimum Qualification, Training, Experience and Reliability Requirements for Approved Third-Party Reviewers and Third-Party Review Agencies. Third-party plans reviewers and third-party review agencies shall meet the following requirements:

1. Each third-party plans reviewer who reviews construction documents shall possess the appropriate licenses and/or certifications and expertise in order to review the type of documents being reviewed, and shall submit evidence annually that his or her license and/or certification is valid.

2. Each plans review agency shall have adequate staff with the appropriate licenses and/or certifications and expertise to review the types of construction documents that they propose to review. All approved submitted construction documents shall bear the stamp and signature of the approving reviewer for the respective discipline.

3. A third-party plans reviewer or plans review agency shall meet the independence and ethical requirements set forth in D.C. Official Code § 6-1405.03 (4), (5), (6), (7), (8) .

4. Each third-party plans review agency shall include at least one registered architect or professional engineer licensed in the District of Columbia who shall act as the professional in charge of the review and who shall certify the plan reviews performed by the agency. Any person working for the agency who is not

so licensed shall work under the direct supervision of an architect or professional engineer who holds a current registration in the District of Columbia.

5. Each plans reviewer who reviews construction documents under this section, either as a third-party plans reviewer or as a member of a plans review agency, shall have an acceptable level of expertise and experience in the performance of code compliance reviews in the disciplines for which he or she is seeking certification, which shall include at a minimum: possession of a current ICC certification as a plans reviewer, or a certifying agency recognized by the ICC , in the discipline or disciplines in which the reviewer is applying to perform reviews. With respect to any third-party plans reviewer or third-party plans review agency certified as of the effective date of the *Construction Codes,* such entities shall have one year from the effective date to come into compliance with the certification requirement.

6. Such additional requirements as the code official may impose from time to time to ensure the accuracy and reliability of the plans reviewers and the plan reviews conducted.

105.3.1.1.2. Approval and Certification of Third-Party Plans Reviewers and Plan Review Agencies. An individual or agency that wishes to be certified as an approved third- party plans reviewer or third-party plans review agency shall submit an application on the form provided by the code official and shall provide all necessary information and documentation to demonstrate satisfaction of the minimum qualifications, training, experience and reliability requirements set forth in Subsection 105.3.1.1.1. The third-party plans reviewer and third-party plans review agency shall amend a pending certification application or a certification approval to notify the code official of any changes in material information submitted in the application upon which the approval and certification is based, including, but not limited to, changes in personnel identified in the application or changes in licensing, registration or certification status.

105.3.1.1.3 Scope of Third-Party Peer Review. When approving a third-party plans reviewer or third-party plans review agency, the code official shall specify the review disciplines of the permit construction documents that the plans reviewer or plans review agency is authorized to review. Each approved third-party plans reviewer or agency shall be assigned a number. The areas in which a third-party plans reviewer or third-party plans review agency may be certified may include any of the following:

1. Architectural/Structural;
2. Elevators;
3. Mechanical;
4. Plumbing;
5. Electrical;
6. Fire and Life Safety (Fire Protection).

105.3.1.1.4 Expedited Construction Documents Review Procedures. In order to participate, the property owner, agent or permit applicant shall advise the Department, in the construction permit application, that a certified third-party plans reviewer or third-party plans review agency will review one or more disciplines of the construction documents in conformity with the provisions of D.C. Official Code, §6-1405.03. The said construction documents shall be reviewed by the third-party plans reviewer and recommended for submission/approval in the certified report provided to the code official.

105.3.1.1.5 Certification of Plans by Third-Party Reviewer. Each plan reviewed by the third-party plans reviewer shall include the certifications required by D.C. Official Code, §6-1405.03, including , but not limited to, the certifications described in subsections (b)(1), (d), (e)(1)(A) of §6-1405.03.

105.3.1.1.6 Review of Work Conducted by Third-Party Plans Reviewers and Revocation of Certification. The code official shall periodically conduct a detailed unannounced audit of documents reviewed by third-party plans reviewers and plans review agencies, and shall also maintain a tracking system to monitor the recommendations of the third-party plans reviewers. If the code official determines that plans recommended by the third-party reviewer or third-party reviewing agency for approval do not meet the requirements of the *Construction Codes* or that the reviewer or agency has failed to meet other requirements of this section, or of section 6(c) of the Homestart Regulatory Improvement Amendment Act, D.C. Law 14-162, effective June 25, 2002 (D.C. Law 14-162; D.C. Official Code, § 6-1405.03), or any regulations promulgated thereunder, the code official is authorized to revoke the certification of the third-party reviewer or third party reviewing agency upon written notice, including the reason for the revocation. The certification may be reinstated if the Director determines that the third-party reviewer or third party reviewing agency has remedied the violation that formed the basis for the revocation and the reviewer, or professional in charge in the case of a reviewing agency, possesses a valid license as an architect or professional engineer in the District of Columbia.

105.3.1.2 Payment of Delinquent Fines and Penalties. The code official may refuse to accept the permit fee and issue a permit if the owner, applicant, or responsible officer has outstanding fines or penalties imposed under the *Construction Codes*, or if the code official determines that the owner, applicant, or responsible officer is in violation of any provision of the *Construction Codes*.

105.3.1.3 By Whom Application is Made Application for a permit shall be made by the owner or lessee of the building or structure, or by the agent of either. The licensed engineer, architect or interior designer employed in connection with the proposed work shall be allowed to submit an application for a building permit on behalf of the owner or lessee.

> **105.3.1.3.1 Transfer of Permit.** If the owner or lessee of the building or structure should change, an unexpired permit may be transferred to a new owner or lessee upon approval by the code official of an application by the new owner or lessee, in a form specified by the code official, to transfer the permit. The code official shall have the right to require compliance with any new regulations or requirements adopted subsequent to issuance of the original permit.

105.3.1.4 Names and Addresses Required. The full names and addresses of the owner, lessee, applicant, and of the responsible officers, if the owner or lessee is a corporate body, shall be stated in the application.

105.3.1.5 Penalties for False Statements. If an applicant willfully makes a false statement in the application form that is in fact material, under circumstances in which the statement could reasonably be expected to be relied upon as true, the applicant, upon conviction, is subject to the penalties of section 404 of the District of Columba Theft and White Collar Crimes Act of 1982, effective December 1, 1982 (D.C. Law 4-164; D.C. Official Code § 22-2405.)

105.3.1.6 Approval of Partial Plans. The code official is authorized to issue a partial permit for the construction of foundations or any other part of a building or structure before the entire plans and specifications for the whole building or structure have been submitted, provided adequate information and detailed statements have been filed complying with all pertinent requirements of the *Construction Codes*. Issuance of a partial permit by the code official does not constitute assurance that a permit for the entire structure will be granted. The holder of such partial permit for the foundations or other part of a building or structure will proceed with the building operation at the holder's own risk and without assurance that a permit for the entire structure will be granted.

105.3.1.6.1 Separate or Combined Permits. Separate permits may be required for structural, electrical, plumbing, and mechanical installations, or for special construction, in the discretion of the code official. Consolidated permits may be issued incorporating two or more of the areas of design.

105.3.1.7 Approved Plans. The code official shall stamp "Approved" or otherwise endorse in writing all sets of corrected plans. One set of such approved plans shall be retained by the code official and one set shall be kept at the building site, open to inspection of the code official or an authorized representative at all reasonable times.

105.3.1.8 Signature on Permit. The code official's signature shall be attached to every permit; or the code official may authorize a subordinate to affix a facsimile of the code official's signature to permits. The code official’s signature shall not be construed as indicating that the construction complies with any other requirement of District law or regulation other than the *Construction Codes* and the *Zoning Regulations* (11 DCMR). The permit does not grant a waiver of the maximum height allowed under the Act to Regulate the Height of Buildings in the District of Columbia, approved June 1, 1910 (36 Stat. 452; D.C. Official Code, § 6-601.01 to 6-601.09), unless expressly indicated on the permit.

105.3.2 Time Limitation of Application. Application and supporting documentation for any proposed work shall be deemed to have been abandoned if the applicant fails to obtain the permit within six months of the date of written notification by the code official that the permit is ready for issuance, or if the applicant fails to make the required changes in the application, plans or other supporting documents within one year of the date of written notification by the code official that the plans review is complete and that changes are required before the permit shall be issued. Refunds of the unused portion of the application file deposit shall be made pursuant to Subsection 108.6.

Exception: If the applicant shows reasonable cause, the code official is permitted to grant a maximum of two (2) extensions of time for additional periods not exceeding six (6) months each.

105.3.3 Amendments to Permit. The holder of a valid active building permit shall be authorized to amend it or to amend the plans, application or other records pertaining to it, by filing at any time before completion of the work for which the original permit was issued, an application for revision of a building permit, accompanied by two (2) sets of the revised plans or documents. Once such amendments are approved and the revision permit is issued, it shall be deemed part of the original permit and shall be kept therewith in the official records of the Department. A revision permit shall become invalid upon expiration of the original building permit it amends. The extension provisions of Subsection 105.5.1 shall apply to the original building permit and shall only affect the respective revision permits to the extent that the original building permit is extended.

105.4 Compliance with Code. The permit shall be a license to proceed with the work and shall not be construed as authority to violate, cancel or set aside any of the provisions of the *Construction Codes*, except as specifically stipulated by modification granted in accordance with Subsections 104.10 and 104.10.1.

105.5 Expiration of Permit. Any permit issued shall become invalid if the authorized work is not begun within one year after the permit is issued, or if the authorized work is suspended or abandoned for a period of one year, after the date work is begun.

Exception: Any permit issued for work on premises or structures that have been deemed to be unsafe or unfit for human occupancy (in accordance with Section 115A), or abandoned or deteriorated property (in accordance with D.C. Official Code § 42-3171.01 *et seq.*), shall become invalid if the authorized work is not begun within thirty (30) days after the permit is issued, and completed within six (6) months after the date work is begun.

105.5.1 Extension of Permit. Upon written request submitted by the applicant before a permit expires or lapses, and upon a showing of good cause, the code official is authorized to grant extensions of time not to exceed six (6) months per extension. Not more than three (3) extensions of time will be granted to any permit.

Exception: For any permit issued for work on premises or structures that have been deemed to be unsafe or unfit for human occupancy (in accordance with Section 115A), or abandoned or deteriorated property (in accordance with D.C. Official Code § 42-3171.01 *et seq.*), work must commence within thirty (30) days after the initial permit is issued, and be completed within six (6) months after the date work is begun, unless an extension of time is granted by the code official. If the work has not been completed within the 210 day maximum period noted in this Exception, the Department is authorized to complete the work in accordance with D.C. Official Code § 42-3131.01 *et seq.*

and D.C. Official Code § 42-3171.01 *et seq*.

105.5.2 Lapsed Permits. Permits issued under the *Construction Codes* shall not be extendable if permitted to expire, unless extension is approved in writing by the Code Official.

105.5.3 Non-Transferable Supplemental Permits. A new supplemental installation permit should be obtained pursuant to Subsection 105.1.13 for any authorized work begun by one contractor and continued by another contractor.

105.5.4 Postcard Permits. Application for permits may be made by using a special postcard issued by the Department of Consumer and Regulatory Affairs, for a scope of work within the limitations of Subsections 105.5.4.2.1 through 105.5.4.2.7. Use of postcard permits shall be subject to the terms and conditions printed on the "applicant's copy" of the postcard permit form.

105.5.4.1 Postcard Permit Types. The code official shall make the following types of postcard permits available for purchase by qualified applicants, upon request:

1. Postcard plumbing permits.

2. Postcard fuel gas permits.

3. Postcard mechanical permits.

4. Postcard electrical permits (general).

5. Postcard electrical service permits (heavy-up).

6. Postcard building permits.

105.5.4.1.1 Eligibility to Purchase and Use Postcard Permits. In order to be eligible to purchase and use the types of postcard permits established in Subsection 105.5.4.1, the applicants shall have the following respective minimum qualifications:

1. Postcard building permits: any applicant is allowed to purchase; only a building owner, lessee, or authorized agent of either is allowed to submit a postcard building permit.

2. Postcard electrical permits (general): master electricians and homeowners are allowed to purchase; homeowners are allowed to purchase limited quantities, consistent with the anticipated scope of work of one (1) one-family dwelling; homeowners are only allowed to submit postcard permits for work done in their

own one-family home; master electricians are allowed to use the permits regardless of location.

3. Postcard electrical service permits (heavy-up): electrical contractors only.

4. Postcard fuel gas permits: master plumbers and master gasfitters.

5. Postcard mechanical permits: master mechanics only.

6. Postcard plumbing permits: master plumbers only.

105.5.4.1.2 Postcard Permit a Privilege. The code official shall have the right to deny the privilege of purchasing or using postcard permits to any qualified applicant who fails to submit a postcard permit timely, or who misuses the postcard permits as a means to evade full compliance with the application requirements of Subsection 105.1. Cases of willful misuse of postcard permits by a licensed master, in violation of the pertinent permit conditions, shall result in referral of the matter to the respective licensing board for appropriate action.

105.5.4.1.3 Postcard Permit Inspections. The applicant shall be responsible for requesting in a timely fashion all the necessary inspections of work done under postcard permits. Work that is intended to be permanently concealed shall require a "close-in" inspection. At the "close-in" inspection, the inspector will determine if a final inspection is necessary. Failure to obtain a necessary inspection is a violation of the *Construction Codes* and shall subject the applicant to penalties and fines pursuant to Section 113.

105.5.4.2 Postcard Permit Limitations. The scope of validity of each type of postcard permit is limited by the conditions specified in Subsections 105.5.4.2.1 through 105.5.4.2.7.

105.5.4.2.1 General Limitations. The following limitations shall apply to all types of postcard permits:

1. Postcard permits shall not be accepted to substitute for permits that would otherwise require approval by boards or agencies of the federal government or of the District of Columbia, other than the Department of Consumer and Regulatory Affairs. In particular, postcard permits shall not be accepted for work to be done under item 1 of Subsection 105.5.4.2.4 or items 1, 2, 12.a and 12.b of Subsection 105.5.4.2.7, when such work is proposed to occur on the exterior of buildings or structures

located in historic districts or in historically designated buildings or structures. The user shall be responsible for obtaining confirmation from the code official that the proposed scope of work qualifies to be done under a postcard permit.

2. Work done under a postcard permit shall not commence before the postcard permit form is filled out entirely and the "inspector's copy" is mailed. The inspector's copy shall be postmarked, at the latest, on the first business day following the start of the work. Work done in violation of this limitation shall be deemed work without a permit and shall be subject to the enforcement actions of Sections 113 and 114.

3. No more than one address, lot and square per postcard permit.

105.5.4.2.2 Postcard Building Permit Limitations. Postcard building permits shall be acceptable for a scope of work within the limits of any one of the categories listed hereafter. A separate postcard permit shall be required for each category when the scope of work includes items in more than one category.

1. Repair a fence up to a height of seven (7) feet (2.13 m) above grade, entirely located in private property and behind the building restriction line.

2. Interior demolition of non-bearing elements in a space up to 5,000 square feet.

3. Application of fire-retardant paint, up to five (5) gallons (19 L).

4. Erection of one (1) Christmas Tree Stand on private property.

5. Renewal of an active building permit.

6. Revision of an active permit for change of ownership or change of address.

7. Repairs of one of the following items:
   a. Existing fire escape.
   b. Front porch and steps in a single-family dwelling.
   c. Rear porch and steps in a single-family dwelling.
   d. Up to four (4) stories of a single interior stairway.
   e. Guardrails and/or handrails in up to four (4) stories of a single interior stairway.

f. Guardrails of up to five (5) balconies.

8. Replacement *in kind* of one of the items listed hereafter. For the purpose of this section, "replacement in kind," when applied to architectural features, means replacement with a feature of like material that replicates the existing feature in proportion, appearance, texture, design, detail, location and dimensions.
   a. Guards and guardrails of up to five (5) balconies and/or exterior porches on the same building.
   b. Up to five (5) fire windows.
   c. Up to five (5) fire doors.
   d. Up to five (5) fire or smoke dampers.
   e. Up to ten (10) sprinklers, on an existing residential, commercial or industrial system.
   f. Rated suspended ceiling tile in an area up to 5,000 square feet (464.5 m^2).
   g. Existing fence on private property.
   h. Interior wall coverings.
   I. Up to 800 square feet (74.3 m^2) of gypsum board.
   j. Ductwork in a single family dwelling of a single system, in other than hazardous exhaust and commercial kitchen exhaust systems.
   k. Guards, guardrails and/or handrails in up to four (4) stories of a single interior stairway.

105.5.4.2.3 Postcard Electrical (General) Permit Limitations. Postcard electrical (general) permits shall be acceptable for a scope of work within the limits of any one of the categories listed hereafter. A separate postcard permit shall be required for each category when the scope of work includes items in more than one category.

1. Installation of a total of not more than ten (10) new outlets or new lighting fixtures, on a residential, commercial or industrial project.

2. Replacement or repair of not more than ten (10) existing outlets and not more than ten (10) existing lighting fixtures, on a residential, commercial or industrial project.

3. Installation of not more than ten (10) new outlets in a power-limited system, on a residential, commercial or industrial project.

4. Replacement of not more than one (1) residential electric appliance on a residential project.

105.5.4.2.4 Postcard Electrical (Heavy-up) Permit Limitations. Postcard electrical (heavy-up) permits shall be acceptable to upgrade one (1) electric service up to 200 Amps.

105.5.4.2.5 Postcard Fuel Gas Permit Limitations. Postcard fuel gas permits shall be acceptable for a scope of work within the limits of any one of the categories listed hereafter. A separate postcard permit is required for each category when the scope of work includes items in more than one category.

1. Repairs to existing fuel gas systems, including the connection of not more than one (1) new gas appliance.

2. Minor alterations to existing fuel gas systems, including the installation of not more than one (1) new gas appliance. For the purpose of this section, minor alterations shall not include changing the layout of the fuel gas system piping serving more than two (2) appliances.

3. Replacement of not more than one (1) gas appliance, on a residential, commercial or industrial project.

4. Testing of a single gas line.

105.5.4.2.6 Postcard Mechanical Permit Limitations. Postcard mechanical permits shall be acceptable for a scope of work within the limits of any one of the categories listed hereafter. A separate postcard permit shall be required for each category when the scope of work includes items in more than one category.

1. Repairs to not more than one (1) existing refrigerating or cooling system, up to a maximum of 10-ton of equivalent refrigerating effect.

2. Conversion of one (1) existing refrigerating or cooling system to adapt it to use an environmentally safe refrigerant, in a residential, commercial or industrial facility, not including the installation of related detection, alarm and ventilation devices.

3. Installation, as required, of gas detection, alarm and ventilation devices, related to the use of environmentally safe refrigerants as a result of the conversion of existing refrigerating or cooling systems in a single location inside a residential, commercial or industrial facility.

105.5.4.2.7 Postcard Plumbing Permit Limitations. Postcard plumbing permits shall be acceptable for a scope of work within the limits of any one of the categories listed hereafter. A separate postcard permit shall be required for each category when the scope of work includes items in more than one category.

1. Installation of not more than one (1) new plumbing fixture, on a residential, commercial or industrial project.

2. Repairs to existing plumbing systems, including the installation of not more than one (1) new fixture.

3. Minor alterations to existing plumbing systems, including the installation of not more than one (1) new fixture. For the purpose of this section, minor alterations shall not include changing the layout of piping serving more than three (3) fixtures, including domestic water, sewer or venting systems.

4. Replacement of not more than one plumbing fixture, on a residential, commercial or industrial project.

5. Installation of one (1) backflow preventer.

6. One (1) sewer or water line cut.

7. Pressure testing of a single water system.

105.5.4.3 Postcard Permit Fees. Fees for postcard permits shall be as established in the approved permit fee schedule. Fees for postcard permits shall be revised from time to time to remain comparable to fees for regular permits for comparable work. For the types of postcard permits established in Subsection 105.5.4.1, the respective fees shall be established according to the following criteria:

1. Building postcard permits, equal to the fee for a miscellaneous building permit.

2. Postcard electrical permits (general), equal to the fee for an electrical installation permit for up to 10 junction boxes.

3. Postcard electrical (service heavy-up) permits, equal to the fee for an electrical installation permit for a service heavy-up of up to 200 Amp.

4. Postcard fuel gas permits, equal to the fee for an installation permit for a single gas appliance.

5. Postcard mechanical permits, equal to the fee for an installation permit for a 10-ton air-conditioning system.

6. Postcard plumbing permits, equal to the fee for an installation permit for a single plumbing fixture.

105.6 Revocation of Permits. The code official is authorized to revoke a permit or approval issued under the *Construction Codes* or the *Zoning Regulations* (11 DCMR), for any of the following conditions:

1. Where there is a false statement or misrepresentation of fact, or other significant inaccuracy, in the application or on the plans on which a permit or approval was based, that substantively affected the approval, including, but not limited to, inaccuracies with respect to pre-existing conditions;

2. When the construction does not comply with the *Construction Codes*, the District of Columbia Zoning Regulations (11 DCMR) (the "*Zoning Regulations*"), the permit, the revised permit, one or more conditions of any Board of Zoning Adjustment or Zoning Commission Order that authorized the construction, or the approved plans and other information filed to obtain the permit, and when the permit holder fails to correct the non-conforming situation, within the time period specified in a notice or order issued under Section 113;

3. When the permit holder has been cited under 12A DCMR § 115 for one or more violations of the *Construction Codes* which, by the determination of the code official, threaten the health and safety of the public in the District of Columbia and when the permit holder fails to restore safety or otherwise remedy the situation, under the terms and conditions of the order and within the time period specified;

4. When the construction has been posted with two (2) or more stop work orders, under 12A DCMR § 114, and the permit holder fails to comply with conditions stated in the orders prior to resuming construction, in two (2) or more instances, so as to establish a pattern indicative of the permit holder's unwillingness to fully comply with the *Construction Codes;*

5. When permits are issued to a contractor whose license has expired, or is suspended or revoked by the Board having jurisdiction;

6. When the Code Official determines that the permit has been issued in error or on the basis of incorrect information supplied; or

7. When the use is located in a CM or M zone district, and the use violates the "Standards of External Impact" described in its Certificate of Occupancy application

105.6.1 Effective Date of Revocations. Revocations based on items 1, 2, 4, 5, 6 or 7 of Subsection 105.6 are proposed actions and shall become final upon occurrence of one of the following conditions:

1. If the permit holder fails to request a hearing from (a) the Office of Administrative Hearings within ten (10) business days of receipt of the notice of revocation with respect to violations of the *Construction Codes* or (b) the Board of Zoning Adjustment within sixty (60) days of receipt of the notice of revocation with respect to violations of the *Zoning Regulations*; or

2. If the Office of Administrative Hearings or Board of Zoning Adjustment finds that grounds exist to revoke the permit as the result of a hearing requested by the permit holder pursuant to Subsection 105.6.4.

105.6.1.2 Summary Revocations; Cancellations

1. Revocations based on item 3 of Subsection 105.6 shall be summary revocations and shall take effect on the date ordered by the code official.

2. The code official shall have the right to declare a permit null and void, if the agency determines that the permit was erroneously issued as the result of administrative or clerical error and notifies the permit holder within five (5) business days of permit issuance. Upon such notification, the permit holder shall promptly surrender the permit for cancellation, however, the failure to surrender the permit voluntarily for cancellation shall not affect its invalidity and the permit shall be cancelled upon notification to the permit holder in accordance with Subsection 105.6.3.

105.6.1.3 Board of Zoning Adjustment Order. When a written order of the Board of Zoning Adjustment concludes that a permit was issued in error, the permit shall be revoked effective ten (10) days after the Board of Zoning Adjustment Order is served upon the permit holder. The revocation may be appealed to the District of Columbia Court of Appeals pursuant to section 11 of An Act to prescribe administrative procedures of the District of Columbia Government, approved October 21, 1968 (82 Stat. 1209; D.C. Official Code § 2-510) .

105.6.2 Notice of Revocation. Except as provided in Subsection 105.6.21, the permit holder shall be provided, pursuant to Subsection 105.6.3, written notice of the code official's order to revoke the permit. This notice shall include the following:

1. A copy of the written order;

2. A statement of the grounds for the action taken, citing the provisions of the D.C. Code, the *Construction Codes* or the *Zoning Regulations* which have been violated; and

3. A statement advising the permit holder of the right to appeal the revocation in accordance with Section 105.6.4.

105.6.3 Service of Notice. The code official shall effect service of a notice to revoke on a permit holder by one of the following methods:

1. Personal service on the permit holder or the permit holder's agent; or

2. Delivering the notice to the last known home or business address of the permit holder as identified by the permit application, the tax records, or business license records, and leaving it with a person over the age of sixteen (16) years old residing or employed therein; or

3. Mailing the notice, via first class mail postage prepaid, to the last known home or business address of the permit holder or the permit holder's agent as identified by the permit application, the tax records, or business license records; or

4. If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence , by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

105.6.3.1 Respondent's Agent. For the purposes of this section, respondent's agent shall mean a general agent, employee, registered agent or attorney of the respondent.

105.6.3.2 Subsequent Notifications. Once the initial notice has been served the following shall apply:

1. The respondent shall notify the Department of all changes of address or of a preferred address to receive all future notices regarding the revocation. This notification by the respondent shall be in writing; and

2. All other notices, orders, or any other information regarding the revocation may be sent by the Department via first class mail, postage prepaid.

105.6.4 Appeal from Action. The permit holder, or other person aggrieved by the action of the code official to revoke a permit, may request a hearing by the Office of Administrative Hearings and/or the Board of Zoning Adjustment as provided below.

105.6.4.1 Office of Administrative Hearings. The permit holder shall have the right to appeal the notice of revocation to the Office of Administrative Hearings (OAH) no later than ten (10) days after service of written notice of the revocation upon the permit holder, pursuant to Chapter 18A of Title 2 of the D.C. Official Code and regulations promulgated thereunder. The appeal shall specify that the *Construction Codes* or the rules legally adopted thereunder have been incorrectly interpreted or applied, the provisions of the *Construction Codes* do not fully apply, or an equally good or better form of construction can be used. OAH shall have no authority to waive requirements of the *Construction Codes*.

105.6.4.2 Board of Zoning Adjustment. To the extent that the revocation is based in whole or in part upon a violation of the *Zoning Regulations*, the appeal of the zoning-based ground shall be heard by the Board of Zoning Adjustment in accordance with An Act providing for the Zoning of the District of Columbia and the regulations of the location, height, bulk and uses of buildings and other structures and for other uses of land in the District of Columbia, and for other purposes, approved June 20, 1938 (52 Stat. 799; D.C. Official Code § 6-641.07) and Chapter 32 of the *Zoning Regulations.* The appeal shall be filed no later than sixty (60) days after service of written notice of the revocation upon the permit holder, pursuant to D.C. Official Code § 6-641.09, and the *Zoning Regulations*. The permit holder shall specify the provisions of the *Zoning Regulations* on which the appeal is based.

105.6.4.3 Expedited Hearings. When a summary revocation is ordered under item 3 of Section 105.6 of this chapter, the permit holder may request an expedited hearing from the Office of Administrative Hearings within seventy-two (72) hours (excluding Saturdays, Sundays, and legal holidays) to review the reasonableness of the revocation order. At this hearing, the code official shall have the burden of establishing a prima facie case of immediate or serious and continuing endangerment. No stay of the code official's decision to revoke a permit under item 3 of Subsection 105.6 shall be permitted pending the final resolution of the hearing.

105.7 Posting of Permit. A photocopy of the permit or the original shall be kept in a conspicuous and immediately accessible location at the main entrance of the building or site, and the permit shall be open to public inspection during the entire time of the work and until it is completed.

105.8 Posting of Fines. Where civil infraction citations have been issued to an applicant for a building permit for illegal construction under Subsection 113.7, all applicable fine amounts must be posted with the Treasurer of the District of Columbia, by the applicant, prior to the issuance of any permit. Upon adjudication of said civil infraction citations, any fines or penalties not assessed to the applicant will be refunded.

SECTION 106A CONSTRUCTION DOCUMENTS

106.1 Submittal Documents. The application for building permit shall be accompanied by not less than four (4) copies of plans drawn to scale, with sufficient clarity and detail dimensions to show the nature and character of the work to be performed. Each set will contain complete architectural, civil, structural, mechanical, plumbing, fuel gas, electrical and fire protection plans, as applicable. When quality of materials or equipment is essential for conformity to the *Construction Codes*, specific information shall be given to establish such quality and the plans shall contain a schedule of such equipment. The *Construction Codes* shall not be cited, or the term "legal" or its equivalent be used, as a substitute for

specific information.

Exception: The code official is authorized to accept permit applications without plans when the work involved is of a sufficiently limited scope.

106.1.1 Engineering Details. The code official shall require adequate details of structural, electrical, fuel gas, mechanical, plumbing, and energy conservation work to be filed, including computations, stress diagrams and other technical data essential to assess compliance with the *Construction Codes*, as further specified in Subsections 106.1.2 through 106.1.14. All engineering plans and computations shall bear the signature of the D.C. licensed professional engineer responsible for the design as required by Subsection 106.3.4.

106.1.1.1 Shop Drawings. The code official is authorized to require that three (3) sets of shop drawings be submitted, bearing the review stamp of the engineer of record, and bearing the seal and signature of the design engineer, if not the engineer of record, before construction or installation of the following elements and systems:

1. Structural steel and steel trusses, with connection details.

2. Open web steel joists.

3. Precast and prestressed concrete.

4. Post tensioning.

5. Space frames.

6. Strong backs.

7. Curtain wall.

8. Structural wood trusses, beams, girders, and columns.

9. Concrete mixes.

10. Structural, electrical, and mechanical loads related to elevators and other vertical transportation systems.

11. Pre-engineered elements.

12. Suspended plaster ceiling systems.

13. Underpinning.

14. Sheeting and shoring.

15. Formwork.

16. Automatic fire suppression systems.

17. Fire alarm systems.

18. Smoke control systems

19. Commercial kitchen hood suppression systems.

20. Flammable and combustible liquid storage tanks.

21. Elevators, escalators and other vertical transportation systems.

Exception: Where approved by the code official, automatic fire suppression systems shop drawings are permitted to bear the stamp and signature of a minimum National Institute for Certification in Engineering Technology (NICET) Level III Technician certified in Automatic Sprinkler System Layout or Special Hazards Suppression Systems and fire alarm shop drawings are permitted to bear the stamp and signature of a minimum NICET Level III Technician certified in Fire Alarm Systems.

106.1.2 Means of Egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress in compliance with the provisions of the *Construction Codes*. In other than occupancies in Use Groups R-2, R-3 and I-1, the construction documents shall summarize the number of occupants of each floor and of each room with a capacity in excess of 50 occupants.

106.1.3 Exterior Wall Envelope. The construction documents shall describe the exterior wall and roof envelope in sufficient detail to determine compliance with the *Construction Codes*. The construction documents shall provide details of the exterior wall and roof envelope as required, including materials, flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane, details around openings, fire-resistive construction and fire-resistive protection of wall openings, wall cavities and intersections with floor assemblies, as applicable.

106.1.4 Structural Documents. Before a permit is issued and before work can begin, structural plans shall be submitted showing the complete design, with sizes, sections, and relative locations of various structural members, floor elevations, column, or bearing wall centers, and beam or joint sizes and spacings. Plans shall be drawn to scale large enough to convey the information adequately. The code official shall have the right to require that the structural computations for the structure be submitted for review.

106.1.4.1 Certification of Structural Design. When the structural portions of such plans have been prepared by a professional engineer registered in the District of Columbia, practicing in the field of structural engineering, the owner shall have the option to submit with such plans a certificate, duly executed by such structural engineer on a form provided by the code official, that the structural portion of the plans complies with the structural requirements of the *Construction Codes*. The code official is authorized to accept the structural portions of the plans thus certified, at the code official's discretion, provided the certificate is duly notarized and witnessed. Each sheet of each set of plans certified under this section shall bear the original seal and signature of the certifying engineer, under the following statement: "Structural plans certified as provided in Subsection 106.1.4.1 of the *D.C. Construction Codes*."

106.1.4.2 Non-Structural Review. The provisions of Subsection 106.1.4.1 shall not relieve the code official from determining that the design, erection or alteration of such building or structure complies with other applicable requirements of the *Construction Codes* and other regulations.

106.1.5 Fire Protection Information. The applicant shall provide plans and schedules, in quadruplicate, in sufficient detail showing the features and characteristics of all fire protection systems components for any system required by the *Construction Codes* or otherwise proposed to be installed, including but not limited to the following. The construction documents shall show the location and type of all fire alarm devices, fire alarm control equipment and panels, fire alarm primary and backup power sources. The construction documents shall include sufficient information and detail to adequately describe the elements of any smoke control systems including equipment location and engineering needs as required by the Construction Codes. The construction documents shall show the standpipes and automatic sprinkler system infrastructure, including the location, size and type of risers, valves, flow and pressure sensors, siamese connections, fire pump, jockey pump, pump controllers, pump test pipes and other appurtenances of the system, as applicable. The type of sprinkler system and areas and openings requiring special coverage shall be so noted on the construction documents. The construction documents shall show details of other fire suppression systems, including gaseous and kitchen hood systems. The construction documents shall show capacities and loads of the means of egress, maximum travel distances at every floor, remoteness between

exits, fire resistance rating of structural members, floors and walls enclosing means of egress, rating of fire doors and fire dampers, location and type of exit signs and emergency lighting. Construction documents for work in part of an existing building shall include a scoping document listing all floors of the building and the extent to which each floor is protected with an automatic fire suppression system. Construction plans containing fire protection systems data shall be drawn to a scale of not less than 1/8 inch to the foot (10 mm/m).

106.1.6 Elevator and Other Vertical Transportation Systems Information. The applicant shall provide plans and schedules, in quadruplicate, in sufficient detail showing the features and characteristics of all vertical transportation systems components for any system required by the *Construction Codes* or otherwise proposed to be installed, including but not limited to the following. The construction documents shall show the location, overall dimensions and type of all vertical transportation systems. The construction documents shall show location and type of elevator lobby smoke detectors, other smoke detectors for elevator recall, as well as other fire alarm and fire suppression devices proposed to be installed in elevator machine rooms, elevator pits and top of elevator hoistways and shall include a sequence of elevator operation in emergency mode when such fire detection equipment is activated. The construction documents shall clearly show the primary and backup power sources for the elevator equipment and shall define the primary and secondary levels of elevator recall. Clearances at top and bottom of hoistway and at elevator equipment spaces, minimum interior dimensions of cabs, provisions for access to elevator pits, provisions for drainage of elevator pits, provisions for illumination and electric power in elevator machine rooms, elevator hoistways, elevator pits and elevator equipment spaces shall be shown on the construction documents, as applicable. The construction documents shall show the location of provisions for emergency disconnect of elevator power in elevator pits, elevator machine rooms and elevator equipment spaces, and shall show the location of sprinkler valves and sprinkler flow sensors for systems serving elevator machine rooms and hoistways, as required.

106.1.7 Electrical Documents. The applicant shall provide plans and schedules, in quadruplicate, in sufficient detail showing the location and capacity of all lighting facilities, electrically operated equipment and electrical circuits required for all service equipment of the building or structure, drawn to a scale of not less than 1/8 inch to the foot (10 mm/m). All electrically controlled devices, including signal, communicating and lighting systems and associated wiring, wherever required under the provisions of the *Construction Codes*, shall be shown on the electrical plans for the following purposes:

1. Places of public assembly and education and control of emergency lighting systems in accordance with Section 1006 and hazardous uses requirements in Chapter 4 of the *Building Code*.

2. Stairway and exit illumination in accordance with Section 1205 and Section 1006 of the *Building Code*; "Exit" sign lighting circuits in accordance with Section 1011 of the *Building Code*; elevator car illumination in accordance with Chapter 30 of the *Building Code*.

3. Electrical equipment and control of heating, refrigerating and ventilating machinery and devices in accordance with the *Mechanical Code* listed in Chapter 35.

4. Fire protective signaling systems, automatic fire detection systems, fire department communications and supervisory services in accordance with Subsection 901.6 through 901.6.3 and 907 of the *Building Code*.

5. Wiring of signs in accordance with Section~~s~~ 3107 of the *Building Code*; and radio and television antennas in accordance with Subsection 3108.0 of the *Building Code*.

6. Power control electric operation and circuit wiring of elevators and escalators in accordance with Chapter 30 of the *Building Code*.

7. Illumination of spaces intended for human occupancy in accordance with Section 1205 of the *Building Code*.

8. Backup emergency and standby power systems.

106.1.7.1 Exemptions. Electrical plans shall not be required for the following:

1. Any work exempted from building permit requirement in accordance with Subsections 105.2.

2. Repair or replacement in kind of electrical equipment.

3. Work involving only structures without equipment regulated by the *Electrical Code*, such as open sheds for storage purposes, detached private garages and other similar spaces not required by the *Construction Codes* to be provided with electric current.

4. Temporary sanitary installations required for construction operations.

5. Any work exempted from installation permits requirement in accordance with Subsection 105.2.2.1.

6. Any work allowed to be performed under a postcard permit in accordance with Subsections 105.5.4.2 through 105.5.4.2.7.

106.1.8 Fuel Gas Documents. The applicant shall provide in quadruplicate at a scale of not less than 1/8 inch to the foot (10 mm/m), construction documents, engineering calculations, diagrams and other data, of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of the *Construction Codes*. Construction documents for buildings more than two-stories in height shall indicate where penetrations will be made for installations and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fire-blocking.

106.1.9 Mechanical Documents. The applicant shall provide, in quadruplicate, diagrammatic mechanical equipment or system and mechanical plans, drawn to a scale of not less then 1/8 inch to the foot (10 mm/m), showing the location and arrangement of the mechanical equipment and distribution elements including safety and pressure-controlling devices. The plans shall show in sufficient detail the relevant features and clearances of the appliances and systems, including: size and type of apparatus: construction of flue, stack or chimney; stack connections; type of fuel; method of operation; and the method of compliance with all the applicable regulations for the class and type of equipment installed.

106.1.9.1 Exemptions. Mechanical plans shall not be required for the following:

1. Any work exempted from building permit requirement in accordance with Subsection 105.2.

2. Repair or replacement in kind of mechanical equipment.

3. Work involving only structures without equipment regulated by the *Mechanical Code*, such as open sheds for storage purposes, detached private garages and other similar spaces not required by the *Construction Codes* to be heated.

4. Temporary sanitary installations required for construction operations.

5. Any work exempted from installation permits requirement in accordance with Subsections 105.2.2.2 and 105.2.2.4.

6. Any work allowed to be performed under a postcard permit in accordance with Subsections 105.5.4.2 through 105.5.4.2.7.

106.1.10 Plumbing Documents. The applicant shall provide legible plans, drawn to a scale of not less than 1/8 inch to the foot (10 mm/m), of each floor and of a typical floor, in quadruplicate, showing the complete plumbing system layout, all plumbing fixtures, the water supply piping layout, together with building sections showing vertical and diagrammatic elevations of the soil, waste, vent and water supply lines with traps and valves, and the location and size of the public sewer or other disposal system. The plumbing plans shall show in sufficient detail: the layout and spacing of fixtures; the size, material and location of the building and storm sewers and drains; and the soil, waste, vent and water supply piping.

106.1.10.1 Public Sewer. Plans for new plumbing or alterations to existing plumbing systems shall be accompanied by a diagram showing the relative elevation of the lowest fixture and the top of the public sewer referred to in the established datum of the District of Columbia Water and Sewer Authority (WASA). The plans shall show the size, number and location of all new sewer connections. A water and sewer availability slip, issued by the District of Columbia Water and Sewer Authority (WASA), shall be provided with the plumbing plans for every project entailing new water or sewer service connections.

106.1.10.2 Public Water Main. Where the installation of a water distribution system or the replacement or alteration of an existing water supply system is contemplated, the plumbing plans shall show the location and size of all water lines and branches involved, all fixtures or other devices to be supplied, and the minimum water pressure in the main in front of the building or structure.

106.1.10.3 Exemptions. Plumbing plans shall not be required for the following:

1. Any work exempted from building permit requirement in accordance with Subsection 105.2.

2. Repair or replacement in kind of plumbing fixtures.

3. Work involving only structures without plumbing fixtures, such as open sheds for storage purposes, detached private garages and temporary installations for exhibition purposes where not designed for sanitary use and not directly connected to a sewage system.

4. Temporary sanitary installations required for construction operations where not designed to be directly connected to the public sewer system.

5. Any work exempted from installation permit requirement in accordance with Subsection 105.2.2.3.

6. Any work allowed to be performed under a postcard permit in accordance with Subsections 105.5.4.2 through 105.5.4.2.7.

106.1.11 Energy Conservation Documents. Construction documents and other supporting data shall be submitted in quadruplicate with each application for a permit. The construction documents and designs submitted under the provisions of Chapter 4 of the *Energy Conservation Code* shall be prepared by a registered design professional. Where special conditions exist, the code official is authorized to require additional construction documents to be prepared by a registered design professional.

Exceptions:

1. The code official is authorized to waive the submission of construction documents and other supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with the *Energy Conservation Code*.

2. For residential buildings having a conditioned floor area of 5,000 square feet (465 m^2) or less, designs submitted under the provisions of Chapter 4 of the *Energy Conservation Code* shall be prepared by anyone having qualifications acceptable to the code official.

106.1.11.1 Information on Construction Documents. Construction documents shall be drawn to scale upon suitable material. Electronic media documents are permitted to be submitted when approved by the code official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in sufficient detail pertinent data and features of the building and the equipment and systems as herein governed, including, but not limited to, design criteria, exterior envelope component materials, U-factors of the envelope systems, U-factors of fenestration products, R-values of insulating materials, size and type of apparatus and equipment, equipment and systems controls and other pertinent data to indicate compliance with the requirements of the *Energy Conservation Code* and relevant laws, ordinances, rules and regulations, as determined by the code official.

106.1.11.2 Deemed to Comply. Use of the appropriate REScheck and COMcheck tools, which are available online from the U.S. Department of Energy, are an acceptable method to comply with the residential and / or commercial requirements of the *Energy Conservation Code*.

106.1.12 Zoning Compliance Review Data. The applicant shall provide to the

Zoning Division of the Department not less than four (4) copies of plans drawn to a scale indicated numerically as well as depicted graphically, showing orientation of the property as to true North, and the following:

1. The shape, dimensions and topography of the lot to be built upon, in sufficient detail to allow determination of heights above existing and proposed finished grade of all proposed structures, so as to allow determination of compliance with pertinent height limitations of the *Zoning Regulations***.**

2. The width of all public streets and public rights-of-way contiguous to the lot, with elevations at measuring points along them sufficient to determine compliance with the Height Act of 1910, as amended (D.C. Official Code § 6-601.05).

3. The shape and location in plan of all existing and proposed structures, fully dimensioned, including orientation and distances to lot lines so as to define without ambiguity the dimensions and location of said structures.

4. The elevations of all existing and proposed structures, fully dimensioned so as to define without ambiguity the dimensions of said structures.

5. The parking and loading plans and the basis for computation of the facilities shown on those plans.

6. A Zoning Data Summary of the project including, as applicable, at least the following data: lot width, area of the lot, percentage of lot occupancy, height of the structure and the location and elevation of the height measurement reference points, gross floor area for each floor level, area of basement, area of cellar, proposed Floor Area Ratio, areas dedicated to each use, width of any proposed side yard, rear yard or court, number of standard and compact parking spaces and dimensions of loading berths and delivery loading spaces.

7. Other information necessary to determine compliance with the *Zoning Regulations* .

106.1.12.1 Zoning Data on Building Plat. For the purpose of zoning compliance review, the following data shall be provided on the building plat required by Subsection 106.1.12, as applicable, in addition to the information required by Subsection 106.1.12.1:

1. The number, size, shape and location of all open parking spaces, open loading berths, and approaches to all parking and loading facilities.

2. Other information necessary to determine compliance with the *Zoning Regulations*.

106.1.13 Official Building Plat. The applicant shall provide, in duplicate, either an official building plat issued by the D.C. Office of the Surveyor, or a building plat prepared by a private Land Surveyor licensed to practice in the District of Columbia, with applications for permit involving any of the following:

1. Erection of a new building or structure.

2. Addition to an existing building.

3. Permanent construction higher than 4 feet (1.22m) above grade, outside the footprint of existing buildings.

4. Construction or alteration of projections into public space.

5. Erection of retaining walls higher than 36 inches (914 mm).

6. Establishment of a new parking lot, regardless of the amount of work involved.

106.1.13.1 Plat Information. The applicant shall show upon the building plat, completely dimensioned and drawn in ink to the same scale as the plat, the outline of all buildings, additions, or other structures existing and to be constructed. The accuracy of the representation of the location of the structures on the plat shall be self-certified by the owner or authorized agent for the owner of the lot of record or parcel of land, who shall sign a certificate in a form prescribed by the code official, printed on the building plat.

106.1.14 Location of Water and Sewer Mains. When relevant to the scope of work, the permit applicant shall secure from the District of Columbia Water and Sewer Authority (WASA) the location and other necessary details regarding water and sewer mains to serve the premises to be permitted and shall submit this information with the permit application to the code official.

106.2 Site Plan. The applicant shall provide a site plan, whenever the application for permit involves any of the following:

1. Erection of a new building or structure.

2. Addition to an existing building.

3. Permanent construction outside the footprint of existing buildings.

4. Construction or alteration of projections into public space.

5. Erection of retaining walls higher than 36 inches (914 mm) above grade.

6. Excavation or grading work disturbing earth in an area in excess of the limits set forth in 21 DCMR Section 525, Water and Sanitation, for minor projects.

7. Demolition or razing of existing structures or buildings.

8. Installation or replacement of underground utility service connections.

9. Installation or replacement of site drainage systems.

The code official shall be authorized to establish media requirements for submittal of site plans and maximum overall size of plans acceptable for review. These limits shall also apply to zoning compliance review plans submitted pursuant to Subsection 106.1.12.

106.2.1 Site Plan Information. The applicant shall show upon the site plan, completely dimensioned and drawn to a scale indicated numerically and graphically, the site, its orientation to North, and location of all existing and new construction on the site, distances from property lines, established street grades, proposed finished grades, proposed soil erosion control measures, location of utility service lines and connections thereto, with dimensions and all appurtenant features of such connections, as applicable. For raze or demolition, the site plan shall identify the structures or portions thereof to be demolished and the location and size of all existing structures and construction that are to remain on the site.

106.3 Action on Application. The code official shall examine or cause to be examined the construction documents accompanying building permit applications, pursuant to Subsection 105.3.1.

106.3.1 Special Inspections. Where special inspections are required by Chapter 17 of the *Building Code*, the owner shall name the individual or firms who are to perform such special inspections. The stages of construction at which special inspections are to occur shall be established by the applicant and approved by the code official. Special inspections shall be made in accordance with Section 109.3.9 and Chapter 17 of the *Building Code*.

106.3.2 Building Permit Requirement. The special inspection requirement of Subsection 106.3.1 shall be determined prior to the issuance of the building permit and shall be a requisite for the permit issuance as described in Subsection 1704.1.1.

106.3.3 Fees and Costs. All fees and costs related to the performance of special professional services shall be borne by the owner.

106.3.4 Design Professional in Responsible Charge. All design for new construction work, alteration, repair, expansion, addition or modification work involving the practice of professional architecture or engineering, as defined by applicable District of Columbia laws, shall be prepared by registered architects or professional engineers licensed to practice in the District of Columbia. All plans, computations, and specifications required for a building permit application for such work shall be prepared by or under the direct supervision of a registered architect or professional engineer and bear the architect's or engineer's signature and seal in accordance with the laws of the District of Columbia. Plans for non-structural alterations and repairs of a building, including the layout of interior spaces, which do not adversely affect any structural member or any part of the structure having a required fire resistance rating, or the public safety, health or welfare, and which do not involve the practice of engineering as defined by applicable District of Columbia laws, shall be deemed to comply with this section when such plans are prepared, signed and sealed by an interior designer licensed and registered in the District of Columbia in accordance with applicable District of Columbia laws.

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106.3.4.1 Exemptions. The professional services of a registered architect, professional engineer or an interior designer are not required for the following:

1. Work done under any of the exemptions from registration provided for in the laws of the District of Columbia governing the professional registration of architects, engineers and interior designers.

2. Nonstructural alteration of any building of Use Group R-3 or of any building under the jurisdiction of the *Residential Code*.

3. Preparation of drawings or details for cabinetry, architectural millwork, furniture, or similar interior furnishings, for any work to provide for their installation or for any work exempt from building permit by Section 105.2.

106.3.4.2 Substitute Design Professional. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge.

106.4 Amended Construction Documents. All work shall conform to the approved application and plans for which the permit has been issued and any approved amendments to them. Any changes made during construction which deviate substantively from the approved plans shall be resubmitted for approval, in accordance with Subsection 105.3.3.

106.5 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, including one set of approved construction documents, shall be retained in the official records so long as the building or structure to which they relate remains in existence, unless otherwise provided for by statute, rule or regulation.

106.6 Form of Covenants and Agreements. All covenants and agreements required by the *Construction Codes* or drafted in connection therewith shall require approval as to form and legal sufficiency by the Office of the Attorney General for the District of Columbia.

106.6.1 Vault Agreement. Before issuance of a permit for the use or construction of a vault in public space, the owner of the abutting private property shall execute an agreement, in the form prescribed by the District, acknowledging for the owner, owner's heirs and assigns, (1) that no right, title, or interest of the public is thereby acquired, waived, or abridged; (2) that the Mayor may inspect such vault during regular business hours; (3) that the Mayor may introduce or authorize the introduction into or through such vault, with right of entry for inspection, maintenance, and repair of any water pipe, gas pipe, sewer, conduit, other pipe, or other public utility underground construction, which the Mayor deems necessary in the public interest to place in or by the District, at the expense of such owner, to conform with any change made in the street, roadway, or sidewalk width or grade; and (4) that rental for such vault will be paid to the District as required by the District of Columbia Public Space Rental Act, approved October 17, 1968 (82 Stat. 1156; D.C. Official Code § 10-1101.01 *et seq.*). A copy of such agreement shall be recorded in the Office of the Recorder of Deeds by and at the expense of such owner.

106.6.2 Covenants for Openings on Property Lines. A covenant running with the land shall be required where openings in exterior walls closer than 5 feet (1524 mm) from interior lot lines are allowed pursuant to Subsections 704.8.4 through 704.8.4.3, to ensure that compliance with the minimum requirements of those sections will be maintained for as long as the building shall exist, and to ensure that responsibility for the maintenance of those conditions will be conveyed to any future owner of the building. Two copies of such covenant, approved and accepted by the Office of the Attorney General for the District of Columbia as to legal form and sufficiency, shall be recorded with the Recorder of Deeds of the District of Columbia by and at the

expense of the owner, and shall be made an official part of the land records of that property before issuance of a building permit.

106.6.3 Covenants for Projections. The owner shall, by covenant running with the land for such period as the projection shall exist, agree to such limitations and conditions as shall be imposed by the code official, which shall include but not be limited to agreement to save harmless the District of Columbia, its officers and agents, from liability by virtue of the grant of authority to construct said projection, and agreement to landscape or otherwise treat, to the satisfaction of the code official, and thereafter to maintain the area upon which the covenantor has forborne to build. Such covenant, to which the District of Columbia shall be made covenantee, shall be satisfactory to the Office of the Attorney General for the District of Columbia, as to legal form and sufficiency and shall be filed with the Recorder of Deeds, by and at the expense of such owner, before a permit for said projection is issued.

106.6.4 Covenants for Modifications of Projection Requirements. The owner who applies for a projection modification pursuant to Subsection 3202.4 shall, by covenant running with the land for such period as the projection shall exist, agree to such limitations and conditions as shall be imposed by the code official, which shall include but not be limited to agreement to save harmless the District of Columbia, its officers and agents, from liability by virtue of the grant of authority to construct said projection, and agreement to landscape or otherwise treat, to the satisfaction of the code official, and thereafter to maintain the area upon which the covenantor has forborne to build. Such covenant to which the District of Columbia shall be made covenantee, shall be satisfactory to the Office of the Attorney General for the District of Columbia, as to legal form and sufficiency and shall be filed with the Recorder of Deeds by and at the expense of the owner, and shall be made an official part of the land records of that property, before a permit for said projection is issued.

106.6.5 Covenants for Alternative Fire Protection Compliance Plan. A covenant shall be required, before an Alternative Compliance Plan submitted under Subsection 704.1.2 of the *Existing Building Code* can be approved. Such covenant, to which the District of Columbia shall be made covenantee, shall be satisfactory to the Office of the Attorney General for the District of Columbia, as to legal form and sufficiency and shall be filed with the Recorder of Deeds by and at the expense of the owner, and shall be made an official part of the land records of that property before issuance of a construction permit for the building.

SECTION 107A TEMPORARY STRUCTURES AND USES

107.1 General. The code official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but such temporary construction shall not be permitted to remain in place for more than one year. The code official is authorized to grant extensions for demonstrated cause.

107.2 Conformance. Temporary structures shall conform to the structural strength, fire

safety, means of egress, light, ventilation and sanitary requirements of the *Construction Codes* as necessary to ensure the public health, safety and general welfare.

107.3 Temporary Power. The code official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the electrical code.

107.4 Termination of Approval. The code official is hereby authorized to terminate such special approval and to order the demolition of any such construction at his or her discretion, or as directed by a decision of the Office of Administrative Hearings.

SECTION 108A FEES

108.1 Payment of Fees. A permit to begin work for new construction, alteration, removal, demolition, or other building operation shall not be issued until all fees have been paid to the Department or other authorized agency, nor shall an amendment to a permit requiring an additional fee be approved until the additional fee shall have been paid.

> **108.1.2 Accounting.** The code official shall keep an accurate account of all fees collected, and such collected fees shall be deposited with the D.C. Treasurer, or otherwise deposed of as required by law.

108.2 Schedule of Permit Fees. The building permit fees for plans examination, permit processing and inspections, shall be as prescribed in Subsection 108.2.1 and the code official is authorized to establish by approved rules a schedule of unit rates for buildings and structures and for the installation of their appurtenant systems, fixtures, appliances and equipment.

> **108.2.1 Fee Schedule.** A fee for each plan examination, permit and inspections shall be paid in accordance with the applicable fee schedule published in the D.C. Register, as amended from time to time.
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> > **108.2.1.1 Application Filing Deposit for New Construction and Alterations.** All applications filed for new construction or alterations must be accompanied by a portion of the permit fee in the amount of 50% of the assessed permit fee based on the estimated cost of construction; provided that the required deposit shall not exceed twenty thousand dollars ($20,000).

108.3 Building Permit Valuations. The code official is authorized to require that permit applicants for alteration and repair work produce documental proof of the cost of construction declared in the application, before issuance of the building permit. Such proof can be made in any of the following forms:

1. A fully executed construction contract.

2. A formal contractor's estimate.

3. A construction estimate, for other than structures under the jurisdiction of the *Residential Code* or for use groups other than R-3, when a contract evidencing a deferred method of determining construction cost is submitted to the code official. Issuance of the certificate of occupancy will be contingent on adjustment of the building permit fee resulting from the difference between the estimated construction cost and the actual construction cost. The actual cost shall be substantiated by submission of a certificate of payment or its equivalent.

4. A construction estimate for repairs and alterations in Use Group R-3 and structures under the jurisdiction of the *Residential Code*.

108.4 Work Commencing Before Permit Issuance. Any person who commences any work on a building, structure, gas, electrical, mechanical or plumbing system before obtaining the necessary permits shall be subject to an additional fee established in the official fee schedule that shall be in addition to the required permit fees and any fines that may have been levied.

108.5 Related Fees. The payment of the building permit fee, as prescribed in Subsection 108.2, shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law, such as fees for water taps or sewer connections; fees for the temporary use of public space; fees for supplemental installation permits; fees for special inspections; fees for special permits issued in connection with or concurrently with a building permit, such as sign, projection, awning, demolition, razing, excavation permits; fees for plan revisions and amendment of permits; fees for certificates of use and occupancy; or fees for any other privileges, services or requirements, allowed or prescribed by the *Construction Codes* or other regulations, both within and without the jurisdiction of the Department.

108.6 Refunds. In the case of a revocation of a permit or of abandonment or discontinuance of a building project, upon written request made by the permit holder before the permit expires, the portion of the work actually completed shall be computed and any excess fee for the incomplete work shall be returned to the permit holder as soon as practicable after written request is made. All plan examination and permit processing fees, all fees for inspections actually performed, and all penalties that have been imposed on the permit holder under the requirements of the *Construction Codes* shall first be withheld.

108.7 Waiver of Fees. No person or entity shall be entitled to a waiver of fees, except as set forth in the License Fees and Charges Act of 1976, effective September 14, 1976 (D.C. Law 1-82; D.C. Official Code § 47-2712).

SECTION 109A INSPECTIONS

109.1 General. Construction or work for which a permit is required, including new construction, additions, alterations and repairs, shall be subject to inspection by the code

official and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to be an approval of a violation of the provisions of the *Construction Codes* or of other laws or regulations of the District of Columbia. Inspections presuming to give authority to violate or cancel the provisions of the *Construction Codes* or of other laws or regulations shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the code official nor the District shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

109.2 Preliminary Inspection. Before issuing a permit, the code official shall, if deemed necessary, examine or cause to be examined all buildings, structures and sites for which an application has been filed for a permit to construct, enlarge, alter, repair, remove, demolish, raze, excavate or change the use thereof. Exploratory excavation required by the code official shall not require such inspection.

109.3 Types of Inspections. After issuing a building permit, the code official shall conduct the types of inspections specified in Section 109.3, from time to time during and upon completion of the work, for which a permit has been issued. A record of all such examinations and inspections and of all noted violations of the *Construction Codes* shall be maintained by the code official. It is the responsibility of the permit holder or his agent to notify the code official when the stages of construction are reached that require any inspection under Subsections 109.3 through 109.3.9.1.11, and Subsections 109.3.14 and 109.3.14.2, and for other critical items as directed by the code official. The code official shall not be responsible for conducting inspections unless appropriately notified by the permit holder or his agent that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by the *Construction Codes* to provide access to and means for inspection of such work.

109.3.1 Footing and Foundation Inspection. Inspections performed after excavations have been made and before pilings are driven or footings are poured, for inspection of soil and foundation conditions.

109.3.1.1 Footing Trenches. Inspection of the bottom of flooring trenches, after all reinforcement steel is set and before any concrete is placed.

109.3.1.2 Location of Walls. Inspection performed before walls reach the height of one foot, to verify agreement with survey data. A certificate from the Office of the Surveyor, showing location of the walls with reference to lot and building lines, shall be submitted to the code official before erection of such wall is authorized to proceed.

109.3.1.3 Piling Foundations. The code official is authorized to require the owner to have the installation of piling foundations supervised by a professional engineer or by such professional service as approved by the code official, at the owner's expense.

109.3.1.4 Before Backfilling. Inspection performed before backfilling, for inspection of footings, sheeting and shoring, waterproofing, and location of walls and columns with respect to footings.

109.3.1.5. Zoning. Inspection to ascertain compliance with the *Zoning Regulations.*

109.3.2 Concrete slab or under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready-mixed in accordance with ASTM C94, the concrete need not be on the job.

109.3.3 Lowest floor elevation. The elevation certification required in Subsection 1612.5 of the *Building Code* shall be submitted to the code official.

109.3.4 Frame Inspection. Inspection of structural framing and fastenings, performed before concealing materials, for inspection of anchorage to foundations, bracing, firestopping and/or termite protection.

109.3.5 Lath and Gypsum Board Inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any plastering is applied or before gypsum board joints and fasteners are taped and finished.

109.3.6 Fire-resistant Penetrations. Protection of joints and penetrations in fire-resistance-rated assemblies shall not be concealed from view until inspected and approved.

109.3.7 Energy Efficiency Inspections. Inspection of required insulating materials shall be performed before covering them with any other materials. Inspections shall be made to determine compliance with Chapter 13 and shall include, but not be limited to, inspections for: envelope insulation *R* and *U* value, fenestration *U* value, duct system *R* value, and HVAC and water heating equipment efficiency.

109.3.8 Electrical, Mechanical, Masonry, and Plumbing Work. Inspection of all electrical, mechanical, masonry and plumbing work to be concealed, performed before installation of any concealing materials, for inspection of method of installation, clearances and protection around critical areas. The electrical items to inspect shall include as many features as are installed at "close-in" including but not limited to the following:

1. Emergency lighting wiring, junction boxes and fixture mounting boxes.

2. Emergency power circuits.

3. Exit lights wiring and mounting bases.

4. Location of exit lights and emergency lighting.

109.3.9 Reinforced Concrete. Inspection of reinforced concrete beams, columns or slabs, performed after all reinforcing is set and before any concrete is placed, for inspection of forms and adequacy of steel reinforcement.

109.3.10 Fire Suppression Systems. Inspection of fixed portions of fire suppression systems, whether to be concealed or not, performed before installation of any concealing materials, for inspection of method of installation, clearances, supports and protection around critical areas. The items to inspect shall include as many features as are installed at "close-in" including but not limited to the following:

1. Automatic sprinkler system supply piping and valves.

2. Standpipes and floor control assemblies.

3. Underground fire service main and appurtenances.

109.3.11 Fire Alarm Systems. Inspection of fixed portions of fire protection systems, whether to be concealed or not, performed before installation of any concealing materials, for inspection of method of installation, clearances, supports and protection around critical areas.

The items to inspect shall include as many features as are installed at "close-in" including but not limited to the following:

1. Fire alarm system wiring.

2. Location of fire alarm system devices mounting backboxes/bases.

3. Sprinkler system valve and water flow supervisory devices.

4. Standpipe valves and floor control assemblies supervisory devices.

5. Location of fire alarm system control and annunciation panels.

6. Location of central control room.

109.3.12 Other Inspections. In addition to the inspections specified above, the building official is authorized to make, or to require the owner of a building or structure to have an independent inspection agency perform other inspections of any construction work. These inspection shall ascertain compliance with the provisions of the *Construction Codes,* the *Zoning Regulations* and other laws or regulations that are enforced by the Department.

109.3.13 Special Inspections. Special inspections shall be made in accordance with Chapter 17 of the *Building Code* and the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition, as may be amended from time to time by DCRA) as applicable to special inspections.

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109.3.13.1 Authority to Require Special Inspections. The code official is authorized to require the owner to employ special inspectors, foremen, or superintendents having adequate qualifications for inspection or supervision of the types of construction indicated in Subsections 109.3.13.1.1 through 109.3.13.1.8.

109.3.13.1.1 Reinforced Concrete. Inspection and tests for reinforced concrete when the working stresses are based on a stipulated strength of the concrete.

109.3.13.1.2 Reinforced Masonry. Reinforced masonry construction.

109.3.13.1.3 Reinforced Gypsum. Reinforced cast-in-place gypsum construction.

109.3.13.1.4 Welding. Structural welding.

109.3.13.1.5 Precast Concrete. Fabrication and installation of precast concrete panels and structural elements and their connections.

109.3.13.1.6 Structural Steel. Structural steel construction.

109.3.13.1.7 Engineered Fill. Method of fill, fill materials and compaction tests.

109.3.13.1.8 Other Construction. Other construction or work requiring special knowledge and experience, involving unusual hazards, or requiring constant inspection.

109.3.13.2 Building Permit Requirement. This special inspection requirement shall be determined prior to the issuance of the building permit and shall be a requisite for the permit issuance as described in Sections 106.3.2 and 1704.1.1 of the *Building Code*.

109.3.13.3 Fees and Costs. All fees and costs related to the performance of special inspection services shall be borne by the owner.

109.3.13.4 Qualifications of Special Inspections. The Code Official shall determine the qualifications of special inspectors, in accordance with Chapter 17 of the *Building Code* and the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition, as may be amended from time to time by DCRA) as applicable to special inspections.

109.3.14 Final Inspection. Upon completion of the building or structure and site work, and before issuance of any certificate of occupancy required in Section 110A , a final inspection shall be made to verify that all required inspections have been performed and approved. All violations or infractions of the approved plans and permit shall be noted and the holder of the permit shall be notified of the discrepancies pursuant to procedures set forth in 110.2.2.

109.3.14.1 Certificate Issued. After the code official inspects the building or structure and finds no violations of the provisions of the *Construction Codes* or the *Zoning Regulations*, the code official shall issue a certificate of occupancy pursuant to Section 110A of the *Building Code*.

Exception:
1. One family dwelling.
2. Community-Based Residential Facility with six (6) or fewer residents.

109.3.14.2 Final Acceptance Inspection of Fire Protection Systems. Acceptance inspections of new or altered fire protection systems shall be

performed as soon as those systems are completed and capable of providing meaningful test results. Final acceptance inspections of such systems shall be limited to the following items:

1. Location of sprinklers.

2 Continuity of sprinkler system piping.

3. Fire pump operation and supervision.

4. Fire alarm device operation.

5. Fire alarm annunciation.

6. Activation and operation of smoke management systems.

7. Operation of exit signs and emergency lighting with normal and emergency power.

8. Operation of emergency generator and transfer switch.

9. Location of manual fire extinguishing equipment.

10. Commercial kitchen automatic suppression systems.

11. Elevator recall and operation in fireman's service, phase 1 and 2.

109.4 Third-Party Inspection Agencies. The code official shall accept reports of approved third-party inspection agencies on all field inspection disciplines under the *Construction Codes*, provided such agencies satisfy the qualifications and reliability requirements, set forth in this section, DC Official Code § 6-1405.04, and the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition, as may be amended from time to time by DCRA) (the "Procedure Manual"); the provisions of the Procedure Manual are hereby incorporated by reference. When an inspection report is filed by an approved third-party inspection agency, it shall be signed by the approved inspector or inspectors for each field inspection discipline addressed in the report and counter signed by the agency professional in charge of the project. The code official will accept all such reports as prima facie evidence that the work inspected by the third party inspection agency meets or exceeds all of the requirements of the construction documents and all regulations of the District of Columbia. The Code Official will, on a periodic basis, review and verify third party inspection reports**.**

Exception: Special Inspections. Special inspections shall be governed by Section 103..13 and Chapter 17 of the *Building Code* and the Procedure Manual, as applicable to special inspections.

109.4.1 Approval and Certification of Third-Party Inspection Agencies In order to be certified as an approved third-party inspection agency, an individual or business entity shall submit an application on the form provided by the code official and shall provide all necessary information and documentation to demonstrate satisfaction of the minimum qualifications, training, experience and reliability requirements set forth in Subsection 105.9.4. and the Procedure Manual. The third-party inspection agency shall notify the code official in writing of any changes in material information submitted in the application upon which approval and certification are being requested or were based, including, but not limited to, changes in personnel identified in the application and changes in licensing, registration or certification status for any personnel specified in the certification application.

109.4.2 Minimum Qualifications, Training and Experience Requirements for Third-Party Inspection Agencies In order to qualify as a third party inspection agency ("Inspection Agency"), the Inspection Agency shall have a Professional-in-Charge ("Professional-in-Charge) who is qualified in each discipline in which the Inspection Agency proposes to perform inspections, and shall employ or subcontract with a qualified inspector experienced in each inspection discipline in which he or she is conducting inspections ("Inspector"). The Professional-in-Charge and the Inspector must meet the minimum qualifications, training and experience requirements set forth herein and in the Procedure Manual. Inspectors performing third party inspection duties , whether they are employees or subcontractors of the Inspection Agency, shall perform the inspections under the direct supervision of a registered Professional-in-Charge. An individual who seeks to qualify as an Inspection Agency must qualify as both a Professional-in-Charge and an Inspector.

.**109.4.2.1. Construction**

1. Construction Professional-in-Charge. A construction Professional-in-Charge shall possess a current International Code Council (ICC) certification as a Certified Building Official, a current license in the District of Columbia as a Professional Engineer or current registration in the District of Columbia as an Architect, and shall further possess a minimum of three (3) years of documented experience in the field of building design and/or construction, civil or structural engineering or construction project design and/or construction management, in a responsible capacity.

2. Construction Inspector. A construction inspector shall possess a current ICC Certification as a Building Inspector or Combination Inspector and a minimum of three (3) years of documented experience in code compliance building inspection using any of the national model codes or equivalent field experience as determined by the code official.

109.4.2.2 Mechanical

1. Mechanical Professional-in-Charge. A mechanical Professional in Charge shall possess a current license in the District of Columbia as a Professional Mechanical Engineer, a current ICC Certification as a Mechanical Inspector and a minimum of three years experience in mechanical engineering or mechanical systems design and layout.

2. Mechanical Inspector. A mechanical inspector shall possess current ICC Certification as a Mechanical Inspector and a minimum of three (3) years of documented experience in code compliance inspection of mechanical systems using any of the national model codes or equivalent field experience as determined by the code official. .

109.4.2.3 Electrical

1. Electrical Professional-in-Charge. An electrical Professional-in-Charge shall possess a current license in the District of Columbia as a Professional Electrical Engineer, current ICC certification as an Electrical Inspector, and a minimum of three years experience in the field of electrical engineering or systems in a position of responsible charge.

2. Electrical Inspector. An electrical inspector shall possess current ICC Certification as an Electrical Inspector, documented current license in the District of Columbia as a Master Electrician and a minimum of three (3) years of documented experience in code compliance inspection of electrical systems using any of the national model codes or equivalent field experience as determined by the code official. .

109.4.2.4 Plumbing

1. Plumbing Professional-in-Charge. A plumbing Professional-in-Charge shall possess current ICC certification as a Plumbing Inspector, current license in the District of Columbia as a Professional Mechanical Engineer or Plumbing Engineer, and a minimum of three years documented experience in the field of plumbing engineering in a position of responsible charge.

2. Plumbing Inspector. A plumbing inspector shall possess a current ICC Certification as a Plumbing Inspector, a current license in the District of Columbia as a Master Plumber and a minimum of three (3) years of documented experience in code compliance inspection of plumbing systems using any of the national model codes or equivalent field experience as determined by the code official.

109.4.2.5 Elevators and Conveying Systems

1. Elevator Professional-in-Charge. An elevator Professional-in-Charge shall possess documented minimum supervisory experience of five years in the fields of design, inspection or construction management involving the installation, maintenance, or rehabilitation of elevator and/or conveying systems, documented current license in the District of Columbia as a Master Electrician limited (elevator/escalator), and documented current certification for Supervisors with an organization accredited by the American Society of Mechanical Engineers (ASME).

2. Elevator Inspector. An elevator inspector shall possess a current certification with an organization accredited by the American Society of Mechanical Engineers (ASME) as a Certified Elevator Safety Inspector, documented current license in the District of Columbia as a Master Electrician Limited (elevator/escalator), and a minimum of three (3) years of documented experience in installation, repair or maintenance of elevators and/or conveying systems for an elevator contractor or under the direction of a nationally certified Elevator Safety Inspector.

109.4.2.6 Fire Protection

1. **Fire Protection Professional-in-Charge**. A fire protection Professional-in-Charge shall possess a current license in the District of Columbia as a Mechanical or Fire Protection Professional Engineer, or a current National Institute for Certification in Engineering Technologies (NICET) Level 4 certification.

2. Fire Protection Inspector. A fire protection inspector shall possess a current ICC Certification as a Fire Inspector and a minimum of three (3) years of documented experience in code compliance building inspection of Fire Protection systems using any of the national model codes or equivalent field experience as determined by the code official. .

109.4.3 Other Qualifications and Requirements for Approved Third-Party Inspection Agencies. Third Party Inspection Agencies ("Inspection Agencies") shall meet the following additional requirements.

109.4.3.1 Submission of Information. Each Inspection Agency shall provide all information necessary for the code official to determine that the agency meets applicable requirements.

109.4.3.2 Independence. Each Inspection Agency shall be objective and competent. The agency shall also disclose possible conflicts of interest so that objectivity can be confirmed. Each Inspection Agency, Inspector and Professional-in-Charge shall meet the independence and ethical requirements set forth in D.C. Official Code §6-1405.03 (4), (5), (6), (7), (8) . Each applicant to become an approved Inspection Agency shall submit a notarized sworn affidavit, signed by the Professional(s)-in-Charge of the Inspection Agency, attesting that the Inspection Agency, its Inspectors, and its Professional(s)-in-Charge , will remain independent of conflict of interest as defined herein, or in the applicable statutes and regulations.

109.4.3.3 Equipment. An approved Inspection Agency shall have adequate equipment to perform required tests. The equipment shall be periodically calibrated in accordance with the manufacturer's instructions and best practices.

109.4.3.4 Personnel. An approved Inspection Agency shall have a Professional-in-Charge, who is qualified in each discipline in which the agency proposes to perform inspections, and shall employ a sufficient number of qualified inspectors experienced in the inspection discipline in which he or she is conducting inspections.

109.4.3.5 Insurance Coverage. An approved agency shall possess a minimum of $1,000,000 per occurrence "errors and omissions" insurance coverage with the District of Columbia listed as additional insured. Professionals-in-Charge and Inspectors employed by, or under contract with the Inspection Agency, shall be covered by the Inspection Agency's insurance.

109.4.4. Plant Inspection. When required by the provisions of the *Building Code* or by the approved rules, materials or assemblies shall be inspected at the point of manufacture or fabrication in accordance with Subsection 1703.7 of the *Building Code*.

109.4.5 Review of Work Conducted by Third-Party Inspection Agencies and Removal from Program. The code official shalll monitor third party inspection activities in the field and office on a periodic basis in order to evaluate performance of Third Party Inspection Agencies in order to determine whether approval should be revoked or suspended. If the code official determines that an approved Inspection Agency has failed to comply with the requirements of the third party inspection program as set forth in the *Construction Code,* the Procedure Manual, any written agreements, or D.C. Official Code §6-1405.04, , the code official is authorized to remove or suspend the Inspection Agency from the third party inspection program.

109.4.6 Notice of Removal. The code official shall provide the Inspection Agency with written notice of his or her decision to remove or suspend the Inspection Agency from the Third-Party Program, which decision shall become effective upon service of the notice in accordance with 105.6.3. The code official's decision may be appealed to the Office of Administrative Hearings within 10 days of service pursuant to Section 105.6.4.1, but the filing of an appeal will not stay the effectiveness of the removal.

109.4.7 Quality Assurance Plan. Each Inspection Agency must adopt and maintain a quality assurance plan to ensure that the Inspection Agency will perform assigned inspections, report nonconforming items to the attention of the contractor, provide timely reports for each inspection visit and submit periodic and final reports as directed by the code official.

109.4.8 Timely Reports. Each Inspection Agency shall complete the reports and documentation required by the code official, including, but not limited to, a report which certifies each completed phase and type of inspection that is part of the scope of inspections for the project prior to close-in of the project. The Inspection Agency shall certify the inspected project in writing, attesting that, in the professional opinion of the Inspector and the Professional-in-Charge, the construction and installations have been checked for conformance with the relevant codes and standards and are deemed to be code compliant.

109.4.9 Final Inspection. The Inspection Agency shall contact the code official to verify the final inspection when the project subject to third party inspection is complete. Verification by the code official may occur in the office, on-site or a combination of both, at the code official's discretion.

109.4.10 Other Requirements. Each Inspection Agency shall comply with such additional requirements as the code official may impose from time to time to ensure the accuracy and reliability of the third party inspections conducted.

109.5 Approval Required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official shall respond to inspection requests without unreasonable delay. The code official shall approve the work or shall either indicate the portion of the construction that is satisfactory as completed, or shall notify the permit holder or an agent of the permit holder wherein the same fails to comply with the *Construction Codes*. Any portions that do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the building official.

109.6 Right of Entry. The code official, in the performance of his or her duties, shall have the right to enter any unoccupied building; any building under construction, alteration, or repair; any building being razed or moved; any building or premises which he or she has reason to believe to be unsafe or a menace to life or limb; or any building, the use of which may require the issuance of a license or a certificate of occupancy. With respect to the inspection of any occupied habitable portion of any building, consent to such inspection shall first be obtained from any person of suitable age and discretion therein, except that if an acute emergency occurs and immediate steps must be taken to protect the public, such consent need not be obtained. When attempting to gain entrance for inspection, the code official shall show an official identification issued by the Department.

> **109.6.1 Refusal of entry**. Any person who prevents or refuses to allow an inspector to enter a building for inspection in the performance of his duties, is in violation of these regulations and the code official shall have the authority to issue a notice of violation, order or notice of infractions pursuant to Section 113.
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> **109.6.2 Administrative Search Warrant and Injunctive Relief**. If the code official or his designee is denied entry for an inspection in the performance of his duties, the code official is authorized to apply to the D.C. Superior Court for an administrative search warrant and/or injunctive relief.

109.7 Coordination of Inspections. Whenever in the enforcement of the *Construction Codes* or another code or ordinance, the responsibility of more than one official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that 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 some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

109.8 Inspection of Existing Buildings. Where existing buildings are allegedly occupied without the proper occupancy permit or contain an occupancy alleged to be illegal or unsafe, the code official is authorized to make inspections of the existing buildings before the issuance of occupancy permits.

109.9 Other Inspections. The code official is authorized to make inspections upon referral of a notice of violation received from inspection agencies other than the Department alleging a violation of the *Construction Codes;* and upon receipt of a complaint by a District resident, Council member, District government employee, or other government agency alleging a violation of the *Construction Codes.*

109.10 Plant Inspection. When required by the provisions of the *Building Code*, materials or assemblies shall be inspected at the point of manufacture or fabrication in accordance with Section 1703.7 of the *Building Code*.

SECTION 110A CERTIFICATE OF OCCUPANCY

110.1 General Requirement for Certificate of Occupancy. Except as provided in Section 3203 of the *Zoning Regulations*, no person shall use any structure, land, or part thereof for any purpose, other than a one-family dwelling or a Community-Based Residential Facility with six (6) or fewer residents , and no change in use, load or ownership shall be made, until a Certificate of Occupancy has been issued to that person stating that the use complies with the *Zoning Regulations* and the *Construction Codes*, including related building, electrical, plumbing, mechanical and fire prevention requirements. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of the *Construction Codes, Zoning Regulations* or other laws or regulations of the District.

110.1.1 New Buildings. A building or structure hereafter erected shall not be used or occupied in whole or in part until the certificate of occupancy has been issued by the code official, in accordance with the *Construction Codes* and the *Zoning Regulations* following a final inspection pursuant to Section 109.3.14 of the *Building Code*.

Exception:

1. One-family dwellings.

2. Community-Based Residential Facility with six (6) or fewer residents.

110.1.2 Change in Ownership. For changes in ownership of structures, land, or parts with an existing valid Certificate of Occupancy, a new Certificate of Occupancy shall be issued in the name of the new owner (without re-inspection), provided there is no proposed change in use, floor layout or occupancy load.

110.1.2.1 Compliance. To monitor compliance with Section 110.1.2, the Department may review change of ownership applications and conduct inspections to determine if there has been a change in use, occupancy load, or floor layout, and certificates of occupancy that have been determined to have been erroneously issued on the basis of a change in ownership shall be revoked.

110.1.3 Change in Use, Load or Floor Layout. For changes in use, occupancy load or tenant floor layout, a new Certificate of Occupancy shall be required. In the

foregoing circumstances, a construction permit application must be filed pursuant to Section 105.1.4 (13) and approved by the Department, in order to confirm that the new use, load or tenant floor lay-out complies with the *Construction Codes* and *Zoning Regulations*. An application for certificate of occupancy will not be accepted for filing until a permit application has been granted, or a determination has been made that a permit application is not required under the circumstances.

110.1.4 Use Designation. A certificate of occupancy shall only be issued for and state such uses, including accessory uses, as have been identified in the *Zoning Regulations*. Whatever the *Zoning Regulations* expressly permit other uses similar to those permitted within a particular zone district, the certificate of occupancy shall first state the permitted use and then indicate the similar use that is being authorized.

110.1.5 Certificate Issued. After the code official inspects the building or structure and finds no violations of the provisions of the *Construction Codes*, the *Zoning Regulations* or other laws that are enforced by the Department, the code official shall issue a certificate of occupancy that contains the following:

1. The building permit number (if applicable);
2. The address of the structure;
3. The name and address of the property or business owner, as applicable.
4. A description of that portion of the structure for which the certificate is issued;
5. The name of the code official;
6. The use and occupancy classification;
7. The design occupant load;
8. Any special stipulations and conditions of the building permit.

110.1.6 Exemption from Certificate. A Certificate of Occupancy shall not be required for any use exempted by 11 DCMR § 3203.

110.1.7 Posting of Certificate. All Certificates of Occupancy shall be conspicuously posted in or upon the premises to which they apply so that they are readily visible to anyone entering the premises, except sanctuary and nave areas of places of worship in Use Group A-3.

110.2 Application for Certificate. Application for a Certificate of Occupancy shall be made in accordance with Subsections 110.2 through 110.2.3.4.

110.2.1 Application Procedure. All applications for Certificate of Occupancy shall be filed with the Department on the prescribed forms provided by the code official. The applicant shall pay the prescribed filing fee at the time of the application. If a property is located in a CM or M zone district, the "Standards of External Impact" application required by the *Zoning Regulations* shall also be submitted. Where field

inspections are deemed necessary, the inspection process shall be in accordance with Subsections 110.2.2 through 110.2.3.4 of the *Building Code*.

110.2.1.1 Building Permits. Applications for a certificate of occupancy, other than for a change of ownership with no proposed change in use, occupancy load or floor lay-out, will not be accepted unless a building permit application has previously been filed and granted, or the Department has determined that a permit application is not required. Where a new certificate of occupancy is required, a building permit must be secured even if no new construction is proposed.

110.2.1.2 Compliance with Conditions. If an application pertains to a structure or use authorized by an order of the Zoning Commission or Board of Zoning Adjustment and the permission granted in that order was made subject to conditions, the application shall include a copy of the order and a statement demonstrating compliance with all conditions that were to be satisfied prior to the issuance of a certificate of occupancy.

110.2.2 Inspections. Following the filing of a certificate of occupancy application, inspections shall be conducted to confirm compliance with the *Construction Codes* and the *Zoning Regulations*. Notice of all existing violations of the applicable *Construction Codes* and *Zoning Regulations* shall be provided to the applicant within ten (10) working days after the inspection.

110.2.2.1 Service of Notice. The notice of existing violations shall be personally delivered to the applicant or sent by first class mail, postage prepaid. Where the notice is mailed, a certificate of mailing completed by the person responsible for mailing shall constitute proof of service.

110.2.2.2 Reinspection. If a notice of existing violations is issued, a reinspection shall be made within ten (10) working days from the date of notification by the applicant that all required corrections have been made.

110.2.2.3 Expiration of Application. Except as provided in Subsections 110.2.3 through 110.2.3.4, the failure to comply with all applicable District of Columbia laws and regulations pertaining to the issuance of a Certificate of Occupancy, within the prescribed time-frame in a notice of existing violations, shall cause the application to be canceled without further notice to the applicant, and the applicant shall be required to file a new Certificate of Occupancy application and pay the required fees.

110.2.2.4 Access to the Premises. Refusal to permit entry for inspection of the premises shall result in the cancellation of the Certificate of Occupancy application without further notice to the applicant.

110.2.3 Extensions. The code official is authorized to grant an extension to comply

with the notice of existing violations for any of the following reasons:

1. The District Government has performed all the required services but due to extenuating circumstances the applicant is unable, through no fault of his or her own, to bring the property into compliance; or

2. Other special or unusual circumstances as determined by the Code Official.

110.2.3.1 Filing for Extension. All requests for extensions shall be made in writing and addressed to the Code Official , Department of Consumer and Regulatory Affairs. All requests for extensions shall be filed at least fifteen (15) working days prior to the expiration of the prescribed time period. The request shall specify the following:

1. The basis for the request including the details of all efforts on the part of the applicant to bring the property for which an extension is requested into compliance;

2. The facts which support the request in sufficient detail to enable the Code Official to make an informed judgment; and

3. Any other information as the Code Official may deem necessary.

110.2.3.2 Disposition of Request for Extension. The extension requested shall be either granted or denied by the code official as soon as practicable after receipt of all required information. The decision to grant or deny the extension shall be delivered to the applicant in writing by first class mail or personal service, and the provisions of Subsection 110.2.2.1 shall apply to the pertinent extension request records.

110.2.3.3 Period of Extension. A decision to grant an extension shall set forth the extended period of time by which compliance shall be achieved.

110.2.3.4 Extensions for Reinspection. If a reinspection is required, the reinspection shall be made within ten (10) working days from the date of notification by the applicant that all required corrections have been made.

110.3 Occupancy Dependent on Construction. Subsections 110.3.1 through 110.3.5 regulate the issuance of a certificate of occupancy for the use of a structure, or part thereof, if the establishment of the use is dependent upon the erection, construction, conversion, or alteration of the structure, or part thereof.

110.3.1 Proposed use. The intended use shall be designated as a proposed use at the time of application for the building permit on which the use depends.

110.3.2 Provisional Occupancy. At the time of approval of the building permit

application by the Zoning Administrator , the proposed use shall become the provisional occupancy approved by the code official.

110.3.3 Expiration of Provisional Approval. A building permit shall be obtained within six (6) months of approval of the provisional occupancy, otherwise the zoning approval granted pursuant to Subsection 110.3.2 shall expire.

110.3.4 Final Occupancy Approval. The use designated as the approved provisional occupancy shall become final upon issuance of a Certificate of Occupancy pursuant to the provisions of Section 110.

110.3.5 Construction Completion Required. If the erection or alteration of a structure, or part thereof, is contemplated, a certificate of occupancy for that structure, or part thereof, shall not be issued until the erection or alteration is completed to the point that the structure, or part thereof, is deemed by the code official to be available for occupancy and in compliance with the requirements of the applicable laws and regulations.

110.4 Conditional Occupancy. The code official is authorized to issue a conditional certificate of occupancy for which a permit for work has been issued, in the following circumstances:

110.4.1 Completion of a Portion of the Work. The code official may issue a conditional certificate of occupancy to permit the conditional use and conditional occupancy of a building, structure, or a portion thereof, in advance of the completion of all work covered by the permit, and prior to the issuance of a certificate of occupancy under Subsection 110.1 above, if the building, structure, or a portion thereof, may be safely occupied, notwithstanding incomplete work covered by the permit. The code official is authorized and may specify when the conditional certificate of occupancy issued under this section will expire.

110.4.2 Completion of Core and Shell. The code official may issue a conditional certificate of occupancy for a building, or structure after determining that the core and shell of the building or structure are substantially and materially complete, in accordance with the *Construction Codes*, and may be safely occupied, notwithstanding incomplete work covered by the permit. The issuance of a conditional certificate of occupancy under this section shall not grant, allow, or permit use or occupancy, for any reason or purpose, of any other portion of the building or structure for which a certificate of occupancy is required under Subsection 110.1.

110.4.3 Other Circumstances. The code official may issue a conditional certificate of occupancy in other circumstances, prior to the issuance of the final certificate of occupancy, if the building, structure, or a portion thereof, may be safely occupied, where the code official determines that the public interest warrants such conditional occupancy. The code official is authorized and may specify when the conditional

certificate of occupancy issued under this section will expire.

110.5 Revocation of a Certificate of Occupancy. The code official is authorized to revoke a certificate of occupancy pursuant to any of the Subsections 110.5.1 through 110.5.5.

110.5.1 Different Occupancy. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the code official , after notice, if the actual occupancy does not conform with that permitted.

110.5.2 Misleading Declaration by Applicant. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the code official , after notice, if the code official determines that it was obtained based on an application that contained any material misrepresentation.

110.5.3 Certificate Issued in Error. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the code official after notice if the code official determines that it was issued in error.

110.5.3.1 Cancellation. The code official shall have the right to declare a certificate of occupancy null and void on the grounds of administrative or clerical error, and to cancel the certificate of occupancy, if such error is discovered within five (5) business days of issuance of the certificate of occupancy and notice is provided to the holder within the five day period. Upon notification of cancellation, the holder shall promptly surrender the certificate of occupancy for cancellation, provided, however, that the failure to voluntarily surrender the certificate shall not affect its invalidity and the cancellation shall be effective upon notification.

110.5.3.2 Board of Zoning Adjustment. When a written order of the Board of Zoning Adjustment concludes that a permit was issued in error, the permit shall be revoked effective ten (10) days after the Board of Zoning Adjustment Order is served upon the permit holder.

110.5.4 Incomplete Alteration, Repair or Addition. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the code official , after notice, if all of the following conditions are verified:

1. The building or space under such certificate of occupancy is undergoing alteration or repair, or an addition thereto is being constructed, under a duly issued building permit, and the original use is being continued during the construction period; and

2. The code official deems that construction is not progressing at a reasonable pace and the unfinished portion of the project, as shown on the approved permit drawings, or the missing systems or portions thereof, are such that the code official deems that the safety, health or welfare of the public or of the

occupants is seriously threatened thereby.

110.5.5 Completion of Construction Work. Any certificate of occupancy previously issued or issued pursuant to Section 110 shall be revoked by the code official , after notice, if upon completion of work done under a duly issued building permit the applicant does not apply for a new certificate of occupancy within thirty (30) days and a new certificate of occupancy is otherwise required. A new certificate of occupancy is required when there is a change in use, occupancy or load.

110.5.6 Notice of Revocation. Notice of the proposed revocation of a certificate of occupancy shall be given in writing, setting forth specifically the grounds for the action. The notice shall be personally served or sent by first-class mail, postage prepaid, at least ten (10) days prior to the date of the proposed action. If the notice is returned showing that the notice was not delivered, service may be effected by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice. A Board of Zoning Adjustment Order finding that a certificate of occupancy has been issued in error constitutes the Notice of Revocation required under this section.

110.5.7 Effective Date of Revocation. A certificate of occupancy shall be deemed revoked ten (10) days after the notice of proposed revocation was personally served, mailed or posted in accordance with Subsection 110.5.6.

110.6 Appeal from Action. Any person aggrieved by the action of the code official granting, withholding, or revoking a Certificate of Occupancy based in whole or in part upon the *Zoning Regulations* may appeal the action to the Board of Zoning Adjustment, pursuant to D.C. Official Code § 6-641.07 and the *Zoning Regulations*, no later than sixty (60) days after service of written notice of the action upon the applicant or permit holder. All other appeals shall be filed before the Office of Administrative Hearings within the time period required.

110.6.1 Limitation on Appeal. No appeal may be taken to the Board of Zoning Adjustment when ground for the revocation is a Board of Zoning Adjustment order finding that the certificate of occupancy was issued in error. The revocation in such cases may be appealed to the District of Columbia Court of Appeals pursuant to D.C. Official Code § 2-510.

110.6.2 Stay pending appeal. The filing of an appeal of the revocation shall not operate to stay the revocation.

110.7 Certificate of Occupancy Fees. A fee for the processing and issuance of a certificate of occupancy shall be paid to the D.C. Treasurer in accordance with the applicable fee schedule.

110.7.1 Fee Schedule. The Director is authorized to establish, from time to time, by approved rules, a schedule of unit rates and other fees for certificates of occupancy, partial certificates of occupancy and other related miscellaneous services.

110.7.2 Filing Fee. The fee for filing an application for certificate of occupancy shall be in accordance with the current user fee schedule.

110.8 Records. The Director or his or her designee shall be the custodian of Certificate of Occupancy records. The records shall include, but not be limited to, the following:

1. Pending Certificate of Occupancy applications;

2. Extensions granted pursuant to Subsections 110.2.3 through 110.2.3.4; and

3. All approved applications for Certificates of Occupancy, issued Certificates of Occupancy and copies of all cancellation notices and related correspondence.

SECTION 111A SERVICE UTILITIES

111.1 Connection of Service Utilities. No person shall make connections from a utility, source of energy, fuel or power to any building or system that is regulated by the *Construction Codes* for which a permit is required, until the permit is released by the code official.

111.2 Temporary Connection. The code official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.

111.3 Authority to Disconnect Service Utilities. The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the *Construction Codes*, in case of emergency where necessary to eliminate an immediate hazard to life or property. The code official shall notify the serving utility, and where possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing, as soon as practical thereafter.

SECTION 112A APPEALS

112.1 Appeal to Office of Administrative Hearings. The owner of a building or structure or any person adversely affected or aggrieved by a final decision of the code official based in whole or in part upon the *Construction Codes* may appeal to the Office of Administrative Hearings (OAH), except where the appeal relates to or involves an interpretation of the *Zoning Regulations*, in which case the claimant shall appeal the decision to the Board of Zoning Adjustment pursuant to D.C. Official Code § 6-641.07. The OAH appeal shall specify that the *Construction Codes* or the rules legally adopted thereunder have been incorrectly interpreted or applied, the provisions of the *Construction Codes* do not fully

apply, or an equally good or better form of construction can be used. The OAH shall have no authority to waive requirements of the *Construction Codes*.

112.1.1 Review of Actions Within the Department. The owner of a building or structure or other person adversely affected or aggrieved by an interpretation, decision, denial or other action or decision by a person in the Department other than the code official, excluding stop work orders, may seek review by the code official within fifteen (15) calendar days from the date of the action or decision. Claimants shall use an appeal review form provided by the code official, on which they shall state the grounds for appeal, which shall be based on a claim that the *Construction Codes* or the *Zoning Regulations*, or the rules legally adopted thereunder, have been incorrectly interpreted or applied, the provisions of the *Construction Codes* or *Zoning Regulations* do not fully apply, or that an equally good or better form of construction can be used.

112.1.1.1 Review by the Code Official. Within fifteen (15) working days of receipt of the appeal form, the code official shall affirm, modify, or reverse the previous action or decision. If the code official denies the appeal, or does not act upon the appeal within the fifteen working day period, the decision shall be deemed affirmed and the claimant may appeal the matter directly to the Office of Administrative Hearings, except to the extent that the appeal relates to or involves an interpretation of the *Zoning Regulations*, in which case the claimant shall appeal to the Board of Zoning Adjustment pursuant to D.C. Official Code § 6-641.07.

112.1.1.2 Stop Work Orders. Appeals of stop work orders are governed by Subsection 114.11.

112.1.2 Final Decision. The decision of the code official shall be the final decision of the Department.

112.2 Hearings. All hearings before the Office of Administrative Hearings shall be held in accordance with the rules of procedure of that Office.

112.3 Enforcement of decision. The code official shall take immediate action in accordance with the decision of the Office of Administrative Hearings.

SECTION 113A VIOLATIONS AND INFRACTIONS

113.1 Unlawful Acts. It shall be unlawful for any person, firm, or corporation to erect, construct, alter, extend, repair, raze, demolish, use, or occupy any building or structure or equipment regulated by the *Construction Codes* or *Zoning Regulations*, or cause same to be done, in conflict with or in violation of any of the provisions of the *Construction Codes* or *Zoning Regulations*.

113.2 Notice of Violation, Infraction, or Order. The code official is authorized to serve a notice of violation, notice of infraction, or order on the owner, operator, occupant or other person responsible, for the erection, construction, alteration, extension, repair, razing, demolition, use, or occupancy of a building or structure in violation of the provisions of the *Construction Codes* or *Zoning Regulations*, or in violation of a plan approved thereunder, or in violation of a permit or certificate issued under the provisions of the *Construction Codes* or *Zoning Regulations*. A notice of violation or order shall direct the discontinuance of the illegal action or condition and/or the abatement of the violation.

113.2.1 Service of Notice of Violation or Order. A notice of violation or order shall be served on the owner, operator, occupant or other person responsible for the condition or violation (the "respondent") by any one of the following methods:

1. Personal service on the respondent or the respondent's agent; or

2. Delivering the notice or order to the last known home or business address, as identified by the tax records address the business license address, or the corporate registration address of the respondent or the respondent's agent and leaving it with a person over the age of sixteen (16) years old residing or employed therein; or

3. Mailing the notice or order, via first class mail postage prepaid, to the last known home or business address, as identified by the tax records address, the business license address or the corporate registration address, of the respondent or respondent's agent; or

4. If the notice or order is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice or order in a conspicuous place in or about the structure affected by such notice.

113.2.1.1 Respondent's Agent. For the purposes of this section, respondent's agent shall mean a general agent, employee, registered agent or attorney of the respondent.

113.2.1.2 Stop Work Orders. Service of stop work orders shall be made as set forth in Section 114.

113.2.2 Requirement to Abate Illegal Activity or Nuisance. A notice of violation or order shall direct the discontinuance of the illegal action or condition and/or abatement of the violation.

113.2.3 Failure to Provide a Notice of Violation. Issuance of a notice of violation

pursuant to this section, prior to taking other enforcement action, is at the discretion of the code official. Failure to give a notice of violation shall not be a bar or a prerequisite to any criminal prosecution, civil action, corrective action or civil infraction proceeding based upon a violation of the *Construction Codes*.

113.2.4 Notice of Infraction. A notice of infraction shall impose a fine for the alleged violation and shall be issued in accordance with titles I-III of the *Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985*, effective October 5,1985 (D.C. Law 6-42;(D.C. Official Code .§2-1801 et seq.)
("*Civil Infractions Act*")

113.3 Prosecution or Adjudication of Violation. If a notice of violation or order is not complied with promptly, the code official may request the Office of the Attorney General for the District of Columbia to institute the appropriate proceedings at law or in equity to prosecute, restrain, correct, or abate such violation or to require the removal or termination of the unlawful use of the building or structure in violation of the provisions of the *Construction Codes* or the *Zoning Regulations* or of the order or direction made under the *Construction Codes* or the *Zoning Regulations*.

113.4 Criminal Prosecution. Any person who shall violate a provision of the *Construction Codes* or shall fail to comply with any of the requirements thereof or who shall erect, construct, raze, demolish, alter, or repair a building or structure in violation of an order of the code official issued under the authority of the *Construction Codes*, or in violation of a permit or certificate including the approved plans, issued under the provisions of the *Construction Codes*, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $2,000, or by imprisonment not exceeding 90 days, or both, for each offense. Each day a violation continues shall be deemed a separate offense.

113.5 Abatement of Violation. The imposition of penalties prescribed in this section shall not preclude the Office of the Attorney General for the District of Columbia from instituting appropriate action to prevent unlawful construction or to restrain, correct, or abate a violation, or to prevent illegal occupancy of a building, structure, or premises or to stop an illegal act, conduct, business, or use of a building or structure on or about any premises. Nor shall the imposition of penalties prevent the Department from undertaking abatement or corrective actions under other statutes and regulations, including but not limited to D.C. Code § 42-3131 (2001 ed.)

113.6 Civil Infractions. Civil fines, penalties, and fees may be imposed as additional sanctions to criminal prosecution or other civil action, for any infraction of the provisions of the *Construction Codes* or *Zoning Regulations*, or any orders, rules, or regulations issued under the authority of the *Construction Codes* pursuant to the *Civil Infractions Act*. Adjudication of any infraction of the *Construction Codes or Zoning Regulations* shall be pursuant to the *Civil Infractions Act*.

113.7 Illegal construction. Without limiting any of the penalties or remedies for violations of the *Construction Codes*, or the Department's enforcement authority set forth in this

Section 113A or elsewhere, if a building or structure or part thereof is deemed to have been erected, constructed, reconstructed, converted, or altered in violation of the *Construction Codes* or the *Zoning Regulations*, said actions shall constitute illegal construction, and the code official is authorized to order the condition corrected within a specified time frame deemed reasonable by the code official. Service of the order shall be made in accordance with Section 113.2.1.

113.7.1 Civil Fines. Should the owner fail to correct the condition as ordered and within the time frame established in the order, after being duly served, the code official is authorized to issue civil fines pursuant to Subsection 113.6 of the *Building Code*, and each day thereafter the violation goes unabated shall be considered a separate offense. Upon adjudication of the civil fines provided for in this section, the code official is authorized to assess any unpaid fines, as a tax against the property on which the violation occurred and carry such tax on the regular tax rolls of the District and collect such tax in the same manner as general taxes.

113.7.2 Fire Safety Hazard; Public Hazard. Notwithstanding the foregoing, should the code official deem the condition to be a fire safety hazard or otherwise constitute a hazard to the public, the code official is authorized to cause such condition to be corrected, assess the cost of correcting such condition and all expenses incident thereto, including fees or charges authorized or imposed in the *Building Code*, as a tax against the property on which such condition existed or from which such condition arose, as the case may be; and carry such tax on the regular tax rolls of the District and collect such tax in the same manner as general taxes.

113.8 Injunction to Restrain Use of a Building in Violation of Construction Codes. The Mayor may file a petition with the Superior Court of the District of Columbia for an injunction to restrain the use or occupancy of any building, structure, or part thereof, in violation of any of the provisions of the *Construction Codes* or the *Zoning Regulations*.

SECTION 114A STOP WORK ORDER

114.1 Authority. Whenever the code official finds that any work on any building, structure or premises is being performed contrary to the provisions of the *Construction Codes*, or the *Zoning Regulations* or in an unsafe or dangerous manner, the code official is authorized to issue a stop work order.

114.1.1 Issuance. The stop work order shall be in writing, in a form prescribed by the code official, and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. If the stop work order cannot be delivered personally, notice shall be effected by posting the stop work order as provided in 114.2 below. Upon issuance of a stop work order, the cited work shall immediately cease until the situation is corrected.

114.1.2 Form of Stop Work Order. The stop work order shall state the reason for

the order, and the conditions under which the cited work will be permitted to resume. The stop work order shall state the address of the property and the specific section or sections of the *Construction Codes* and/or the *Zoning Regulations* violated. The stop work order shall also contain a description of the right to appeal the order, and a contact name and telephone number to obtain an appeal form. No stop work order shall be issued nor considered valid unless it contains all the above information, and the signature of the issuing official.

114.2 Location of Posted Stop Work Order. The code official shall post the stop work order in a conspicuous location, visible to the public and other government officials, in or about the building, structure or premises affected by the stop work order.

114.3 Removal of a Posted Stop Work Order. Unauthorized removal of a posted stop work order is a violation of the *Construction Codes* and subject to the penalties provided in D.C. Official Code § 6-1406 and the injunctive relief set out in D.C. Official Code § 6-1407.

114.4 Access Required to Post a Stop Work Order. Where the code official requires access into a structure to post a stop work order, the owner of the structure, or his or her agent, must provide the required access within twenty-four (24) hours of receiving written notice from the code official pursuant to Subsection 114.1.

114.5 Public Notice of Stop Work Order. The code official may make public, by publishing in a newspaper of general distribution or at the DCRA website, a list of the addresses where stop work orders have been posted. The code official shall provide copies of written stop work order notices, issued pursuant to Subsection 114.1 of this Chapter, to the Metropolitan Police Department Commander of the District where the address of the stop work order is located.

114.6 Scope of Stop Work Order for Illegal Construction. A stop work order, issued for illegal construction under Subsection 113.7 of this Chapter, shall mean, unless otherwise specified, the cessation of any and all work at the building or structure, regardless of whether the work is subject to building permit requirements.

> **114.6.1 Stop Work Order for All Activity at a Construction Site.** When the code official issues a stop work order for illegal construction under Subsection 113.7 of this Chapter, it shall be a violation of the stop work order for the owner or agent to enter the site, unless otherwise specified. The code official may provide for temporary access to allow the owner, or his or her agent, to ensure the ongoing security and/or safety of the property. An owner or agent of property under the restrictions of a stop work order must first receive approval from the code official to enter the property for any reason except as specified in the order.

114.7 Owner and/or Designated Agent Responsible for Ensuring Compliance with Stop Work Order. The owner of the property, or his or her agent, serving as the contractor of record, shall be deemed to have violated the stop work order where his or her subordinate employees, workers, and sub-contractors do not comply with the requirements of the stop

work order.

114.8 Code Official May Seek a Warrant for Violation of Stop Work Order. Upon finding that the requirements of a stop work order have been violated, including the removal of a stop work order, the code official may seek a warrant for the arrest of the owner or agent.

114.9 Home Improvement Contractor. Any home improvement contractor who continues to work in or about a structure after having been served with a stop work order is in violation of the provisions of the *Construction Codes*. Failure to comply with a stop work order shall constitute grounds for suspension, restriction or revocation of the contractor's license as a home improvement contractor under District regulations governing home improvement contractors (presently codified at 16 DCMR Chapter 8).

114.10 Unlawful Continuance. Any person who shall continue any work in or about a building, structure or premises after a stop work order has been posted, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to the penalties set forth in D.C. Official Code § 6-1406 and the injunctive relief set out in D.C. Official Code § 6-1407.

114.11 Appeal of Stop Work Order. The property owner, his or her agent, or the person responsible for the work cited in a stop work order, may initiate an appeal within the Department from a stop work order. Claimants shall appeal using a form provided by the code official, on which they shall state the grounds for the appeal, which shall be based on a claim that the *Construction Codes* or the *Zoning Regulations*, or the rules legally adopted thereunder, have been incorrectly interpreted or applied, the provisions of the *Construction Codes* or *Zoning Regulations* do not fully apply, or that an equally good or better form of construction can be used. The appeal shall be filed within fifteen (15) days from the date on which the stop work order is posted.

114.11.1 Action on Appeal. Within ten (10) working days of receipt of the appeals form, the code official shall affirm, modify, or reverse the previous action or decision. The decision of the code official shall be the final decision of the Department. If the code official denies the appeal, or does not act upon the appeal within the ten working day period, the decision will be deemed affirmed and the claimant may appeal the matter directly to the Office of Administrative Hearings, except to the extent that a violation of the *Zoning Regulations* is alleged, in which case the claimant shall appeal the action to the Board of Zoning Adjustment pursuant to D.C. Official Code § 6-641.07.

114.11.2 Stay of Action. The filing of an appeal does not stay the effect of a stop work order.

SECTION 115A UNSAFE STRUCTURES

115.1 Right to Deem Unsafe. All buildings or structures that are or hereafter shall become abandoned, deteriorated, unsafe, unsanitary, or deficient in adequate exit facilities, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper use, occupancy or maintenance, shall be taken down and removed or made safe and secure, as the code official may deem necessary pursuant to this section or pursuant to D.C. Official Code § 42-3131.01, *et seq.* or D.C. Official Code § 42-3171.01 *et seq*. A vacant building, unguarded or open at door or window, shall be deemed a fire hazard and unsafe within the meaning of the *Construction Codes*.

115.1.1 Prohibited Entry. When a vacant building or structure is deemed to be unsafe, pursuant to Subsection 115.1, the code official shall cause to be posted at each entrance to such building or structure a notice that the structure is unsafe and that its use or occupancy has been prohibited. It shall be unlawful for any person to enter such building or structure except for the purpose of making the required repairs or demolishing it.

115.2 Examination and Record of Damaged Structure. The code official shall examine every building or structure reported as dangerous, unsafe structurally, or constituting a fire hazard, and shall cause the report to be filed in a docket of unsafe structures and premises, stating the use of the structure, and the nature and estimated amount of damages, if any, caused by collapse or failure.

115.3 Notice of Unsafe Structure. If any unsafe condition is found in a building or structure, the code official shall pursuant to D.C. Official Code § 6-801 -805 serve on the owner, agent, or person in control of the building or structure, a written notice identifying the building or structure deemed unsafe and specifying the required repairs or improvements to be made to render the building or structure safe and secure, or requiring the unsafe building or structure or portion thereof to be demolished within a stipulated time. Such notice shall require the person thus notified to immediately declare to the code official acceptance or rejection of the terms of the order. Service shall be made in accordance with Section 113.2.1.

115.4 Posting of Unsafe Notice. If the person addressed with an unsafe notice cannot be found within the District of Columbia after diligent search, then a copy of the unsafe notice shall be posted in a conspicuous place on the premises and such posting shall be deemed the equivalent of personal notice.

115.5 Disregard of Unsafe Notice. Upon refusal or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the code official shall notify the Office of the Attorney General for the District of Columbia of all the facts and shall request initiation of appropriate legal action to compel compliance with the order, or other remedies pursuant to D.C. Official Code § 42-3131.01 *et seq.* or D.C. Official Code § 42-3171.01 *et seq*.

SECTION 116A EMERGENCY MEASURES

116.1 Imminent Danger When, in the opinion of the code official, there is imminent danger or failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The code official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure Is Unsafe and Its Occupancy Has Been Prohibited by the Code Official." It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition or of demolishing the same.

116.2 Temporary Safeguards. Whenever, in the opinion of the code official, there is imminent danger due to an unsafe condition, the code official shall order the necessary work to be done, including the boarding up of openings, to render such structure temporarily safe whether or not the legal procedure herein described has been instituted; and shall cause such other action to be taken as the code official deems necessary to meet such emergency.

116.3 Closing Streets. When necessary for the public safety, the code official is authorized to temporarily close sidewalks, streets, buildings, structures, and places adjacent to such unsafe structure, and prohibit them from being used.

116.4 Emergency Repairs. For the purposes of this section, the code official shall employ the necessary labor and materials to perform the required work as expeditiously as possible.

116.5 Costs of Emergency Repairs. Where the code official causes emergency work to be done pursuant to Subsection116.2 or Subsection116.4, the costs incurred in the performance of emergency work shall be paid from appropriations of the District of Columbia on certification of the code official and shall be assessed as a tax against the property on which the emergency work or repairs were performed, carried as a tax on the regular tax rolls, and collected in the same manner as real estate taxes are collected.

SECTION 117A POSTING STRUCTURES

117.1 Posted Occupant Load. Every room or space constituting a place of assembly or education shall have the approved occupant load of the room or space posted in a conspicuous place, near the main exit from the room or space. The approved occupant load signs shall be installed and maintained in a legible manner by the owner or an authorized agent. The signs shall be durable and shall indicate the number of occupants permitted for each room or space use. Place of assembly rooms or spaces which have multiple use capability shall be posted for the occupant loads of all such uses.

> **117.1.1 Occupant Load Calculations.** The occupant load calculations shall be determined in accordance with Section 1004 of the *Building Code*. The Fire Chief of the District of Columbia shall be informed of the approved occupant loads calculated pursuant to Subsection 117.1 of this Chapter.

117.2 Replacement of Posted Signs. All posted signs shall be furnished by the owner and shall be of permanent design. They shall not be removed, or defaced and, if lost, removed or defaced, they shall be replaced immediately.

117.3 Periodic Inspection. The code official is authorized to periodically inspect all existing buildings and structures for compliance with the law in respect to posting, or the code official is authorized to accept the report of such inspection from an approved licensed professional engineer or architect. Such inspection and report shall specify any violation of the requirements of the *Construction Codes* in respect to the posting of floor load, occupant load, and use group of the building.

Exception: Existing buildings and structures of Use Groups R-3, or buildings under the jurisdiction of the *Residential Code*, and dwelling units in buildings of Use Group R-2.

SECTION 118A STREET NUMBERING AND ADDRESSES OF STRUCTURES, BUILDINGS, AND PREMISES

118.1 Scope. The provisions of Section 118 and the Act of the Board of Aldermen and the Board of Common Council, approved November 29, 1869, listed in Appendix R of this title, shall govern the minimum requirements for providing street numbers on buildings, structures, and premises. Premises shall comply with the applicable provisions of this section.

118.2 General. The code official shall designate the street number of all structures and is authorized to order changes in the numbering of any structure previously numbered if it is determined that the street numbers being used may endanger the public health and safety. Structures fronting more than one (1) street or avenue shall be assigned a number based on the location of the face of the structures containing the principal entrance. Street numbers are required on all structures new and existing and shall be approved by the code official.

118.3 Responsibility. The owner of the structures shall provide and maintain the number in compliance with these requirements. A person shall not occupy as owner-occupant or lease to another for occupancy or use any structure or portions thereof or premises, which do not comply with the requirements of this section.

118.4 Street Numbers. Each structure to which a street number has been assigned shall have the number displayed in conformance with the requirements provided in this section.

118.4.1 Location. The number shall be located directly over or near the main entrance in a position easily observed and readable from the opposite side of the street or public right-of-way. Multi-tenant structures (buildings) having separate exterior entrances with separate numbers, shall post the street numbers near each entrance in accordance with this section. The owner of a structure located on a lot where the main entrance does not front the public right-of-way, in addition to posting the street number of the building in a position easily observed and readable from the opposite side of the street or public right-of-way serving that entrance, shall post the number directly above or near the main entrance.

118.4.2 Rear Entrance. If the rear entrance of a numbered structure faces a street or public right-of-way accessible to the public, the owner shall also place numbers near the rear entrance in a position easily observed and readable from the street or public right-of-way serving the rear entrance of that structure.

118.5 Construction Sites. Street numbers shall be posted at construction sites in a position easily observed and readable from any public right-of-way serving the construction site.

118.6 Size of Numbers. The minimum size of a street number shall be 3 inches (76mm) high and ½ inch (13mm) wide and shall be in Arabic figures on a contrasting background.

SECTION 119A ADMINISTRATIVE PLUMBING PROVISIONS

119.1 Licensure and Registration Requirements. Except as otherwise provided in Subsections 119.1.1 through 119.1.2, applications for plumbing permits shall comply with this Section 119A. Each application for plumbing permit shall be filed by the plumbing contractor responsible for the work to be done. Each application shall show the name and signature of the master plumber employed to actually supervise the work. Said plumbing contractor and master plumber shall be licensed and bonded in accordance with the applicable District of Columbia licensing and bonding regulations.

119.1.1 Work in Firm's Premises. A firm or corporation that regularly employs a licensed master plumber shall be authorized to apply to obtain a permit for the performance of plumbing work in existing buildings or premises under its ownership or occupancy. Each application shall show the name and signature of the master plumber employed to actually supervise the work. Said master plumber shall be licensed and bonded in accordance with the applicable District of Columbia licensing and bonding regulations.

119.1.2 Work on D.C. Owned Properties Located Outside of the District of Columbia. Plumbing contractors licensed by the District of Columbia, or by other Government agencies having jurisdiction over the area adjoining any reservation under the control of the District of Columbia, located outside the District of Columbia, shall be allowed to apply for and obtain plumbing permits for work on or within such reservation.

119.1.3 Disconnection of Downspouts from Sewer System. Stormwater downspouts connected to the sewer system may be disconnected, without the need for a plumbing permit, provided that the disconnection and discharge meets DDOE requirements.

119.1.4 Reconnection of Downspouts to a Storage System. Stormwater downspouts connected to the sewer system may be reconnected to rain barrels, cisterns, or other storage facilities, without the need for a plumbing permit, provided the reconnection and any overflow discharge meets DDOE requirements.

119.1.5 Unlicensed Plumbing Prohibited. It shall be unlawful for the owner or lessee of any building in the District of Columbia, or their agents, to employ or contract for an unlicensed person to do plumbing or fuel gas work in or about such building.

119.2 Covenants for Water or Sewer Utility Service. Before a permit shall be issued to

install water or sewer utility services to a lot from an adjacent lot, or to extend such services to a lot or premises from a building, as approved pursuant to Subsection P-301.3.1 of the *Plumbing Code*, a covenant shall be approved in accordance with Subsection 119.2.1.

119.2.1 Documents Filed in Office of Recorder of Deeds. Two copies of the instrument shall be filed in the Office of the Recorder of Deeds. One copy, duly noted, shall be filed with the code official. If there are other parties in interest, they shall be made parties to the covenant in a manner satisfactory to the Office of the Attorney General for the District of Columbia.

SECTION 120A ADMINISTRATIVE MECHANICAL PROVISIONS

120.1 Licensure and Registration Requirements. Except as otherwise provided in Subsections 120.1.1 through 120.1.3, applications for mechanical permits shall comply with this Section 120A. Each application for mechanical permit shall be filed by the contractor responsible for the work to be done. Each application shall show the name and signature of the master mechanic employed to actually supervise the work. Said mechanical contractor and master mechanic shall be licensed and bonded in accordance with the applicable District of Columbia licensing and bonding regulations.

120.1.1 Work in Firm's Premises. A firm or corporation that regularly employs a licensed master mechanic shall be authorized to apply for and obtain a permit for the performance of mechanical work in existing buildings or premises under its ownership or occupancy. Each application shall show the name and signature of the master mechanic employed to actually supervise the work. Said master mechanic shall be licensed and bonded in accordance with the applicable District of Columbia licensing and bonding regulations.

120.1.2 Work on D.C. Owned Properties Located Outside of D.C. Mechanical contractors licensed by the District of Columbia, or by other Government agencies having jurisdiction over the area adjoining any reservation under the control of the District of Columbia, located outside the District of Columbia, shall be allowed to apply for and obtain mechanical permits for work on or within such reservation.

120.1.3 Owner's Permits. The owner, or the owner's agent, of premises where mechanical equipment listed in items 1 through 3 below is to be installed, shall be authorized to apply for and obtain a permit for the installation of such equipment in said premises:

1. Fuel burning equipment, excluding gas fired hot water boilers with a gas input rating of less than 525,000 Btu/h (154 kW) and gas fired appliances in single-family dwellings.

2. Fired pressure vessels less than 16 inches (401 mm) in diameter, working at a pressure of less than 100 psia (690 kPa) and with a heating surface of less than 20 square feet (1.86 m^2), also classified as miniature boilers.

3. Unfired pressure vessels with a capacity of less than 15 gallons (0.057 m^3), or operating at a working pressure of 60 psig (414 kPa) or less.

120.2 Location of Refrigeration Systems. No part of any refrigeration system shall extend from one lot to another except as provided for in Subsection 120.2.6. Location of any part of a refrigeration system beyond the building line shall comply with Subsections 120.2.1 through 120.2.5.

120.2.1 Use of Public Space. Use of public space or of the space beyond the building line for the installation of refrigeration systems as provided in Subsections 120.2.2 through 120.2.5 shall be limited to that portion abutting the applicant's premises, and as the Mayor may determine is not needed for use of the general public.

120.2.2 Public Space Permits. Special public space permits for installations as provided in Subsections 120.2.1 through 120.2.5 shall be obtained from the District of Columbia Department of Transportation (DDOT). The permit shall be issued only to the owner of the premises involved.

120.2.2.1 Authority to Issue Special Permits. Permits to locate or extend any part of a refrigeration system beyond the building line or onto or across public space shall be issued only as provided under authority of section 1(c) and (d) of An Act To grant additional powers to the Commissioners of the District of Columbia, and for other purposes, approved December 20, 1944 (58 Stat. 819; D.C. Official Code § 1-301.01 (c) and (d)), or as approved by the Mayor on recommendation of the Public Space Committee.

120.2.3 Installation on Public Space. Each installation of a refrigeration system in or on public space shall comply with the applicable provisions of the *Construction Codes*, with the following additional requirements:

1. The use shall be considered temporary, and the user shall acquire no right, title, or interest in the space he or she is permitted to use;

2. The United States and the District, and the officers and employees of each of these governments, shall be held harmless for any loss or damage arising out of the use, whether the loss or damage is suffered by the permittee, the United States, the District, or by some third person;

3. The refrigeration system placed in or on public space by a permittee shall be maintained in good repair and in clean condition, and shall not be allowed to deteriorate or become unsightly, noisy, or dangerous to passers-by; and

4. The space shall not be used in a manner or for a purpose that the Mayor finds is deleterious to the general character of the neighborhood, or that is not in the best interest of the general public.

120.2.4 Insurance for Installation in Public Space. The applicant for a permit to install a refrigeration system on or across public space shall, as a condition precedent to the issuance of the permit, and as a condition to the continuance of the permit, furnish the code official with a copy of a policy of public liability and property damage insurance, with employees as parties insured, subject to the conditions of Subsections 120.2.4.1 and 120.2.4.2.

120.2.4.1 Limits of Liability Insurance. The limits of insurance liability of the insurance policy required in Subsection 120.2.4 shall be the greater of (a) $100,000 for one person in any one accident; $500,000 for the aggregate of all persons in any one accident; and $10,000 for property damage in any one accident; and (b) other amounts established by the Mayor from time to time.

120.2.4.2 Cancellation of Insurance. The policy of insurance shall be cancelable only by giving written notice to the Mayor. Notice shall be addressed to the Secretary of the District of Columbia, stating the date on which the proposed cancellation of the policy is to become effective. The date of cancellation shall not be less than 30 days after the date on which the Mayor receives the notice.

120.2.5 Permit Revocation. A permit for the use of public space shall be subject to revocation for the failure of the permittee to comply with the *Construction Codes*. Upon receiving notice of revocation, the permittee shall remove the refrigeration system and restore the public space to a condition satisfactory to the District of Columbia Department of Transportation (DDOT), at the permittee's expense.

120.2.6 Systems Extending Over Two or More Lots. Applications for permits to install refrigeration systems extending from one lot to another shall be accompanied by notarized written permissions from the owners of each lot on which any part of the system is to be installed.

SECTION 121A ADMINISTRATIVE ELECTRICAL PROVISIONS

121.1 Licensure and Registration Requirements. Except as otherwise provided in Subsections 121.1.1 through 121.1.5, applications for electrical permits shall comply with this Section 121A. Each application for electrical permit shall be filed by the electrical contractor responsible for the proposed work to be done. Each application shall show the name and signature of the master electrician employed to actually supervise the work. Said electrical contractor and master electrician shall be licensed and bonded in accordance with applicable District of Columbia licensing and bonding regulations.

121.1.1 Work in Firm's Premises. A firm or corporation that regularly employs a licensed master electrician, or master electrician limited, shall be authorized to apply for and obtain a permit for the performance of electrical work in existing buildings or premises under its ownership or occupancy. Each application shall show the name and signature of the master electrician employed to actually supervise the work. Said master electrician shall be registered and bonded in accordance with the District of Columbia Electrical Licensing and Bonding Regulations.

121.1.2 Work on D.C. Owned Properties Located Outside of the District of Columbia. Electrical contractors licensed by the District of Columbia, or by other Government agencies having jurisdiction over the area adjoining any reservation under the control of the District of Columbia, located outside the District of Columbia, shall be allowed to apply for and obtain electrical permits for work on or within such reservation.

121.1.3 Homeowner's Permit. A person shall be authorized to apply for and obtain an electrical permit to perform branch circuit extensions from existing over-current devices in a single family dwelling if owned and occupied by the applicant. The code official shall perform an oral interrogation of the applicant to assess whether the person is qualified to perform the intended work in conformity with the *Electrical Code*, at the time of issuance of the permit.

121.1.4 Electrical Work Incidental to Plumbing or Gas-Fitting Work. A licensed contractor performing plumbing or fuel gas work in accordance with the *Construction*

Codes shall be allowed to apply for and obtain electrical permits for electric fixtures or other apparatus that are attached to or form any part of the plumbing or gas-fitting system in any building, provided that such contractor obtains a limited scope license from the professional licensing office of the Department.

121.1.5 Other Licensing Requirements. Except for work done under Subsections 121.1.3 and 121.1.4, the actual performance of electrical work shall be done only by duly licensed electricians under the actual supervision of duly licensed master electricians.

121.2 Master Service or Master Meter Covenants for Master Service or Master Metering. No covenant in connection with Subsections E-230-2 and E-230-3 of the *Electrical Code* shall be approved in order to provide master service to more than one building on a single lot, or to buildings on different lots in the same square, unless in accordance with Subsections 121.2.1 and 121.2.2.

121.2.1 Form of Covenant. The form of covenant shall be satisfactory to the Office of the Attorney General for the District of Columbia, for legal sufficiency.

121.2.2 Documents Filed in Office of Recorder of Deeds. Two copies of the instrument shall be filed in the Office of the Recorder of Deeds. One copy, duly noted, shall be filed with the code official. If there are other parties in interest, they shall be made parties to the covenant in a manner satisfactory to the Office of the Attorney General for the District of Columbia.

121.3 Notification for Electrical Inspection. When approval is desired for any electrical work for which a permit has been issued, the person, firm, or corporation to whom the permit was issued shall submit to the code official a written request for inspection of such work.

121.4 Work on Live Circuits. It shall be unlawful to perform electrical work in circuits or systems, other than power limited wiring or equipment, without first disengaging the electrical power to such circuits or systems.

SECTION 122A AMENDMENTS AND COPIES

122.1 Amendments; Supplements; Editions. All future amendments, supplements, and editions of the *Construction Codes* shall be adopted only upon authority of the government of the District of Columbia. The Mayor is authorized to issue proposed rules to amend the *Construction Codes* and to adopt new supplements and editions of the *ICC International Codes* in whole or in part pursuant to Title I of the D.C. Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1204; D.C. Official Code § 2-501 *et seq.*). The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part by resolution within this 45-day review period, the proposed rules shall be deemed approved. The rules shall not take effect until approved or deemed approved by the Council.

122.2 Amendment Procedure. Within 3 months of publication of any future revision, supplement, or edition of the *ICC International Codes*, the Director shall publish notice in the D.C. Register that changes are proposed pursuant to the Construction Codes Approval and Amendments Act of 1986 and the D.C. Administrative Procedures Act. The Director shall:

1. Prepare an evaluation and recommendation of proposed changes for review by the D.C. Building Code Advisory Committee. The D.C. Building Code Advisory Committee shall study the proposed changes and the Director's recommendation, and shall make its recommendations to the Director within 90 days of receipt of the proposed changes.

2. The proposed changes, approved by the Director, shall be published in the D.C. Register as proposed rules for public review and comments.

3. The Director shall publish final rules after the proposed rules are approved or deemed approved by the Council.

122.2.1 Initiation and Review of Changes. Changes in the *Construction Codes* may be proposed and initiated by and through the D.C. Building Code Advisory Committee and the Director. The notice, review, evaluation, and rulemaking procedures of Subsection 122.2 shall be applied to any proposed changes in the *Construction Codes*, from whatever source.

122.3 Official Copies. Official copies of the *Construction Codes* are on file in the D.C. Office of Documents and Administrative Issuances.

SECTION 123A TRANSITORY PROVISIONS

123.1 Applicable Codes. The laws and regulations in force on the date that a new edition of the C*onstruction Codes* are adopted pursuant to Section 123, shall remain in effect for the purposes specified in Subsections 123.1.1 through 123.1.3.

123.1.1 Existing Valid Permit. Work authorized by a permit issued before the effective date of the new edition of the *Construction Codes* shall be allowed to be carried to completion, subject to the conditions of Subsections 105.6, 105.6.1 and 105.5.2.

123.1.2 Existing Filed Application. Applications for permits for which the application filing deposit has been paid before the effective date of the new edition of the *Construction Codes*, pursuant to Subsection 108.2.1.1, shall be allowed to be processed to issuance of the permit, and any work authorized thereby shall be allowed to be carried to completion, under the edition of the *Construction Codes* in effect on the date said applications were filed, subject to the following conditions:

1. Each such application shall have been filed accompanied by plans and other information conforming to Subsections 106.1 and 106.1.1, sufficiently complete to allow processing of the permit without substantial change or deviation.

2. Each such permit shall be paid in full and taken out by the applicant within one (1) year after the effective date of the new edition of the *Construction Codes*.

3. All work authorized by such permit shall be carried to completion under the terms of the permit.

4. Permits granted under Subsection 123.1.2 shall not be extended if permitted to expire, pursuant to Subsection 105.5, or if revoked pursuant to Subsections 105.6 and 105.6.1.

123.1.3 Existing Design Contracts. Buildings and structures under contract for design on the effective date of the new edition of the *Construction Codes*, for which no permit applications have been filed, shall be allowed to be filed, processed to issuance of permit, and any work authorized thereby shall be allowed to be carried to completion, under the previous edition of the *Construction Codes*, subject to the following conditions:

1. The applicant shall file the permit application, accompanied by plans and other information conforming to Subsections 106.1 and 106.1.1, sufficiently complete to allow processing of the permit without substantial change or deviation, within one (1) year after the effective date of the new edition of the *Construction Codes*.

2. The applicant shall submit a copy of the design contract, with a notarized affidavit stating that the submitted copy is a true and accurate copy of the contract for the design of the building or structure, that the contract was in effect on or before the effective date of the *Construction Codes*, and that the design submitted with the permit application was made under such contract.

3. The permit shall be obtained and the permit fee paid in full by the applicant within one (1) year after the filing date.

4. All work authorized by such permit shall be carried to completion under the terms of the permit.

5. Permits granted under Subsection 123.1.3 shall not be extended if permitted to expire pursuant to Subsection 105.5, or if revoked pursuant to Subsections 105.6 and 105.6.1.

123.2 Tenant Layout Permits. The work necessary to finish the interior layout of every

tenant space of a building permitted under previous editions of the *Construction Codes* for first occupancy of each such tenant space, shall be considered part of the completion of said building, and the permits for such tenant work shall be allowed to be processed under the same edition of the *Construction Codes* as the base building permit, regardless of when the tenant layout project began.

123.3 Violations or Infractions. The laws and regulations in force on the date that a new edition of the *Construction Codes* are adopted pursuant to Section 123, shall apply with respect to violations or infractions committed prior to said date, whether the prosecutions or adjudications of those violations of infractions are begun before or after said date.

SECTION 124A ADDRESS PROTOCOL

124.1 Title. The address protocol set forth in this Section 124 shall be known as the "District of Columbia (DC) Address Standardization Protocol of 2008" (referred to herein as "Protocol").

124.2: Purpose. The purpose of the District of Columbia Address Standardization Protocol of 2008 is to establish a formal, legally based District-wide system of assigning addresses to buildings and properties in order to facilitate their identification. The Protocol also facilitates protection of the public health and safety by enabling a quicker response time by police, fire, ambulance, and other emergency services; and provides for the efficient delivery of public services. Those services include building inspections, health inspections, property mapping, property tax administration, and other public affairs. The Protocol will enable the District Government to maintain a unified addressing system, and create a citywide database of addresses.

124.3. Administration. This Protocol shall be administered by the Code Official. The Code Official shall assign addresses and approve the naming of new private streets within the District of Columbia subject to this Protocol.

124.4. Definitions.

ADDRESS RANGE- defines the high and low values for the addresses found on a block face. The address range is expressed as a low number and a high number representing the lowest and highest street numbers found or possible on a given block face.

BLOCK FACE- shall be the right-of-way line along a public street or the property line at the edge of a private street segment. Each street segment will have two block faces.

BUILDING- means any structure occupied or intended for supporting or sheltering any occupancy. Any portion of a building completely separated from other portions by firewalls shall also be considered a separate building.

CITY- shall consist of the name of the City in which the address is located. It shall consist of an alphabetic character string.

DRIVEWAY- is a private thoroughfare, capable of permitting the passage of cars and other vehicles and pedestrians, which provides access to a single building or site facility.

MAIN ENTRANCE– The principle point of entry into any building or structure from public, private street or officially named alley.

PRIMARY ADDRESS- is the main address identifying the principal building.

PRINCIPAL BUILDING- means the primary or predominant building located on a parcel of land or lot with the main entrance facing street frontage.

PRIVATE- shall be applied to streets, alleys and other thoroughfares where the underlying land is owned by private citizens or entities, or is part of existing tax or records lots adjoining the street right-of-way.

PUBLIC- shall be applied to streets, alleys and other thoroughfares that are owned by the District of Columbia Government, any other public government, including the Federal Government or its branches, or by any adjoining state government.

SECONDARY ADDRESS- is an address created when the subject property has a primary address and additional addresses identifying the location of associated occupancies with independent street frontage.

SITE FACILITY- is a structure that is not deemed to be a building, but for which it is desirable or necessary to have a street address (e.g. Metro vent location).

STANDARDIZED ADDRESS- shall consist of a street number, street number suffix, street name, street type, unit type, unit number, quadrant, city name, state name, zip code and zip plus four designations.

STATE- shall consist of the two letter abbreviation for the state in which the address is located.

STREET- is a public or private thoroughfare capable of permitting the passage of cars and other vehicles and pedestrians, and which provides access to two or more buildings

or facilities that have or require addresses.

STREET NAME- shall consist of the full proper name of a street segment, stored as an alphanumeric character string.

STREET NUMBER- shall consist of a number used to provide specific identification for structures in the District of Columbia. It shall be stored as a numeric value.

STREET NUMBER SUFFIX- shall consist of a fraction that is attached to a street number in an existing address.

STREET QUADRANT- shall consist of two alpha characters identifying the geographic sector of the District of Columbia in which the address is located. All addresses in Washington, DC, with the exception of the Capitol which is the central point of the addressing grid, shall have a quadrant designation. The quadrants are NE (Northeast), NW (Northwest), SE (Southeast) and SW (Southwest). Quadrant shall be abbreviated and capitalized as shown above. There shall be no street quadrants that consist of a single cardinal direction (e.g. North).

STREET SEGMENT- is the portion of a public or private street between two streets' intersections with other public or private streets.

STREET TYPE- shall consist of the name of the type of street, such as avenue, street, road, etc. It shall be stored in fully spelled out form as an alphabetical string.

UNIT NUMBER - shall refer to the designation of an individual unit, such as "A," "Rear," or "102". It shall be stored as an alphanumeric string.

UNIT TYPE- shall specify the type of occupancy, such as an apartment, suite, or office space. It shall be stored as an alphabetic string.

ZIP CODE- shall be the five numeral code assigned by the US Postal Service to the area in which the address is located.

ZIP PLUS FOUR- shall be the four numeral code assigned by the U.S. Postal Service to the block face or building or building sector in which the address is located.

Section 124.5. Addressing Rules

124.5.1 Addressing Structure

124.5.1.1. The District of Columbia has an existing street addressing and street naming scheme that is historic in nature. To the greatest extent possible, this Protocol seeks to maintain that scheme while eliminating conditions created over time that are detrimental to the public safety and welfare of the citizens of the District of Columbia.

124.5.1.2. The existing pattern of alphabetically named and numbered streets found in the central jurisdictions of the District shall be maintained.

124.5.1.3. For the most part, the street numbers on the easterly side of north-south streets have even numbers, while those on the westerly side have odd numbers. The street numbers on the northerly side of east-west streets have odd numbers while the southerly sides have even numbers. Diagonal streets have even and odd sides that match the parity of the grid direction they most closely resemble (those at 30 degree angles are generally addressed as east-west, those at 60 degrees are considered north-south. The 45 degree angle streets are variable, and should be maintained in their current form.

124.5.1.4. Address ranges are determined based on a progression from the point of origin, which is the United States Capitol Building, and the four streets that define the quadrant boundary radiating away from the Capitol. Each standard block was initially given an address range of one hundred, progressing outward from the Capitol. Streets that commence away from the quadrant lines are examined and the ranges determined based upon the surrounding streets.

124.5.1.5. Address ranges should not overlap or create any opportunities for the assignment of duplicate addresses on a given street within a single quadrant. Similarly, there should be limited or no gaps in the address ranges if the street to which the ranges are applied is continuous.

124.5.1.6. Breaks in address ranges may occur where a street with a given name is broken into distinct segments by a park, water body, or other impediment. In these cases, the integrity of the address grid should be maintained, and a gap in the range created, to signify the break in the street's continuity.

124.5.2. Street Numbers

124.5.2.1. Every record and tax lot that is legally capable of supporting a structure or a site facility shall have an address regardless of whether the property is occupied or vacant.

124.5.2.2. When a record lot is vacant, but within an existing tax lot that contains a structure or structures, the vacant lot should be assigned the same street number as the tax lot.

124.5.2.3. Every building with an entrance from a public, private street named alley shall have an assigned street number.

124.5.2.4. Every individual occupancy shall have either a street number or a unit-number depending upon whether or not it has a separate entrance fronting onto a public or private street.

124.5.2.5. No addresses shall be assigned to any driveway. The address for a structure with a driveway shall reflect the name and the numbering sequence of the public or private street to which the driveway is connected.

124.5.2.6. No street number shall be assigned to a building, site facility or occupancy that has its access onto an unnamed street or alley. If an address is required for an occupancy, structure or site facility in such an instance, the street or alley must first be named according to the process described in Section 6.3 below.

124.5.2.7. Assigned street numbers shall be determined based upon the block face's address range, the main entrance and the existing street numbers that are assigned within that block face.

124.5.2.8. Street numbers shall be logically and spatially consistent, increasing in numeric order from the low number end of the block face to the high end of the block face.

124.5.2.9. Street numbers shall be assigned in accordance with the parity (odd/even) designation for the block face. Even numbers shall not be used in the odd-sequenced side of a street, nor shall odd numbers be used on the even side.

124.5.2.10. If a street segment exists where both odd and even numbers exist on both sides of the street, or where only one side contains addresses, and both odd and even numbers have been used, the Administrator shall issue a street number that is logically consistent with the numbers on adjoining properties.

124.5.2.11. No street number shall be assigned that duplicates the number for any existing building or site facility on the same named street.

124.5.2.12. No new street number shall be assigned that contains a letter designation (e.g. 112A Vermont Avenue,)

124.5.2.13. Existing fractions may be maintained if there are no available street numbers in the address sequence for the block in which the address is located. The fraction shall be stored in the STREET NUMBER SUFFIX field.

124.5.2.14. Existing letter designations shall be maintained in the STREET NUMBER SUFFIX field or UNIT NUMBER field rather than as part of the street number field.

124.5.2.15. No street number shall be assigned to a proposed building on multiple lots or for a location where the sub-division process is incomplete.

124.5.3. Street Number Suffixes

124.5.3.1. Street Number Suffixes shall not be assigned for newly created parcels, buildings or occupancies.

124.5.3.2. Existing fractions that are in use shall be phased out where possible, substituting a standard format street number with or without a unit number.

124.5.3.3. Where an existing fraction cannot be changed, it shall be placed in the STREET NUMBER SUFFIX field.

124.5.4.1 . Street Names

124.5.4.1. Public Streets shall be assigned names by the Council of the District of Columbia pursuant to Section 401, D.C. Law 4-201, Mar. 10, 1983 (D.C. Official Code § 9-204.01).

124.5.4.2. The Code Official shall approve the naming of newly established private streets within the district which are subject to this Protocol and streets in proposed plats or condominiums developments.

124.5.4.3. No street, public or private, shall be given a name that duplicates or nearly duplicates the name of an existing or previously existing street within the jurisdiction of the District of Columbia.

124.5.4.4. No street, public or private, shall be given a name that, when spoken, sounds like the name of an existing or previously existing street within the jurisdiction of the District of Columbia.

124.5.4.5. A street's name consists of the STREET NAME, STREET TYPE and QUADRANT.

124.5.4.6. STREET TYPE values are defined in the U.S. Postal Service Standards and in the National Emergency Number Association Standards (NENA). Any street type that is not included in either of these standards may be added to the list by the code official..

124.5.4.7. Street naming should follow the guidelines of the District of Columbia Addressing Standards.

124.5.4.7. Street names may be changed according to the separate procedures for public and private street naming. Historical and commonly used names for streets shall be maintained where possible, and linked to newer names where necessary.

Section 124.6. Administration

124.6.1. The Code Official shall maintain a master file of assigned addresses and maintain a master address mapping database.

124.6.2. The Code Official is responsible for determining whether an address is required for any given parcel, structure, site facility or other condition.

124.6.3. The Code Official may grant a waiver of the business rules contained in this Protocol, based upon the evidence presented, if the Code Official finds that the waiver:

124.6.3.1. Benefits the public health, safety and welfare;

124.6.3.2. Does not create conflicts or duplicate addresses; and

124.6.3.3. Is in the best interest of the District of Columbia.

124.6.4. The Code Official is responsible for assigning a new address under the following conditions:

124.6.4.1. A new parcel of land (whether tax lot or record lot) is created through the subdivision process;

124.6.4.2 A new structure is constructed on a vacant property;

124.6.4.3 An existing structure is reconfigured to create additional occupancies or units;

124.6.4.4. A new structure is constructed on property already containing one or more structures that have addresses;

124.6.4.5. A new site facility that is constructed on a property parcel, or right-of-way;

124.6.4.6. An existing structure is renovated to relocate the main entrance to a different street frontage.

124.6.5 The Code Official, the District of Columbia Department of Transportation (DDOT) and the E-911 Coordinator shall confer on recommended street names for public streets to ensure that no duplication occurs and that no streets with names that sound alike, or could create confusion for the delivery of emergency and non-emergency services, are created.

124.6.6. The Code Official shall recommend changes in street names where, in the Code Official's opinion, a valid reason exists for the change of street name. Such reasons include, but are not limited to:

124.6.6.1 Duplicate street names;

124.6.6.2 Confusion of street names that sound alike;

124.6.6.3 Street names that are extremely difficult to spell or pronounce;

124.6.6.4 Streets that have more than one commonly used name.

124.6.6.5 Street names shall not be changed to reflect changes in property ownership or for personal reasons of the adjoining owners.

124.6.7 When a street name change or designation is proposed, the Code Official shall provide notice to the property owners abutting the street segment(s) to be named or changed. If the change is designed to remedy existing duplicate names or confusing names, the property owners may be consulted on suggested names for the street.

124.6.8 The Code Official shall be the final arbiter of the street name for private streets. For public streets, the Code Official shall forward a recommendation on the name to the City Council for its action.

124.6.9. Before changing a street name, the Code Official shall consider the official street name as recorded on plats and deeds of adjacent property, and the most accurate historical name of the street in question.

124.6.10. The existing legal documents shall be of primary consideration in determining the single street name when two or more names are commonly used.

124.6.10.1. Streets or alleys shall be changed or named pursuantLaw 4-201, March 10, 1983, 30 DCR 148.

124.6.11. The Code Official shall hear and consider requests for changes in street numbers for existing addresses.

124.6.11.1. Street numbers may be changed where there are duplicates, or where the street number is out of sequence, or on the opposite side of the street in terms of parity (odd number found on the even numbered side, or vice-versa).

124.6.11.2. The Code Official may also change street numbers where existing numbers contain a fraction or a letter suffix, and there is sufficient space in the existing number range for the block-face to support renumbering to remove the fraction and/or letter suffix.

124.6.11.3. The Code Official shall not change an existing address to one that is not consistent with the addressing structures, parity and sequences that already exist.

124.7. Process for the Naming of New Private Streets.

124.7.1. A property owner, developer, surveyor, or plat proprietor shall make application to the code official for approval of a proposed street name.

124.7.2. Upon receipt of the street name application, the Code Official shall review the proposed name with the addressing staff of the other agencies with street jurisdiction, and any other appropriate governmental agency.

124.7.3. The Code Official shall notify the applicant within thirty (30) days of the acceptance or rejection of the proposed name along with the reasons for the decision, if applicable.

124.7.4. The Code Official may recommend to the applicant a list of the existing approved street names in the District of Columbia for the convenience of the applicant.

124.8. Private Drives and Easements

124.8.1 Unnamed private drives and easements in existence prior to the adoption of this Protocol shall be named when two (2) or more addresses exist or are established on such drives. If the house addresses are numbered off of the adjoining public street, they shall be changed to appropriate addresses using the private street name.

124.8.2 The owners/residents shall be consulted before a name for the private drive is selected and approved. The selection of a name for a private drive shall be coordinated with the District of Columbia Office of Planning and DDOT, and any other appropriate governmental agency.

Section 124.9. Display and Posting of Addresses

124.9.1 Street numbers shall be displayed at the exterior of the main entrance of each addressed structure or site facility according to Section 118A of the *Building Code*.

124.9.2. Before issuance of a certificate of occupancy for a new or remodeled building, all addressing requirements shall be satisfied in accordance with the requirements of the Protocol. The street numbers required by this Protocol shall be permanently affixed at the time of final inspection of a building.

Section 124.10. Street Sign Specifications

124.10.1 All street signs shall meet the requirements of Section 118.6 of the *Building Code*.

124.10.2. DDOT shall provide standard street signs showing the name of the street, the street type and street quadrant and the starting number for the address range(s) associated with the street segment for each public street at each intersection.

124.10.3. The owner of a private street shall provide standard street signs showing the name of the street, the street type, and street quadrant and the starting number for the range(s) associated with the street segment for each private street, based on the approved private street name issued by DCRA.

124.10.4 Street name signs designating private streets shall include the word "Private" or "PVT" on them to distinguish them from public streets.

Section 124.11. Street Number Sign Specifications. Street address numbers shall meet the requirements of Section 118.4 of the *Building Code.*

Section 124.12. Compliance and Enforcement. The provisions of this Section 124A shall be enforced by the Code Official, pursuant to the enforcement mechanisms set forth in Section 113A.

CHAPTER 5A GENERAL BUILDING HEIGHTS AND AREAS

SECTION 501A GENERAL

Delete Subsection [F] 501.2 of the Building Code in its entirety.

SECTION 503A GENERAL HEIGHT AND AREA LIMITATIONS

Delete Subsection 503.1.1 of the Building Code in its entirety and add new Subsection 503.1.1 to read as follows.

> **503.1.1 Special industrial occupancies**: Buildings and structures designed to house low-hazard industrial processes that require large areas and unusual heights to accommodate craneways or special machinery and equipment, including among others, rolling mills; structural metal fabrication shops and foundries; or collection and treatment of sewage and storm water, or the production and distribution of electric, gas, water or steam power, shall be exempt from the height and area limitations of Table 503. Ordinary repairs of such buildings or structures shall include specifically engineered structural and mechanical components designed for removal and replacement in kind.

SECTION 509A SPECIAL PROVISIONS

Delete existing Subsection 509.2 of the Building Code in its entirety and add new Section 509.2 to read as follows:

509.2 Group S-2 enclosed or open parking garage with Group A, B, M, R or S above. A basement and/or the first story above grade plane of a building shall be considered as a separate and distinct building for the purpose of determining area limitations, continuity of fire walls, limitation of number of stories and type of construction when all of the following conditions are met:

1. The basement and/or the first story above grade plane is of Type IA construction and is separated from the building above with a horizontal assembly having a minimum 3-hour fire-resistance rating.

2. Shaft, stairway, ramp or escalator enclosures through the horizontal assembly shall have not less than a 2-hour fire-resistance rating with opening protectives in accordance with Table 715.4.

   Exception: Where the enclosure walls below the horizontal assembly have not less than a 3-hour fire-resistance rating with opening protectives in accordance with Table 715.4, the enclosure walls extending above the horizontal assembly shall be permitted to have a 1-hour fire-resistance rating, provided:

1. The building above the horizontal assembly is not required to be of Type I construction;

2. The enclosure connects less than four stories; and

3. The enclosure opening protectives above the horizontal assembly have a minimum 1-hour fire protection rating.

3. The building above the horizontal assembly shall be permitted to have multiple Group A uses, each with an occupant load of less than 300, or Group B, M, R or S uses.

4. The building below the horizontal assembly is a Group S-2 enclosed or open parking garage, used for the parking and storage of private motor vehicles.

Exceptions:

1. Entry lobbies, mechanical rooms and similar uses incidental to the operation of the building shall be permitted.

2. Multiple Group A uses, each with an occupant load of less than 300, or Group B, or R uses shall be permitted, in addition to those uses incidental to the operation of the building (including storage areas), provided that the entire structure below the horizontal assembly is protected throughout by an approved automatic sprinkler system.

5. The maximum building height in feet shall not exceed the limits set forth in Section 503 for the building having the smaller allowable height as measured from the grade plane.

CHAPTER 7A FIRE-RESISTANCE-RATED CONSTRUCTION

SECTION 704A EXTERIOR WALLS

Add new Subsections 704.8.2.1 through 704.8.3 to the Building Code to read as follows:

704.8.2.1 Private Garage Openings: In detached or attached private garages, unlimited unprotected openings are permitted in the first story of exterior walls facing the public way, regardless of their fire separation distance. The remaining elements of the envelope of the garage shall comply with the general and specific requirements of this code for fire resistance ratings and protection of openings.

704.8.3 Openings on or Near Adjacent Construction or Property Lines: Exterior walls of buildings equipped throughout with sprinklers in accordance with Section 903 containing occupancies other than Use Group H, when those walls have a fire separation distance of 10 feet (3048 mm) or less, shall be permitted to have openings, subject to the restrictions of Subsections 704.8.4.1 through 704.8.4.6. Nothing in this code shall be construed to allow mechanical openings in exterior walls that would not otherwise be allowed by this code or by the *Mechanical Code* listed in Chapter 35. Openings allowed pursuant to this section shall not be counted towards natural light, natural ventilation, or smoke control requirements.

704.8.3.1 Abutting Buildings: When approved, a limited number of door openings between two abutted buildings, protected in accordance with Subsection 705.8 shall be permitted.

704.8.3.2 Horizontal Exposure: Those stories that directly face another building or structure located either on the same lot or on an adjacent lot, having a fire separation distance of 3 feet (914 mm) or less, shall have no openings on the portion of the exterior wall that faces, horizontally, the building or structure.

704.8.3.3 Vertical Exposure: The portions of exterior walls with a fire separation distance of 3 feet (914 mm) or less, that are less than 12 feet (348 mm) vertically above the roof of an adjoining building or adjacent structure when such roof has any portion within a horizontal fire separation distance of 10 feet (3048 mm) of the exterior walls shall have no openings. The portions of exterior walls with a fire separation distance of greater than 3 feet (914 mm), above the roof of an adjoining building or structure shall comply with subsection 704.10, except that the provisions shall apply to a building on an adjacent lot.

Exceptions:

1. When a registered architect or engineer has certified that the adjacent roof assembly provides a fire rating no less than that required for the exterior wall of the proposed building or a 1 hour rating, whichever is greater, and that the roof is not used for storage, the 12 foot vertical separation required above is permitted to be reduced to 3 feet (914 mm). Where there are skylights or other openings in the adjacent roof having a horizontal fire separation of less than 10 feet (3048 mm), the percentage of openings allowed in Subsection 704.8 shall be as follows:

   A: 0 to 3 feet fire separation 0%

   B: 3 to 5 feet fire separation 15 %

   C: 5 to 10 feet separation 25 %

2. When a registered professional engineer has submitted a written report of inspection certifying that the adjacent building is protected throughout with a fire sprinkler system conforming with Section 903, the 12 foot (3658 mm) vertical separation required above is permitted to be reduced to 3 feet (914 mm).

704.8.3.4 Allowable Openings: In portions of the exterior wall, other than those specified in Subsections 704.8.3.1 through 704.8.3.3, openings up to the maximum of 45%, story by story, for each wall face shall be allowed. When such openings are less than 40 feet (12192 mm) above the roof of an adjoining building or adjacent structure when such roof has any portion within a horizontal fire separation distance of 15 feet (4572 mm) of the wall in which the opening is located, the openings shall be protected in accordance with Subsection 704.12 or with tempered, wired, or laminated glass, installed in compliance with Subsection 715.4. Mechanical and door openings shall be protected in compliance with Subsection 715.3.

704.8.3.5 Owner's Responsibility: The owner of the building where openings are allowed pursuant to Subsections 704.8.3.1 through 704.8.3.4 is responsible for making any changes in the exterior wall or its appurtenant protective systems, to maintain the building compliance with this code, whenever changes occur in the exterior envelope of any building within a fire separation distance of 10 feet (3048 mm) or less of that wall, when those changes might affect compliance with this code. The responsibility of the owner shall include but not be limited to, the following: blocking of openings; upgrading of opening protectives; removal or extension of parts of the required sprinkler system protecting the openings; or any other provisions deemed necessary by

the code official to restore the level of safety provided by this code at the time the openings were permitted.

704.8.3.6 Required Covenants: A covenant shall be required where openings in exterior walls closer than 10 feet (3048 mm) from interior lot lines are allowed pursuant to Subsections 704.8.3.1 through 704.8.3.4, to ensure that compliance with the minimum requirements of those sections will be maintained for as long as the building shall exist, and to ensure that responsibility for the maintenance of those conditions will be conveyed to any future owner of the building. Two copies of such covenant, approved and accepted by the Office of the Attorney General for the District of Columbia as to legal form and sufficiency, shall be recorded with the Recorder of Deeds of the District of Columbia, shall be made an official part of the land records of that property.

704.8.3.7 Abatement of Unsafe Conditions: If the owner of a building or structure where any openings in exterior walls were allowed pursuant to Subsections 704.8.3.1 through 704.8.3.4 fails to maintain in working order the protective systems required, or fails to proceed to make any changes required by the code official under the authority of Subsection 704.8.3.5, the code official is authorized to cause the necessary work to be done, in the interest of safety and welfare of the public, in accordance with D.C. Official Code § 6-801 - § 6-805. The cost of work shall become a lien against the property of the offending owner, to be recovered by the District of Columbia through appropriate action.

SECTION 707A SHAFT ENCLOSURES

Delete Subsections 707.14.1 and 707.14.2 of the Building Code in their entirety.

SECTION 716A DUCTS AND AIR TRANSFER OPENINGS

Delete Exceptions under Subsection 716.5.3 of the Building Code in their entirety and add new Exceptions to read as follows:

Exceptions:

1. Fire and smoke dampers are not required where steel exhaust sub-ducts extend at least 22 inches (559 mm) vertically in exhaust shafts provided there is a continuous airflow upward to the outside and the fan is wired to the buildings emergency system.

2. Fire dampers are not required where penetrations are tested in accordance with ASTM E119 as part of the fire resistance rated assembly.

3. Fire and smoke dampers are not required where ducts are used as part

of an approved smoke-control system in accordance with Section 909.

4. Fire and smoke dampers are not required where the penetrations are in parking garage exhaust or supply shafts that are separated from other building shafts by not less than 2-hour fire-resistance rated construction.

5. Smoke dampers are not required where the building is protected throughout with an automatic sprinkler system in accordance with Subsection 903.3.1.

CHAPTER 9A FIRE PROTECTION SYSTEMS

SECTION 901A GENERAL

Delete Subsection 901.2 of the Building Code in its entirety and add new Subsection 901.2 to read as follows:

901.2 Fire protection systems. Fire protection systems shall be installed, and repaired in accordance with this code. Any fire protection system for which an exception or reduction to the provisions of this code has been granted shall be considered to be a required system.

> **Exception:** Any fire protection system or portion thereof not required by this code shall be permitted to be installed for partial or complete protection provided that such system meets the requirements of this code.

SECTION 903A AUTOMATIC SPRINKLER SYSTEMS

Add new Exception to Subsection 903.4.2 to the Building Code to read as follows:

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

SECTION 905A STANDPIPE SYSTEMS

Add new Exception to Subsection 905.2 to the Building Code to read as follows:

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

> **Exception:** The residual pressure of 100 psi for 2½-inch hose connection and 65 psi for 1½-inch hose connection is not required in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the highest floor level is not more than 150 feet above the lowest level of fire department vehicle access.

Delete Subsection [F] 905.3.1 of the Building Code in its entirety and add new Subsection 905.3.1 to read as follows:

> **905.3.1 Building height.** Class I standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.

Exceptions:

1. Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet (45 720 mm) above the lowest level of fire department vehicle access.

2. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class II standpipes in accordance with Section 905.5.

3. In determining the lowest level of fire department vehicle access, it shall not be required to consider:

   3.1. Recessed loading docks for four vehicles or less; and

   3.2. Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

Delete Section 906 of the Building Code in its entirety and add new Section 906A to read as follows:

SECTION 906A AUTOMATIC SPRINKLER SYSTEMS

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

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

   Exception: In all Group A, B, E, and R occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 below.

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 3309 of this code.

5. Where required by the sections indicated in Table F-906.1 of the *Fire Prevention Code*.

6. Special-hazard areas, including but not limited to, laboratories, computer rooms and generator rooms where required by the code official.

906.2 Installation. Installation of portable fire extinguishers shall comply with Section F-906 of the *Fire Prevention Code*.

SECTION 907A FIRE ALARM AND DETECTION SYSTEMS

Delete Subsection 907.8.1 of the Building Code in its entirety and add new Subsection 907.8.1 to read as follows:

907.8.1 Zoning indicator panel. A zoning indicator panel and the associated controls shall be provided in an approved location that is at the main entrance, readily discernable and readily accessible to the responding fire department. The visual zone indication shall lock in until the system is reset and shall not be canceled by the operation of an audible alarm-silencing switch.

Add new Subsections 907.8.1.1 through 907.8.1.1.2.1 to the Building Code to read as follows:

907.8.1.1 Remote zoning indicator panels. Remote annunciator panels shall be provided as follows:

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

Exception: Where a graphic display with individual lamps is provided in accordance with Subsection 907.8.1.1.2.1.

907.8.1.1.2 Graphic display: A graphic annunciator display shall be provided in fire command centers and for each fire department entrance in buildings of the following types:

1. High-rise buildings.

2. Covered mall buildings.

3. Nursing homes and hospitals.

4. Buildings of any occupancy where three or more exits are provided per floor level above or below the level of exit discharge.

5. Buildings comprised of more than one street address with separate entrances.

6. Buildings with Group A occupancies of greater than 1000 persons.

907.8.1.1.2.1 Graphic display features: Graphic annunciator displays shall consist of an integrated graphic annunciator panel or where approved, a directory-style annunciator panel with a permanently mounted graphic diagram. Graphic annunciator displays shall be fabricated of a durable material and shall incorporate the following features:

1. A graphic diagram that identifies:

   a. Building address.
   b. North arrow.
   c. Building floor plan outline of each general type, where the orientation of each diagram is consistent with the annunciator location.
   d. Fire alarm zoning.
   e. Location of exit stairways and labeled with respective designations.
   f. Location of elevator banks.
   g. Location of the annunciator with “YOU ARE HERE” marker.
   h. Location of fire command center or fire alarm control equipment.
   i. Location of fire department connections.

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

3. Audible alert sounder that locally annunciates alarm, trouble, and supervisory conditions, with alert silencing-switch that is accessible to authorized personnel only.

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

SECTION 908A EMERGENCY ALARM SYSTEMS

Add new Subsection 908.0 to the Building Code to read as follows:

908.0 General. The system required by this section shall be designed and installed in accordance with the provisions of both this code and the *Fire Prevention Code*. Before proceeding with design, construction, installation, or use, a coordination meeting of all concerned parties shall be held to determine the applicable code requirements.

SECTION 911A FIRE COMMAND CENTER

Delete Subsection 911.1 of the Building Code in its entirety and add new Subsection 911.1 to read as follows:

911.1 Features. Where required by other sections of this code, a fire command center for fire department operations shall be provided. The fire command center shall be conspicuously located near the main entrance, at a location approved by the code official, and shall be separated from the remainder of the building by not less than a 1-hour fire barrier constructed in accordance with Section 706 or horizontal assembly constructed in accordance with Section 711, or both. The room shall be of sufficient size to accommodate all equipment and features required by this section and provide a minimum clear aisle width of 48-inches (1220 mm) in front of all equipment panels. A layout of the fire command center and all features required by the section to be contained therein shall be submitted for approval prior to installation. The fire command center shall comply with NFPA72 and shall contain the following features:

1. The emergency voice/alarm communication system unit.

2. The fire department communications unit.

3. Fire detection and alarm system annunciator unit.

4. Annunciator unit visually indicating the location of the elevators and whether they are operational.

5. Status indicators and controls for air-handling systems.

6. The fire-fighter's control panel required by Subsection 909.16 for smoke control systems installed in the building.

7. Controls for unlocking stairway doors simultaneously.

8. Sprinkler valve and water-flow detector display panels.

9. Emergency and standby power status indicators.

10. A telephone for fire department use with controlled access to the public telephone system.

11. Fire pump status indicators.

12. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire protection systems, fire-fighting equipment and fire department access.

13. Worktable.

14. Generator supervision devices, manual start and transfer features.

15. Public address system, where specifically required by other sections of this code

Add new Subsections 911.2 through 911.5 to the Building Code to read as follows:

911.2 Identification. The entrance door to the fire command center shall be illuminated and clearly marked "Fire Command Center" with letters at a minimum of 3 inches (76 mm) in height on a contrasting background. If the fire-command station is not located near the building's main entrance, a sign indicating the location of the fire control room shall be conspicuously posted near the building's main entrance. Alternate location must be on the address side and accessible from the exterior.

911.3 Prohibited Use. Electrical, mechanical or plumbing equipment other than those associated with the life safety systems, shall not be located within the fire command center. The fire command center shall not be used for other than its intended use.

911.4 Locking Arrangements. The fire command center shall be secured from unauthorized entry and made accessible to the Fire Department at all times.

911.5 Access. Where access to the fire command center from the building's exterior is restricted because of secured openings, a key box in accordance with Section 914 of the *Building Code* shall be installed at the building's main entrance or other approved location for fire department access. The key box shall be of an approved type and shall contain keys

to gain necessary access to the building and fire command center as required by the *Code Official*.

Add new Sections 913A, 914A, 915A, 916A and 917A to the Building Code to read as follows:

SECTION 913A FIRE PUMPS

913.1 General. Where provided, fire pumps shall be installed in accordance with this section and NFPA 20.

913.2 Protection against interruption of service. The fire pump, driver, and controller shall be protected in accordance with NFPA 20 against possible interruption of service through damage caused by explosion, fire, flood, earthquake, rodents, insects, windstorm, freezing, vandalism and other adverse conditions.

913.3 Temperature of pump room. Suitable means shall be provided for maintaining the temperature of a pump room or pump house, where required, above 40°F (5°C).

> **913.3.1 Engine manufacturer's recommendation.** Temperature of the pump room, pump house or area where engines are installed shall never be less than the minimum recommended by the engine manufacturer. The engine manufacturer's recommendations for oil heaters shall be followed.

913.4 Valve supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be electrically supervised in accordance with Subsection 903.4.

> **913.4.1 Test outlet valve supervision.** Fire pump test outlet valves shall be supervised in the closed position.

913.5. Acceptance test. Acceptance testing shall be done in accordance with the requirements of NFPA 20.

SECTION 914A FIRE APPARATUS ACCESS ROADS

914.1 General. Fire apparatus access roads shall be provided and maintained in accordance with Section F-503 of the *Fire Prevention Code*.

SECTION 915A KEY BOXES

915.1 General. Key boxes shall be provided and maintained in accordance with Section F-506 of the *Fire Prevention Code.*

915.2 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the *Code Official* is authorized to require a key box to be installed at the building's main entrance used for fire department access or other approved location. The key box shall be of an approved type and shall contain keys to gain necessary building access as required by the fire code official.

915.3 Locks. An approved lock shall be installed on gates or similar barriers when required by the *Code Official*

SECTION 916A FIRE DEPARTMENT ACCESS TO EQUIPMENT

916.1 General. Fire department access to equipment shall be provided and maintained in accordance with Section F-510 of the *Fire Prevention Code*.

CHAPTER 10A MEANS OF EGRESS

SECTION 1003A GENERAL MEANS OF EGRESS

Delete Subsection 1003.2 of the Building Code in its entirety and add new Subsection 1003.2 to read as follows:

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

Exceptions:

1. Sloped ceilings in accordance with Subsection 1208.2.

2. Ceilings of dwelling units and sleeping units within residential occupancies in accordance with Subsection 1208.2.

3. Allowable projections in accordance with Subsection 1003.3.

4. Stair headroom in accordance with Subsection 1009.2.

5. Door height in accordance with Subsection 1008.1.1.

SECTION 1007A ACCESSIBLE MEANS OF EGRESS

Delete Subsection 1007.1 of the Building Code in its entirety and add new Subsection 1007.1 to read as follows:

1007.1 Accessible means of egress required. Accessible means of egress shall comply with this section. Accessible spaces shall be provided with not less than one accessible means of egress. Where more than one means of egress is required by Subsection 1015.1 or 1019.1 from any accessible space, each accessible portion of the space shall be served by not less than two accessible means of egress.

Exceptions:

1. Accessible means of egress are not required in alterations to existing buildings.

2. One accessible means of egress is required from an accessible mezzanine level in accordance with Subsection 1007.3, 1007.4 or 1007.5.

3. In assembly areas with sloped or stepped aisles, one accessible means of egress is permitted where the common path of travel is accessible and meets the requirements in Subsection 1025.8.

Delete Subsection 1007.2 of the Building Code in its entirety and add new Subsection 1007.2 to read as follows:

1007.2 Continuity and components. Each required accessible means of egress shall be continuous to a public way and shall consist of one or more of the following components:

1. Accessible routes complying with Section 1104.
2. Interior exit stairways complying with Subsection 1007.3 and Section 1020.
3. Exterior exit stairways complying with Subsections 1007.3 and Section 1023.
4. Elevators complying with Subsection 1007.4
5. Platform lifts complying with Subsection 1007.5.
6. Horizontal exits complying with Section 1021.
7. Ramps complying with Section 1010.
8. Areas of refuge complying with Subsection 1007.6.

Exceptions:

1. Where the exit discharge is not accessible, an exterior area for assisted rescue must be provided in accordance with Subsection 1007.8.

2. Where the exit stairway is open to the exterior, the accessible means of egress shall include either an area of refuge in accordance with Subsection 1007.6 or an exterior area for assisted rescue in accordance with Subsection 1007.8.

Delete Subsection 1007.3 of the Building Code in its entirety and add new Subsection 1007.3 to read as follows:

1007.3 Exit stairways. In order to be considered part of an accessible means of egress, an exit stairway shall have a clear width of 48 inches (1219 mm) minimum between handrails and shall either incorporate an area of refuge within an enlarged floor-level landing or shall be accessed from either an area of refuge complying with Subsection 1007.6 or a horizontal exit.

Exceptions:

1. The area of refuge is not required at unenclosed exit stairways as permitted by Subsection 1020.1 in buildings or facilities that are equipped throughout with an automatic sprinkler system installed in accordance with Subsection 903.3.1.1 or 903.3.1.2.

2. The clear width of 48 inches (1219 mm) between handrails is not required at exit stairways in buildings or facilities equipped throughout with an automatic sprinkler system installed in accordance with Subsection 903.3.1.1 or 903.3.1.2.

3. Areas of refuge are not required at exit stairways in buildings or facilities equipped throughout by an automatic sprinkler system installed in accordance with Subsection 903.3.1.1 or 903.3.1.2.

4. The clear width of 48 inches (1219 mm) between handrails is not required for exit stairways accessed from a horizontal exit.

5. Areas of refuge are not required at exit stairways serving open parking garages.

6. Areas of refuge are not required for smoke protected seating areas complying with Subsection 1025.6.2.

7. The areas of refuge are not required in Group R-2 occupancies.

Delete Subsection 1007.4 of the Building Code in its entirety and add new Subsection 1007.4 to read as follows:

1007.4 Elevators. In order to be considered part of an accessible means of egress, an elevator shall comply with the emergency operation and signaling device requirements of Section 2.27 of ASME A17.1. Standby power shall be provided in accordance with Sections 2702 and 3003. The elevator shall be accessed from either an area of refuge complying with Subsection 1007.6 or a horizontal exit.

Exceptions:

1. Elevators are not required to be accessed from an area of refuge or horizontal exit in open parking garages.

2. Elevators are not required to be accessed from an area of refuge or horizontal exit in buildings and facilities equipped throughout by an automatic sprinkler system installed in accordance with Subsection 903.3.1.1 or 903.3.1.2.

3. Elevators not required to be located in a shaft in accordance with Subsection 707.2 are not required to be accessed from an area of refuge or horizontal exit.

4. Elevators are not required to be accessed from an area of refuge or horizontal exit for smoke protected seating areas complying with Subsection 1025.6.2.

Delete Subsection 1007.6 of the Building Code in its entirety and add new Subsection 1007.6 to read as follows:

1007.6 Areas of refuge. Every required area of refuge shall be accessible from the space it serves by an accessible means of egress. The maximum travel distance from any accessible space to an area of refuge shall not exceed the travel distance permitted for the occupancy in accordance with Subsection 1016.1. Every required area of refuge shall have direct access to an enclosed stairway complying with Subsections 1007.3 and 1020.1 or an elevator complying with Subsection 1007.4. Where an elevator lobby is used as an area of refuge, the shaft and lobby shall comply with Subsection 1020.1.7 for smokeproof enclosures except where the elevators are in an area of refuge formed by a horizontal exit or smoke barrier.

Exceptions:

1. A stairway serving an area of refuge is not required to be enclosed where permitted in Subsection 1020.1.

2. Smokeproof enclosure is not required for an elevator lobby used as an area of refuge not required to be enclosed.

Delete Subsection 1007.6.2 of the Building Code in its entirety and add new Subsection 1007.6.2 to read as follows:

1007.6.2 Separation. Each area of refuge shall be separated from the remainder of the story by a smoke barrier complying with Section 709 or a horizontal exit complying with Section 1022. Each area of refuge shall be designed to minimize the intrusion of smoke.

Exception: Areas of refuge located within a vertical exit enclosure.

SECTION 1008A DOORS, GATES AND TURNSTILES

Delete Subsection 1008.1.8.7 of the Building Code in its entirety and add new Subsection 1008.1.8.7 to read as follows:

1008.1.8.7 Stairway doors. Interior stairway means of egress doors shall be openable from both sides without the use of a key or special knowledge or effort.

Exceptions:

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.

2. This section shall not apply to doors arranged in accordance with Subsection 403.12.

3. In stairways serving not more than four stories doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.

4. In buildings five or more stories in height including existing buildings without a fire command center complying with Section 911, doors are permitted to be locked from the side

opposite the egress side provided they are unlocked without unlatching upon activation of the building's fire alarm system and the stairway is provided with a telephone or other two-way communication system in accordance with Subsection 403.12.1.

Add new Subsection 1008.1.8.8 to the Building Code to read as follows:

1008.1.8.8 Elevator lobby doors. Exit access doors in the elevator lobby serving a single Use Group B occupancy tenant are permitted to be equipped with an approved egress access control system when all of the following conditions are met:

1. The building is equipped throughout with either an automatic sprinkler system in accordance with Subsection 903.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907.

2. The elevator lobby exit access doors shall unlock upon loss of power to the access control system.

3. A readily accessible and visible manual unlocking device is installed 40- to 48-inches (1016 mm to 1219 mm) vertically above the floor and within 5 feet (1524 mm) horizontally of the secured doors, identified by a sign with minimum ½-inch inch (12.5 mm) high letters that reads "EMERGENCY DOOR RELEASE –ACTIVATE TO OPEN DOORS". Activation of the device shall unlock the doors for a minimum of 30 seconds.

4. Activation of the building fire alarm system, if provided, shall automatically unlock the doors, and the doors shall remain unlocked until the fire alarm system has been reset.

5. Activation of the building automatic sprinkler or fire detection system, if provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire alarm system has been reset.

6. Where a manual fire alarm system is required by Subsection 907.2, a manual fire alarm box shall be provided and located within the elevator lobby.

SECTION 1014A EXIT ACCESS

Delete Subsection 1014.3 of the Building Code in its entirety and add new Subsection 1014.3 to read as follows:

1014.3 Common path of egress travel. In occupancies other than Groups H-1, H-2 and H-3, the common path of egress travel shall not exceed 75 feet (22 860 mm). In Group H-1, H-2 and H-3 occupancies, the common path of egress travel shall not exceed 25 feet (7620 mm). For common path of egress travel in Group A occupancies having fixed seating, see Subsection 1025.8.

Exceptions:

1. The length of a common path of egress travel in Group B, F and S occupancies shall not be more than 100 feet (30 480 mm), provided that the building is equipped throughout with an automatic sprinkler system installed in accordance with Subsection 903.3.1.1.

2. Where a tenant space in Group B, S and U occupancies has an occupant load of not more than 30, the length of a common path of egress travel shall not be more than 100 feet (30 480 mm).

3. The length of a common path of egress travel in a Group I-3 occupancy shall not be more than 100 feet (30 480 mm).

4. The length of a common path of egress travel in a Group R-2 occupancy shall not be more than 125 feet (38 100 mm), provided that the building is protected throughout with an approved automatic sprinkler system in accordance with Subsection 903.3.1.1 or 903.3.1.2.

SECTION 1015A EXIT AND EXIT ACCESS DOORWAYS

Delete Subsection 1015.1 of the Building Code in its entirety and add new Subsection 1015.1 to read as follows:

1015.1 Exit or exit access doorways required. Two exits or exit access doorways from any space shall be provided where one of the following conditions exists:

1. The occupant load of the space exceeds the values in Table 1015.1.

Exception: In Groups R-2 and R-3 occupancies, one means of egress is permitted within and from individual dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Subsection 903.3.1.1 or 903.3.1.2.

2. The common path of egress travel exceeds the limitations of Subsection 1014.3.

3. Where required by Subsections 1015.3, 1015.4 and 1015.5.

Exception: Group I-2 occupancies shall comply with Subsection 1014.2.2.

TABLE 1015.1
SPACES WITH ONE MEANS OF EGRESS

OCCUPANCY	MAXIMUM OCCUPANT LOAD
A, B, E[a], F, M, U	49
H-1, H-2, H-3	3
H-4, H-5, I-1, I-3, I-4, R	10
S	29

a. Day care maximum occupant load is 10.

Delete Subsection 1015.1.1of the Building Code in its entirety and add new Subsection 1015.1.1 to read as follows:

1015.1.1 Three or more exits or exit access doorways. Three exits or exit access doorways shall be provided from any space with an occupant load of 501 to 1,000. Four exits or exit access doorways shall be provided from any space with an occupant load greater than 1,000.

Delete Subsection 1015.2.1 of the Building Code in its entirety and add new Subsection 1015.2.1 to read as follows:

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

Exceptions:

1. Where exit enclosures are provided as a portion of the required exit and are interconnected by a 1-hour fire-resistance-rated corridor conforming to the requirements of Section 1016, the required exit separation shall be measured along the shortest direct line of travel within the corridor.

2. Where a building is equipped throughout with an automatic sprinkler system in accordance with Subsection 903.3.1.1 or 903.3.1.2, the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

SECTION 1017A CORRIDORS

Delete Subsection 1017.3 of the Building Code in its entirety and add new Subsection 1017.3 to read as follows:

1017.3 Dead ends. Where more than one exit or exit access doorway is required, the exit access shall be arranged such that there are no dead ends in corridors more than 20 feet (6096 mm) in length.

Exceptions:

1. In occupancies in Group I-3 of Occupancy Condition 2, 3 or 4 (see Subsection 308.4), the dead end in a corridor shall not exceed 50 feet (15 240 mm).

2. In occupancies in Groups E, F, I-1, M, R-1, R-2, R-4, S, and U where the building is equipped throughout with an automatic sprinkler system in accordance with Subsection 903.3.1.1 and 903.3.1.2, the length of dead-end corridors shall not exceed 50 feet (15 240 mm).

3. A dead-end corridor shall not be limited in length where the length of the dead-end corridor is less than 2.5 times the least width of the dead-end corridor.

SECTION 1020A VERTICAL EXIT ENCLOSURES

Delete Subsection 1020.1.6 of the Building Code in its entirety and add new Subsections 1020.1.6 through 1020.1.6.2 to read as follows:

1020.1.6 Stairway floor number signs. Signs shall be provided in all interior vertical exit enclosures connecting more than three stories, and in all interior vertical exit enclosures in buildings with three or more interior vertical exit enclosures.

1020.1.6.1 Signs inside stairway. A sign shall be provided at each floor landing inside the stairway identifying the stairway and the floor level, indicating the direction and number of floors to the exit discharge, and the availability of roof access from the stairway.

1020.1.6.1.1 Location. The sign shall be located entirely within the area between 5 feet (1524 mm) and 8 feet (2438 mm) above the floor landing, in a position which is readily visible when the stairway doors are in the open and closed positions, and located so that occupants

egressing from floors that are more remote from the exit discharge will face the sign frontally at some point in their path of egress.

1020.1.6.1.2 Material, Design and Colors. The sign shall be durable and of a material that complies with other sections of the code. Unless painted on the wall, the sign shall be securely fastened to the structure. The sign shall be of an approved design and the characters and background shall be of approved contrasting colors.

1020.1.6.1.3 Floor Identification. The sign shall identify the floor by one or more characters, using a designation that is consistent with the floor designations used throughout the building. Floor identification characters shall be numerals or capital letters, a minimum of 6 inches (152 mm) high, with a stroke width between one twelfth (1/12) and one fourth (1/4) of height of the floor identification character.

1020.1.6.1.4 Stairway Identification. The sign shall identify the stairway using a designation that is consistent with the stairway designations used throughout the building. The word "Stair" and the stairway designation shall be displayed immediately after the floor identification, using capital letters and/or numerals a minimum 1 ½ inches (38 mm) high but not higher than one fourth (1/4) the height of the floor identification characters.

1020.1.6.1.5 Distance to Exit Discharge. The sign shall contain information specifying the number of floors and the direction to the levels of exit discharge. The information shall be in the form of an arrow followed by the words "EXIT “n” FLOORS DOWN" or "EXIT “n” FLOORS UP," as applicable, where “n” indicates the number of floors to travel to the exit discharge. The size of the characters shall be the same used for the stair identification. The arrow shall be a minimum of 6 inches (152 mm) long and shall point in the direction of egress.

> **Exception:** Vertical exit enclosures that connect three stories or less.

1020.1.6.1.6 Other Stairway Information. If the stairway provides access to the roof, the words "FIRE DEPT. ROOF ACCESS" shall be displayed immediately after the stairway identification, using capital letters a minimum of 1 inch (25 mm) high but not higher than the stairway identification characters.

1020.1.6.2 Signs outside stairway. A sign shall be provided at each stairway entrance identifying the stairway using the same designations as described in Subsection 1020.1.6.1.4. The sign shall be in accordance with ICC/ANSI

A117.1 referenced in Chapter 35.

CHAPTER 11A ACCESSIBILITY

SECTION 1101A GENERAL

Delete Subsection 1101.1 of the Building Code in its entirety and add new Subsection 1101.1 to read as follows:

1101.1 Scope. The provisions of this chapter and Appendix E (except Section E110 Airports) shall control the design and construction of facilities for accessibility to persons with physical disabilities.

SECTION 1102A DEFINITIONS

Add the following definitions to the Existing Building Code to read as follows:

ASSEMBLY AREA. For the purposes of this chapter, a building or facility, or portion thereof, used for the purpose of entertainment, educational or civic gatherings, or similar purposes. Assembly areas include, but are not limited to, classrooms, lecture halls, courtrooms, public meeting rooms, public hearing rooms, legislative chambers, motion picture houses, auditoria, theaters, playhouses, dinner theatres, concert halls, centers for the performing arts, amphitheaters, arenas, stadiums, grandstands, or convention centers.

ASSISTIVE LISTENING SYSTEM. An amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency, infrared, or direct-wired equipment.

SECTION 1103A SCOPING REQUIREMENTS

Delete Subsection 1103.2.2 of the Building Code in its entirety and add new Subsection 1103.2.2 to read as follows:

> **1103.2.2 Existing Buildings.** Existing buildings shall comply with the *Existing Building Code*.

SECTION 1105A ACCESSIBLE ENTRANCES

Delete Subsection 1105.1 of the Building Code in its entirety and add new Subsection 1105.1 to read as follows:

1105.1 Public Entrances. In addition to accessible entrances required by Subsections 1105.1.1 through 1105.1.6 at least 60 percent of all public entrances shall be accessible. In buildings with an occupant load greater than 200, at least one public primary entrance door required to be accessible shall be a full-powered automatic door or power-assisted door, and at least one interior door, if any, in series with the public primary entrance door shall be a full-powered automatic door or power-assisted door.

Delete Subsection 1105.1.6 of the Building Code in its entirety and add new Subsection 1105.1.6 to read as follows:

1105.1.6 Tenant spaces, dwelling units and sleeping units. At least one accessible entrance shall be provided to each tenant space, dwelling unit and sleeping unit in a facility.

Exceptions:

1. An accessible entrance is not required to tenant spaces that are not required to be accessible.

2. An accessible entrance is not required to dwelling units and sleeping units that are not required to be Accessible units, Type A units or Type B units.

SECTION 1107A DWELLINGS UNITS AND SLEEPING UNITS

Delete Subsection 1107.5.5.1 of the Building Code in its entirety and add new Subsection 1107.5.5.1 to read as follows:

1107.5.5.1 Group I-3 sleeping units. In occupancies in Group I-3, at least 5 percent, but not less than one, of the dwelling units and sleeping units shall be Accessible units.

Delete Subsection 1107.6.1.1 of the Building Code in its entirety and add new Subsection 1107.6.1.1 to read as follows:

1107.6.1.1. Accessible units. In Group R-1 occupancies, Accessible dwelling units and sleeping units shall be provided in accordance with Table 1107.6.1.1. All facilities on a site shall be considered to determine the total number of Accessible units. Accessible units shall be dispersed among the various classes of units, and shall provide choices of types of guest rooms, number of beds, and other amenities comparable to the choices provided to other guests. Where the minimum number of the dwelling units and sleeping units required to be accessible is not sufficient to allow for complete dispersion, accessible dwelling units and sleeping units shall be dispersed in the following priority: sleeping accommodation type, number of beds, and amenities. At least one Accessible unit shall also provide communication features complying with Appendix E, Subsection E104.3. Not more than 10 percent of Accessible units shall be used to satisfy the minimum number of units required to provide communication features complying with Appendix E, Subsection E104.3. Roll-in showers provided in Accessible units shall include a permanently mounted folding shower seat.

Delete Subsection 1107.6.2 of the Building Code in its entirety and add new Subsection 1107.6.2 to read as follows:

1107.6.2 Group R-2. Accessible units, Type A units, and Type B units shall be provided in occupancies in Group R-2 in accordance with Subsections 1107.6.2.1 through 1107.6.2.3.

Delete Subsection 1107.6.2.1.1 of the Building Code in its entirety and add new Subsection 1107.6.2.1.1 to read as follows:

1107.6.2.1.1 Type A units. In occupancies in Group R-2 containing more than 10 dwelling units or sleeping units, at least 15 percent, but not less than one, of the units shall be a Type A unit, and at least 1 percent, but not less than one, of the Type A units shall be served by a roll-in shower that includes a permanently mounted folding shower seat. All units on a site shall be considered to determine the total number of units and the required number of Type A units.

Exceptions:

1. The number of Type A units is permitted to be reduced in accordance with Subsection 1107.7.

2. Existing structures on a site shall not contribute to the total number of units on a site.

3. Type A units may contain the following adaptable features:

   3.1 Kitchen and laundry appliances that do not have accessible controls;

   3.2 Refrigerator/freezers that do not have the required accessible freezer space; and

   3.3 Kitchen sink cabinets and countertops that are not accessible, but that can be removed without cutting the countertop or damaging adjacent cabinets, walls, doors and structural elements, provided floor finishes extend under such cabinetry and the walls behind and surrounding cabinetry are finished.

Add new Subsection 1107.6.2.3 of the Building Code to read as follows:

1107.6.2.3 Dispersion. Accessible units and Type A units shall be dispersed among the various classes of units, in terms of number of bedrooms, size, views, and amenities.

SECTION 1108A SPECIAL OCCUPANCIES

Delete Table 1108.2.2.1 of the Building Code in its entirety and add new Table 1108.2.2.1 to read as follows:

TABLE 1108.2.2.1
ACCESSIBLE WHEELCHAIR SPACES

CAPACITY OF SEATING IN ASSEMBLY AREAS	MINIMUM REQUIRED NUMBER OF WHEELCHAIR SPACES
4 to 25	1
26 to 50	2
51 to 100	4
101 to 300	5
301 to 500	6
over 500	6, plus 1 for each 100, or fraction thereof, over 500

Add new Subsection 1108.2.8.2 to the Building Code to read as follows:

1108.2.8.2 Dining counters. In establishments serving food or drink for consumption where only counter seating is provided, a 60-inch (1524 mm) minimum length portion of the counter shall be accessible.

Add new Subsection 1108.5 to the Building Code to read as follows:

1108.5 Detention and correctional facilities.

1108.5.1 General. Buildings, facilities, or portions thereof, in which people are detained for penal or correction purposes, or in which the liberty of the inmates is restricted for security reasons, shall comply with Subsection 1108.5.

1108.5.2 General holding cells and general housing cells. General holding cells and general housing cells shall be provided in accordance with Subsection 1108.5.2.

Exception: Alterations to cells shall not be required to comply except to the extent determined by the District of Columbia Attorney General.

1108.5.2.1 Cells. Accessible cells shall be provided in accordance with Subsection 1107.5.5.1.

1108.5.2.2 Beds. In cells having more than 25 beds, 5 percent of the beds shall have clear floor space complying with ICC A117.1 Section 806.2.

1108.5.2.3 Communication features. At least 2 percent, but no fewer than one, of the total number of general holding cells and general housing cells equipped with audible emergency alarm systems and permanently installed telephones within the cell shall comply with ICC A117.1 Section 806.3.

1108.5.2.4 Overlap. Cells complying with ICC A117.1 Section 806.2 shall not be used to satisfy the minimum number of cells required to comply with ICC A117.1 Section 806.3.

1108.5.3 Special holding cells and special housing cells or rooms. Accessible special holding cells or special housing cells or rooms shall be provided in accordance with Subsection 1107.5.5.2.

1108.5.4 Medical care facilities. Accessible patient sleeping units or cells in medical care facilities shall be provided in accordance with Subsection 1107.5.5.3.

1108.5.5 Visiting areas. Visiting areas shall comply with Subsection 1108.5.5.

1108.5.5.1 Cubicles and counters. At least 5 percent, but no fewer than one, of cubicles shall be accessible on both the visitor and detainee sides. Where counters are provided, at least one shall be accessible on both the visitor and detainee or inmate sides.

Exception: This requirement shall not apply to the inmate or detainee side of cubicles or counters at non-contact visiting areas not serving holding or housing cells to comply with Subsection 1108.5

1108.5.5.2 Partitions. Where solid partitions or security glazing separates visitors from detainees, at least one of each type of cubicle or counter partition shall be accessible.

SECTION 1109A OTHER FEATURES AND FACILITIES

Delete Subsection 1109.4 of the Building Code in its entirety and add new Subsection 1109.4 to read as follows:

1109.4 Kitchens, kitchenettes or wet bars. Where kitchens, kitchenettes or wet bars are provided in accessible spaces or rooms, they shall be accessible in accordance with ICC A117.1.

Delete Chapter 13 in its entirety and substitute the following:

CHAPTER 13A GREEN BUILDING PROMOTION

SECTION 1301 GENERAL

1301.1 Scope. Pursuant to D.C. Law 16-234, the Green Building Act of 2006Effective March 8, 2007, D.C. Official Code § 6-1451.01 *et seq.*, . ("Green Building Act"), to promote the adoption of green building practices in the District of Columbia, applicants for certification of their Green Building Designs by an entity designated by the District Department of the Environment ("DDOE"), may, at cost, participate in the District's Preliminary Design Review Program ("PDRP") and qualify for a 30-business day expedited plans review (the "Expedited Green Building Permit Process"), provided that the requirements set forth in the Green Building Act and this Section 1301 are met.

> **Note:** Expedited processing commences upon DCRA acceptance of an application requesting expedited plans review, provided that, if DCRA should determine that corrections to the plans are required, the 30-business day review period will recommence upon when the applicant resubmits corrected plans.

1301.2 Requirements. In order to participate in the PDRF and expedited plans review, applicants must meet the following Green Building Promotion requirements:

> 1301.2.1 Persons or entities desiring to participate in the Expedited Green Building Permit Process must submit a building permit application to DCRA, requesting participation in the Process and complete such green building intake forms or other forms as may be specified by the code official. In addition, the applicant must register with the United States Green Building Council (USGBC) or an equivalent green building certifying entity as determined by DDOE (the "Certifying Entity").
>
> 1301.2.2 After application acceptance by DCRA, applicants shall meet with DCRA/DDOE in order to discuss the project, to determine design review approval requirements, and to develop a DCRA/DDOE Green Building Requirements Checklist for "Preliminary Review" and "Final Review."
>
> 1301.2.2.1 "Preliminary Review" shall occur at

approximately the 30% design completion point.

1301.2.2.2 "Final Review" shall occur at approximately the 85% design completion point.

1301.2.2.2 Prior to Preliminary Review and Final Review, the applicant shall attend an initial and final Preliminary Design Review Meeting ("PDRM"), that may include the participation of DCRA, DDOE, the Water and Sewer Authority ("WASA") and the District Department of Transportation ("DDOT") or other appropriate agencies as identified in the design review approval requirements, and comply with general guidance, recommendations and documented requirements provided at the initial and final PDRM. The applicant may request additional PDRMs as needed.

1301.2.2.3 The Preliminary Review and Final Review shall be conducted by DCRA/DDOE,

1301.2.3 Prior to Preliminary Review, the applicant shall file any documentation required by the District of Columbia Environmental Policy Act ("DCEPA"), effective October 18, 1989 (D.C. Law 8-36; D.C. Official Code § 8-109.01 *et seq.* or the regulations promulgated thereto (20 DCMR § 7200.1) (e.g. the Environmental Impact Statement Form ("EISF") or request for exemption) and post a performance bond (or letter of credit or escrow account) pursuant to Section 6 of the Green Building Act, D.C. Official Code §6-1451.05.

1301.2.4. Upon or before construction completion, the permit holder (whose permit has been obtained pursuant to the Expedited Green Building Permit Process) must apply to the Certifying Entity for "certification" of its compliance with the Green Building Act.

1301.2.5 If green building verification is not obtained in accordance with the requirements of D.C. Official Code § 6-1451.05, all or part of the performance bond shall be forfeited as provided in D.C. Official Code § 6-1451.05(g) and (h).

CHAPTER 14A EXTERIOR WALLS

SECTION 1405A INSTALLATION OF WALL COVERINGS

Delete Exceptions to Subsection 1405.12.2 of the Building Code in their entirety and add new Exceptions to Subsection 1405.12.2 to read as follows:

Exceptions:

1. Openings that are provided with window guards that comply with ASTM F 2006 or F 2090.

2. Windows with sash stops which will engage automatically so as not to allow a 4" diameter (102 mm) sphere to pass through the window opening and that shall readily manually disengage so as to allow emergency egress, ventilation or other occupant needs. The emergency escape (egress) release mechanism shall require no more than 15 lbf (66N) of force and shall consist of a double-action device requiring two distinct actions to operate.

CHAPTER 15A ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

Add new Section 1511 to read as follows:

SECTION 1511A COOL ROOF REQUIREMENTS

1511.1 General. Roof coverings for roof slopes less than or equal to two units vertical in 12 units horizontal (17-percent slope or less) for buildings and covered parking shall conform to the this section. A minimum of 75% of the entire roof surface not used for roof penetrations, *renewable energy power systems* (e.g. photovoltaics or solar thermal collectors), harvesting systems for rainwater to be used on-site, or green roofing systems shall be covered with products that comply with one or more of the following:

(a) have a minimum initial *SRI* of 78.

(b) comply with the criteria for the USEPA's Energy Star Program Requirements for Roof Products – Eligibility Criteria.

Exception

(1) *Building projects* where an annual energy analysis simulation demonstrates that the total annual building energy cost and total annual CO_2e, as calculated in accordance with ASHRAE Standard 189.1 7.5.2 and 7.5.3, are both 2% less for the proposed roof than with a roof with an initial *SRI* of 78.

(2) Roofs used to shade or cover parking and roofs over semi-heated spaces or used as outdoor recreation space by the occupants of the building shall be permitted to be either landscaped or have a minimum initial *SRI* of 29. A default *SRI* value of 35 for new concrete without added color pigment is allowed to be used in lieu of measurements.

(3) Terraces on setbacks comprising less than 25% of the area of the largest floor plate in the building.

(4) Roofs ballasted at a minimum weight of 17 pounds per square foot with limestone or a ballast with a solar reflectance of at least 30% shall be permitted to comprise part or all of the 75% required area coverage.

(5) Green roofs shall be permitted to comprise part or all of the 75 percent required area coverage.

1511.2 Solar Reflective Index. The *solar reflective index (SRI)* shall be calculated in accordance with ASTM E1980 for medium-speed wind conditions. The SRI shall be based upon solar reflectance as measured in accordance with ASTM E1918 or ASTM C1549, and the thermal emittance as measured in accordance with ASTM E408 or ASTM C1371. For roofing products, the values for solar reflectance and thermal emittance shall be determined by a laboratory accredited by a nationally recognized accreditation organization, such as the Cool Roof Rating Council CRRC-1 Product Rating Program, and shall be labeled and certified by the manufacturer.

CHAPTER 16A STRUCTURAL DESIGN

SECTION 1607A LIVE LOADS

Delete Number 17 in Table 1607.1 of the Building Code in its entirety and add new Number 17 to Table 1607.1 to read as follows:

TABLE 1607.1
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS AND MINIMUM CONCENTRATED LIVE LOADS[g]

OCCUPANCY OR USE	UNIFORM (psf)	CONCENTRATED (lbs.)
17. Garages (Passenger cars only)	50	Note a
Top deck of exposed garage	50, plus snow loading in accordance with Section 1608	
Trucks and buses	See Section 1607.6	

Add new Exception to Subsection 1607.3 of the Building Code to read as follows:

1607.3 Uniform live loads. The live loads used in the design of buildings and other structures shall be the maximum loads expected by the intended use or occupancy but shall in no case be less than the minimum uniformly distributed unit loads required by Table 1607.1

> **Exception:** Buildings erected before July 1, 1925: In the alteration of buildings erected before July 1, 1925, the code official is authorized to allow a maximum reduction of 30 percent of the specified minimum live loads in Table 1607.1, with a minimum live load for other than residential buildings of 40 psf (1.92 kN/m^2), provided official live load placards are posted showing this reduced live load.

Add new Subsection 1607.14 to the Building Code to read as follows:

1607.14 Powered maintenance platforms. The structural supports for powered maintenance platforms shall be designed in accordance with the requirements in Subpart F, §1910.66 of Occupational Safety and Health Administration Standards listed in Chapter 35.

SECTION 1608A SNOW LOADS

Add new Subsection 1608.1.1 to the Building Code to read as follows:

1608.1.1 Snow load for the District of Columbia. The basic snow load for the District of Columbia, as shown in Figure 1608.2 shall be a minimum of 25 psf (1.20 kN/m^2) plus drifting or 30 psf (1.44 kN/m^2) equivalent uniform load, whichever is greater.

1608.1.2 Minimum Wind Loads. The wind loads used in the design of the main wind force resisting system shall not be less than 20 pounds per square foot (0.958kN/m^2) multiplied by the area of the building or structure projected on a vertical plane normal to the wind direction. In the calculation of design wind loads for components and cladding for buildings, the algebraic sum of the pressures acting on opposite faces shall be taken into account. The design pressure of components and cladding of buildings shall not be less than 20 pounds per square foot(0.958kN/m^2) acting in either direction normal to the surface. The desgn force for open buildings and other structures shall not be less than 20 pounds per square foot (0.958kN/m^2) multiplied by the area, A*f.*

Exception: The wind pressures on tanks, signs, chimneys, stacks, cooling towers, dish antennas, and similar exposed surfaces and their supporting frames shall not be less than 30 psf (1.436$kN/m^{2)}$ of projected area.

CHAPTER 18A SOILS AND FOUNDATIONS

SECTION 1805A FOOTINGS AND FOUNDATIONS

Delete Subsection 1805.2.1 of the Building Code in its entirety and add new Subsection 1805.2.1 to read as follows:

1805.2.1 Frost Protection. Except where erected upon solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of all buildings and structures shall extend to a minimum depth below adjacent grade of 2 feet, six inches (762 mm).

Exception: Free-standing buildings classified in Importance Category I (see Table 1604.5), not larger than 100 square feet (9.25 m^2) in area, and having an eave height of 10 feet (3048 mm) or less.

CHAPTER 30A ELEVATORS AND CONVEYING SYSTEMS

SECTION 3001A GENERAL

Delete Subsection 3001.2 of the Building Code in its entirety and add new Subsection 3001.2 to read as follows:

3001.2 Referenced standards. Except as otherwise provided for in this code, the design, construction, and installation of elevators and conveying systems and their components shall conform to ASME A17.3 (2005), ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 1612.3. Alteration, repair and maintenance of existing elevators and conveying systems shall comply with the *Existing Building Code* and with Section PM-606 of the *Property Maintenance Code.*

Add new Section 3007 to read as follows:

SECTION 3007 CERTIFICATE OF INSPECTION

3007.1 General. The operation of all equipment governed by the provisions of this chapter, and hereafter installed, relocated or altered, shall be unlawful by persons other than the installer thereof until such equipment has been inspected and tested as herein required and a final or limited certificate of inspection has been issued therefore by the code official.

3007.2 Final Certificate. After the code official inspects elevators and conveying systems and finds no violations of the provisions of the *Construction Codes* or other laws that are enforced by the Department of Consumer and Regulatory Affairs, the code official shall issue a final certificate of inspection for each unit of equipment which has satisfactorily met all of the inspections and tests required by the *Building Code* and referenced standards that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of the vertical transportation equipment (e.g., escalator, elevator, dumbwaiter, wheelchair lift, moving walk or conveyor).
5. The rated load and speed, the date of acceptance tests and inspection, and the name and certification number of the inspector who made or witnessed such tests and inspections.
6. A statement that the described equipment has been inspected for compliance with the requirements of the *Construction Codes*.
7. The name of the code official.
8. The edition of the *Construction Codes* under which the permit was issued.
9. Any special stipulations and conditions of the building permit.

3007.2 Limited certificate. The code official is authorized to issue a limited certificate of inspection for any equipment covered by this chapter, which is hereafter installed,

relocated or altered, to permit limited use by the person designated therein during the period of such installation, relocation or alteration. Such certificate shall be signed by the code official, shall bear the dates of issue, renewal and expiration, and shall designate the class of service allowed.

3007.2.1 Tests and minimum safeguards required. A limited certificate shall not be issued for an elevator until such elevator has satisfactorily passed tests for rated load, car and counterweight safety, and terminal stopping devices. Permanent or temporary guards and enclosures shall be installed on the car, around the hoistway and at the landing entrances. Equipment other than elevators shall be tested and protectives shall be provided as deemed necessary by the code official to ensure safe operation for the limited service specified.

3007.2.2 Special Conditions. Automatic and continuous-pressure operation elevators shall not be placed in temporary operation from the landing pushbuttons unless the door-locking device and interlocks required by ASME A17.1 are installed and operative. Where the car is operable only from the inside, landing entrance guards shall be provided with locks that are releasable from the hoistway side only.

3007.2.3 Time Limitation. Limited certificates of inspection shall be issued for periods of not more than thirty (30) days. The code official is authorized to renew the limited certificates of inspection for additional periods of not more than thirty (30) days each.

3007.3 Posting of Certificate. The owner shall post the last-issued certificate of inspection in a conspicuous place available to the code official.

CHAPTER 31A SPECIAL CONSTRUCTION

SECTION 3105A AWNINGS AND CANOPIES

Delete Subsection 3105.1 of the Building Code in its entirety and add new Subsection 3105.1 and 3105.1.1 to read as follows:

3105.1.General. Awnings or canopies shall comply with the requirements of this Section, other applicable Sections of the *Construction Codes* , the *Zoning Regulations*, the DC Public Space Manual and other applicable requirements.

> **3105.1.1 Permit.** A permit shall be obtained from the code official for the erection, or replacement of any fixed awning, or canopy and for any retractable awning located at the first story level and extending over the public street or over any portion of a court or yard beside a building serving as a passage from a required exit or exit discharge to a public street.
>
> > **Exception:** A permit shall not be required for awnings located outside of the Historic and Fine Arts jurisdictions to erect or replace fixed or retractable awnings projecting 40 inches (1016 mm) or less installed on detached 1 & 2 family dwellings and townhouses not more than 3 stories above grade in height with a separate means of egress, or for retractable awnings installed above the first story or where the awning does not project over the public street or over any court or yard serving as a passage from a required exit to a public street.

Delete Subsections 3105.3 through 3105.4 of the Building Code in their entirety and add new Subsections 3105.3 and 3105.4 to read as follows:

3105.3 Design and construction. Awnings and canopies shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members shall be protected to prevent deterioration. Awnings shall have frames of noncombustible material with an approved covering that meets the fire propagation performance criteria of NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E84.

3105.4 Fixed or permanent awnings. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any fixed or permanent awning shall be 8 feet (2438 mm). Fixed or permanent awnings installed above the first story shall not project more than 5 feet (1524 mm) from the face of the building.

> **Exception:** Above doors on detached 1 & 2 family dwellings and townhouses not more than 3 stories above grade in height with a separate means of egress, the minimum clearance from the sidewalk or any other space used by the public to the lowest part of the awning shall be 6 feet 8 inches (2032 mm).

Add new Subsections 3105.5 through 3105.7 to the Building Code to read as follows:

3105.5 Retractable awnings. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any retractable awning shall be 8 feet (2438 mm). Retractable awnings shall be securely fastened to the building and, in the fully extended position, no part of the awing shall be closer than 12 inches (305 mm) to the vertical plane of the curb line. They shall be equipped with a mechanism or device for raising and holding the awning in a retracted or closed position against the face of the building.

> **Exception:** Above doors on detached 1 & 2 family dwellings and townhouses not more than 3 stories above grade in height with a separate means of egress, the minimum clearance from the sidewalk or any other space used by the public to the lowest part of the awning shall be 6 feet 8 inches (2032 mm).

3105.6 Canopies. Canopies shall be attached to the building at the inner end and supported at the outer end by not more than two stanchions with braces anchored in an approved manner and shall not extend closer than 2 feet (610 mm) from the curb line. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any canopy shall be 8 feet (2438 mm). The width of canopies shall not exceed 8 feet (2438 mm).

3105.7 Lettering on awnings or canopies. Lettering on awnings or canopies shall comply with Section 3107.

SECTION 3106A MARQUEES

Delete Subsection 3106.2 of the Building Code in its entirety.

Delete Section 3107 of the Building Code in its entirety and add new Section 3107 to read as follows:

SECTION 3107A SIGNS

3107.1 General. This section shall govern the erection, hanging, placing, painting, display, and maintenance of outdoor display signs and other forms of exterior advertising. Except as otherwise specifically provided, signs bearing non-commercial statements of fact, belief, or personal or political opinion posted on private property are not subject to the provisions of this section.

3107.2 Definitions. The following words and terms shall, for the purposes of this Section and as used elsewhere in this code, have the meanings shown herein.

BILLBOARD. This term includes billboards and poster panels.

3107.3 Permits. No sign subject to the provisions of Section 3107 that exceeds 1 square foot (0.093 m^2) in area, unless exempted by Subsection 3107.3.5, shall be erected, made a part of

a building, painted, repainted, placed, replaced, hung, re-hung, altered, repaired structurally, changed in color, made to flash, or maintained, without a permit issued in accordance with this Section by the code official.

3107.3.1 Application for permit. Application for sign permit shall be made upon a form provided by the code official. Application for a permit to install a sign shall be accompanied by drawings in triplicate, drawn to scale showing details of construction dimensions, lettering, and method of attachment of the sign.

3107.3.2 Dimensions of the premises. The application shall contain a statement of width of premises or width and height of the building, or any other dimensions deemed necessary by the code official to determine the allowable area of the sign.

3107.3.3 Materials specifications. The applicant shall furnish specifications or other information covering type and thickness of materials for the sign and its support.

3107.3.4 Permits for electrical signs. Any sign on or in which lighting of any type is to be used, or which will be illuminated by artificial means, or which will contain other electrical features, shall be designed in accordance with Chapter 27 of this code and require the issuance of a separate electrical installation permit.

3107.3.5 Exemptions from permit. The types of signs and advertising specified in Subsections 3107.3.5.1 through 3107.3.5.7 do not require permits unless located within areas requiring review by the Commission of Fine Arts.

3107.3.5.1 Theater bills and changeable copy signs. The changing of bills of acts and features of theaters on established frames at such theaters, and the changing of the copy of any authorized changeable copy sign, the wording of which does not conflict with the provisions of this Section.

3107.3.5.2 Billboard advertising. Changing of matter advertised on authorized billboards and poster panels included in the official list of billboards.

3107.3.5.3 Signs within a building. Any sign located within a building, not attached directly or painted on a window, and not located within 18 inches (457 mm) of a window or entrance.

3107.3.5.4 Signs on windows. Signs upon a show window, or upon any other window abutting on, or overlooking a street or public way, within the Commercial and Industrial Districts as fixed by the current Zoning Regulations, which signs advertise only the name of the occupant of the building, office, or store, the business conducted or products sold therein, when the aggregate area of those signs does not exceed 20 percent of the area of the window upon which they are displayed.

3107.3.5.5 Small unilluminated signs. Unilluminated signs located outside of and unattached to buildings in areas zoned Commercial or Industrial, otherwise complying with Subsection 3107.6, when such signs do not exceed three (3) per record lot, when each such sign does not exceed 3 feet (914 mm) in its maximum dimension and 4 square feet (0.371 m^2) in area, and when each of such signs is located more than 20 feet (6096 mm) back of the building line or of the building restriction line. Such signs shall be allowed in addition to those for which a permit is required under this Section.

3107.3.5.6 Real estate signs. Real estate signs not exceeding 6 square feet (0.557 m^2) in area.

3107.3.5.7 Vacated property. One sign not to exceed 6 square feet (0.557 m^2) in area, giving the name, business, and new address of the former occupant, is permitted to be displayed for not more than 60 days.

3107.3a Notwithstanding the limitations and exemptions stated in section 3107.1 and 3107.3.5, a permit is required for the erection, painting, repainting, placement, replacement, hanging, rehanging, alteration, repair, or change of a sign larger than one (1) square foot in size on the outside of a building on historic property or located within the first eighteen (18) inches inside a glazed opening of a building on historic property.

3107.3a.1 Permits shall be issued or denied for signs on historic property bearing non-commercial statements of fact, belief, or personal or political opinion that would otherwise be excluded from regulation under this section pursuant to section 3107.1, and for signs on historic property that would otherwise be exempt from the permit requirement pursuant to section 3103.5, based solely on their compliance with the requirements of 10A DCMR, Chapter 25.

3107.3b Notwithstanding the limitations stated in section 3107.1 a permit is required for the erection, painting, repainting, placement, replacement, hanging, rehanging, alteration, repair, or change of a sign bearing a non-commercial statement of fact, belief, or personal or political opinion that would otherwise be excluded from regulation under this section pursuant to section 3107.1, if the sign is subject to review by the Commission of Fine Arts under section 3107.4. Permits shall be issued or denied for these signs based solely on their compliance with section 3107.4 and applicable Commission of Fine Arts requirements.

3107.4 Commission of Fine Arts submission. The provisions of Subsections 3107.4.1 through 3107.4.2.9 shall govern applications for review of signs to be made to the Commission of Fine Arts.

3107.4.1 Shipstead-Luce Act area submissions. All applications to erect signs on buildings or land within the area controlled by An Act To regulate, the height, exterior design and construction of private and semipublic buildings in certain areas of the National Capital ("Shipstead-Luce Act"), approved May 16, 1930 (46 Stat. 366; D.C. Official Code § 6-611.01 *et seq.*), shall be submitted to the Commission of Fine Arts for review before a permit is issued. In addition to compliance with all other applicable provisions of this Section, signs within the meaning of the Shipstead-Luce Act shall comply with the requirements of Subsections 3107.4.1.1 through 3107.4.1.9.

3107.4.1.1 Billboards, roof signs, projecting and revolving signs. Billboards as described in Subsection 3107.7.6, roof signs as described in Subsection 3107.7.2, projecting signs as described in Subsection 3107.7.1, and revolving signs as described in Subsection 3107.7.11, shall not be permitted.

3107.4.1.2 Permissible signs. Single-faced signs, only, shall be permitted upon the exterior walls of buildings, and all signs shall be stationary. The maximum sign projection allowed shall not exceed 12 inches (305 mm) beyond the building or building restriction lines.

3107.4.1.3 Illuminated signs. Illuminated signs shall consist of freestanding, back-lighted, opaque letters, illuminated by steady light. Exposed sources of sign illumination shall be prohibited.

3107.4.1.4 Sign dimensions. The aggregate area of all signs advertising any one business on a building or premises shall be limited to 25 sq. feet (2.322 m^2) per street frontage.

3107.4.1.5 Sign copy. Copy on signs shall be limited to the address or name of the establishment, or both, and the type of business conducted, as indicated by the Certificate of Occupancy issued for the premises involved.

3107.4.1.6 Number of colors on sign. No more than two colors, nor more than one color in addition to black or white, shall be used for any sign, including the illumination of such sign.

3107.4.1.7 Signs on awnings. Signs on awnings shall be limited to the valance and shall otherwise comply with other applicable requirements of this Section.

3107.4.1.8 Show window lettering. Lettering of signs limited to a show window, or any other window, abutting on or overlooking a street or public way, shall cover an aggregate area of not more than 25 square feet (2.322 m²), per business, nor more than 20 percent of the area of the window, whichever is less.

3107.4.1.9 Nonconforming signs. Despite the limitations imposed by the requirements above, when the Commission of Fine Arts finds that the sign or the conditions surrounding it justify granting a variance from or exception to any of the requirements of Subsections 3107.4.1.1 through 3107.4.1.8 and the Commission finds that granting such a variance or exception will not impair the intent and purpose of this Section or of the Shipstead-Luce Act, the code official is authorized to approve an application to erect a sign not conforming to the said requirements.

3107.4.2 Old Georgetown Act area submissions. All applications to erect signs on buildings or land within the area controlled by An Act To regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital ("Old Georgetown Act"), approved September 22, 1950 (64 Stat. 904; D.C. Official Code § 6-1201 *et seq.*), shall be submitted to the Commission of Fine Arts for review before a permit is issued. In addition to compliance with all other applicable provisions of this Section, signs within the meaning of the Old Georgetown Act shall comply with the requirements of Subsections 3107.4.2.1 through 3107.4.2.9.

3107.4.2.1 Billboards, roof signs, projecting and revolving signs. Billboards as described in Subsection 3107.7.6, roof signs as described in Subsection 3107.7.2, and revolving signs as described in Subsection 3107.7.11, shall not be permitted. Projecting signs as described in Subsection 3107.7.1, shall be allowed upon favorable recommendation by the Commission of Fine Arts, which shall include the maximum allowable projection of the sign.

3107.4.2.2 General restriction. All signs shall be stationary.

3107.4.2.3 Illuminated signs. Illuminated signs shall consist of freestanding, back-lighted, opaque letters, illuminated by steady light. Exposed sources of sign illumination shall be prohibited.

3107.4.2.4 Sign dimensions. The aggregate area of all signs advertising any one business on a building or premises shall be limited to 25 square feet (2.322 m²) per street frontage.

3107.4.2.5 Sign copy. Copy on signs shall be limited to the address or name of the establishment, or both, and the type of business conducted, as indicated by the Certificate of Occupancy issued for the premises involved.

3107.4.2.6 Number of colors on sign. No more than two colors, nor more than one color in addition to black or white, shall be used for any sign, including the illumination of such sign.

3107.4.2.7 Signs on awnings. Signs on awnings shall be limited to the valance and shall otherwise comply with other applicable requirements of this Section.

3107.4.2.8 Show window lettering. Lettering of signs limited to a show window, or any other window, abutting on or overlooking a street or public way, shall cover an aggregate area or not more than 25 square feet (2.322 m^2), per business, nor more than 20 percent of the area of the window, whichever is less.

3107.4.2.9 Nonconforming signs. Despite the limitations imposed by the requirements above, when the Commission of Fine Arts finds that the sign or the conditions surrounding it justify granting a variance from or exception to any of the requirements of Subsections 3107.4.2.1 through 3107.4.2.8 and the Commission finds that granting such a variance or exception will not impair the intent and purpose of this Section or of the Old Georgetown Act, the code official is authorized to approve an application to erect a sign not conforming to the said requirements.

3107.5 Marking of signs. Every sign for which a permit is required shall be marked with letters not less than 1 inch (25.4 mm) in height, giving the permit number and date of permit issuance.

3107.5a Signs on Historic Property. Signs on historic property shall comply with the requirements of 10A DCMR Chapter 25.

3107.6 Character of Advertising. No sign subject to the provisions of Section 3107 shall be erected, hung, rehung, placed, replaced, painted, repainted, repaired, or maintained upon any structure or upon any wall or roof, or upon any premises, unless such sign advertises a bona fide business conducted on the premises, and for which business a Certificate of Occupancy has been issued. The change of sign copy on any sign other than an authorized "Changeable Copy Sign" shall require issuance of a new sign permit.

Exceptions:

1. Signs covered by Subsections 3107.3.5.1 through 3107.3.5.3, 3107.3.5.5 through 3107.3.5.8, billboards as described in Subsections 3107.7.6 through 3107.7.6.7.15, and temporary signs as described in Subsection 3107.8.

2. When buildings are under construction or alteration for a specific use, the code official is authorized to issue a permit for the construction or erection of a sign complying with these regulations, if such building or alteration has progressed to the satisfaction of the code official for its projected use, and application for Certificate of Occupancy has been filed.

3107.6.1 Area use restriction. Not more than 50 percent of the area of any sign shall be used to advertise products or commodities actually sold on the premises.

Exception: Devices indicating only time, temperature, or both, shall not be required to comply with this restriction.

3107.6.2 Removal of signs. Any sign subject to the provisions of Section 3107 that was erected, hung, re-hung, placed, replaced, painted, repainted, or maintained and which no longer advertises a bona fide business conducted upon the premises as specified in Subsection 3107.6, is not permitted pursuant to 3107.6a, or is not an authorized billboard or poster panel, shall be taken down, removed, or obliterated within five (5) days upon notification by the code official or such longer time as may be designated by the code official, and failure to so comply on the part of the owner, occupant, agent, or person having beneficial use of any building or premises upon which such sign may be found, shall subject the owner to the fines provided for in section 4 of An Act To regulate the erection, hanging, placing, painting, display and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 3, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.23), or to civil fines, penalties, and fees pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq*.).

3107.6.3 Street clocks. No lettering or advertising matter shall be placed on any street clock or part thereof, except that the name of the manufacturer of the clock is permitted to be displayed on the dial in small letters not to exceed one-twentieth of the height of the dial.

3107.6.4 Signs on vacant property. Display of any sign, poster, or other advertising medium on or in any part of a vacant building, store, or premises, visible from the street or public way, other than real estate signs, complying with Subsection 3107.16 and authorized billboards or poster panels, is prohibited.

Exception: One sign not more than 6 square feet (0.557 m²) in area giving the

name, business, and new address of the former occupant is permitted to be displayed for not more than 60 days on the vacated premises.

3107.6.5 Directional signs. Directional signs shall not be allowed except as permitted under Subsection 3107.7.6 for billboards or poster panels, under Subsection 3107.6.4 on vacated property, and their temporary display for the purpose of indicating the availability of real estate for sale or lease and the holding of an open house at a particular property.

Exception: Signs not more than 6 square feet (.557 m^2) in area indicating the location of parking facilities for patrons shall be allowed under permit.

3107.6.6 Special permits. The code official is authorized to issue a permit to erect and maintain a sign not conforming with this Section if the code official finds that such sign or conditions surrounding such sign are unusual in character, of a type infrequently encountered, and that approval of the permit will provide an equitable application of this Section basically in keeping with its purpose and intent. The code official in each such special permit is authorized to impose such terms and conditions as he or she may deem necessary. Any sign erected under a special permit shall be removed at or prior to the time specified in the permit for the removal of such sign. If no time is specified, then such sign shall be removed not later than ten (10) days after notice from the code official to do so.

3107.6.6.1 Temporary decorations for buildings. The code official is authorized to approve permits for temporary decorations on the fronts of buildings or on legal projections from buildings in the spirit of a holiday period, inauguration, or similar occasion. Temporary decorations are permitted to include greetings, symbols, pictures, and other markings appropriate to the occasion. Any structures, framework, and fastenings shall be subject to the usual requirements. Authority is not granted in this Section to approve applications for decorations on, over, along, or across any street or highway, except as provided for in Subsection 3107.6.6.2. Permits for temporary decorations shall be issued for periods not exceeding 40 days.

3107.6.6.2 Temporary decorations for streets. Temporary street decorations shall not be installed on, over, along or across any street or highway until a special permit has been issued by the Director of the Department of Transportation. Street decorations are a privilege, not a right, and the Director of the Department of Transportation is authorized to deny the corresponding permit or impose such conditions as may be deemed necessary, in the interest of public safety or welfare. Street decorations shall comply with the following conditions:

1. Street decorations shall not contain any advertising or any form of explicit or implicit reference to commercial businesses or products.

2. Street decorations shall be substantially related to an event or seasonal festivity of a civic or religious nature, not occurring more frequently than once a year.

3. Street decorations shall be stationary and shall be substantially supported structurally.

4. Street decorations containing electrical wiring or systems shall comply with Chapter 27.

3107.6a Substitution of Content. Any non-commercial message may be substituted for the content of any commercial sign allowed under this section.

3107.7 Types of signs. The provisions of this Section shall apply to types of signs and requirements for all signs subject to the provisions of Section 3107.

3107.7.1 Projecting signs. Signs projecting from or beyond a building line or building restriction line shall be allowed in Commercial and Industrial Districts, as defined in the current Zoning Regulations, when supported on iron or steel brackets and stayed securely, or affixed in an approved equivalent manner, subject to the limitations imposed by Subsections 3107.7.1.1 through 3107.7.1.3.

3107.7.1.1 Sign projection restrictions. No sign shall project more than 42 inches (1067 mm) beyond the building line or building restriction line, on the street frontage of a building. Hooded lights are permitted to be placed on projecting signs solely to illuminate such signs, but the hoods of such lights shall not project more than an additional 6 inches (152 mm). No part of projecting signs shall have less than 8 feet (2438 mm) clearance above the surface of a sidewalk or any other space used by the public, nor less than 15 feet (4572 mm) clearance above the surface of any driveway in public space. No portion of a sign shall extend over public space closer than 18 inches (457 mm) from the curb lane. No sign, including illumination, shall project more than 6 inches (152 mm) beyond the building line, in alleys.

3107.7.1.2 Double-faced projecting signs. Double-faced projecting signs on the front of buildings shall not extend above the roof or parapet a distance of more than one-third of the height of the sign nor more than 4 feet (1219 mm). Such signs are permitted to return over the roof or parapet not over 18 inches (457 mm) back of the face of the wall.

3107.7.1.3 Rigid attachment of signs. No sign projecting over public space shall be so erected or hung as to swing, sway, or revolve in any manner, except banners or flags. The supports for banners and flags shall also be installed so as to be rigid.

3107.7.2 Roof signs. Roof signs shall not be erected above the height limit

established by the Zoning Regulations. The base of a roof sign shall not be less than 6 inches (152 mm) nor more than 18 inches (457 mm) above the roof parapet wall on which it is erected or affixed. The height of a roof sign shall not exceed half of the width of its base. In no case shall such sign exceed the maximum area fixed by Subsection 3107.10.

3107.7.2.1 Attachments. All roof signs shall be securely braced and fastened with lag screw expansion bolts, anchor plates, or by another approved structurally sound method, to prevent accidents in high winds. Roof signs shall not be erected or hung so as to swing, sway, or revolve in any manner. Complete structural plans indicating roof construction, method of attachment, and sign framing shall be provided with all applications for roof sign permits.

3107.7.2.2 Height limit. Lettering, advertising, or display of any character, other than religious symbols, is prohibited above the limit of height established by the current Zoning Regulations, on spires, towers, domes, minarets, pinnacles, penthouses, ventilation shafts, chimneys, smokestacks, water storage tanks, cooling towers, or on any other support media extending above said height limit.

3107.7.3 Signs supported by projecting construction. Signs are permitted to be supported by canopies, marquees, porticos, and roofs of show windows constructed so as to safely support the weight of the sign or signs, in addition to the required snow and wind loads. Such signs shall not extend more than 42 inches (1067 mm) beyond the building line, except as provided for in Subsection 3107.7.1.

3107.7.4 Signs on awnings or similar projections. One horizontal line of letters, each letter not to exceed 12 inches (305 mm) in height, is permitted to be placed or painted on the vertical faces of valances, or on top of or hung from a canopy, marquee, portico, or awning. Where the line of letters is placed on top or hung from a marquee, canopy, portico, or awning, it shall be constructed in the so-called "skeleton" design, composed of separate letters without background or border. The line of letters shall designate only the street number of the premises and the name of the occupant or building or trade name. Such signs shall also be permitted in Residential Districts and Special Purpose Districts for apartment houses and hotels only. Signs on awnings, marquees, and canopies located on historic property shall comply with the requirements of 10A DCMR, Chapter 25.

3107.7.5 Banner signs and flags. No banner, sign or flag used for advertising purposes shall be erected, hung, attached, or affixed to any pole, staff, or other appurtenance, unless a permit for it has been issued, nor shall such banner, sign, or flag extend over public space more than 42 inches, or be hung or maintained less than 14 feet above a public parking, sidewalk or roadway.

3107.7.5.1 Barber poles. Barber poles on public space attached to a building shall not project more than 42 inches (1067 mm) from the building line and

provide not less than 8 feet (2438 mm) clearance above the sidewalk or existing ground level.

3107.7.6 Billboards. The provisions of this Section shall govern billboards in the District of Columbia.

3107.7.6.1 Authorized list. Only those billboards which were in existence as of January 1, 1972, that are contained in the "Authorized List of Billboards, Three-sheet Poster Boards, and Wall Signs," dated November 30, 1931, as amended through December 31, 1971, are authorized to remain in place, subject to the conditions in Subsection 3107.7.6.1 through 3107.7.6.7.15.

3107.7.6.2 Existing authorized billboards. Any existing billboard contained in the authorized list referred in Subsection 3107.7.6.1 shall be permitted to be maintained, repaired, altered, or rebuilt under authority of permits issued by the code official. No change in size or location is authorized and the maintenance and repair requirements of Subsection 3107.7.6.5 shall be met.

3107.7.6.3 Unauthorized billboards. Billboards which were not included in the authorized list referred in Subsection 3107.7.6.1 are without authority, unless erected in accordance with Subsections 3107.7.6.6 through 3107.7.6.7. All unauthorized billboards shall be removed by the owner. No such billboard shall be replaced in any form or in any location, unless a new permit is issued in accordance with Subsections 3107.7.6.6 through 3107.7.6.7.

3107.7.6.4 Razed billboards. Any billboard which is included in the authorized list referred in Subsection 3107.7.6.1 and which is razed, demolished, or obliterated, shall be stricken from the authorized list. No such billboard shall be replaced in any form or in any location, unless a new permit is issued in accordance with Subsections 3107.7.6.6 through 3107.7.6.7.

3107.7.6.5 Maintenance and repair. Whenever the code official finds that any billboard on the authorized list referred to in Subsection 3107.7.6.1, or erected under a permit issued in accordance with Subsections 3107.7.6.6 through 3107.7.6.7, is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the code official shall notify the owner thereof and order him to repair the billboard within a specified time but not less than 10 calendar days. If the code official finds that the billboard has deteriorated more than 50 percent of its replacement value, or is not repaired within the time specified in the repair notice, the code official shall notify the owner of the billboard and the owner of the real property on which said billboard is located to remove the billboard from the property within a specified time. All billboards ordered to be removed shall be stricken from the authorized list when the time limit set in the removal notice ends. Failure to comply shall subject said owners, upon conviction or adjudication, to the fines provided for in section 4 of An Act To regulate the erection, hanging, placing, painting, display and maintenance of outdoor signs and other forms of exterior advertising within the

District of Columbia, approved March 3, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.23), or to civil fines, penalties, and fees pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

3107.7.6.6 Permit required. No billboards shall be erected, placed, maintained or relocated within the District of Columbia unless an application for permit is approved by the code official.

1. **Permit applications.** Permit applications shall be made upon forms provided by the code official. Permit applications shall be accompanied by four (4) sets of drawings showing details of construction, foundations, lighting, location of the billboard in relation to property lines, and relation to any other billboards located within 500 feet (152 400 mm) of the billboard for which the application is submitted. A separate electrical permit is required for billboards containing any electrical features.

2. **Permit fee.** The permit application must be accompanied by a fee pursuant to Section 108.

3. **Zoning compliance.** Billboard permit applications shall comply with the *Zoning Regulations*. However, where a billboard is to be located in an area, which, in the judgment of the Zoning Administrator is not permitted, the Zoning Administrator shall notify the applicant in writing that the application for permit is denied for failure to conform to the *Zoning Regulations*, indicating the applicable provisions of the *Zoning Regulations*. The Zoning Administrator's decision may be appealed to the Board of Zoning Adjustment as prescribed by its rules.

4. **Shipstead-Luce Act and Old Georgetown Act areas.** Where a billboard is to be located in an area covered either by the Shipstead-Luce Act or the Old Georgetown Act, the application and supporting material shall be transmitted to the Commission of Fine Arts for review under Sections 6-611.01 and 6-1202 of the D.C. Official Code (2001).

5. **Permit denial.** If the code official denies a billboard permit, the basis for the denial shall be stated in writing, including references to the statutory or regulatory provisions that would be violated if the permit were granted. The code official shall notify the applicant in writing with the reasons for denial of the permit.

3107.7.6.7 Design standards. Billboard permit applications shall comply with items 1 through 15 below, before a permit shall be issued:

1. The billboard shall not contain any moving parts, except where such moving parts are used to convey public service information such as time, temperature, date, weather, or similar information.

2. The billboard shall not contain flashing, intermittent, moving, or neon lights; the billboard shall not be lighted so as to permit beams of light to be directed at any portion of a public right-of-way, which beams of light are of such intensity or brilliance as to cause glare or impair the vision of any driver, or otherwise interfere with the driver's operation of a motor vehicle; the billboard shall not obstruct or undermine the traffic information systems of signs and lights.

3. The billboard shall not be located on lots of less than 50 feet (15 240 mm) of street frontage, nor shall billboard length be more than half the street frontage of the lot where it is proposed to be erected.

4. The billboard shall not be located within 200 feet (60 960 mm) of an existing billboard.

5. When located along an Interstate Highway or a controlled Access Primary Roadway within the Federal Aid Primary Urban Extension System as designated by the D.C. Department of Transportation, the billboard shall not be located less than 500 feet (152 400 mm) from an existing billboard.

6. The billboard shall not be located on lots within 200 feet (60 960 mm) of any Residential District, as defined by the current Zoning Regulations.

7 The billboard shall not be located within 200 feet (60 960 mm) of any park or building owned or under the control of the government of the District of Columbia or of the Federal Government.

8. The billboard shall not be located within 300 feet (91 440 mm) of any Historic Landmark or in or within 300 feet (91 440 mm) of any Historic District as listed in the District of Columbia Inventory of Historic Sites.

9. The billboard shall not be visible from the nearest right-of-way line of any Interstate Highway or Federal Aid Primary Urban Extension System route, as designated by the D.C. Department of Transportation, or on any surface or elevated right-of-way of the Washington Metropolitan Area Transit Authority system, except as authorized under item 10 of this Section.

10. Where permitted by the *Zoning Regulations*, billboards shall be

permitted that do not comply with item 9 of this Subsection, provided such billboards are located more than 200 feet (60 960 mm) from any of the right-of-ways mentioned therein.

11. The billboards shall be set back from each property line of the lot where it is proposed to be erected, a distance of at least one (1) foot (305 mm) for each foot (305 mm) of overall billboard height.

12. The billboard shall not have a net advertising area in excess of 300 square feet (27.9 m^2) for each sign face. For the purpose of this Section, net area shall be considered exclusive of any border, trim, ornamental base, apron supports or other structural members.

13. The billboard shall be designed and installed so as to maintain a minimum clearance of 8 feet (2438 mm) from the ground, as measured from the adjacent grade.

14. The billboard shall not exceed 25 feet (7620 mm) in overall height as measured from grade at the center line of the billboard to the level of the highest point of the billboard.

15. The billboard shall conform to Subsection 3107.11.

3107.7.7 Signs on side walls. Where no sign or signs exist on the side wall of any building or structure, no permit shall be issued for the erection, hanging or painting of a sign or signs on such side wall, except as provided in Subsections 3107.7.7.1 and 3107.7.7.2.

3107.7.7.1 Corner buildings and alleys entrances. The code official shall be authorized to issue permits to erect, hang, or paint a sign or signs on those side walls of a corner building which abut a public street, or on those side walls of buildings which have a public entrance opening for business purposes upon an alley, when such signs comply with the provisions of this Section.

3107.7.7.2 Walls facing parking lots. A building with adjoining parking lots used in connection with such building shall be permitted to have side wall signs facing over such parking lots toward a street or alley fronting on such lots.

3107.7.8 Signs on public space. No structure or standard used as a sign, bulletin, or advertisement of any sort shall be built, placed, erected, hung, maintained, or left in or upon any street, avenue, alley, highway, footway, sidewalk, parking or other public space in the District of Columbia, unless specifically approved by the code official, including the use of directional signs as described in Subsection 3107.6.5, in accordance with provisions of this Section.

3107.7.9 Transported signs or banners. No advertising sign or banner shall be carried or transported on or over any public space. The provisions of this Section shall not apply to signs displayed on vehicles and advertising the bona-fide business of the owner. This Section shall not be construed to apply to banners or signs carried by members of any labor organization or similar body, whether employers or employees, publicizing the existence of or facts about any labor dispute or to any other sign bearing non-commercial statements of fact, belief, or personal or political opinion.

3107.7.10 Commercial advertising on WMATA vehicles. Despite the provisions of Subsection 3107.7.9, or any other law, the sale and use of commercial revenue advertising space on the rear and side exteriors, or entire exterior surfaces of Metrobus public transit vehicles under the control and operation of the Washington Metropolitan Area Transit Authority (WMATA) shall be permitted for such vehicles operating on public space within the District of Columbia, subject to the conditions of Subsections 3107.7.10.1 through 3107.7.10.2.

3107.7.10.1 Observance of the law. No advertisement shall be accepted by WMATA which violates this code or any other District of Columbia or federal law.

3107.7.10.2 Public service announcements. The rear and side exterior advertising space on at least 10 percent of the total number of Metrobus vehicles available for public transit operations shall be reserved for free public service announcements and advertisements regarding community, art, cultural, educational, and similar events.

3107.7.11 Revolving signs. Revolving signs shall be permitted in Commercial and Industrial Districts as defined in the current *Zoning Regulations*, when located entirely upon the land of the owner and not projecting beyond the building line, subject to the conditions of Subsections 3107.7.11.1 through 3107.7.11.7. As used in this Section, "revolving sign" includes a sign that displays 3-D, moving, animated, or periodically-changing images or text.

3107.7.11.1 Location restriction. Revolving signs shall not be permitted on the roofs of buildings or structures.

3107.7.11.2 Application requirement. Complete details of erection and operation of revolving signs shall be submitted with the sign permit application.

3107.7.11.3 Color and electrical features. The color and electrical features of revolving signs shall be approved by the Department of Transportation before issuance of a revolving sign permit.

3107.7.11.4 Revolving speed. Revolving signs shall not revolve faster than 5 revolutions per minute.

3107.7.11.5 Dimensions. The area of revolving signs shall not exceed 40 square feet (3.72 m^2) per face, and the maximum dimension shall not exceed 3 feet (914 mm).

3107.7.11.6 Clearance and height. Revolving signs shall have not less than 8 feet (2438 mm) clearance above the adjacent ground level, and the total height of the sign above grade shall not exceed 20 feet (6096 mm).

3107.7.11.7 Illumination. Exposed lights or tubing shall be prohibited on revolving signs, and illumination shall be from indirect or internal sources.

3107.7.11.8 Vehicular Traffic Safety. No revolving sign may be installed or maintained if the Department of Transportation has determined that the sign location, size, or height above grade is objectionable with regard to vehicular traffic safety.

3107.7.12 Commercial Advertising on Taxicabs. Despite the provisions of Subsection 3107.7.9, or any other law, the sale and use of commercial revenue advertising space on the exterior rooftops of taxicabs shall be permitted, subject to the conditions of Subsections 3107.7.12.1 through 3107.7.12.4.

3107.7.12.1 Advertising dimensions. Exterior rooftop advertising on taxicabs shall not exceed a size eighteen (18) inches in width, seventeen (17) inches in height or fifty-six (56) inches in length.

3107.7.12.2 Illuminated signs. Exterior rooftop advertising signs on taxicabs may be equipped with fluorescent illumination However, flashing, intermittent, moving, or neon lights or parts are prohibited.

3107.7.12.3 Signs violating law. No advertisement shall be permitted that violates any District or federal law, including, but not limited to, sections 28-3901 through 28-3908 of the DC. Code.

3107.7.12.4 Public service announcements. Those taxicabs carrying exterior rooftop advertising pursuant to this section shall devote ten percent (10%) of their yearly rooftop advertising to free public service announcements and advertisements regarding health, safety community, art, cultural, educational, or similar subjects or events.

3107.8 Temporary signs during construction. The code official is authorized to issue permits for the erection, painting, or affixing of signs on premises where building operations are being conducted, giving the name and address of the engineers, architects, contractors, financing institutions, and identifying the project or purpose of the building. Such signs shall comply with all requirements of this Section, and any sign so erected, painted, or affixed shall be removed upon completion of the building operations, or at any time before completion of building operations, when ordered by the code official in the interest of public safety, health and welfare.

3107.8.1 Signs in public space. Permits shall be issued for temporary construction signs, as described in Subsection 3107.8 to be erected on temporary barricades, covered walkways, construction offices or public space between the building line and such structures, subject to the conditions of Subsection 3107.8.

3107.8.2 Dimensions. The total area of signs erected on public space pursuant to Subsections 3107.8 through 3107.8.2 shall be limited to 2 square feet (0.186 m^2) for each foot of street frontage of the lot, with a maximum sign area of 40 square feet (3.72 m^2) for residentially zoned property, and 200 square feet (18.58 m^2) for commercially zoned property. An additional 5 square feet (0.465 m^2) of sign area shall be permitted on barricades to identify each adjoining premises or business.

3107.9 Residential or Special Purpose District limitations. This subsection shall govern signs subject to the provisions of Section 3107 posted in residential or special purpose districts.

3107.9.1 General Residential District limitation. No sign or signs shall be permitted in any Residential District, as fixed by the current *Zoning Regulations* unless a permit is issued by the code official in accordance with the provisions of this Section. The exemptions from the permit requirement stated in section 3107.3.5 shall not apply to signs in Residential Districts. Signs posted in Residential Districts that bear non-commercial statements of fact, belief, or personal or political opinion are not

subject to the provisions of this subsection and shall not require a permit unless the sign is posted on historic property or is subject to review by the Commission of Fine Arts and a permit is required pursuant to section 3107.3a or 3107.3b.

Exemption. A permit shall not be required for a nameplate not exceeding 1 square foot (0.093 m²) in area, to advertise a home occupation, and bearing only the name and occupation of the occupant of the building.

3107.9.2 Zoning restrictions. Nothing within this Section shall be construed to grant any greater area nor any greater illumination than limited by specific order of the Board of Zoning Adjustment or Zoning Commission. If such a specific order prohibits any signs or illumination, such specific order shall take precedence over the provisions of this Section.

3107.9.3 Location restrictions. Residential district signs subject to the provisions of Section 3107 shall be located entirely on private property and shall be located on the portions of the building or premises occupied by the use for which the signs are authorized.

3107.9.4 Illumination. Residential District signs shall be allowed to be illuminated by steady white lighting only. No fluctuating, pulsating, or moving lights or lighting designed to change appearance in any manner shall be permitted in any Residential District. Where illumination of signs located in any Residential District is by gas tubes, these tubes shall not be visible but shall be allowed to be so arranged as to provide indirect light.

3107.9.5 Authorized signs. The code official is authorized to issue a permit for signs complying with any of Subsections 3107.9.5.1 through 3107.9.5.7.

3107.9.5.1 Temporary automobile parking lots. On temporary automobile parking lots approved by the code official for such use, the total area of signs shall not exceed 20 square feet (1.86 m²) facing each street upon which the lot has a vehicular entrance, in addition to separate signs authorized under Subsection 3107.9.5.7.

3107.9.5.2 Nonconforming uses. Signs advertising a nonconforming use as defined in the *Zoning Regulations*, shall be limited to a total area not to exceed, for each use, the limits permitted by Subsection 3107.10 or 40 square feet (3.72 m²), whichever is less. Separate signs authorized under Subsection 3107.9.5.7 shall be counted towards the limits of this Section.

3107.9.5.3 Church bulletins. Church bulletins shall not exceed 20 square feet (1.86 m²) in area for each church. When approved by the code official, church bulletins shall be allowed to be placed on public parking upon recommendation of the Public Space Committee.

3107.9.5.4 Non-profit organization. Signs for each school, college, hotel,

philanthropic institution, non-profit organization, hospital, residential care facility or church, shall be limited to a total area not to exceed 40 square feet (3.73 m²).

1. **Non-profit organization nameplates.** When approved by the code official, a nameplate or nameplates, each such plate not more than 6 square feet (0.56 m²) in area, shall be allowed to be placed on the public parking at entrance driveways, upon recommendation of the Public Space Committee. The area of such nameplates shall not be counted towards the limits on total sign area specified in Subsection 3107.9.5.4.

2. **Sign supports.** Signs pursuant to Subsection 3107.9.5.4 shall be allowed to be supported on posts or pilasters where permits have been secured for posts or pilasters, but shall not be so placed as to extend over any walkway or roadway unless there is at least 8 feet (2438 mm) clearance above such walkway or 15 feet (4572 mm) clearance above such roadway.

3107.9.5.5 Apartment house signs. For apartment houses, signs shall be limited to the name and house number of the building. Such signs shall only be permitted when facing the street or streets upon which entrances to the building are located. Such signs shall not exceed for each building frontage, the limits set forth in Table 3107.9.5.5. Signs placed on a marquee, canopy, or awning, as permitted under Subsection 3107.7.4, shall not be counted towards the area limitation given in Table 3107.9.5.5. For purposes of this Section, a group building erected under a covenant shall be considered as a single building.

TABLE 3107.9.5.5
APARTMENT HOUSE SIGNS

STREET FRONTAGE (feet)[a]	MAXIMUM ALLOWABLE SIZE OF SIGN ON STREET FRONTAGE (square feet)[b]
Up to 45	4
45 to 50	5
50 to 55	6
55 to 60	7
60 to 65	8
65 to 70	9
70 to 75	10
75 to 80	11
80 to 85	12
85 to 90	13

90 to 95	14
95 to 100	15
100 to 105	16
105 to 110	17
110 to 115	18
115 to 120	19
120 and above	20

Note a. 1 foot = 304.8 mm
Note b. 1 square foot = 0.093 square meters

3107.9.5.6 Office buildings, commercial or industrial uses. For buildings or premises approved by the Board of Zoning Adjustment or Zoning Commission for office buildings and commercial or industrial uses, the total area of signs, for each such building or premises, shall not exceed the limit prescribed in Subsection 3107.10, or 40 square feet, (3.73 m²), or such other limitation as may have been imposed by the Board of Zoning Adjustment or Zoning Commission, whichever is less. Such signs shall be attached flat against the wall of the building, unless they conform to Subsection 3107.9.5.6.1.

3107.9.5.6.1 Signs beyond the wall. Signs pursuant to Subsection 3107.9.5.6 shall be permitted on canopies, marquees, porticos, and awnings located entirely on private property, where placed or painted in the manner and with the limitations described in Subsection 3107.7.4. Signs so placed shall be counted towards the maximum allowable area of signs.

3107.9.5.7 Parking rate signs. Where Section 612 of DCMR 24, "Public Space and Safety" requires that a schedule of auto parking charge rates be posted, a separate sign setting forth such schedule, not more than 20 square feet (1.86 m²) in area, shall be allowed in addition to the areas otherwise permitted in Subsections 3107.9.5.1 and 3107.9.5.2.

3107.9.6 Signs in Special Purpose Districts. For buildings or premises located in a Special Purpose District, as defined in the current *Zoning Regulations*, the total area of signs subject to the provisions of Section 3107 shall not exceed the limits set forth in Table 3107.9.6, nor those imposed by any specific order of the Board of Zoning Adjustment or Zoning Commission.

TABLE 3107.9.6
SIGNS IN SPECIAL PURPOSE DISTRICTS

STREET FRONTAGE (feet)[a]	MAXIMUM ALLOWABLE SIZE OF SIGN ON STREET FRONTAGE (square feet)[b]
Up to 40	40 ft²
40 to 100	1 ft² per foot of frontage
Over 100	100 ft² plus 0.5 ft² per foot of frontage over 100

Note a. 1 foot = 304.8 mm
Note b. 1 square foot = 0.093 square meters

3107.10 Maximum size of signs. In any district other than Residential or Special Purpose Districts, the total area of sign or signs subject to the provisions of Section 3107 and attached to, displayed from, or erected upon any building, lot, or parcel of land, shall not exceed the limits prescribed in Subsections 3107.10.1 through 3107.10.7.

3107.10.1 One story buildings. Two square feet (0.19 m²) for each foot of width of front of building occupied by the business or profession to be advertised, such signs or signs to be placed on the front under consideration within the limits of the portion of the front in which the business advertised is located. Roof signs shall not exceed 100 square feet (9.29 m²) facing any one street frontage.

3107.10.2 First floor stores or businesses in multi-story buildings. The provisions of Subsection 3107.10.1 shall apply, except that such signs shall be kept within a height of 20 feet (6096 mm) above the sidewalk.

3107.10.3 Upper stories of multi-story buildings. The total area of all signs above the 20-foot height specified in Subsection 3107.10.2 shall not exceed the limits set forth in Table 3107.10.3, for each street frontage.

TABLE 3107.10.3
SIGNS ABOVE THE FIRST STORY

AREA OF WALL ABOVE 20 FEET ABOVE THE SIDWALK, ON STREET FRONTAGE (square feet)[a]	MAXIMUM ALLOWABLE AREA OF SIGNS ABOVE 20 FEET ABOVE SIDEWALK ON STREET FRONTAGE
Up to 1600	40 ft²
1600 to 4000	1/40 of area of wall above 20 ft height
Over 4000	100 ft² roof signs, or 1/40 of area of wall above 20 ft height for signs below roof

Note a. 1 square foot = 0.093 square meters

3107.10.4 Single occupancy buildings. Where an entire building over one story in height is occupied by one business, store or occupant, the total area of all signs on each street frontage shall not exceed the limits set forth in Table 3107.10.4.

TABLE 3107.10.4
SIGNS ON SINGLE-OCCUPANT MULTI-STORY BUILDINGS

AREA OF WALL ON STREET FRONTAGE (square feet)[a]	MAXIMUM ALLOWABLE AREA OF SIGNS ON STREET FRONTAGE
Up to 4000	100 ft²
Over 4000	1/40 of area of wall, of which not more than 100 ft² above the roof

Note a. 1 square foot = 0.093 square meters

3107.10.5 Unimproved lots or lots with a small office. Where a business is conducted on an unimproved lot or a lot with a small office, 2 square feet (0.19 m²) of sign area for each foot of street frontage shall be allowed, but not more than 150 square feet (13.95 m²) per frontage under consideration. The area of the signs of such buildings shall not exceed that permitted under Subsection 3107.10.1.

3107.10.6 Parking rate signs. Where Section 612 of DCMR 24, "Public Space and Safety" requires that a schedule of auto parking charge rated be posted, a sign setting forth such schedule, not more than 20 square feet (1.86 m²) in area shall be allowed in addition to the areas otherwise permitted in Subsections 3107.10.1 through 3107.10.5.

3107.10.7 Exemptions. Signs exempted from permit pursuant to Subsections 3107.3.5 through 3107.3.5.8 and signs not subject to the provisions of Section 3107 shall not be counted towards the total sign area permitted under Subsections 3107.10.1 through 3107.10.5.

3107.11 Structural and materials requirements. All signs subject to the provisions of Section 3107 and their supports, including signs exempted from permit, shall comply with all structural and materials requirements of this Section and other applicable Sections of this code.

3107.11.1 Wind load. Signs shall be designed and constructed to withstand wind pressure as provided for in Chapter 16.

3107.11.2 Seismic load. Signs designed to withstand wind pressures shall be considered capable of withstanding earthquake loads, except as provided for in Chapter 16.

3107.11.3 Working stresses. The allowable working stresses shall conform with the requirements of Chapter 16. The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

Exceptions:

1. The allowable working stresses for steel and wood shall be in accordance with the provisions of Chapter 22 and Chapter 23.

2. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth of the ultimate strength of such chains, cables, guys or steel.

3107.11.4 Attachment. Signs attached to all structures shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. Structure to which signs are attached shall be designed to support the loads applied. Signs shall not be attached to or supported by unbraced parapet walls.

3107.11.5 Lateral bracing assumptions. For design of lateral bracing in the direction of the length of the sign, the wind shall be assumed at an angle of 45 degrees with the front or back of the sign, and the bracing designed for the force on the projected area perpendicular to the wind.

3107.11.6 Ground supports. Ground supports for signs shall comply with Subsections 3107.11.6.1 through 3107.11.6.2.

3107.11.6.1 Wood materials. Where wood is embedded in the soil, the wood shall be pressure treated with an approved preservative.

3107.11.6.2 Metal materials. Metal materials shall be protected from corrosion.

3107.11.7 Combustible materials. Plastic materials shall burn at a rate no faster than 2.5 inches per minute (64 mm/min) when tested in accordance with ASTM D 635.

3107.11.8 Incombustible materials. Signs as specified in Subsections 3107.11.8.1 through 3107.11.8.5 shall be of incombustible material except that sign cappings, decorations, lettering, and moldings may be of combustible materials.

3107.11.8.1 Wall signs. Wall signs exceeding 40 square feet (3.72 m^2) in area, flat against, or supported not more than 15 inches (381 mm) away from the wall.

3107.11.8.2 Projecting signs. Projecting signs exceeding 2.5 square feet (0.23 m^2) in area.

3107.11.8.3 Ground-supported signs. Ground-supported signs over 15 feet (4572 mm) in height or located 6 feet (1828 mm) or less from any building.

3107.11.8.4 Roof signs. Roof signs, irrespective of height or area.

3107.11.8.5 Electrical signs. Signs using electricity.

3107.11.9 Use of glass. Glass in signs shall be double-strength plain glass, plate glass, or wired glass. Glass shall be designed per Table 3107.11.9, except that no panel of more than 10 square feet (0.93 m^2) of glass other than wired glass shall be used in signs projecting over public space.

TABLE 3107.11.9
SIZE, THICKNESS AND TYPE OF GLASS PANELS IN SIGNS

MAXIMUM SIZE OF EXPOSED PANEL (square feet)		MINIMUM THICKNESS OF GLASS	TYPE OF GLASS
Any dimension (inches)	Area (square inches)	(inches)	
30	500	1/8	Plain, plate or wired
45	700	3/16	Plain, plate or wired
144	3,600	1/4	Plain, plate or wired
>144	>3,600	1/4	Wired glass

For SI: 1 inch = 25.4 mm, 1 square inch = 645 mm2

3107.12 Alteration or relocation of signs. No sign erected before the adoption of these regulations shall be altered structurally or relocated, unless it is brought into compliance with the requirements of all applicable regulations for new signs.

3107.13 Dangerous signs. When any sign, including signs bearing non-commercial statements of fact, belief, or personal or political opinion posted on private property, now or hereafter erected, hung, attached, or maintained becomes structurally unsafe or otherwise dangerous to the safety of any building or premises, or to the public, the code official shall order the same to be taken down, removed, or made safe, and such order shall be complied with by the owner, occupant, agent, or person having the beneficial use of any building or premises upon which said dangerous sign may be erected, hung, attached, or maintained. Any such person failing to comply with the orders issued pursuant to this Section shall, upon conviction or adjudication, be subject to the fines provided for in the Act of March 3, 1931, 46 Stat. 1486, as amended, D.C. Code Section 1-303.23 (2001 ed.), or to civil fines, penalties, and fees pursuant to titles I-III of the Department of Consumer and Regulatory Affairs, Civil Infractions Act of 1985, D.C. Law 6-42, Section 457.

3107.14 Obstructive signs. No sign, including signs bearing non-commercial statements of fact, belief, or personal or political opinion posted on private property, shall be so erected, hung, or attached as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, stack, vent pipe, or egress from any building.

3107.14.1 Removal of obstructive signs. Signs in violation of Subsection 3107.14 shall be removed or relocated to conform with this code.

3107.15 Display of license or permit. The provisions of this Section shall govern licenses, permits and penalties for sign work.

3107.15.1 Display of license. Any person, persons, firm, or corporation engaged in the business of painting, repainting, placing, replacing, hanging, erecting, or maintaining signs within the meaning of this Section shall have at his, her, their, or its principal place of business within the District of Columbia the license issued by the Department, available for inspection by the code official or by any member of the Metropolitan Police Department, at all appropriate times.

3107.15.2 Display of permit. A permit for the erection, repair, painting, repainting, or as otherwise provided in this Section, of a sign shall be kept on the premises where such sign is being erected repaired, painted, repainted, or as otherwise provided in this Section, and shall be displayed by the permittee when ordered to do so by the code official or by any member of the Metropolitan Police Department, at all appropriate times.

3107.15.3 Penalties. Any person failing to comply with these regulations shall, upon conviction or adjudication, be subject to the fines provided for in the Act of March 3, 1931, 46 Stat. 1486, as amended, D.C. Code Section 1-303.23 (2001 ed.), or to civil fines, penalties, and fees pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, Section 457.

3107.16 Real estate signs. The provisions of this Section shall govern real estate signs.

3107.16.1 Public space restrictions. No sign or advertisement relating to the sale, rent, or lease of land or premises shall be located on the sidewalk or parking of any street, avenue, or road in the District of Columbia.

3107.16.2 Number, location and size of sign. One (1) painted or printed sign or advertisement for the sale, rent, or lease of land or premises shall be allowed with the written consent of the owner or the owner's agent to be placed, by any one of not more than three (3) real estate agents, on any lot, piece, or parcel of land abutting on a street, avenue, or road in the District of Columbia, or attached to the exterior of any building fronting on them, provided permits are secured for such sign in accordance with Section 3107.16.4. The area of any such sign shall not exceed 40 square feet (3.716 m^2) if located within a Residential district, or 60 square feet 5.58 m^2) if located within an unsubdivided outlying Section of the District of Columbia. This Section shall not apply to the temporary placement of directional signs relating to the sale or lease of real estate which indicate the holding of an open house, or a sign attached to the one painted or printed sign allowed by Subsection 3107.3.5.6 which indicates that the premises have been sold, leased, or placed under contract.

3107.16.3 Additional restrictions. Real estate signs shall be located on the premises advertised. Directional signs shall not be permitted.

3107.16.4 Permit for real estate signs. Under the provisions of the Act of March 4, 1913, 37 Stat. 974, a permit shall be issued to erect, hang, place, paint, or display any sign advertising the sale, rent or lease of real estate, or which in any manner pertains to land or buildings, unless exempted by Subsection 3107.3.5.6. No permit shall be required for the temporary placement of directional signs which indicate the holding of an open house at a particular property.

3107.16.5 Penalties. The code official is authorized to require the removal of any sign or advertisement in violation of this Section and to institute proceedings against persons violating this Section, and upon, conviction or adjudication, such persons shall be subject to the fines provided for in D.C. Official Code §1-303.23 (2001 ed.), or to civil fines, penalties, and fees pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Official Code §§ 2-1801 et seq (2001 ed.).

3107.17 Rules for Special Signs. The code official is authorized to issue a permit for a "Special Sign," as defined in Subsection 3107.17.1. Special Signs shall be subject to the rules of this Section and not to the rules in this chapter pertaining to billboards, poster panels, wall signs, and other specific types of signs. The rules of this Section shall apply only to Special Signs.

3107.17.1 Definitions. As used in this Section, the following definitions apply:

Special Sign: A sign which meets the standards listed in Subsection 3107.17.5, that is erected, hung, placed, posted, painted, displayed or maintained on an outdoor or exterior wall or surface of a building pursuant to a Special Sign Permit issued by the Director of the Department. A Special Sign shall only include signs that are erected, hung, placed, painted, displayed or maintained on an outdoor or exterior wall or surface that is not self-standing, except as provided in this Section. A Special Sign shall be one of the thirty-two special signs approved by the Director pursuant to the Rules for Special Signs adopted September 22, 2000 (47 D.C. Register 7695 – 7700).

Exception: The twelve (12) self-standing special signs approvals, existing as of January 1, 2004, shall be allowed to remain and/or be transferred within the area specified in Subsection 3107.17.7(b); provided that transfers of existing self-standing signs to a new self-standing location are subject to the following additional conditions: (i) that transferred self-standing signs are permitted only as temporary signs for a two (2) year time period beginning on the latter of the dates of issuance of the transfer permit or the date of issuance of the associated building permit for the special sign structure; and (ii) that the location to which the self-standing sign is transferred is a future construction site to be developed in the foreseeable future, as demonstrated by development plans, marketing materials, or ongoing administrative processes to develop the site. Sign support structures that are either attached to an adjacent building wall or within twelve (12) inches of an adjacent building wall (to ensure that

the wall is not damaged) are not considered "self-standing" for the purposes of the special sign regulations.

Call to Action: An explicit, specific or blatant message to consumers from the sponsor that asks consumers to take action by purchasing, using, utilizing or considering the use of a sponsor's product and/or service, including without limitation providing price or value information *(e.g.,* "affordable" or "5% interest rate available") and inducements to act *(e.g.,* "one month's free service when you buy").

Logo: The symbol, emblem, typeface, or other visual device used by the sponsor to identify itself and to distinguish itself from others in the marketplace.

Permit Holder: The individual or entity who or which holds a Special Sign Permit validly issued and in good standing in accordance with the requirements of this Section and with all other applicable terms and conditions of Chapter 31, and who or which makes such Special Sign available for sponsorship or community service as provided herein.

Sponsor: The entity that contracts with the Permit Holder for the use of a Special Sign to display the Sponsor's artwork that meets the visual and text standards of Subsection 3115.4.2.5.

3107.17.2 Special Sign Permit. No Special Sign may be erected, hung, placed, posted, painted, displayed, or maintained in the District of Columbia without the owner of such Special Sign first obtaining a Special Sign Permit from the Department in accordance with Subsection 3107.17.3 and approval of the artwork in accordance with Subsection 3107.17.5. A Special Sign Permit authorizes the sign's location and particular artwork.

3107.17.3 Special Sign Permit Application. An application for a Special Sign Permit shall be submitted by the owner to the Director of the Department, or his designee, on a form provided by the Department, and shall include the following:

1. Identification of: (1) the applicant; (2) the proposed location of the Special Sign, by the street address of the building or premises and the face direction of the wall or surface (e.g., "northern-facing"); (3) the proposed linear dimensions of the Special Sign; and (4) a list of all existing Special Signs, identified by the address of the premises, located within a radius of one thousand feet (1000 ft) of the center of the proposed Special Sign;

2. An affidavit signed by the applicant or his duly authorized representative, certifying that the applicant is in compliance with the Clean Hands Before Receiving A License or Permit Act of 1996 ("Clean Hands Act"), effective May 11, 1996, D.C. Law 11-118 (D.C. Official Code § 47-2861 et seq).

3. A permit fee in the amount of one dollar ($1.00) per square foot of the Special

Sign. The permit fee may be paid by check made payable to the order of the "D.C. Treasurer." The permit fee may be refunded to the applicant if the permit is not issued, in accordance with the provisions of Chapter 1 for the refund of unused permit fees.

3107.17.3.1 Applicant Qualifications. The applicant who or which submits an application for a Special Permit shall be licensed to do business in the District of Columbia as a business engaged in outdoor advertising, shall be a business in good standing at the time the application is submitted and for the duration of the permit, as evidenced in the Department's records. The applicant shall not owe more than one hundred dollars ($100) in taxes or delinquent fines to the District of Columbia at the time the application is submitted, as evidenced in the records of the District of Columbia Office of Tax and Revenue, and shall be in compliance with the Clean Hands Act.

3107.17.4 Review, Approval and Denial of Permit Applications. The Director of the Department, or his or her designee, shall review and approve or deny a Special Sign Permit application within twenty (20) days of its submission. Special Sign Permits shall be issued in the name of the applicant and shall pertain solely to the Special Sign location identified on the permit, subject to the transferability provisions of Subsection 3107.17.7.

3107.17.4.1 Denial of Application. If the Director denies a Special Sign Permit, the denial shall be in writing to the applicant and shall state the statutory or regulatory basis for the denial. The applicant shall have ten (10) business days from receipt of the denial to correct any defect in the application.

3107.17.5 Approval of Special Sign Artwork. Prior to the erection, hanging, placement, posting, painting, or displaying of any Special Sign artwork, the applicant shall obtain approval of such Special Sign artwork from the Department. The applicant shall submit the Special Sign artwork for approval with the original permit application or obtain approval for the Special Sign artwork subsequent to the issuance of the Special Sign Permit. Special Sign artwork shall be submitted to the Director of the Department or his or her designee, who shall review and act on the Special Sign artwork submission within ten (10) days of the submission. No Special Sign artwork shall be accepted by the Department which violates the D.C. Official Code or any other District of Columbia law or municipal regulation, or federal law. No Special Sign artwork shall be approved by the Department unless:

1. Identification of the Sponsor of the Special Sign, when provided, is limited to the bottom center, bottom right or bottom left corner of the Special Sign artwork, and shall be limited to the words "Sponsored by [Name and/or Logo of Sponsor]". This Sponsor identification shall be no higher than one-tenth (1/10) of the maximum vertical dimension of the face of the sign, and no wider than one-third (1/3) of the maximum horizontal width of the face of the

sign.

2. The copy of the Special Sign ~~is~~ shall be predominantly pictorial and non-verbal, with textual matter on no more than 25% of the display area of the sign. The space occupied by any sponsor identification shall not be counted against the 25% limitation. Any textual matter or words contained in the pictures of products on the signs, such as the labeling on soft drink cans, etc., shall be considered pictorial and shall not count in the calculation of the percentage of textual matter.

3. Any words included in the body of the Special Sign artwork shall not directly or indirectly identify the Sponsor or any of the Sponsor's recognizable campaign slogans, or serve as a direct "Call to Action" on behalf of the Sponsor.

4. The Department of Transportation determines that the sign location, size, and height above grade is not objectionable with regard to vehicular traffic safety.

5. The Department determines that the sign location is compatible with any existing park or building under the control of either the District of Columbia or the Federal government, pursuant to applicable laws and regulations.

6. The distance between horizontal projection of the center of the new proposed sign and the horizontal projection of the center of any other existing Special Sign within a one thousand feet (1000 ft) radius is at least five (5) times the sum of the diagonals of the two signs. This provision shall not affect existing Special Signs but shall apply to all new Special Signs and to the proposed relocation of any existing Special Sign.

7. Subject to the limitations placed on the permitted transfer of self-standing signs in Subsection 3107.17.1, the height of special signs installed as self-standing signs shall not exceed thirty (30) feet and shall provide eight (8) feet of clearance from the ground, as measured from the adjacent grade.

3107.17.5.1 Submission of Color Copies. Color copies of the proposed Special Sign artwork shall be submitted to the Department for approval, in duplicate. The color copies shall be legible. Once Special Sign artwork is approved, the two (2) copies shall be stamped "approved" by the Department; one copy shall be placed in the applicant's permit file with the Department and be made available for inspection by the Department, for as long as the sign shall remain on display, and one copy shall be returned to the applicant reflecting the approval of the Department.

3107.17.6 Changing Special Sign Copy. A Special Sign permit holder may change the Special Sign artwork at the permit location by submitting the new artwork for approval in accordance with the provisions of Subsection 3107.17.5. A "change copy" fee in the amount of five hundred dollars ($500) must be paid before each new Special Sign artwork can be approved and changed. The $500 change copy fee in this Section is refundable if the request to change the Special Sign artwork by the permit holder is not approved by the Director. Changing the copy of a permitted Special Sign shall not entail an increase of any of the linear dimensions of the sign.

3107.17.7 Transferability of Special Sign Locations. A Special Sign Permit shall be transferable to a new location only under the following conditions:

1. Except for transfers from locations presently lying outside the area defined in paragraph (b) of this Section, the transfer is for cause, which only means that: (1) the lease for the location of the Special Sign is cancelled, terminated, or otherwise invalid; (2) the Special Sign is partially or totally obstructed; or (3) the location of the Special Sign is or would be no longer feasible because of construction or development.

2. The new location is within the Central Business District (C-4), as defined by Title 11 of the District of Columbia Municipal Regulations; the commercial or industrial portions of the New York Avenue corridor, areas zoned industrial (M, C-M), as defined in Chapter 8 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR §800 *et seq.*); facilities within the jurisdiction of the District of Columbia Sports Commission as of November 1, 2001; or the following areas within the Central Employment Area which are bounded as follows:

    1. Beginning at the corner of F Street, N.W. and 17th Street, N.W., west along F Street, N.W. to 20th Street, N.W., north along 20th Street, N.W. to Pennsylvania Avenue, N.W., west along Pennsylvania Avenue, N.W. to 21st Street, N.W., north along 21st Street, N.W. to M Street, N.W., east along M Street, N.W. to 20th Street, N.W., north along 20th Street, N.W. to N Street, N.W., east along N Street, N.W. to 19th Street, N.W., south along 19th Street, N.W. to G Street, N.W., east along G Street, N.W. to 17th Street, N.W., south along 17th

Street, N.W. to F Street, N.W.;

2. Beginning at the corner of Rhode Island Avenue, N.W. and M Street, N.W., northeast along Rhode Island Avenue, N.W. to Massachusetts Avenue, N.W., east along Massachusetts Avenue, N.W. to 15th Street, N.W., south along 15th Street, N.W. to M Street, N.W., west along M Street, N.W. to 16th Street, N.W., south along the east side of 16th Street, N.W. to Eye Street, N.W., north along the west side of 16th Street, N.W. to M Street, N.W., west along M Street, N.W. to Rhode Island Avenue, N.W.;

3. Beginning at the intersection of Massachusetts Avenue, N.W. and 14th Street, N.W., east along Massachusetts Avenue, N.W. to 9th Street, N.W., north along 9th Street, N.W. to N Street, N.W., east along N Street, N.W. to 7th Street, N.W., south along 7th Street, N.W. to K Street, N.W., east along K Street, N.W. to 3rd Street, N.W., south along 3rd Street, N.W. to Massachusetts Avenue, N.W., west along Massachusetts Avenue, N.W. to Eye Street, N.W., west along Eye Street, N.W. to 9th Street, N.W., south along 9th Street, N.W. to H Street, N.W., west along H Street, N.W. to 11th Street, N.W., north along H Street, N.W. to Eye Street, N.W., west along Eye Street, N.W. to 12th Street, N.W., north along 12th Street, N.W. to L Street, N.W., west along L Street, N.W. to 14th Street, N.W., north along 14th Street, N.W. to Massachusetts Avenue, N.W.;

4. Beginning at the intersection of Massachusetts Avenue, N.W. and H Street, N.W., east along H Street, N.W. to the closed alley (formerly Smith Court) in the mid-block between 1st Street, N.W. and North Capitol Street, south along that closed alley line to G Street, N.W., east along G Street, N.W., to North Capitol Street, south along North Capitol Street, N.W. to Massachusetts Avenue, N.W., northwest on Massachusetts Avenue, N.W. to H Street, N.W.;

5. Beginning at the intersection of Florida Avenue, N.E. and North Capitol Street, southeast along Florida Avenue, N.E. to 4th Street, N.E., south along 4th Street, N.E. to M Street, N.E., west along M Street, N.E. to 3rd Street, N.E., south along 3rd Street, N.E. to K Street, N.E., west along K Street, N.E. to 1st Street, N.E., south along 1st Street, N.E. to G Place, N.E., west along G Place, N.E. to North Capitol Street, north along North Capitol Street to Florida Avenue, N.E.;

6. Beginning at the corner of M Street, S.E. and South Capitol Street, east along M Street, S.E., to 1st Street, S.E., south along 1st Street, S.E., to Potomac Avenue, S.E., west along Potomac Avenue, S.E., to South Capitol Street, north along South Capitol Street to M Street, S.E.; and

7. Beginning at the intersection of Maryland Avenue, S.W. and Maine Avenue, S.W., east along Maryland Avenue, S.W. to 9th Street, S.W., south along 9th Street, S.W. to Interstate 395, west along Interstate 395 to Maine Avenue, S.W.

3. The Special Sign in its new location is approved by the Department in accordance with all other applicable provisions of Subsection 3107.17.

4. The permit holder pays a “change location” fee in the amount of $ 500. The $ 500 change location fee shall be refundable if the transfer of the Special Sign permit to a new location is not approved. If the relocation of the Special Sign is made at the request of the Department, a change location fee shall not be required.

5. If the Special Sign is painted or drawn onto an existing structure, the method of removal shall be that the existing structure where the Special Sign has been placed shall be made neutral prior to the relocation.

6. If a current Special Sign permit for a location that is not in the zone of transferability, as defined in paragraph (b) of this Section, is transferred to another location under this Section, the Department shall ensure that the current Special Sign has been removed prior to the relocation and no subsequent Special Sign shall be permitted to be erected in the former location or area outside the zone of transferability.

7. No Special Sign shall be installed so as to extend above the lowest portion of the roofline of an existing building's dimensions.

3107.17.8 Installation of Special Signs. The installation of a Special Sign shall be done in a workmanlike manner and in accordance with the standards of the industry. Special Signs shall be subject to the structural provisions of Subsection 3107.11. Special signs shall not be installed upon building walls so as to cover any existing windows. A Special Sign shall only be installed upon a building and no part of either it or its supporting structure may protrude above the wall upon which it is installed. The topmost point of a Special Sign or of its supporting structure shall not be higher than the allowable height for a new building at the premises, under the current Zoning Regulations.

3107.17.9 Illumination of Special Signs. Special Signs within five hundred feet (500 ft) of a residential zone, as established in the Zoning Regulations of the District of Columbia, shall not be illuminated. Other Special Signs may be indirectly illuminated by projecting artificial light on the surface of the sign, but shall not be internally illuminated nor be constructed of or incorporate neon, or any other type of gas or vapor lights. Special Signs shall not contain movable parts, or highly reflective or fluorescent materials, nor shall they contain 3-D, moving, animated, or periodically-changing images or text.

3107.17.10 Limitations on Special Sign Permits. The Department shall not issue any new permit, whether as an initial permit, for changes to artwork pursuant to Subsection 3107.17.5, or for transfer to a new location pursuant to Subsection 3107.17.7, for any Special Sign to be displayed upon buildings or land located in any of the following areas:

(1) In or within one hundred feet (100 ft) of a Residential District, as defined in the District of Columbia Zoning Regulations, or within one hundred feet (100 ft) of a school or church with a valid certificate of occupancy for such use, or within one hundred feet (100 ft) of a federal or District of Columbia park or monument.

(2) Between one hundred and two hundred feet (100 ft - 200 ft) of a Residential District, as defined in the Zoning Regulations of the District of Columbia, unless the sign faces away from the residential district and is placed at an angle of forty-five degrees (45°) or less with the closest residential zoning district boundary line.

(3) In or within sixty feet (60 ft) of any Historic District or Historic Landmark or site listed on the most current edition of the "District of Columbia Inventory of Historic Sites" as amended from time to time, unless the Special Sign is located outside a Residential District, on a side-wall or back-wall of the building or site and historic preservation approval is granted if necessary. Special signs in any Historic District or on a Historic Landmark or site shall be removed within six months of its erection, hanging, placement or display.

(4) In or within one hundred feet (100 ft) of premises within the area controlled by the Shipstead-Luce Act (D.C. Official Code § 6-1201.01 (2001 ed.).

(5) In or within one hundred feet (100 ft) of premises within the area controlled by the Old Georgetown Act (D.C. Official Code § 6-1201 et seq (1 ed.2006).

(6) In a waterfront district (W) and pursuant to specific prohibitions as may be contained in the Zoning Regulations of the District of Columbia, as amended from time to time.

3107.17.11 Enforcement of Regulations and Removal of Special Signs. Any unauthorized Special Sign (including a Special Sign without a permit, or a permitted Special Sign with unauthorized artwork) shall be taken down, removed, or obliterated within ten (10) days after receipt of written notification of violation from the Department. The code official is authorized to bring enforcement actions on behalf of the Department, which may include the authorization to use the police or other governmental authority to order removal of, or to remove, the unauthorized Special Sign and the imposition of civil fines of no more than three dollars ($3) per square foot of sign, per day that the unauthorized Special Sign fails to be taken down, removed or obliterated. Both the owner of the premises upon which the Special Sign is displayed and the permit holder are responsible for taking down, removing or obliterating the sign upon notification by the Department to do so, and both may be held responsible for any penalties or fines imposed for the violation. Additional enforcement measures may be taken pursuant to, and consistent with, the provisions of Section 113, "Violations and Infractions."

3107.17.12 Moratorium on Issuance of Special Signs. Other than for changes in artwork pursuant to Subsection 3107.17.5, or for transfers of location pursuant to Subsection 3107.17.7, no new Special Sign Permits shall be issued after November 9, 2000.

3107.18 Rules for Gallery Place Project Graphics. The code official is authorized to issue a permit for Gallery Place Project Graphics, as defined in Subsection 3107.18.1. Gallery Place Project Graphics shall be subject to the rules of this Section and not to the rules in this chapter pertaining to billboards, poster panels, wall signs, Special Signs, and other specific types of signs, except those specific types of signs indicated below. Gallery Place Project Graphics shall not be subject to Subsection 3107.10 or other similar provisions of this chapter that limit the maximum size or height of signs, other than the limitations stated or incorporated into this Section. All other provisions of this chapter shall apply, including, but not limited to, Subsections 3107.3.4 (permits for electrical signs), 3107.7.1 (projecting signs), 3107.7.2 (roof signs), 3107.7.3 (signs supported by projecting construction), 3107.7.4 (signs on awnings or similar projections), 3107.7.8 (signs on public space), 3107.11 (structural and materials requirements), 3107.13 (dangerous signs), and 3107.14 (obstructive signs).

3107.18.1 Definitions. As used in this Section, the following definitions apply:

GALLERY PLACE PROJECT: (a) The project described in D.C. Official Code § 47-2005(30)(B), except that the lots comprising the project have been combined and are now known as Lot 50 in Square 454; (b) the private alley located between the project and the property known as the Verizon Center, Square 455, Lot 47, and (c) the northern facade of the Verizon Center.

GALLERY PLACE PROJECT GRAPHICS: The outdoor graphics and visuals for the Gallery Place Project, including, but not limited to, banners, digital screens, digital video monitors, theater marquees, fixed and animated signs for commercial establishments located within the project, projectors for projecting static and moving images onto the Gallery Place Project, interactive kiosks, and images projected onto the facade of the Gallery Place Project.

3107.18.2 Additional Requirements and Restrictions. In addition to all other applicable provisions of this chapter not exempted by this Subsection 3107.18, Gallery Place Project Graphics and those graphics and visuals located in the public space immediately adjacent to the Gallery Place Project shall be designed, located, erected, hung, placed, posted, painted, displayed, and maintained in compliance with the specifications, drawings, limitations, and requirements set forth in Illustrations 1 through 6 ("Illustrations"), which are incorporated by reference into this Section and are available in the office of the code official.

3107.18.2.1 Flexibility on Character of Advertisement. Notwithstanding Subsection 3107.6, Gallery Place Project Graphics located in those areas identified in the Illustrations as the "Corner Heroic Sign Area" or the "Additional Signage Area" may advertise businesses not located on the premises, including the goods and services sold at such business, provided that the businesses so advertised are located within the Gallery Place Project.

3107.18.2.2 Displays of Video, Flashing, or Animation. Only that portion of a graphic or visual which is permitted by Subsection 3107.6.1 to advertise products or commodities may display video, flashing, or animation.

3107.18.2.3 Intensity or brilliance of signs. No Gallery Place Project Graphic shall have such intensity or brilliance as to cause glare or impair the vision of any driver, otherwise interfere with the driver's operation of a motor vehicle, or adversely impact an owner's enjoyment of residential property located within the Gallery Place Project.

3107.18.2.4 Projection at certain locations. Notwithstanding Subsection 3107.7.1.1, the following specific rules apply to projecting Gallery Place Project Graphics:

3107.18.2.4.1 No Gallery Place Project Graphic located in any area shown as crosshatched in the Illustrations shall project more than 8 inches (203.2 mm) beyond the facade of the structure.

3107.18.2.4.2 Gallery Place Project Graphics located in the "Storefront Signage Areas" depicted on the Illustrations may project no more than 48 inches (1219.20 mm) beyond the building line or building restriction line, on the street frontage of a building.

3107.18.2.5 Revolving Signs. Notwithstanding Subsection 3107.7.11, revolving signs shall be permitted in the private alley located between the project and the property known as the Verizon Center, Square 455, Lot 47, subject to the conditions of Subsections 3107.7.11.1 through 3107.7.11.7.

3107.18.3 Gallery Place Project Graphics Permit. No Gallery Place Project Graphics may be erected, hung, placed, posted, painted, displayed, or maintained without the owner of such Gallery Place Project Graphic first obtaining a Gallery Place Project Graphics Permit from the Department in accordance with Subsection 3107.18.4. A Gallery Place Project Graphics Permit authorizes the location, size, and design of the graphic or visual.

3107.18.4 Gallery Place Project Graphics Permit Application. An application for a Gallery Place Project Graphics Permit shall be submitted by the owner to the Director of the Department, or his or her designee, on a form provided by the Department, and shall include the following:

1. Identification of:

    1. The applicant;

    2. Te proposed location of the Gallery Place Project Graphics by the street address of the building or premises and the face direction of the wall or surface (e.g., northern-facing);

    3. The proposed linear dimensions of the Gallery Place Project Graphics; and

    4. Such other information as the Director may require.

2. An affidavit signed by the applicant or his or her duly authorized representative, certifying that the applicant is in compliance with subchapter II of Chapter 28 of Title 47 of the District of Columbia Official Code.

3. A permit fee in the amount of one dollar ($ 1.00) per square foot of the Gallery Place Project Graphics. The permit fee may be paid by check made payable to the order of the "D.C. Treasurer." The permit fee may be refunded to the applicant if the permit is not issued, in accordance with the provisions of Chapter 1 for the refund of unused permit fees.

3107.18.5 Permit Applications Referrals. The Director of the Department, or his or her designee, shall refer all permit applications to the District Department of Transportation and the Office of Planning. The agencies shall have sixty (60) days from the referral date to submit a written report to the Director of the Department,

except that the Director may allow for an extension of this period of up to thirty (30) days for good cause.

3107.18.6 Effect of Adverse Report. No permit shall be granted if, within the time period provided in Subsection 3107.18.5:

1. The Director of the Department of Transportation reports in writing that the location, size, or height above grade of the visual or graphic is objectionable with regard to vehicular traffic safety; or

2. The Director of the Office of Planning reports in writing that the proposed graphic or visual:

    1. Does not comply with the specifications, drawings, limitations and requirements of the Illustrations; or

    2. Would adversely impact the character and integrity of the Gallery Place Project.

3107.18.7 Review, Approval, and Denial of Permit Applications. The Director of the Department, or his or her designee, shall review and approve or deny a Gallery Place Project Graphics Permit application within twenty (20) days of after the expiration of the time period provided in Subsection 3107.18.5. Gallery Place Project Graphics Permits shall be issued in the name of the applicant and shall pertain solely to the Gallery Place Project Graphics location identified on the permit.

3107.18.7.1 Denial of Application. If the Director denies a Gallery Place Project Graphics Permit, the denial shall be in writing to the applicant and shall state the statutory or regulatory basis for the denial. The applicant shall have ten (10) business days from receipt of the denial to correct any defect in the application.

3107.18.8 Applicability of Other Laws and Regulations Unaffected. Other than the exempted provisions of this chapter, the Gallery Place Project shall continue to be subject to all applicable rules and regulations, including, but not limited to, Chapter 24 of Title 10 (Chinatown Design Review Procedures).

3107.18.9 Enforcement of Regulations and Removal of Gallery Place Project Graphics. Any unauthorized Gallery Place Project Graphic (including Gallery Place Project Graphics without a permit) shall be taken down or removed within ten (10) days after receipt of written notification of violation from the Department. Following the expiration of this time period, the code official is authorized, through personnel of the Department or the Metropolitan Police Department, to remove or take down the unauthorized Gallery Place Project Graphic and to impose civil fines of no more than three dollars ($3) per square foot of sign, per day that the unauthorized Gallery Place Project Graphic fails to be taken down or removed. Both the owner of the premises

upon which the Gallery Place Project Graphic is displayed and the permit holder are responsible for taking down or removing the graphic or visual upon notification by the Department to do so, and both may be held responsible for any penalties or fines imposed for the violation. Additional enforcement measures may be taken pursuant to, and consistent with, the provisions of Section 113, "Violations and Infractions."

3107.18.10 Maintenance and repair. Whenever the code official finds that any Gallery Place Project Graphic is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the code official shall notify the owner thereof and order him to repair the Gallery Place Project Graphic within a specified time, but not less than 10 calendar days. If the code official finds that the Gallery Place Project Graphic has deteriorated more than 50 percent of its replacement value, or is not repaired within the time specified in the repair notice, the code official shall notify the owner of the Gallery Place Project Graphic and the owner of the real property on which said Gallery Place Project Graphic is located to remove the Gallery Place Project Graphic from the property within a specified time. Failure to comply shall subject said owners, upon conviction or adjudication, to the fines provided for in Section 4 of An Act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 31, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.23), or to civil fines, penalties, and fees pursuant to Titles I through III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 et seq.). The code official may extend the time periods stated in this Section upon the owner's written showing of good cause.

3107.18.11 Rulemaking Authority. Notwithstanding Section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409), the Director may amend the provisions of this Section and the specifications, drawings, limitations, and requirements of the Illustrations by rulemaking pursuant to Section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), without submission of the proposed rules to the Council for its prior review and approval.

Add new Section 3110A Fences to read as follows:

SECTION 3110A FENCES

3110.1 General. Fences shall comply with the requirements of this Section, other applicable Sections of this code and other municipal regulations. This Section applies to fences back of the building line. All barbed wire and similar fences shall comply with the requirement of Subsections 3110.4 and 3110.4.1. Fences on privately owned land beyond a building restriction line shall comply with the requirements for fences on public property and permits

for such fences shall be obtained from the code official.

3110.1.1 Fence walls. Fence walls shall conform to the requirements for fences.

3110.1.2 Screens or trellises. Screens or trellises shall conform to the requirements for fences.

3110.1.3 Height measurement. The measurement of the height of a fence shall be made from the top of the fence to grade, on the side of the fence where grade level is higher.

3110.1.4 Permit applications. Applications for permits to erect a fence shall be accompanied by an official building plat upon which the proposed fence location is indicated. Approval by the Zoning Division of the Department shall be required before a permit shall be issued.

3110.2 Party fences. Only those portions of the length of a fence, including footings, which are partly on each side of a party line shall be considered as party fences. Permit applications for party fences shall be signed by the owners of the properties on which the fence is to be located.

3110.2.1 Fence materials. A party fence shall be a wood, woven wire, or iron fence of open pattern unless otherwise agreed upon by the adjoining owners.

3110.2.2 Height agreements. Where owners propose to erect a party fence over 7 feet (2134 mm) in height in Residential Districts or 10 feet (3048 mm) in S-P, C, C-M, or M Districts, written agreement to the height by the owners of the properties on which the fence is to be located shall be filed with the code official before issuance of a permit.

3110.3 Other fences. Fences other than party fences shall comply with Subsections 3110.3.1 through 3110.3.5.

3110.3.1 Fences abutting streets. Fences abutting a street shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in height in S-P, C, C-M, or M Districts.

Exception: Wing walls attached to a building or forming part of the fences may exceed the above heights for that portion removed from party lines the distance of a side yard for a building, as required by the current Zoning Regulations.

3110.3.2 Fences abutting alleys. Fences abutting alleys shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in S-P, C, C-M, or M Districts.

Exception. The code official is authorized to approve a greater height where the alley is 15 feet (4572 mm) wide or more.

3110.3.3 Fences near party lines. Fences within a strip 10 feet (3048 mm) wide and parallel to the party line shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in S-P, C, C-M, or M Districts. Fences shall not obstruct light or ventilation for any required window.

Exception: Where the written consent of the adjoining owners is filed with the code official, the code official is authorized to approve a greater height, not to exceed 10 feet.

3110.3.4 Fences distant from party line. Fences more than 10 feet (3048 mm) from a party line, alley, building or building restriction line shall not be limited as to height, provided such fences do not encroach on a required yard or court, nor obstruct the light or ventilation for any required window.

3110.3.5 Gate height. Gates shall not exceed the height of the fence.

3110.4 Barbed wire and similar fences. No barbed wire or similar fence, barrier, or obstruction, made thus in whole or in part, shall be erected, constructed, or maintained, along the building restriction line, or in or upon any street, alley, road, or other public walk, driveway, or public or private parking in the District of Columbia.

3110.4.1 Barbed wire and similar fence on private property. A barbed wire or similar fence, barrier or obstruction may be erected wholly on private property when located in back of the lot line or building restriction line if one exists. The minimum height of the lowest strand of barbed wire shall be 6 feet (1829 mm) above adjacent ground and the wire shall not project beyond the lot line or building restriction line.

Delete Sections 3202.1 through 3202.4 in their entirety and substitute with the following:

CHAPTER 32A ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

3202.1 Character of encroachments. Encroachments (hereinafter referred to in this Section as "projections") are a privilege. They cannot be claimed as a right, and require a permit issued by the code official. The provisions of Section 3202 establish limitations on the projections that the code official is authorized to grant. The code official is authorized to further restrict or refuse proposed projections if the code official considers such action best for the public interest.

3202.2 Removal of projections. All permits for projections shall be issued with the understanding and agreement by the applicant that any and all such projections shall be promptly removed upon notice by the code official.

3202.3 Projections not requiring individual approval. The following projections shall not require projection approval:

1. Footing projections approved in connection with building permits;
2. Bases, sills, water tables, cornices, belt courses, and roof overhangs conforming with requirements hereafter defined.

3202.4 Modification of projection requirements. The code official is authorized to grant modifications of requirements on projections when the modification is deemed in the general public interest, as defined in Subsection 3202.4.1 or in case of foregone construction, as set forth in Subsection 3202.4.2 and following:

3202.4.1 Modifications in the general public interest. Modifications in the general public interest are those requested to embellish the building, provided that:

1. The primary object of the modification is not the occupation of additional public space;

2. The primary object of the modification is not changing of interior arrangements;

3. In the opinion of the code official such modification will not interfere with adjacent buildings; and
4. In the opinion of the code official such modification will not interfere with the general public interest.

3202.4.2 Foregone construction. Foregone construction is deemed to occur when, in conformity with a plan previously approved by the National Capital Planning Commission for improvement of any street or thoroughfare, the owner will permanently forego construction on, or the use of a portion of his or her lot. In such cases, the code official is authorized to grant a projection modification to authorize projections which shall equitably compensate such owner, if the code official determines that the public interest will thereby be better served. Such projections and arrangements shall comply with the limitations and conditions of Subsections 3202.4.2.1 through 3202.4.2.5.

3202.4.2.1 Width. The width of projections allowed under Subsection 3202.4.2 shall be limited as follows:

1. The proposed projection shall be authorized to be constructed to the lot line extended, on the side of any adjoining structure that contains projections, facing the same public right-of-way, that project into public space at least as much as the proposed projection.

2. The proposed projection shall not extend to within 10 feet (3048 mm) of the lot line extended, on the side of any adjoining structure that does not project or that only contains projections, facing the same public right-of-way, that project into public space less than the proposed projection.

   Exception. A portion of the proposed projection shall be allowed to encroach into this 10 feet restriction zone if the angle formed by the building line and the face of that portion of the projection does not exceed 45 degrees.

3. Projections at the corner of two streets shall be allowed to continue around the corner if similar projections are approved for both streets.

3202.4.2.2 Height. The height above grade of projections approved under Subsection 3202.4.2 shall be limited to the height of the building. A clearance of not less than 20 feet (6096 mm) above the sidewalk or parking grade shall be maintained under any portion of such projections or supports thereof. When approved, balconies or other projections which in the judgment of the code official will embellish the area, shall be allowed to be constructed with lower clearances above grade but not less than 8 feet (2438 mm) above walkways, nor less than 15 feet (4572 mm) above driveways.

3202.4.2.3 Projecting distance. The footprint of projections approved under Subsection 3202.4.2 shall be entirely located between the building line and the curb line and shall be at least 4 feet (1219 mm) from the curb line. In addition, the projecting distance of the projection shall be limited as specified in Table 3202.4.2.

TABLE 3202.4.2
MAXIMUM PROJECTIONS
UNDER FOREGONE CONSTRUCTION MODIFICATIONS

TYPE OF STREET	WIDTH OF STREET (feet)[a]	MAXIMUM PROJECTING DISTANCE (feet)[a]
Unparked	40 to 45	4
Unparked	45 to 70	6
Unparked	70 to 80	8
Unparked	80 or over	14
Parked	Any width	14

Note a. 1 foot = 304.8 mm

3202.4.2.4 Required covenant. The owner who applies for a projection modification under Subsection 3202.4 shall record a covenant, complying with Subsection 106.6.4, with the Recorder of Deeds.

3202.4.2.5 Referrals. The code official shall refer to the Public Space Committee, for consideration and recommendation, all applications for projections proposed under Subsection 3202.4.2.

3202.5 Projections on streets to be widened. No new projections shall be allowed on the parts of streets to be widened in conformity with adopted and recorded highway extension plans until such parts of streets are so widened.

3202.5.1 Existing buildings. Where existing streets or avenues are widened, or new streets or avenues are laid out and opened, in conformity with the adopted and recorded highway extension plans, in subdivisions existing at the time of record of such plans, and such widening or opening shall leave buildings or parts of buildings on such streets or avenues, such buildings or parts of buildings will be allowed to remain as projections beyond the new building line. Such grandfathered projections of such existing buildings shall be limited in projection distance to that allowed for porches by Subsection 3202.11.2.3 but no limitations shall be placed upon the kind of projection unless the facade is structurally altered. Such buildings are permitted to be moved under permit to another location on the same lot, upon compliance with applicable regulations.

3202.5.1.1 Structurally altered facades of existing buildings. In case the facade of an existing building covered by Subsection 3202.5.1 is structurally altered, the projections resulting from such alterations shall conform in all respects to the requirements of these regulations for new projections.

3202.6 Streets on which projections are prohibited. Projections shall not be permitted beyond the building line of the streets listed below.

Exception. Projecting cornices, bases, sills, belt courses, pilasters and water tables are not restricted by this section.

1. North side of Good Hope Road between Martin Luther King Jr. Avenue and Eighteenth Street, S.E.;
2. Florida Avenue, N.W., from Seventh Street to Ninth Street;
3. Maine Avenue, S.W., from Seventh Street to Fourteenth Street;
4. M Street, N.W., from Twenty-ninth Street to Thirty-sixth Street;
5. K Street, N.W., from Rock Creek westward to Wisconsin Avenue;
6. Water Street, N.W., from Wisconsin Avenue westward to the termination of said street;
7. Wisconsin Avenue, N.W., from the angle south of N Street to the north roadway of Q Street;
8. Twelfth Street, N.W., from Monroe Street to the angle north of Otis Street;
9. Martin Luther King Jr. Avenue, S.E. from Good Hope Road to the northern boundary of the grounds of St. Elizabeth's Hospital.

3202.7 General restrictions. All projections shall comply with the provisions of Subsections 3202.7.1 through 3202.7.6.

3202.7.1 Limitations based on street width. Projections shall not be allowed on any street less than 60 feet (18 288 mm) in width.

Exception. Projecting cornices, bases, water tables, pilasters or uncovered steps.

3202.7.1.1 Minimum clearance to curb line. A minimum clear space from the outer edge of the curb to the outer face of all projections and steps shall be preserved, as follows:

1. Six (6) feet (1829 mm) on streets 40 feet (12 192 mm) but less than 50 feet (15 250 mm) wide;

2. Eight (8) feet (2438 mm) on streets 50 feet (15 240 mm) but less than 60 feet (18 288 mm) wide;

3. Ten (10) feet (3048 mm) on streets 60 feet (18 288 mm) to and including 80 feet (24 384 mm) wide;

4. Twelve (12) feet (3658 mm) on streets over 80 feet (24 384 mm) to and including 90 feet (27 432 mm) wide;

5. Fifteen (15) feet (4572 mm) on streets more than 90 feet (27 432 mm) wide.

3202.7.2 Clearance to lot lines extended. A clear space of at least eight (8) inches (203 mm) shall be preserved between party lines or alley lines extended and the outer walls or sides of projections.

Exception. Cornices, belt courses, pilasters, bases, water tables, and walls of areas, are permitted to extend to but not over party lines or alley lines extended. Such projections shall be constructed so that the removal of one structure or its projections will not affect or damage the adjoining structure or projections and will not interfere with the construction or reconstruction of projections or buildings on the adjoining property.

3202.7.2.1 Definition of property lines extended. The term "party lines extended" means lines through the corners of the property, at interior lot lines, and perpendicular to the street. The term "alley line extended" means a line through the corner of the property, at the intersection of an alley with the street, and perpendicular to the street.

3202.7.3 Chimneys. Chimneys shall not project beyond the building line or building restriction line.

3202.7.4 Plumbing fixtures. Plumbing fixtures shall not be located in projections.

Exception. Area drains and roof drains.

3202.7.5 Overhead projections. The footprint of any projecting sign, fixture, marquee, or other overhead projection of a building shall not extend over public space beyond a line 18 inches (457 mm) behind the curb line.

Exception. Market sheds, as provided for in Subsections 3202.12.4 through 3202.12.4.3.

3202.7.6 Construction of projections. Projections shall be constructed of any materials permitted by this code for the type of construction of the building.

Exceptions:

1. Roofing, skylights and roof domes in projecting structures are permitted to be of the same materials allowed for similar non-projecting structures.

2. Where noncombustible materials are specifically required elsewhere in this chapter for specific projections.

3. Where combustible materials are specifically allowed elsewhere in these regulations for specific projections.

3202.8 Projections requiring special approval. Projections regulated under Subsections 3202.8.1 and 3202.8.2 shall require approval by the Director of the Department of Transportation.

3202.8.1 Pedestrian walkways and tunnels. Pedestrian walkways and tunnels shall meet the requirements of Section 3104. In addition, the vertical clearance from the public right-of-way to the lowest part of an elevated pedestrian walkway shall be 15 feet (4572 mm) minimum.

3202.8.2 Porte-cocheres. Porte-cocheres shall be permitted one story in height. All driveways and approaches that serve a porte-cochere and cross sidewalks or parking lots shall be paved and otherwise improved to the satisfaction of the Director of the Department of Transportation.

3202.9 Subsurface projections. Areaway and vault projections shall comply with the requirements of Subsections 3202.9.1, 3202.9.2 and 3202.9.3, respectively.

3202.9.1 Areaways. Areaway projections shall comply with the requirements of Subsections 3202.9.1.1 through 3202.9.1.5.

3202.9.1.1 Width. The width of areaways, measured from outside to outside of area enclosing walls, shall not be limited if located between property lines extended.

3202.9.1.2 Enclosure height. The height of areaway enclosures shall be limited to the highest point of the surface of the adjoining pavement or grade.

Exception. Copings not over 8 inches (203 mm) high, and railings or guardrails.

3202.9.1.3 Projection. The extent of areaway projection shall be measured from the building line to the inside face of the areaway wall. Projection beyond the building line shall be limited based on zoning districts, as defined in the current Zoning Regulations, as follows:

1. Four (4) feet (1219 mm) on streets in C, C-M, and M Districts.

2. Four (4) feet (1219 mm) on unparked streets in Residential Districts and SP Districts, more than 60 feet (18 288 mm) wide.

3. Six (6) feet (1829 mm) on parked streets in Residential Districts and SP Districts, 60 to 70 feet (18 288 mm to 21 336 mm) wide.

4. Six and a half (6 ½) feet (1981 mm) on parked streets in Residential Districts and SP Districts, more than 70 feet (21 336 mm) wide.

5. Seven (7) feet (2134 mm) on parked streets in Residential Districts and SP Districts where parking is 20 feet (6096 mm) or more in width.

3202.9.1.4 Other requirements. Areaways shall be protected by substantial

metal guardrails not less than 42 inches (1067 mm) nor more than 48 inches (1219 mm) high. Proper protection by metal railings that meet the guardrail requirements of Section 1013 of the *Building Code* shall be provided where steps or platforms are built over areas. Basement or cellar steps in areaways shall be protected in the same way and shall have gates at top of the steps unless otherwise protected.

Exception. Areaways located in unpaved parking that cannot lawfully be paved are permitted to be protected by substantial metal gratings.

3202.9.1.5 Alley location prohibited. Areaways shall not be located in an alley.

3202.9.2 Vaults. Vaults shall comply with the requirements of Subsections 3202.9.2.1 through 3202.9.2.5.

3202.9.2.1 Permits. Applications for vault permits shall be submitted to the code official, accompanied by the following documentation:

1. Plans showing the location and dimensions of the vault, vault openings, the vault depth below the surface of the pavement or grade, and the proposed method of construction.

2. A certified copy showing the recordation with the Recorder of Deeds, District of Columbia, of a written vault agreement upon the official form for the purpose, signed by the owner of the abutting property. The agreement shall be in a format and contents deemed acceptable to the Office of the Attorney General of the District of Columbia, and in said agreement the owner of the abutting property shall agree to release and relinquish the vault space, and to remove, free of expense to the District of Columbia, all structural parts of the vault when so ordered by the code official, as required by these regulations.

3202.9.2.2 Size and openings. Vault design shall comply with the following:

1. Approval of the size and extent of vaults, and of the number and size of vault openings, shall be a matter of special determination in each case by the code official.

2. Vaults extending under alleys shall have no openings in the alley pavement, and shall not extend within 2.5 feet (762 mm) of the center of the alley.

3202.9.2.3 Use of vault space. The use of the vault space shall be subject to the following conditions:

1. The code official is authorized to approve transformer vaults exclusively to house utility equipment. Storage in such vaults shall be prohibited.

2. Vaults in business districts shall not be used for the following purposes: public entrances to basements; means of egress corridors; housing of boilers; housing of plumbing fixtures; housing of storage tanks for propane or other flammable gas; or the housing of mechanical appliances or any equipment not removable within 24 hours.

3. Vaults shall be allowed to be used for the following purposes: access to open areaway stairs; storage of readily movable personal property and equipment; sales or office space; housing of fuel oil storage tanks; parking of motor vehicles; installation of ducts, pipes or wiring; location of ducted air shafts; housing of fans; and housing of similar items which can be removed or relocated if vault space is removed.

4. Fuel oil filling pipes, in vaults in business districts, shall be extended to within 18 inches (457 mm) of the curb line when physically possible. Such pipes shall terminate in filling boxes of approved design. A separate permit shall be required for such filling pipes and filling boxes.

5. If openings in the roofs of vaults are used for sidewalk elevators or for runways, they shall be located as near to the curb as possible and shall be equipped with heavy metal safety doors and frames.

6. The code official is authorized to approve other uses not forbidden by law, code, or regulation.

3202.9.2.4 Vault cover. Cover over vaults shall comply with the following:

1. The paving over vaults shall be laid according to specifications of the District Department of Transportation for surface paving and shall conform to established grades. All such coverings shall be so constructed as to be flush with pavement, and have a roughened surface to provide security to persons passing over them.

2. Pavements over vaults shall be laid at the expense and risk of the owner of abutting property, under a special public space permit or pursuant to an order issued by the District Department of Transportation.

3. The roof of a vault, between the curb and building lines, shall at no place be less than 4 inches (102 mm) below the approved sidewalk grade at that point.

4. Vaults shall be roofed over within a reasonable time or within the time fixed by the public space permit.

5. Whenever the grade over the vault is changed, the vault shall be changed and re-paved at the expense of the owner of abutting property, to comply with the new grade.

3202.9.2.5 Interference with utilities. Construction of vaults shall be subject to the following conditions:

1. Vaults shall be constructed so as not to interfere with sewers, water mains, gas mains, electric or telephone conduits, signal conduits, manholes, lamp posts, trees, or any other public or public utility works or improvements.

2. If construction or alteration of a vault requires the removal or relocation of utilities, and if by agreement a public utility or District utility arranges to alter its facilities, the owner of abutting property shall notify the appropriate company or office concerned as to when a permit has been issued and construction or alteration work is ready to commence.

3202.10 Balconies, windows, towers and structural trim. Balconies, windows, towers and structural trim shall conform to the provisions of Subsections 3202.10.1 through 3202.10.9.

3202.10.1 General restrictions. The restrictions of Subsections 3202.10.1.1 and 3202.10.1.2 shall apply to projections as specified therein.

3202.10.1.1 Prohibition on alley location. Balconies, bay oriel or show windows, or towers shall not project over alley spaces.

3202.10.1.2 Restrictions based on zoning districts. Bay or oriel windows, or towers projecting over public space shall not be allowed on buildings to be built in C, C-M, or M Districts, as defined in the current Zoning Regulations. Show windows projecting over public space shall not be allowed on buildings to be built in Residential or SP Districts, as defined in the current Zoning Regulations. Where such projections are on existing buildings in such districts, and the portion of the building containing those projections is structurally altered, the projections shall be removed. Bay or oriel windows, or towers are permitted on buildings in Residential or SP Districts, including one or more street fronts of such buildings.

3202.10.2 Balconies. Balconies shall comply with the width and projection requirements of Subsections 3202.10.2.1 and 3202.10.2.2.

3202.10.2.1 Width. Balconies shall maintain an 8-inch separation from property lines extended. Aggregate balcony width is otherwise unlimited. Where balconies are structurally connected to bay windows, the width of the balconies shall be included in the width of the bay windows and the combined width shall comply with the requirements for bay windows.

3202.10.2.2 Projection. Balcony projection from the building line shall be limited as follows:

1. Three (3) feet (914 mm) on streets more than 60 feet (18 288 mm) and less than 70 feet (21 336 mm) wide.

2. Four (4) feet (1219 mm) on streets 70 feet (21 336 mm) or more in width.

3202.10.3 Bay windows. Bay window projections shall comply with the requirements of Subsections 3202.10.3.1 through 3202.10.3.4.

3202.10.3.1 Width. The width of bay windows at each building line shall be limited as follows:

1.a. A bay window projection shall not be allowed on buildings less than 16 feet (4877 mm) wide at the building line;

1.b. A single projection of 9 feet (2743 mm) in width shall be allowed for all buildings having a width of 16 feet (4877 mm) or more at the building line;

1.c. The allowable width of a single projection shall increase 6 inches (152 mm) for every foot (305 mm) of increase in the width of the building between 16 feet (4877 mm) and 24 feet (7315 mm) wide at the building line;

1.d. For buildings over 24 feet (7315 mm) in width the allowable width of a single projection shall increase 2 inches (51 mm) for every foot (305 mm) of increase in width of the building over 24 feet (7315 mm).

2.a. Multiple projections (two or more separate projections) shall not be allowed on buildings less than 24 feet (7315 mm) wide at the building line;

2.b. On buildings 24 feet (7315 mm) wide a double projection shall be allowed, the total width of both projections not to exceed 13 feet (3962 mm).

2.c. The allowable aggregate width of double or multiple projections on buildings exceeding 24 feet (7315 mm) in width at the building line shall be increased 6 inches (152 mm) for each foot (305 mm) of increased building width over 24 feet (7315 mm).

3. The width of bay window projections shall be measured at a distance of one foot from the building line.

4. Bay window projections of buildings on interior lots shall not extend beyond party lines extended.

5. A bay window at the corner of two streets is permitted to be continued around the corner. The portion of such a continued bay window that is located beyond building lines extended shall not be counted in the width of projections on either front.

3202.10.3.2 Height. The height of bay windows is not limited.

3202.10.3.3 Projection. The projection of bay windows shall be limited as follows:

1. Three (3) feet (914 mm) on streets 60 feet (18 288 mm) to 70 feet (21 336 mm) wide.

2. Four (4) feet (1219 mm) on streets more than 70 feet (21 336 mm) wide.

3202.10.3.4 Other restrictions. Stairways shall not be permitted in bay window projections. Doors in bay windows that do not swing beyond the projection shall be permitted.

3202.10.4 Oriel and show windows. Oriel and show windows shall comply with the requirements of Subsections 3202.10.4.1 and 3202.10.4.2, respectively.

3202.10.4.1 Oriel windows. Oriel windows shall conform to all the requirements governing bay windows.

3202.10.4.2 Show windows. Show windows shall conform to the width, projection and restrictions requirements of Subsections 3202.10.3.1, 3202.10.3.3 and 3202.10.3.4 governing bay windows.

3202.10.5 Towers. Tower projections shall conform to all the requirements governing bay windows.

3202.10.6 Colonnades. Colonnades shall comply with the width, height and projection requirements of Subsections 3202.10.6.1 through 3202.10.6.3.

3202.10.6.1 Width. Colonnades are subject to the minimum clearance of eight (8) inches (203 mm) from party and alley lines extended, required under Subsection 3202.7.2.

3202.10.6.2 Height. The height of colonnades is limited to two stories above grade.

3202.10.6.3 Projection. Colonnade projection is limited to 6 feet (1829 mm) where parking is 17 feet (5182 mm) or more wide. Projecting colonnades shall not be permitted on streets where parking is less than 17 feet (5182 mm) wide.

3202.10.7 Pilasters. Pilasters not more than 5 feet (1524 mm) wide are permitted to project 4 inches (102 mm) beyond the building line. Pilaster bases are permitted to project 8 inches (203 mm) beyond the building line.

3202.10.8 Bases, water tables and sills. Projecting bases and water tables shall not be more than 4 feet (1219 mm) above grade at the building wall nor above window sill level of the main story. Their length is not limited. The projection beyond the building line of bases, water tables, and window and other sills, is limited to 8 inches (203 mm).

3202.10.9 Belt courses, cornices and roof overhangs. The length and height of belt courses, cornices, and roof overhangs are not limited. The projection beyond the building line is limited to 8 inches (203 mm) for belt courses and 60 inches (1524 mm) for cornices and roof overhangs.

3202.11 Porches, steps, ramps and doors. Projecting porches, steps, ramps and doors shall conform to the provisions of Subsections 3202.11.1 through 3202.11.5.

3202.11.1 Restrictions by zoning districts. Porch and step projections shall be allowed only in Residential and SP Districts, as established by the *Zoning Regulations.*

3202.11.2 Porches. Porches shall have open balustrades or guardrails and shall be open to the roof. The floor of the porch shall be not more than 5 feet (1524 mm) above the terrace, parking, adjacent grade or pavement.

3202.11.2.1 Width. Where there are no bay window, oriel window or tower projections, one-story high porches shall not be limited in width. Where there are bay windows, oriel window or tower projections in the same story, the aggregate width of porch and bay window, oriel window, or tower projections shall not exceed the limits specified for multiple bay window projections in Subsection 3202.10.3.1. The width of porches of more than one story in height shall conform to the provisions for bay windows in Subsection 3202.10.3.1.

3202.11.2.2 Height. Porches of wood frame construction shall be limited to one story. Porches of more than one story in height shall be of noncombustible construction throughout.

3202.11.2.3 Projection. Projection of one-story high porches shall be limited as follows:

1. Three (3) feet (914 mm) on unparked streets, 60 feet (18 288 mm) to 70 feet (21 336 mm) wide.

2. Four (4) feet (1219 mm) on unparked streets more than 70 feet (21 336 mm) wide.

3. Five (5) feet (1524 mm) on all parked streets. Porches more than one story in height shall conform to the provisions for bay windows in Subsection 3202.10.3.3 as to the extent of projection beyond the building line.

3202.11.2.4 Rear porches. Porches on rear of dwellings shall not project over the building line or building restriction line.

3202.11.3 Steps and ramps. Projecting steps and ramps are not limited in width but shall comply with the following height and projection requirements.

3202.11.3.1 Height. Step and ramp projections shall not extend above the level of the main floor.

3202.11.3.2 Projection. Step and ramp projections shall be limited as follows:

1. Three (3) feet (914 mm) on unparked streets 40 feet (12 192 mm) but less than 45 feet (13 716 mm) wide.

2. Four (4) feet (12 192 mm) on unparked streets 45 feet (13 716 mm) but less than 70 feet (21 336 mm) wide.

3. Five (5) feet (1524 mm) on unparked streets 70 feet (21 336 mm) but less than 80 feet (24 384 mm) wide.

4. Six (6) feet (1829 mm) on unparked streets 80 feet (24 384 mm) or more in width.

5. Ten (10) feet (3048 mm) on parked streets.

3202.11.4 Projecting doors and windows. Projecting doors and windows shall conform to the provisions of Subsections 3202.11.4.1 through 3202.11.5.

3202.11.4.1 Permanent doors or windows. Permanent doors or windows shall not open outward on public spaces when less than 12 feet (3658 mm) above the sidewalk grade.

Exception. Where the line of travel is protected by an adjoining porch, terrace, bay window, areaway, or similar construction, projecting not less than the outward swing of the door, permanent doors or windows are permitted to open outward.

3202.11.4.2 Residential or SP districts. Permanent doors and windows in Residential or SP Districts shall be allowed to open on public parking, provided they do not encroach on any sidewalk or driveway.

3202.12 Awnings, canopies, marquees, market sheds, platforms, and scales. Awnings, canopies, marquees, market sheds, platforms, and scales shall conform to the provisions of this Section and other applicable Sections of the *Construction Codes*.

3202.12.1 Awnings. Awnings shall conform to the provisions of this Section, Section 3105 and other applicable Sections of the *Construction Codes*.

3202.12.1.1 Projecting awnings beyond the building line. Folding, hinged or fixed type awnings attached only to the structure are permitted to be erected over windows, show windows and doors, and shall comply with the provisions of Subsections 3202.12.1.1 through 3202.12.1.6.

Exception: The openings of projecting porches in Residential Districts are permitted to be covered with an awning.

3202.12.1.2 Clearance. Projecting awnings shall have a minimum clear

height of 8 feet (2438 mm) above the sidewalk or any other space used by the public.

3202.12.1.3 Width. The width of projecting awnings shall be limited to the width of the window, show window; door or opening and a reasonable distance each side thereof.

3202.12.1.4 Projection. Projecting awnings shall not extend over 5 feet (1524 mm) beyond the vertical plane of the point of attachment.

3202.12.2 Canopies. Canopies shall conform to the provisions of this Section, Section 3105 and other applicable Sections of the *Construction Codes* . Canopies are permitted to be erected over doors, windows, show windows or other display openings and loading platforms, subject to the limitations of Subsections 3202.12.2.1 through 3202.12.2.5.3.

3202.12.2.1 Restrictions based on zoning districts. Canopies projecting over public space are permitted to be erected in the C, C-M, and M Districts, as defined in the *Zoning Regulations*. Canopies approved pursuant to Subsections 3202.12.2.5 through 3202.2.12.5.3 shall not be restricted based on zoning district.

3202.12.2.2 Width. Canopies are permitted to extend laterally on a building so as to cover the display window or space and a reasonable distance on each side thereof.

3202.12.2.3 Clearance. Projecting canopies shall have a minimum clear height of 8 feet (2438 mm) above the sidewalk or any other space used by the public.

3202.12.2.4 Projection. Canopy projections shall not exceed 5 feet (1524 mm) into public space unless the plans are submitted to and approved by the code official.

3202.12.2.5 Canopies over parking and sidewalks. The code official is authorized to approve permits for canopies with fixed iron posts and frames to be erected beyond the building line to the inner line of the sidewalk where such canopies will be used in conjunction with any of the following:

1. A place of assembly having an occupant capacity greater than 100 persons.

2. A residential building having more than 50 dwelling units.

3. A mercantile establishment or business building with a frontage of 100 feet (30 480 mm) or more on the street on which the canopy is proposed.

4. A mercantile establishment or business building that contains more than 15,000 square feet (1395 square meters) in area per floor.

3202.12.2.5.1. Special merit cases. In specific cases where the code official determines that such an installation would be of merit without being detrimental to the public, the code official is authorized to grant approval of canopies over sidewalks that extend as close as 18 inches (457 mm) from the curb, when the code official determines that (a) pedestrian traffic flow will not be impeded, (b) the presence of such an awning will not detract from the appearance of the neighborhood, and (c) such an awning will be of convenience to the patrons of the establishment served by the awning, especially in the loading and unloading of vehicular traffic in inclement weather.

3202.12.2.5.2 Canopy width. The width of canopies over parking or sidewalks typically shall be limited to the width of the door or opening and a reasonable distance each side thereof. Canopies shall be of approved fire-retardant material, preserving a minimum clearance of 8 inches (203 mm) from the party lines extended. Permit applications for these canopies shall be accompanied by drawings showing the spacing of all posts and method of anchoring. The frames shall be structurally stable and posts shall be so located as not to impede the principal flow of pedestrian traffic. Posts shall be rigidly secured at the base in sockets or by other approved means.

3202.12.2.5.3 Temporary canopies. Permits for sockets in the sidewalk for temporary covered ways across sidewalks or parking, as provided in Section 105 of DCMR Title 24 shall be issued upon approval of the District Department of Transportation. Permits for sockets confer no authority to erect temporary covered ways across sidewalks or any other space used by the public. Where sockets have been regularly installed, the Police Department will thereafter issue temporary permits authorizing the use of the temporary covered way in inclement weather.

3202.12.3 Marquees. Marquees shall conform to the provisions of this Section, Section 3106 and other applicable Sections of the *Construction Codes* . Marquees

shall meet the width, clearance, and projection requirements of Subsections 3202.13.1 through 3202.13.3.

3202.12.3.1 Width. Projecting marquees supported directly from the building, shall not be permitted to extend laterally on a building more than a sufficient length to cover the entrance and a reasonable distance on each side thereof.

3202.12.4 Market sheds. A market shed shall be permitted only on a site occupied by a market or produce house, when such site has been specifically designated as a market area.

3202.12.4.1 Design. The design of market sheds shall be approved by the code official, a permit shall be required, and all market sheds shall comply with the following provisions:

1. The shed roof is permitted over the public parking and public sidewalk of a building or buildings used for market purposes, extending from the building line to the curb.

2. The line of supports for the shed roof shall be at the inner edge of the sidewalk, the overhang being supported as a cantilever, unless the location of supports is otherwise approved by the District Department of Transportation. The shed is permitted to be supported by hanging from the wall of the building when approved by the code official.

3. Gutters shall be provided throughout the length of all shed roofs, with downspouts equivalent to a 2 ½-inch pipe per 200 square feet of surface drains, the pitch of the roof to be at least ½ inch per foot.

4. Shed roofs shall be furnished with electric lights that provide levels of illumination in compliance with Subsection 1205.3.

5. Shed roofs shall comply with all structural requirements of Chapter 16 and other applicable Sections of the *Construction Codes*.

3202.12.4.2 Use of space. No public space beneath a shed constructed pursuant to Subsections 3202.12.4 and following shall be used for the display, sale or storage of produce or containers. This restriction shall not apply to the temporary storage of materials incident to loading and unloading.

Exception. An area specifically designated as a market area for the retail or wholesale sale of produce on the premises is permitted to be used for the display, sale or storage of produce or containers.

3202.12.4.3 Special conditions. The foregoing rules shall be observed by the code official as a guide in issuing permits for market sheds except where the

conditions are so obviously at variance with these general rules as to require special consideration. Cases requiring special consideration shall be reviewed as modifications pursuant to Chapter 1.

3202.12.5 Loading platforms. The code official is authorized to approve loading platforms projecting more than 5 feet (1524 mm) beyond the building line, in CM and M Districts. Canopies over such platforms shall be permitted. Special approval by the code official shall be required for such platforms and canopies.

3202.12.6 Platform scales. Platform scales projecting on public space are permitted in C-M and M Districts. Plans for such platform scales shall be submitted to and approved by the Director of the District Department of Transportation.

3202.13 Enclosed sidewalk cafés. Enclosed sidewalk cafés shall comply with Subsections 3202.13.1 through 3202.13.5 and all other applicable Sections of this code.

3202.13.1 Permits. Permits for enclosed sidewalk cafés shall be issued by the code official and shall comply with all applicable laws and regulations. Each application shall be accompanied by drawings of the structure, prepared and signed by a structural engineer registered in the District of Columbia. Other enforceable laws and regulations governing sidewalk cafés include: The Enclosed Sidewalk Café Act of 1982, effective September 16, 1982, (D.C. Law 4-148; D.C. Official Code § 10-1102.02); Chapters 2 and 3 of DCMR Title 24; Mayor's Order No. 77-150, effective August 31, 1977; and regulations of the Department of Public Works, 30 D.C.R. 4346, August 26, 1983, now applicable to the District Department of Transportation.

3202.13.2 Design. Enclosed sidewalk cafés shall comply with Subsections 3202.13.2.1 through 3202.13.2.5.

3202.13.2.1 Walls and roofs. Enclosed sidewalk cafés shall have walls and roofs constructed of noncombustible materials.

3202.13.2.2 Flooring. Flooring shall comply with Section 804.

3202.13.2.3 Enclosure materials. Any enclosure materials, and the contents enclosed therein, must be capable of being removed within 24 hours.

3202.13.2.4 Structural requirements. Enclosed sidewalk cafés shall be constructed in accordance with Chapter 16, Chapter 24 and other applicable sections of the *Building Code*.

3202.13.2.5 Means of egress. When the combined occupant loads of the sidewalk café and the adjacent restaurant exceed 75 persons, two means of egress shall be provided from the sidewalk café, one of

which shall open directly to the sidewalk, public alley, or public space abutting the café. The second means of egress is allowed through the abutting restaurant. If two means of egress are required for the adjacent restaurant, two means of egress shall be required for the sidewalk café. If one of the means of egress of the café serves the interior of the restaurant, the width of the respective egress aisle across the café shall meet the requirement for a corridor serving the combined occupant load of the sidewalk café and the restaurant.

CHAPTER 33A SAFEGUARDS DURING CONSTRUCTION

Add new Subsections 3303.1.1 through 3303.1.2 to the Building Code to read as follows:

3303.1.1 Required safeguards. Props, posts, braces, stages, platforms and scaffolding necessary to provide sufficient strength and rigidity to the portions of the structure being demolished or removed shall be provided.

3303.1.2 Special approval. No structure, or portion thereof, being demolished shall be pulled or blasted, unless specific approval is given by the code official.

Delete Subsection 3303.4 of the Building Code in its entirety and add new Subsection 3303.4 to read as follows:

3303.4 Site treatment. Where a structure or a portion of the structure has been razed, the vacant lot shall be filled to the existing grade and maintained in accordance with applicable regulations of this code and jurisdiction.

3303.4.1 Grade level of walls. All walls being demolished, including foundation and interior basement walls (but not including party walls on property lines), shall be reduced to a level below that of final grade.

3303.4.2 Vaults. All vaults (including the walls of vaults) projecting into public space which are to be abandoned as a part of a demolition or removal project, shall be removed in their entirety and the depression filled in accordance with the requirements of the District Department of Transportation

3303.4.3 Driveways. All driveways in public space shall be removed in their entirety and new curbs and pavement constructed in accordance with the specifications of the District Department of Transportation. The cost of the removal of the driveways and replacement of the curbs and pavement shall be the responsibility of the person executing the demolition.

3303.4.4 Fill. Excavations, holes, and depressions shall be filled and leveled to a final grade which will provide good drainage.

3303.4.5 Fill materials. No materials other than Class 1, Class 2 or Class 3 fill material shall be used in filling depressions and grading the site. All depressions shall be filled; all excess earth, all building materials, and all debris shall be removed from the site; and the premises shall be left in a safe, clean and sanitary condition. All work shall be done in accordance with the Standards and Specifications of the District Department of the Environment and, where applicable, the District Department of Transportation.

3303.4.6 Timing. Deferral, for a period of not more than six (6) months, of the provisions for site treatment after removal of an existing building, shall be permitted

if a new building is to be constructed thereon and the new construction started at the site within six (6) months of completion of demolition. If site treatment is deferred, the site shall be completely fenced and maintained so as to exclude the public from access to the site during the period between demolition and new construction.

SECTION 3307A PROTECTION OF ADJOINING PROPERTY

Revise Section 3307.1 to read as follows:

3307.1 Protection required. Adjoining public and private property shall be protected from damage during construction, remodeling or demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water run-off and erosion during construction or demolition activities.

Add Sections 3307.2 through 3307.4 to read as follows:

3307.2 Notification required. The person causing construction, excavation, remodeling or demolition work to be made that will affect adjoining property, including a lot, building or structure, shall at all times, and at his or her own expense, preserve and protect the adjoining lot, building or structure from damage or injury, provided, however, that the person shall not undertake any protective work that requires access to the adjoining property unless the owner of the adjoining property grants written permission or unless other provisions of this Section 3307A allow for entry without written permission. The person causing the work shall provide written notice, and a copy of the proposed work plan, to the owner of the adjoining property advising said owner of the intended work and the need for protection for the adjoining property. Upon receipt of notification, it shall be the duty of the owner of the adjoining property to make safe said owner's property, unless the owner provides the person causing the work with written permission (conditional or unconditional) to enter the owner's adjoining property.

1. If the work is non-structural, notification shall be delivered to the adjoining property owner, with a copy to the code official, not less than ten (10) business days prior to the scheduled starting date of the work.

2. If the work involves excavation requiring underpinning or other structural support of the adjoining building or structure, the person causing the work shall notify the adjoining property owner by personal delivery, courier or express mail service, with a copy to the code official, not less than thirty (30) days prior to the proposed starting date. This notification shall include a copy of all documents filed for necessary permits which are relevant to the adjoining property. The adjoining property owner shall have thirty (30) days from the date that the notification was delivered to respond in writing.

3. If the adjoining property owner does not respond within the ten business day or thirty day period set forth in 1 and 2, respectively, then the adjoining property owner shall

be deemed to have elected to make safe his or her own property, and the adjoining owner shall be granted the necessary written permission by the person causing the work to enter the premises of the construction, excavation, remodeling or demolition site for the protection of the adjoining owner's property . The adjoining property owner shall execute such measures to make safe said owner's property without delay so as not to impede the original construction.

4. If the adjoining owner affirmatively denies permission,the adoining owner shall provide justification to the code official indicating the reason for the denial. Upon granting permission, conditional or unconditional, the adjoining owner shall notify the code official and the person causing the work in writing.

3307.2.1 Underpinning party walls. In the case of existing adjoining or party walls which require underpinning, proper underpinning shall be provided in accordance with applicable sections of this code whether or not written permission to enter the adjoining lot is granted.

3307.2.1.1 Party walls. In case of party walls erected in the original city of Washington (Squares 1–1170), or party walls erected with written consent of the adjoining owners, or both, the person causing the work shall notify the adjoining property owner, with a copy to the code official, not less than thirty (30) days prior to the proposed starting date. This notification shall include a copy of all documents filed for necessary permits. The person causing such excavation need not obtain the written permission from the adjacent property owner to provide underpinning for the adjoining structure.

3307.2.2 Party wall maintenance. In case an existing party wall is intended to remain or be used by the person who causes a construction operation to be made, and such party wall is in good condition and sufficient for the use of both the existing and proposed building, such person shall preserve the party wall from injury and shall support the party wall by proper foundations at said person's own expense, so that the wall is and remains as is and useful as the party wall was before the work was commenced. During any construction operation, the party wall shall be maintained weatherproof and structurally safe by adequate bracing until such time as the permanent structural supports have been provided.

3307.2.2.1 Temporary protection. If the party wall is to remain exposed for less than sixty (60) days, the exposed portions of the wall shall be protected from weather damage by tarpaulins, waterproof paper, or other temporary means approved for use by the code official. Such temporary protection shall be maintained in a weatherproof condition.

3307.2.2.2 Intermediate protection. If the party wall is to remain exposed for more than sixty (60) days, but less than eighteen (18) months, the exposed wall shall be restored and weatherproofed in accordance with the requirements for the particular type of construction involved. All plaster and other material

not commonly used for exterior construction shall be removed; all holes shall be properly filled; and masonry party walls shall be repointed.

3307.2.2.3 Permanent protection. If the party wall is to remain exposed for eighteen (18) months or longer, the party walls shall be permanently restored and weatherproofed in accordance with the requirements for the particular type of construction involved. Party walls shall be faced with material commonly used for exterior finish, or restored as closely as practicable with the facing material and construction of the other exterior walls of the building left standing, and shall be painted or otherwise finished in a manner similar to other parts of the building.

3307.2.3 Party wall beam holes. Where a structure involving a party wall is being demolished, the owner of the demolished structure shall, at his or her own expense, bend over all wall anchors at the beam ends of the standing wall and shall brick up all open beam holes and otherwise maintain the safety and usefulness of the wall.

3307.2.4 Unsafe party walls. If any party wall or portion thereof which is left standing and exposed after a building is demolished or partially removed is deemed unsafe or dangerous by the code official, then the owner of the building that is being removed or demolished shall either remove and reconstruct, or anchor, brace, or buttress all of those portions of the party wall deemed unsafe or dangerous, and shall do all other work necessary to enclose properly the building or structure left standing.

3307.3 Chimneys, soil stacks, vent stacks, and windows. Wherever a new building or structure is erected to greater or lesser heights than an adjoining building, the construction and extension of new or existing chimneys, soil stacks, vent stacks, and the location of window openings shall comply with applicable sections of this code.

3307.4 Adjoining roofs and flashing. The owner shall repair and restore all flashing on any adjoining property, which has been broken or damaged during any construction operations. The owner shall also install such new flashing as may be required to protect any joints exposed by such operations. Where a new building or demolition of an existing building is being conducted at a greater height, the roof, roof outlets and roof structures of adjoining buildings shall be protected against damage with adequate safeguards by the person doing the work.

CHAPTER 34A EXISTING STRUCTURES

Delete Chapter 34 of the Building Code in its entirety without substitution.

CHAPTER 35A REFERENCED STANDARDS

Add the following Reference Standards to the Building Code to read as follows:

OSHA

Department of Labor
Occupational Safety and Health Administration

Standard Reference Number	Title	Referenced in code section number
29 CFR - Part 1910	Occupational Safety and Health Standards	1607.14

SOUTH FACE

Southface Energy Institute
241 Pine Street NE
Atlanta, Georgia 30308

Standard Reference Number	Title	Referenced in code section number
EarthCraft House Guidelines	Sustainable Design	Chapter 13
EarthCraft House Renovation		

US EPA

US Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Standard Reference Number	Title	Referenced in code section number
Energy Star Portfolio Manager	Sustainable Design	Chapter 13
Energy Star Target Finder		

Enterprise Community Partners

Enterprise Community Partners
10227 Wincopin Circle
American City Building
Columbia, MD 21044

Standard Reference Number	Title	Referenced in code section number
Green Communities	Sustainable Design	Chapter 13

USGBC

U.S. Green Building Council
1800 Massachusetts Avenue, NW, Suite 300,
Washington, DC 20036

Standard Reference number	Title	Referenced in code section number
LEED CI LEED CS LEED H LEED NC LEED for Schools	Sustainable Design	Chapter 13

NAHB

National Association of Home Builders
1201 15th Street, NW
Washington, DC 20005

Standard Reference number	Title	Referenced in code section number
Green Home Building Guidelines	Sustainable Design	Chapter 13

APPENDIX E

SECTION E102A DEFINITIONS

Add the following definition:

TTY. An abbreviation for teletypewriter. Machinery that employs interactive text-based communication through the transmission of coded signals across the telephone network. TTYs may include, for example, devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. TTYs are also called text telephones.

SECTION E104A DEFINITIONS

Add the following definition:

E104.1 General. Transient lodging facilities shall be provided with accessible features in accordance with Subsections E104.2, E104.3 and E104.5. Group I-3 occupancies shall be provided with accessible features in accordance with Subsections E104.3 and E104.4.

E104.5 Vanity countertop space. In transient lodging facilities, if vanity countertop space is provided in toilet or bathing rooms serving sleeping units that are not required to be accessible, accessible vanity countertop space, comparable in terms of size and proximity to the lavatory, shall also be provided in toilet or bathing rooms serving Accessible units. Accessible vanity countertop space shall comply with ICC A117.1 Sections 308 and 309.

APPENDIX R -NUMBERING OF BUILDINGS

Add new Appendix R to the Building Code read as follows:

A. The Act of the Board of Aldermen and the Board of Common Council, approved November 29, 1869, has been recognized as in force in so far as it relates to the system of numbering buildings, and it is adopted as a regulation, so far as the same is now applicable.

Be it enacted by the Board of Aldermen and the Board of Common Council of the City of Washington, that all dwelling houses, stores, and places of business of any kind fronting on any street or avenue of this city, shall be numbered in the manner as provided in this Act.

Section 2. And be it further enacted, that upon all streets designated by letters the buildings shall be numbered as follows: Commencing at North and South Capitol Streets the buildings on the first square east and west respectively, shall be numbered from 1 to a number not exceeding 100; the second square from 100 to a number not exceeding 200; and to each and every subsequent square in addition not exceeding 100: Provided, that in all squares broken by fractional streets the numbers shall correspond with the fractional increase or decrease of the dimensions of said squares; that all streets designated by numerals shall be numbered in the same manner, commencing at East Capitol Street and a continuation of the line of said street west to the Potomac. And the buildings on all avenues running to and from the Capitol shall be numbered in like manner. And on all other avenues the numbering shall commence at the terminus nearest one of the cardinal streets commences, the numbering on the first square of each avenue to correspond with the number or letters of the streets bordering said square and with the numbering of the buildings upon the streets bordering on said square.

Section 3. And be it further enacted, That each street or avenue shall be numbered by itself, and on each side of the same alternatively, commencing on the right-hand side, thus placing the odd numbers on the right side and at the even numbers on the left, allowing a number for every 20 feet front in all cases of open spaces of unimproved public or private ground or Government reservations, and for every fractional remainder of ten feet or more after the division of each space of said distance: Provided, That on all squares that have been divided and laid out into building lots the front feet for each number shall correspond with the width of said lots, respectively, and in all cases of churches, schoolhouses, permanent or temporary, a number for every 20 feet of frontage shall be assigned.

Section 4. And be it further enacted, that the numbered of houses shall be in figures sufficiently large to be easily read from the opposite side of the street. Said numbers shall not to be less than 3 inches long, and in proportionate width, and be placed upon or immediately over the front door within sixty (60) days after

notification of the number of the premises shall have been given to the owner or occupant of the same; and in case the owner or occupant of the premises shall refuse or neglect to affix the number required within sixty (60) days after the said notification has been served, the Mayor may cause said house or building to be numbered, and the expenses thereof shall be chargeable against the property and collected as other taxes are collected.

B. When the street, upon which it is proposed to number the building, is a direct or nearly straight prolongation or extension of the streets of the city, the inspector of the buildings shall apply, as far as practical, the system of numbers provided for in the foregoing Act. And on streets or proposed streets not parallel to the cardinal streets regulating the house numbers, the method shall be as for numbering houses on avenues in the city. When a street or avenue makes an angle of less than forty-five (45) with East Capitol Street, or extension thereof, the buildings shall be numbered as on streets running east and west. When a street or avenue makes an angle of less than forty-five (45) with North Capitol Street, or extension thereof, the buildings shall be numbered as on streets running north and south. The buildings on curved streets and streets which change their direction to such as degree as to require the number on a part of such street to go from north to south an on another part from east to west shall not be numbered by the general system, but shall be numbered independently beginning at the measures point on such street to the Capitol and running to the end of the road or street, keeping the odd numbers on one side of the street and the even numbers on the other side of the street.

C. The inspector of buildings shall designate and direct the numbering of all buildings and other changes to be made in numbering any building already numbered when needful; and on any person refusing to number or renumber or place proper number on a building as directed by the inspector, within sixty (60) days, shall be liable for the penalty provided for in these regulations.

NOTE: A title as referred to in the above act is obsolete. The old and new designations for purpose of readily identifying this title are as follows:

Old Designation	**New designation**
Inspector of Buildings	Code Official, Department of Consumer and Regulatory Affairs

DISTRICT OF COLUMBIA CONSTRUCTION CODE SUPPLEMENT OF 2008 DCMR 12B RESIDENTIAL CODE SUPPLEMENT

CHAPTER 3B BUILDING PLANNING

SECTION R-302B EXTERIOR WALL LOCATION

Delete Table R302.1 of the Residential Code in its entirety and add new Table R-302.1 to read as follows:

TABLE R302.1 – Exterior Walls

EXTERIOR WALL ELEMENT		MINIMUM FIRE-RESISTANCE RATING	MINIMUM FIRE SEPARATION DISTANCE
Walls	(Fire-resistance rated)	1 hour with exposure from both sides	0 Feet
	(Not fire-resistance rated)	0-Hours	3 Feet
Projections	(Fire-resistance rated)	1-Hour on the underside	2 Feet
	(Not fire-resistance rated)	0-Hours	3 Feet
Openings	Not Allowed	N/A	< 3 Feet
	25% Maximum of Wall Area	0-Hours	3 Feet
	Unlimited	0-Hours	5 Feet
Penetrations	All	Comply with Section R317.3	< 5 Feet
		None Required	5 Feet

N/A = Not Applicable

Add new Subsection R-302.2 to the Residential Code to read as follows:

R-302.2 Zero Lot Line Separation. Where perpetual, platted, and recorded easements create a non-buildable minimum fire separation distance of at least 6 feet between structures on adjacent properties, the one-hour fire-resistive ratings shall not apply

SECTION R-310B EMERGENCY ESCAPE AND RESCUE OPENINGS

Delete Subsection R310.1 of the Residential Code in its entirety and add new Subsection R-310.1 to read as follows:

R-310.1 Emergency escape and rescue required. Every sleeping room shall have at least one operable emergency and rescue opening. Such opening shall open directly into a public street, public alley, yard or court. Where basements contain one or more sleeping rooms, emergency egress and rescue openings shall be required in each sleeping room, but shall not be required in adjoining areas of the basement. Where emergency escape and rescue openings are provided they shall have a sill height of not more than 44 inches (1118 mm) above the adjacent interior standing surface. Where a door opening having a threshold below the adjacent ground elevation serves as an emergency escape and rescue opening and is provided with a bulkhead enclosure, the bulkhead enclosure shall comply with Subsection R310.3. The net clear opening dimensions required by this section shall be obtained by the normal operation of the emergency escape and rescue opening from the inside. Emergency escape and rescue openings with a finished sill height below the adjacent ground elevation shall be provided with a window well in accordance with Subsection R310.2. Emergency escape and rescue openings shall open directly into a public way, or to a yard or court that opens to a public way.

SECTION R-311B MEANS OF EGRESS

Delete Subsections R311.5.3.1 and R311.5.3.2 of the Residential Code in their entirety and add new Subsections R-311.5.3.1 and R-311.5.3.2 to read as follows:

R-311.5.3.1 Riser height. The maximum riser height shall be 8.25 inches (210 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).

R-311.5.3.2 Tread depth. The minimum tread depth shall be 9 inches (229 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the treads leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). Winder treads shall have a minimum tread depth of 10 inches (254 mm) measured as above at a point 12 inches (305) mm from the side where the treads are narrower. Winder treads shall have a minimum tread depth of 6 inches (152 mm) at any point. Within any flight of stairs, the greatest winder tread depth at the 12 inch (305 mm) walk line shall not exceed the smallest by more than 3/8 inch (9.5 mm).

Delete Exceptions under R311.5.3.3 of the Residential Code in their entirety and add new Exceptions to Subsection R-311.5.3.3 to read as follows:

Exceptions:

1. A nosing is not required where the tread depth is a minimum of 10 inches (254 mm).

2. The opening between adjacent treads is not limited on stairs with a total rise of 30 inches (762 mm) or less.

Add new Section R-325 to the Residential Code to read as follows:

SECTION R-325B PROVISIONS OF APPENDIX G

Section R-325 Provisions of Appendix G. Swimming Pools, Spas, and Hot Tubs, of this Code.

CHAPTER 4B FOUNDATIONS

SECTION R-404B FOUNDATION AND RETAINING WALLS

Delete Subsection R404.1 of the Residential Code in its entirety and add new Subsection R-404.1 to read as follows:

R-404.1 Concrete and masonry foundation walls. Concrete and masonry foundation walls shall be selected and constructed in accordance with the provisions of Section R404 or in accordance with ACI 318, ACI 332, NCMATR68-A or ACI 530/ASCE5/TMS 402 or other approved structural standards. When ACI 318, ACI 332 or ACI 530/ASCE 5/TMS 402 or the provisions of Section R404 are used to design concrete or masonry foundation walls, project drawings, typical details and specifications are not required to bear the seal of the architect or engineer responsible for design, unless otherwise required by the state law of the jurisdiction having authority.

Delete Tables R404.1(1), R404.1(2), and R404.1(3) of the Residential Code in their entirety.

CHAPTER 6B WALL CONSTRUCTION

SECTION R-602B WOOD WALL FRAMING

Delete Subsection R602.10.5 of the Residential Code in its entirety and add new Subsection R-602.10.5 to read as follows:

R-602.10.5 Continuous structural panel sheathing. When continuous wood structural panel sheathing is provided in accordance with Method 3 of R602.10.3, including areas above and below openings, braced wall panel lengths shall be in accordance with Table R602.10.5. Wood structural panel sheathing shall be installed at corners in accordance with Figure R602.10.5. The bracing amounts in Table R602.10.1 for Method 3 shall be permitted to be multiplied by a factor of 0. 9 for walls with a maximum opening height that does not exceed 85 percent of the wall height or a factor of 0.8 for walls with a maximum opening height that does not exceed 67 percent of the wall height.

Delete Note 'c' of Table R602.10.5 of the Residential Code in its entirety and add new Note 'c' to read as follows:

Note c: Walls on either or both sides of openings in garages shall be permitted to be built in accordance with Section R602.10.6.2 and Figure R602.10.6.2 except that a single bottom plate shall be permitted and two anchor bolts shall be placed at 1/3 points. In addition, tie-down devices shall not be required and the vertical wall segment shall have a maximum 6:1 height-to-width ratio (with height being measured from top of header to the bottom of the sill plate). This option shall be permitted for the first story of two-story applications in Seismic Design Categories A through C.

SECTION R-613B EXTERIOR WINDOWS AND GLASS DOORS

Add new Exception 3 to Subsection R613.2 of the Residential Code to read as follows:

Exceptions:

3. Windows with sash stops which will engage automatically so as not to allow a 4" diameter (102 mm) sphere to pass through the window opening and that shall readily manually disengage so as to allow emergency egress, ventilation or other occupant needs. The emergency escape (egress) release mechanism shall require no more than 15 lbf (66N) of force and shall consist of a double-action device requiring two distinct actions to operate.

CHAPTER 30B SANITARY DRAINAGE

SECTION R-P3005 DRAINAGE SYSTEM

Add new Subsection R-P3005.2.12 to the Residential Code to read as follows:

P3005.2.12 Building sewers outside of the building shall be provided with cleanouts located not more than 100 feet (30.48 m) apart measured from the upstream entrance of the cleanout. For building sewers 8 inches (203 mm) and larger, manholes shall be provided and located as close as practical to the property line on the public space side, and at each change in direction and at intervals of not more than 400 feet (122 m). A cleanout must be placed at the property line, or as close as possible if the building wall is constructed on or beyond the property line. Manholes and manhole covers shall be of a type approved by the District of Columbia Water and Sewer Authority

[EB] APPENDIX J - EXISTING BUILDINGS AND STRUCTURES

Adopt Appendix J Existing Building and Structures of the 2006 Residential Code.

APPENDIX P - SPRINKLING

Adopt Appendix P Sprinkling of the 2006 Residential Code.

DISTRICT OF COLUMBIA
CONSTRUCTION CODE SUPPLEMENT OF 2008
DCMR 12C ELECTRIC CODE

CHAPTER 4C EQUIPMENT FOR GENERAL USE

ARTICLE E-408C SWITCHBOARDS

Add new Subsection E-408.23 to the Electric Code to read as follows:

Switchboards of 1000 Amperes or Larger. It shall be the responsibility of the owner of a Switchboard having a capacity of 1000 amperes or larger, or his responsible agent to have a licensed master electrician disconnect said equipment once every three years or less to perform prescribed preventive maintenance. Preventive maintenance shall consist of, but not be limited to:

1. Vacuum entire interior of switchboard.
2. Clean bus and contracts with suitable non conductive solvents.
3. Lubricate all moving mechanisms.
4. Check all conductors for abrasions and replace them if found to be in poor condition.
5. Torque bus and conductor connections to manufacturers' recommended specifications.
6. Check calibration of overcurrent trip units and protective devices.
7. Evaluate short circuit protection. If found to be inadequate for safely clearing the maximum fault current available at the site, upgrade protection accordingly within twelve months.
8. Megger board to manufacturers specifications before re-energizing.
9. Replace worn, damaged, or deteriorating components.
10. Submit report of preventive maintenance performed to D.C. Electrical Inspection Branch within thirty days.

CHAPTER 7C SPECIAL CONDITIONS

ARTICLE E-760C FIRE ALARM SYSTEMS

Add new Subsection E-760.24.1 to the Electric Code to read as follows:

E-760.24 NPLFA Circuit Overcurrent Device Location.

E-760.24.1 **Where alterations are made to the power supply for existing fire alarm systems without backup power, both primary and supervisory power shall be tapped ahead of the main.**

DISTRICT OF COLUMBIA
CONSTRUCTION CODE SUPPLEMENT OF 2008
DCMR 12D FUEL GAS CODE

CHAPTER 4D GAS PIPING AND INSTALLATIONS

SECTION FG-404D (IFGC) PIPING SYSTEM INSTALLATION

Delete existing Subsection 404.1 of the Fuel Gas Code in its entirety and add new Section FG-404.1 to read as follows:

FG-404.1 Prohibited locations. Piping shall not be installed in or through a circulating air duct, clothes chute, chimney or gas vent, ventilating duct, dumb waiter or elevator shaft.

Add new Section FG-417D to the Fuel Gas Code to read as follows:

SECTION FG-417D (IFGS) GAS METERS

FG-417.1 Private-owned gas sub-meters. All private-owned gas sub-meters will meet the requirements of section 5.7 of the National Fuel Gas Code, ANSI Z223.1 (2006.Gas Meters).

FG-417.2 Utility-owned gas meters. All utility-owned gas meters will meet the requirements of Department of Transportation (DOT) 49 CFR, Part 192, Subpart H-Customer Meters, Service Regulators, and Service Lines.

CHAPTER 5D CHIMNEYS AND VENTS

SECTION FG-503D (IFGS) VENTING OF APPLIANCES

Add new Subsection FG-503.5.6.4 to the Fuel Gas Code to read as follows:

FG-503.5.6.4 Smoke Test. Before a new appliance is put into use, a new or existing chimney shall either be proved tight by a scented smoke test or provided with a certification of tightness by a licensed contractor.

SECTION FG-505D (IFGS) DIRECT-VENT, INTEGRAL VENT, MECHANICAL VENT AND VENTILATION/EXHAUST HOOD VENTING

Delete Subsection 505.1.1 of the Fuel Gas Code and add new Subsection FG-505.1.1 to read as follows:

> **FG-505.1.1 Commercial cooking appliances vented by exhaust hoods.** Where commercial cooking appliances are vented by means of the Type I or Type II kitchen exhaust hood system that serves such appliances, the exhaust system shall be fan powered and the appliances shall be interlocked with the exhaust hood system to prevent appliance operation when the exhaust hood system is not operating. Where a solenoid valve is installed in the gas piping as part of an interlock system, a bypass line no larger than a ½ inch shall be installed to continuously supply the pilot(s) when the exhaust fan is not operating. Dampers shall not be installed in the exhaust system.

IFGC/IFGS CHAPTER 8D REFERENCED STANDARDS

Add the following new Referenced Standards to the Fuel Gas Code:

ANSI

American National Standards Institute
25 West 43rd Street
Fourth Floor
New York, NY 10036

Standard Reference number	Title	Referenced in code section number
Z223.1-02	National Fuel Gas Code (NFPA 54)	FG-417

DOTn

Department of Transportation
1200 New Jersey Avenue, SE
Washington, DC 20590

Standard Reference number	Title	Referenced in code section number
49 CFR, Part 192-04	Subpart H-Customer Meters, Service Regulators, and Service Lines	FG-417

DISTRICT OF COLUMBIA
CONSTRUCTION CODE SUPPLEMENT OF 2008
DCMR 12E MECHANICAL CODE

CHAPTER 4E VENTILATION

SECTION M-401E GENERAL

Add new Subsection M-401.4.1.1 to the Mechanical Code to read as follows:

M-401.4.1.1 Height Above Grade. The bottom of outside air intake openings shall be a minimum of 2 feet (610 mm) above the adjacent grade or above the bottom of adjacent areaways. Where alleys, parking lots, loading docks, and other areas with vehicular access are located less than 10 feet (3048 mm) horizontally from the outside air intake opening, such opening shall be located a minimum of 10 feet (3048 mm) above the surface of those areas.

Add new Subsection M-401.4.2.1 to the Mechanical Code to read as follows:

M-401.4.2.1 Garage Exhaust. Exhaust openings serving public garages shall be a minimum of 25 feet (7620 mm) from any operable window, door, or outside air intake opening. The bottom of exhaust openings serving public garages shall be a minimum of 15 feet (4572 mm) above streets alleys or other walkways. When exhaust is directed upwards, the code official is authorized to approve garage exhaust openings less than 15 feet (4572 mm) above streets, alleys, or other walkways, in accordance with Section 105.

CHAPTER 5E EXHAUST SYSTEMS

SECTION M-506E COMMERCIAL KITCHEN HOOD VENTILATION SYSTEM DUCTS AND EXHAUST EQUIPMENT

Delete Subsection 506.3.12 of the Mechanical Code in its entirety and add new Subsection M-506.3.12 to read as follows:

M-506.3.12 Type I Exhaust Duct Termination. Ducts shall run as directly to the roof as practical. The system termination shall be a minimum of 2 feet (610 mm) above the roof or any part of structures within 10 feet (3048 mm) of the termination, and not less than 25 feet (7620 mm) from any operable windows, intakes, doors or lot lines

Exceptions:

1. On narrow lots where a 25 foot distance from any operable windows, intakes, doors, or lot lines cannot be achieved, the code official is authorized to approve a smaller distance.

2. When an approved odor and grease removal system is installed, termination is permitted in accordance with the requirements of Subsections 401.5 and 501.2 of the *Mechanical Cod*e.

Add new Section M-515 to read as follows:

SECTION M-515E LABORATORY HOODS

M-515.1 Laboratory Hoods. Laboratory hoods and ventilation system shall comply with NFPA 45-2004 listed in Chapter 15.

CHAPTER 6E DUCT SYSTEMS

SECTION M-607E DUCT AND TRANSFER OPENINGS

Delete Exceptions under Subsection 607.5.5 of the Mechanical Code and add new Exceptions to read as follows:

607.5.5 Shaft enclosures. Shaft enclosures that are permitted to be penetrated by ducts and air transfer openings shall be protected with listed fire and smoke dampers installed in accordance with their listing.

Exceptions:

1. Fire and smoke dampers are not required where steel exhaust sub-ducts extend at least 22 inches (559 mm) vertically in exhaust shafts provided there is a continuous airflow upward to the outside and the fan is wired to the buildings emergency system.

2. Fire dampers are not required where penetrations are tested in accordance with ASTM E119 as part of the fire resistance rated assembly.

3. Fire and smoke dampers are not required where ducts are used as part of an approved smoke-control system in accordance with Section 909.

4. Fire and smoke dampers are not required where the penetrations are in parking garage exhaust or supply shafts that are separated from other building shafts by not less than 2-hour fire-resistance rated construction.

5. Smoke dampers are not required where the building is protected throughout with an automatic sprinkler system in accordance with Subsection 903.3.1.

CHAPTER 8E CHIMNEYS AND VENTS

SECTION M-801E GENERAL

Add new Subsection M-801.21 to the Mechanical Code to read as follows:

M-801.21 Smoke Test. Before a new appliance is put into use, a new or existing chimney shall either be proved tight by a scented smoke test or provided with a certification of tightness by a licensed contractor.

CHAPTER 9E SPECIFIC APPLIANCES, FIREPLACES AND SOLID FUEL-BURNING EQUIPMENT

SECTION M-922E KEROSENE AND OIL-FIRED STOVES

Delete Section 922 of the Mechanical Code in its entirety.

CHAPTER 10E BOILERS, WATER HEATERS AND PRESSURE VESSELS

SECTION M-1004E BOILERS

Delete Subsection 1004.1 of the Mechanical Code in its entirety and add new Subsection M-1004.1 to read as follows.

M-1004.1 Standards. Boilers and their control systems shall be designed and constructed in accordance with the requirements of one or more of the following standards; ASME Boiler and Pressure Vessel Code Sections I to XI (2001 Edition), ASME CSD-1 (2002), NFPA 8501, NFPA 8502, NFPA 8504, UL 726, and the National Board Inspection Code (NBIC) 2001 ANSI/NB-23.

Add new Subsections M-1012 to M-1020 to the Mechanical Code to read as follows.

SECTION M-1012E INSPECTION CRITERIA

M-1012.1 New Construction. The inspection of the design, construction, installation and operation of steam or hot water boilers and pressure vessels, and unfired pressure vessel in the District of Columbia, shall be performed in accordance with the requirements of the ASME Boiler and Pressure Vessel Code, the NBIC and Safety Control Device Standards as specified by the manufacturer's inspection instructions. Inspections for compliance with the D.C. local safety requirements shall be performed in accordance with the District of Columbia Municipal Regulations Criteria.

M-1012.2 Equipment Replacement. The inspection of boiler and pressure vessel equipment installed to replace inoperable equipment shall be performed in accordance with the inspection requirements for new construction as specified in Subsection M-1012.1.

M-1012.3 Existing Equipment. The inspection of boilers and pressure vessels installed and operating in existing facilities shall be performed at a frequency in accordance with the requirements in the NBIC, and the District of Columbia Municipal Regulations

SECTION M-1013E ADDITIONAL GENERAL & SPECIFIC REQUIREMENTS FOR BOILERS, WATER HEATERS AND PRESSURE VESSELS

M-1013.0 General. The intent of Subsections M-1013.0 through M-1020.0 is to provide general and specific guidance to the code official and the consumer regarding the installation, maintenance and inspection of new and existing boilers, water heaters, and pressure vessels.

M-1013.1 Inspection of Boilers And Unfired Pressure Vessels

M-1013.1.1 Permit Requirement. A permit shall be obtained for each boiler or unfired pressure vessel installed, erected, or moved and reinstalled, or re-erected in a new location in the District of Columbia before any work in connection with the equipment is performed.

M-1013.1.2 Inspection of Boilers. No person shall operate, or cause to be operated, any new boiler or unfired pressure vessel which has been installed or erected, or any used boiler or unfired pressure vessel which has been reinstalled or re-erected in the District until it has been inspected by the boiler Inspector and a certificate of inspection has been issued. The certificate must be displayed in the boiler or engine room.

M-1013.1.3 Certificate of Inspection. No person shall operate or cause to be operated any boiler or unfired pressure vessel requiring inspection under this title without a current certificate of inspection.

M-1013.1.4 Owner's Responsibility. The owner or user of each boiler or unfired pressure vessel which is not covered by a current certificate of inspection shall notify the code official in writing of the following information.

1. The location of each boiler or unfired pressure vessel not covered by a current certificate of inspection;

2. The date of the last inspection, if any;

3. Whether or not that equipment is insured and inspected by an insurance company; and

4. The name of the company insuring it.

M-1013.1.5 Operator's License Suspension/Revocation. The license of any engineer licensed by the District of Columbia shall be subject to suspension or revocation if he/she shall operate, or cause to be operated any boiler or unfired pressure vessel under his or her supervision without a certificate of inspection or with a certificate which has expired.

M-1013.1.6 Operating Pressure. No person shall operate or cause to be operated any boiler or unfired pressure vessel at a pressure in excess of the allowable pressure as stated on the certificate of inspection.

M-1013.1.7 Safety Devices. Boilers and unfired pressure vessels shall be equipped with all safety appliances and piping as prescribed in the ASME Code. No person shall operate or cause a boiler or unfired pressure vessel to be operated unless equipped with the prescribed safety appliances and piping, and no person shall remove or tamper with any safety appliance or piping, except for the purpose of

making repairs. Any adjustments to safety valves shall be made only by direction of an inspector.

M-1013.1.7.1 Tests. When in the judgment of the boiler Inspector it is considered necessary to demonstrate the proper operation of the boiler safeties and controls, or to demonstrate the licensed engineer's ability to properly operate the boiler, the safety-valve capacity of a boiler and/or the low water cutout shall be tested. An accumulation test shall be made by shutting off all other steam-discharge outlets from the boiler, and operating the fuel-burning equipment to produce the maximum steaming capacity of the boiler. An evaporation test shall be performed to demonstrate proper operation of the low water cutout.

M-1013.1.7.2 Safety-Valve. The safety-valve equipment shall be sufficient to prevent the pressure from rising more than (a) six (6) percent above the maximum allowable working pressures for power boilers, and (b) five (5) pounds per square inch (psi) above the maximum allowable working pressures for heating boilers. Provision shall be made for piping the safety valve discharge out of the boiler room during a test pursuant to Subsection M-1013.1.7.1.

M-1013.1.8 Portable Boiler/Unfired Pressure Vessel. No portable temporary boiler or unfired pressure vessel shall be used until it has been inspected by an authorized boiler Inspector and a certificate of inspection issued. Each owner or user of portable boilers or unfired pressure vessels shall furnish in writing to the code official, on or before the effective date of this title and yearly thereafter, the following information.

1. A list of his or her portable boilers and unfired pressure vessels;

2. A list of the location of each portable boiler and unfired pressure vessel; and

3. A statement indicating whether the portable boiler and unfired pressure vessel is insured and inspected by an insurance company.

M-1013.2 Annual Boiler Inspection Requirements

M-1013.2.1 Annual Inspection. All steam boilers including hot water boilers shall be inspected annually by the boiler Inspector, an assistant boiler Inspector, or by an Inspector of an insurance company.

M-1013.2.1.1 Steel Steam and Hot Water Boilers. The annual inspection of steel steam and hot water boilers shall consist of an internal inspection.

M-1013.2.1.2 Internal Inspection. The internal inspection shall consist of a thorough examination of all tubes, seams, rivets, drums, stay bolts, and other parts to insure that the boiler is in safe operating condition and able to carry

the pressure allowed.

M-1013.2.1.3 External Inspection. The external inspection to determine the general condition of the boiler and its appurtenances as well as the adequacy of safety valves, pressure gages, apparatus for determining water level, and other appliances shall be made under normal operating conditions at which time the steam pressure carried shall be observed and the operation of all valves, gages, safety devices, or other appliances shall be checked to insure that they are in proper working order.

M-1013.2.1.4 Hydrostatic Test. A hydrostatic test shall be required when, in the judgment of the Inspector, it is considered necessary in the interest of safety.

M-1013.3 Preparation of Boiler for Inspection

M-1013.3.1 Boiler Preparation. A steam or hot water boiler shall be prepared for internal inspection by the owner or user on a date specified by the inspector. Insofar as practicable the internal inspection shall he made within fifteen (15) days prior to the expiration of the certificate of inspection. In no case shall the internal inspection be deferred more than thirty (30) days after date of expiration of the current certificate of inspection. A steam boiler (or hot water) may be ordered discontinued from service until the inspection is made.

M-1013.3.2 Inspection Procedure. Preparation for internal inspection shall be made in the following manner.

1. Water shall be drawn off and the boiler thoroughly washed out;

2. All manhole and handhole plates, washout plugs and the water column connection plugs shall he removed and the furnace and combustion chambers thoroughly cooled and cleaned;

3. All grates or stoker dead plates of internally-fired boilers shall be removed; and

4. All leaks of steam or hot water into the boiler shall be stopped. The Inspector may also require the removal of brickwork and of insulation covering the seams of shell, drums or domes, sufficient to determine the size and pitch or rivets, their condition, and any other information as may be necessary to definitely determine the condition of the boiler and its fitness for safe operation.

M-1013.3.2.1 Hydrostatic Test. A steam or hot water boiler shall be prepared for hydrostatic test by the owner or user, when required by the Inspector, by filling the boiler with water to the stop valve and blanking off

the connections of the boiler to other boilers when that boiler is connected to other boilers that are under steam pressure. Arrangements shall be made with the Inspector for the protection of the safety valve and under no circumstances shall the safety valve spring be screwed down for making hydrostatic tests.

M-1013.4 Unfired Pressure Vessels Requiring Annual Inspection

M-1013.4.1 General. Each unfired pressure vessel operating at a pressure in excess of sixty (60) pounds per square inch and having a capacity in excess of fifteen (15) gallons shall be inspected annually by the boiler Inspector, an assistant boiler Inspector, or by an insurance company Inspector. Any unfired pressure vessel as described herein shall be subjected to inspection if it is connected to a source of supply.

M-1013.4.2 Type of Inspection. The annual inspection of unfired pressure vessels shall consist of an external inspection including safety devices, and other appurtenances. When a vessel is provided with manholes an internal inspection shall also be made.

M-1013.4.2.1 Hydrostatic Test. A hydrostatic test may be required when, in the judgment of the Inspector, it is considered necessary in the interest of safety. This test shall consist of applying a pressure of one and one-half times the allowable pressure to the vessel to be prepared for inspection by the owner or user as directed by the Inspector.

M-1013.5 Annual Inspection by Insurance Companies

M-1013.5.1 General. Any steam or hot water boiler or unfired pressure vessel which is insured and inspected at least once annually by an insurance company licensed to operate in the District shall be exempt from inspection by the Department if the requirements of this section are satisfied.

M-1013.5.1.1 ASME Code. The insurance company shall apply the inspection provisions in Section I, Part PG, paragraph PG-90, “Inspection and Tests - General” in the ASME Boiler and pressure vessel code.

M-1013.5.1.2 Qualifications. Insurance company inspectors shall hold certificates of competency issued by the District of Columbia.

M-1013.5.2 Reports. Reports of inspections and other data relating to an insured boiler or unfired pressure vessel as may be required shall be filed with the Department within thirty (30) days after the inspection on the standard forms and in the manner as required; provided, that the internal-inspection report shall be filed in time to prevent the certificate of inspection from becoming more than thirty (30) days overdue. Each report shall be typewritten and signed in ink, and shall state definitely whether or not the certificate of inspection shall be issued, and the pressure allowed.

M-1013.5.2.1 Internal Inspection. Each annual internal-inspection report shall state the nature of all changes or repairs ordered or recommended. If the certificate of inspection is withheld because changes or repairs have been ordered or recommended, an additional report shall he filed within thirty (30) days stating whether the changes or repairs have been completed.

M-1013.5.3 Insurance Company Report. The insurance company shall immediately report to the Department the name of the owner or user and the location of every boiler and unfired pressure vessel on which insurance is refused, canceled, or discontinued and the reason therefore and also for each new object upon which the coverage is taken. Each insurance company report shall state the names of the licensed engineers working on all watches. The report shall state the grade of license held, and if there is none, the reports shall so state.

M-1013.5.4 Fees. The fee of fifty dollars ($50.00) required to be paid by the owner or user for the issuance of a certificate of inspection shall be forwarded with the inspection report to the Department with a check made payable to the D.C. Treasurer.

M-1013.5.5 Licensed Engineer. The Inspector shall inform the owner or operator that licensed engineers are required by law and that the licenses must be posted under glass in the boiler or engine room with a daily log book of plant operations with all boiler safeties and controls tested daily for each tour of duty.

M-1013.6 Certificates or Competency For Insurance Company Inspectors

M-1013.6.1 Certificate of Competency. Inspectors of insurance companies authorized by the code official to inspect and insure steam boilers, hot water boilers unfired pressure vessels shall hold a Certificate of Competency issued by the Chief Boiler Inspector. The Certificate of Competency shall be for a period of two (2) years and may be renewed without further examination for an additional two (2) year period upon request. The fee for each period shall be two hundred dollars ($200.00).

M-1013.6.1.1 Application. Application for examination of insurance company inspectors for Certificates of Competency shall be made by the insurance company in writing to the Chief Boiler Inspector. The application shall state the name, age, qualifications, experience, and local address of each of the Inspectors proposed to be employed by the company in the inspection of steam boilers and unfired pressure vessels in the District of Columbia.

M-1013.6.1.2 National Board of Boiler and Pressure Vessel. A certificate issued by the National Board of Boiler and Pressure Vessel Inspectors may be accepted upon proper substantiation and a Certificate of Competency issued therefore.

M-1013.6.1.3 Cancellation. Whenever an Inspector holding a Certificate of Competency from the District shall leave the employ of an insurance company, the company shall give prompt written notice of the facts and the reasons for the Inspector leaving, to the Chief Boiler Inspector, who shall cause the Inspector's Certificate of Competency to be canceled.

M-1013.7 Certificates of Inspection

M-1013.7.1 General. No person shall use or cause to be used any steam boiler or unfired pressure vessel until a certificate of inspection has been issued and posted as required in this title.

M-1013.7.2 Certificate of Inspection. The certificate of inspection shall not be issued until it is determined that the boiler or unfired pressure vessel is in condition and in conformity with the boiler code of the American Society of Mechanical Engineers, and this title, the Rules and Regulations Governing the Installation of Fuel Burning Equipment, and the Rules and Regulations Governing the Operation of Engines and Steam Boilers and the Machinery in and for the District of Columbia. A separate certificate of inspection shall be issued for each object inspected. Each certificate shall be enclosed in a glass covered frame to be supplied by the owner and shall be prominently displayed in the boiler or engine room near the equipment to which it pertains. Certificates for portable equipment shall be kept with the equipment at all times.

M-1013.7.2.1 Internal Inspection. In the case of boilers which can be internally inspected, certificates shall not be issued until after that inspection has been made.

M-1013.7.3 Installations. On all installations for which a permit has been issued, the contractor or person making the installation shall be responsible for notifying the Chief Boiler Inspector, in sufficient time so that the necessary inspections can be made.

M-1013.7.4 Operation. The contractor or person making the installation shall be responsible that no boiler or unfired pressure vessel shall be operated until final inspection has been made and permission given to operate the equipment. A licensed engineer shall be in-charge of the boiler if it is operated prior to being turned over to the owner.

M-1013.8 Notice to Make Repairs or Alterations

M-1013.8.1 General. If upon inspection it is found that repairs, alterations, or cleaning are necessary to insure the safe operation of a steam boiler or unfired pressure vessel, and its conformity to the ASME Code and this title, a written notice stating the work required to be done and time of completion shall be sent to the owner or user.

M-1013.8.1.1 Repairs, Alterations, or Cleaning. Any repairs, alterations, or cleaning, shall be made as directed. Upon completion of the work ordered, the Chief Boiler Inspector, shall be notified. If the work has not been completed within the time allowed, operation of the equipment may be ordered discontinued.

M-1013.9 Condemnation of Defective or Unsafe Equipment

M-1013.9.1 General. Whenever the boiler inspector finds that a boiler or unfired pressure vessel, or its necessary appurtenances, is in such a defective or unsafe condition that life or property is endangered, he or she shall immediately order its further use and operation discontinued. If, in his or her opinion, it cannot be repaired and made safe, he or she shall condemn it.

M-1013.9.2 Revocation/Suspension. The boiler inspector shall revoke or suspend the certificate of inspection pertaining to any boiler or unfired pressure vessel discontinued or condemned pursuant to Subsection M-1013.9.1, making a written report of the action taken with the reasons therefore to the Chief Boiler Inspector. The report shall contain a detailed description of the unsafe condition of the boiler or unfired pressure vessel.

M-1013.9.3 Notification. A written notice of the revocation or suspension of certificate of inspection and the reasons therefore shall be served on the owner or user. In the case of an insured boiler or unfired pressure vessel where the certificate of inspection was issued on the certification of an insurance company, the notice shall be sent to the company.

M-1013.9.4 Unsafe Conditions. No person shall again operate or cause to be operated any boiler or unfired pressure vessel which is known to be unsafe or which has been condemned by the boiler inspector, nor shall any person operate or cause to be operated, any boiler or unfired pressure vessel, the further use and operation of which has been ordered discontinued by the boiler inspector, or where the certificate

of inspection has been suspended, until the defective or unsafe condition which was the reason for that action has been corrected and a new certificate of inspection issued. A boiler or unfired pressure vessel which has been condemned by an inspector shall be distinctly labeled by the D.C. Boiler Inspector's Office. Numbers on condemned boilers shall not be reassigned.

M-1013.10 Numbering Boilers and Unfired Pressure Vessels

M-1013.10.1 General. Every boiler and unfired pressure vessel shall be given a District of Columbia number. Numbers assigned to cast-iron boilers shall be of metal not less than one inch (1") in height and shall be securely attached to a metal plate which in turn shall be securely attached to the front of the boiler. Miniature boilers shall have sufficient space provided so that the District of Columbia numbers can be stamped on the shell and be clearly visible when the insulating jacket is in place.

SECTION M-1014E CONSTRUCTION, INSTALLATION, AND OPERATION OF BOILERS AND UNFIRED PRESSURE VESSELS

M-1014.1 General Provisions. All steam boilers, except boilers which are exempted by Section 8 of the Boiler Inspection Act of June 25, 1936, shall bear the following information.

1. The ASME symbol;

2. The name of the manufacturer;

3. The maximum allowable working pressure;

4. The serial number and National Board Number;

5. The year built; and

6. Any other required data to indicate that it has been built in accordance with the ASME Boiler and Pressure Vessel Code.

M-1014.1.1 Identification Number. All boilers, except Low Pressure Heating Boilers and unfired pressure vessels as described in Subsection M-1014.1 shall bear a National Board Number to indicate that it has been inspected by an inspector holding a National Board Commission.

M-1014.1.2 Operating Pressure and Capacity. All unfired pressure vessel operated at a pressure in excess of sixty (60) pounds per square inch and having a capacity in excess of fifteen (15) gallons, shall bear the following information.

1. The ASME symbol;

2. The name of the manufacturer;

3. The maximum allowable working pressure;

4. The serial number and National Board Numbers;

5. The year built; and

6. Any other required data to indicate that it has been built in accordance with the provisions of Section VIII in the ASME Boiler and Pressure Vessel Code.

M-1014.2 Permits Required for Installation

M-1014.2.1 General. No person shall erect, install, re-erect, or reinstall or cause to be erected, installed, re-erected or any steam or hot water boiler or unfired pressure vessel until he or she shall have made application on the form provided and obtained an installation permit.

M-1014.2.2 Permit Applications. Applications for permits shall be accompanied by a form known as "Manufacturer's Data Report," properly filled out and signed by an Inspector licensed to insure Vessel Inspectors, showing that the boiler or unfired pressures vessel has been constructed and inspected in accordance with the requirements of the American Society of Mechanical Engineers Boiler and Unfired Pressure Vessel Code. When an application is made to install a used boiler or unfired pressure vessel definite information shall be furnished showing that the boiler or unfired pressure vessel has been built in accordance with all the requirements of the ASME Code and is so stamped. Upon approval of the application and the accompanying data a Permit for the installation, erection, reinstallation, or re-erection shall be issued by the Permit Branch, Licenses and Permit Division, after payment of the required fee to the D.C. Treasurer.

M-1014.2.3 Installation Permit. Before an installation permit for a used boiler or unfired pressure vessel shall be issued, the boiler Inspector shall carefully inspect the boiler or unfired pressure vessel in order to determine whether it is safe to operate, and any repairs or changes that may be necessary. The fee for that inspection shall be the same as called for under annual inspection.

M-1014.2.4 Notification. When notification has been given to prepare a boiler or unfired pressure vessel for inspection or hydrostatic test on a definite date, or when a definite appointment for an inspection cannot be made by reason of the boiler or unfired pressure vessel not being properly prepared for inspection, so that an additional call or calls are thereby made necessary; or when additional inspections are required in order to secure compliance with orders previously issued, each additional call or inspection may be charged for at the same fee as prescribed under Annual Inspection Fees.

M-1014.2.5 Unscheduled Inspection. For an inspection made upon request or to determine the safety of an object not regularly inspected, the fee shall be as prescribed under Annual Inspection Fees.

M-1014.2.6 Inspection Fees. For the inspection of a boiler being retubed in a shop, the fee shall be the same as for the annual inspection. For an inspection to determine whether the condition of a boiler or unfired pressure vessel is such that it can be installed in the District, the fee shall be the same as prescribed under Annual Inspection Fees.

M-1014.2.7 Welding Fee. Fee for welding qualification test shall be one-hundred dollars ($100.00). For the inspection of pipe or boiler welding the fee shall be one-hundred dollars ($100.00) per day. If a welder license has expired for less than a period of six (6) months from its expiration date, a late fee shall be applied of fifty dollars ($50.00). Welding license renewal fees shall be the amount of one-hundred dollars ($100.00) for 2 years. If a welder license has expired for a period of six (6) months or more, the person must be retested.

M-1014.2.8 Certification Fee. The fee for certificate of competency for insurance company Inspectors for a two (2) year period shall be two hundred dollars ($200.00).

M-1014.3 Payment of Fees

M-1014.3.1 General. All fees shall be paid to the D.C. Treasurer, who shall issue a receipt for the payment of the following fees.

1. Fees for the installation permit and subsequent inspection of a boiler or unfired pressure vessel shall be paid prior to the issuance of a permit and before any work is started.

2. All fees for the inspection of boilers or unfired pressure vessels shall become due and payable immediately upon the making of the inspection and the certificate of inspection shall not be issued while there are any unpaid fees outstanding.

M-1014.4 Requirements for Power Boilers

M-1014.4.1 Steel Platform. On the top of every power boiler setting, a steel platform reached by means of a stationary steel stairway or ladder shall be provided. The platform shall be provided with a four inch (4") toe guard, a steel railing not less than thirty-six inches (36") inches in height, and shall have a runway made of steel grating not less than thirty inches (30") in width.

M-1014.4.2 Platform Access. The stairway or ladder shall not be less than sixteen (16") inches in width and shall provide easy access to and from the platform. Where there is more than one boiler or where otherwise necessary a second stairway or ladder remote from the other shall be provided.

M-1014.4.2.1 Means of Egress. Two unobstructed and accessible exits remote from each other shall be provided in every room housing power boilers of seventy-five (75) horsepower total capacity and over and heating boilers having a total capacity of 2,400,000 BTU and over. Blow off pits, ash pits, alleyways, steam pipe tunnels, and other places where there would be danger of men being trapped shall have adequate ventilation, lighting, and a sufficient number of adequate means of egress.

M-1014.4.3 Blow-off Pits. Blow-off piping from power boilers shall not discharge directly into a sewer. A blow-off tank or sump shall be used where conditions do not provide an adequate and safe open discharge.

M-1014.4.4 Blow-off Tanks. Blow-off tanks shall be designed for at least fifty percent (50%) of the working steam pressure of the boiler to which it is connected and shall be built in accordance with the Unfired Pressure Vessel Code. The tanks shall have a discharge connection at least six inches (6”) above the maximum water level with a water seal, a vent from the top of the tank, and a cold-water connection to the top of the tank. The vent shall be routed to a safe point of discharge which shall be above the roof of the building of which it is a part or any adjoining building to which it may not constitute a hazard or nuisance, and shall be substantially supported and drained. The design of each tank and piping shall be submitted to the Department for approval. Sizes shall not be less than indicated in Table M-1014-1.

M-1014.5 Installation of Low Pressure Heating Boilers

M-1014.5.1 General. The return water connection to every low pressure steam or hot water heating boiler shall be arranged to form what is known as the "Hartford Loop" so that the water cannot be forced out of the boiler below the safe water level. This connection shall be installed on each boiler, with the inside bottom of the return pipe close nipple where it enters the equalizing loop being at the same level as the top of the bottom nut of the water gage glass.

M-1014.5.2 Equalizer Pipe. Each boiler shall have a separate equalizer pipe installed between the bottom opening of the boiler and the boiler stop valve, when used. The equalizer pipe shall not have a valve in it at any point and shall not be used as a means to connect two or more boilers together below the water line. Equalizer pipe sizes shall not be less than the schedules indicated in Table M-1014-2.

M-1014.5.3 Stop Valve. When a stop valve is used in the return line of the loop it shall be located within six (6) feet of the floor. A drain valve shall be provided at the lower point of the return line. Galvanized pipe and fittings shall not be used in any part of the equalizer pipe or return**.**

M-1014.5.4 City Water Feed. Each boiler shall be provided with a city water feed line which shall not discharge directly into any part of a boiler exposed to the direct radiant heat from the fire. It shall be connected into the equalizing line between the boiler and the condensate return connection and shall have a check valve in the line as close to the boiler as possible.

M-1014.5.5 Boiler Feed Line. The boiler feed line shall be adequate to take care of the maximum demand of the boiler.

M-1014.5.6 City Water Shut-off Valve. All connections from the city water shut-off valve shall be made of brass pipe with screwed fittings. Tubing shall not be used.

M-1014.5.7 Condensate Return Pump. A condensate return pump shall have capacity to supply the boiler or boilers with sufficient water to maintain a normal water level when the boilers are operating at maximum capacity. When more than one boiler is installed the condensate return line shall be arranged to supply all boilers equally.

M-1014.5.8 Stop Valve. A stop valve shall be installed in each supply and return connection of two or more boilers connected to a common system. When a stop valve is used in the supply pipe connection of a single boiler, there shall be one used in the return pipe connection or vice versa. If there are multiple branch connections each one shall be valved. When stop valves over two inches (2") in size are used they shall be of the outside screw-and-yoke type.

> **M-1014.5.8.1 Stop Valve Location.** Stop valves shall be located as close to the boiler as possible and when over seven feet (7’) above the floor shall be made accessible for operation by means of a permanent steel ladder and platform or by a chain or motor operated mechanism.

M-1014.5.9 Blow-off Connections. Each boiler shall have one or more blow-off connections fitted with straightway valves connected directly with the lowest water space. Plug or bob cocks shall not be used. A discharge pipe shall be run to the floor full size with an ell at the bottom to direct the water away from the operator or to a blow-off tank. A "tee" fitting shall be used at the boiler in order to provide for cleaning the line. Blow-off valves shall not be smaller than the schedule indicated in Table M-1014-3. If a surface blow down is used, it shall be run full size to the floor with an ell at the bottom or to a common drain.

M-1014.5.10 Wash-out and Hand-hole Openings. All wash-out and hand-hole openings shall be accessible and shall not be obstructed or blocked by pipe or other obstacle. Capped pipe nipples and plugs shall be installed in wash-out openings.

M-1014.5.11 Cross Connections. There shall be no cross connection below the water line for any purpose between two or more boilers.

M-1014.6 Boiler Controls

M-1014.6.1 Steam Limit Control. Every steam boiler, when mechanically fired, shall be provided with a steam limit control (pressure regulator) which shall operate to prevent the steam pressure from rising above the allowable working pressure of the boiler. All connections shall be on non-ferrous pipe with screwed fittings. There shall not be any valve between the boiler and the control.

M-1014.6.2 Master Limit Control. When two or more boilers are connected to a common header, a master limit control connected into the main steam header shall be provided to control all boilers simultaneously.

M-1014.6.3 Low-Water Fuel Cut-Off. Each steam boiler, when mechanically fired, shall be equipped with an approved low-water fuel cut-off, so located as to automatically cut off the fuel supply in case the water-gage glass indicates low-water level.

M-1014.6.3.1 Cut-Off Operational Independence. The operation of the low-water fuel cut-off shall not be dependent upon the functioning of another device.

M-1014.6.3.2 Burner Cut-Off Location. When an oil burner is manually operated, the cut-off valve shall be located in the oil line close to the burner and shall have a manual re-set.

M-1014.6.3.3 Valve Location Restriction. No valves shall be permitted between the low-water fuel cut-off and the boiler.

M-1014.6.4 Water-Gage Glass Controls. Each steam boiler shall have one or more

water-gage glasses attached to the water column or directly to the boiler by means of valved fittings, with the lower fitting provided with a drain valve of the straightway type with opening not less than one quarter inch (1/4") diameter. The gage glass shall be visible from the operating floor and without the removal of any cover or casing. There shall be no obstruction to interfere with visibility of the gage glass.

M-1014.6.5 Operating Elevated Gage Glass Controls. When gage cocks or gage glass shut off cocks are located seventy-eight inches (78") or more above the operating floor, they shall be of the quick opening type with chains or rods attached for operation from the floor. The gage glass and pressure gage shall be illuminated by a light with an approved type of reflector so that they can be easily read.

M-1014.6.6 Automatic Water Feeder. An automatic water feeder shall be installed on each mechanically fired steam heating boiler. It shall have sufficient capacity to take care of the maximum boiler output.

M-1014.6.7 Feed Pump Capacity. A boiler feed pump, when used, shall have capacity to supply sufficient water to all boilers to maintain a normal water level when the boiler or boilers are operating at maximum capacity.

M-1014.6.8 City Water By-Pass. A city water by-pass valve, with the valve accessible from the floor, shall be installed around a feeder and shall have valved drain run to within six inches (6") of the floor. A mechanical city water feeder shall be installed with a bypass valve, inlet and outlet valves accessible from the floor with cross tees for inspection with the drain valve piping run to within six (6) inches of the floor.

M-1014.6.9 Feed-Water Level. A water feeder shall be installed so that it will not maintain the water level above the normal operating level as specified by the manufacturer of the boiler.

M-1014.6.10 Minimum Boiler Water Level. On low-pressure steam heating boilers, the water gage glass shall be located so that the lowest permissible water level in the glass shall be as follows.

> **M-1014.6.10.1 Multiple Fire-Tube Boilers.** For multiple fire-tube boilers at least one half inch (½") of water shall be maintained over the top row of tubes or the fusible plug, if issued, whichever is higher.
>
> **M-1014.6.10.2 Scotch Marine Boilers.** For package type Scotch Marine boilers at least one half inch (½") of water shall be maintained over the top row of tubes or the fusible plug, if used, whichever is the higher.
>
> **M-1014.6.10.3 Horizontal Tube Boilers**. For fire-box, horizontal water tube boilers at least one inch (1") of water shall be maintained over the highest point of the crown sheet.

M-1014.6.10.4 Miscellaneous Boilers. For any other type boiler the minimum water level shall be maintained in accordance with the manufacturers' recommendations.

M-1014.6.11 Multiple Boiler Water Level. Two or more boilers shall be arranged so that the low water line of all boilers are at the same level; provided, that when each boiler is provided with an individual pump control and an automatically operated feed water control valve they may be approved for operation with different water levels.

M-1014.6.12 Boiler Pressure Gage. Every boiler shall have a pressure gage connected to its steam space, or to its water column, or to its steam connection by means of a siphon or equivalent device exterior to the boiler, and of sufficient capacity to keep the gage tube filled with water. The pressure gage shall be arranged so that the gage cannot be shut off from the boiler except by a cock with a "tee" or lever handle installed in the pipe near the gage.

M-1014.6.13 Cock Handle Position. The handle of the cock for the pressure gage shall be parallel to the pipe in which it is located when the cock is open.

M-1014.6.14 Gage Scale Graduations. The scale on the dial of a gage on a low pressure boiler shall be graduated to not less than thirty (30 psi) in five (5 psi) graduations. Connections to steam gage siphons shall be of non-ferrous pipe. The gage shall be visible at all times without the removal of any cover or casing, and shall be of such size and so located as to be easily readable from the operating floor.

M-1014.6.15 Independent Controls. When two or more mechanically fired steam boilers are connected to the same system, each boiler shall have independent low-water fuel cut-offs, pressure controls, pressure gages and water feeders.

M-1014.6.16 Non-Ferrous Pipe and Fittings. All of the connections for the water column, water feeder, low-water fuel cut-out and make up water line to the boiler, shall be of non-ferrous pipe and screwed fittings, with a cross at each right angle turn and with a check valve in the fed line as close to the boiler as possible. High pressure boilers shall have a valve between the boiler and the check valve. Tubing shall not be permitted on boiler piping or fittings. All piping shall be firmly braced and supported.

M-1014.6.17 Drain Locations. Drains shall be located so that the discharge will not impinge on the boiler setting or electrical equipment. Water column, water feeder and low-water fuel cut-out shall have separate full size straight-way valve drains run to within six inches (6”) from the floor or to a common visible drain, with the valves located to be conveniently accessible for operation. Plug cocks shall not be used.

M-1014.7 Safety Valves

M-1014.7.1 General. Each steam boiler shall be provided with one or more safety valves of the spring-pop type and having side outlet discharge, adjusted and sealed to discharge at a pressure not to exceed fifteen (15) pounds per square inch. Seals shall be attached in a manner to prevent the valve from being taken apart or re-set to relieve at a higher pressure without breaking the seal.

M-1014.7.2 Lever-Lifting Device. Each valve shall have a substantial lever-lifting device which will positively lift the disk from its seat at least one-sixteenth inch (1/16") when there is no pressure on the boiler. Where the lever is more than seventy-eight inches (78") from the floor, a flexible chain or cable operating over a pulley shall be provided so that the valve can be tested.

M-1014.7.3 Identification. Each steam safety valve shall bear the ASME symbol to indicate that it complies with the requirements of the ASME Boiler Code in regard to construction, testing and rating, and shall be plainly and permanently marked by the manufacturer in such a way that the marking will be readable when the valve is installed and will not be obliterated in service.

M-1014.7.3.1 Marking. The marking shall include the following information.

1. The manufacturer's name;

2. The type and catalog number;

3. The pressure at which it is set to blow; and

4. The capacity in pounds of steam per hour as certified by the National Board of Boiler and Pressure Vessel Inspectors.

M-1014.7.4 Operating Capacity. The steam safety valve capacity for each steam boiler shall be such that with the fuel burning equipment installed and operating at maximum capacity, the pressure cannot rise more than five (5) psi above the maximum allowable working pressure of the boiler.

M-1014.7.5 Operating Conditions. When operating conditions are changed, such as when there is no stamping on a valve or it is not legible, or when a safety valve does not function properly, then a new safety valve or valves as required in this section shall be installed.

M-1014.7.6 Installation. It shall be the responsibility of the contractor making the installation or the changes, to provide and install the necessary safety valves.

M-1014.7.7 Test. In case of dispute over the safety valve capacity or when, in judgment of the Inspector, it is considered advisable to test the capacity of the safety valves, an accumulation test shall be made by the contractor or owner in the presence of the Inspector.

M-1014.7.7.1 Test Procedure. This test shall be made by closing off all other discharge outlets from the boiler and operating the fuel burning equipment at maximum capacity. The safety valves shall be sufficient to prevent the pressure from rising more than five (5) psi above the maximum allowable working pressure of the boiler. Provision shall be made for piping the steam discharge from the boiler room during the test.

M-1014.7.8 Minimum Capacity. The minimum capacity of the safety valve or valves in pounds of steam per hour shall be determined as follows:

1. For steel or cast iron boilers, multiply the square feet of heating surface, if available, by five (5) or use the maximum rating output of the boiler as given by the manufacturer, whichever is greater.

2. If the fuel burning equipment installed will produce a greater output than the minimum specified in paragraph M-1014.7.8(1), the capacity of the safety valve or valves shall be based on the maximum output obtainable. In any event the requirements of Subsection M-1014.7 shall be met.

M-1014.7.9 Safety Valves Connection. Safety valves shall be connected to boilers with the spindle in a vertical position in any one of the following ways:

1. Either directly to a tapped or flanged opening in the boiler;

2. To a fitting connected to the boiler by a close nipple;

3. To a Y-base;

4. To a valveless steam pipe between the adjacent boilers; or

5. To a valveless header connecting steam outlets on the same boiler.

M-1014.7.9.1 Y-base Connection. When a Y-base is used pursuant to paragraph M-1014.7.9(3) above, the inlet area shall not be less than the combined outlet areas.

M-1014.7.9.2 Clearance. There shall be sufficient clearance above and around safety valves so that they can be removed and replaced without dismantling. The identification plate shall be located so as to be readable.

M-1014.7.10 Shut-off. No shut-off or connection of any description shall be placed between a safety valve and the boiler, nor on the discharge pipe between such valve and the atmosphere. A safety valve shall not be connected to an internal pipe in the boiler. Tubing or galvanized pipe shall not be used between the valve and boiler.

M-1014.7.11 Discharge Pipe. A discharge pipe shall not be used on safety valves on low pressure except where a boiler is located in a restricted space or where the discharge from the valve might constitute a hazard to persons or to equipment. A discharge opening of a single valve or the aggregate area of all valves based on the nominal diameter of the discharge openings of the valves with which it connects.

M-1014.7.11.1 Discharge Pipe Installation. The discharge pipe shall be fitted with an open drain to prevent water from lodging in the upper part of the valve or in the pipe. When an elbow is placed on a safety valve discharge pipe, it shall be located close to valve outlet. The pipe shall be supported so that no strain is placed on valve body. The discharge shall be arranged so there will be no danger of scalding attendants. A safety valve shall not be installed to discharge inside the casing of a self-contained boiler.

M-1014.7.11.2 Discharge Pipe Location. The safety valve or valves of each high-pressure boiler shall be provided with a full size discharge pipe leading to a safe point of discharge which shall be above the roof of the building of which it is a part, or any adjoining building to which it may constitute a hazard or nuisance. Any discharge pipe shall be braced and supported so that there is no weight or strain on the safety valve body. The area of the discharge pipe shall be equal to the area of all of the safety valves discharging into it and forty-five (45) degree turns, shall be used. Visible, non-valved drains shall be provided for that piping.

M-1014.7.11.3 Discharge Pipes not Required. Boilers of twenty-five (25) horsepower or less shall not be required to have discharge pipes if the discharge from the safety valve will not constitute a hazard.

M-1014.7.12 Connection of Two or More Boilers. When two or more boilers which are allowed different pressures are connected to a common steam main, all safety valves shall be set at a pressure exceeding the lowest pressure allowed, provided that when two or more boilers which are allowed different pressures are connected to a common steam main and all safety valves are set at a pressure not exceeding the lowest pressure allowed, the boiler allowed the lowest pressure shall be protected by a safety valve or valves placed on the connecting pipe to the steam main.

M-1014.7.12.1 Connecting Pipe. The area or combined area of the safety valve or valves placed on the connecting pipe to the steam main shall not be less than the area of the connecting pipe, except when the steam main is smaller than the connecting pipe the area of the safety valve or valves placed in the connecting pipe shall not be less than the area of the steam main. Each safety valve placed on the connecting pipe shall be set at the lowest allowable pressure of any of the boilers.

M-1014.8 Explosion Doors

M-1014.8.1 General. Each boiler burning fuel in suspended or gaseous form shall have one or more self-closing explosion doors located in the boiler setting and breeching as required. This shall apply not only to new installations but existing installations, if changed to burn such fuel.

M-1014.8.2 Explosion Doors. Explosion doors, when located in the walls of the boiler setting within seven feet (7') of the firing floor or of any platform or walkway, shall be provided with substantial deflectors to divert the blast of exploding gas so that it will not constitute a hazard.

M-1014.9 Installation of Miniature Boilers

M-1014.9.1 Miniature Boilers. The classification "miniature" shall apply to fired pressure vessels, and fired and unfired boilers which do not exceed the following limits.

1. Sixteen(16") inches inside diameter of shell;

2. Five (5) cu. ft. gross volume, exclusive of casing and insulation;

3. Twenty (20) square feet water heating surface;

4. One-Hundred (100) pounds per square inch maximum allowable working pressure.

M-1014.9.1.1 Limitation. Where any one of the limits specified in Subsection M-1014.9.1 is exceeded, the rules for power boilers shall apply.

M-1014.9.2 Clearance. Each boiler shall be located so that adequate space will be provided for the proper operation of the boiler and appurtenances and for the inspection of all surfaces and their necessary maintenance and repair. Each boiler shall have the following minimum clearances.

1. At least eighteen inches (18") on all sides;

2. At least three feet (3') clearance from electric meters and main-line switches; and

3. At least eighteen inches (18") clearance from all other switches and fuse boxes.

4. A boiler shall not be located closer than three feet (3') horizontally from any gas meter.

M-1014.9.3 Feed Pump. Each boiler operating at a pressure in excess of twenty-five (25) pounds per square inch shall be provided with at least one feed pump or other approved feeding device except where the steam generator is operated with no extraction of steam (closed system).

M-1014.9.4 Blow-off Connection. Each boiler shall be provided with a blow-off connection which shall not be reduced in size and shall be led to a safe point of discharge. Whenever, in the judgment of the boiler inspector a safe place of discharge cannot be provided, a blow-down tank shall be installed, and a one inch (1") vent leading to a safe point of discharge shall be provided on each of those tanks. The blow-off shall be fitted with a valve or cock in direct connection with the lowest water space practicable.

M-1014.9.5 Mechanically Fired Boilers. All boilers mechanically fired shall be provided with an automatic low-water fuel cut-out so located as to automatically cut off the fuel supply in case the water level falls to a point not lower than the bottom of the water glass.

M-1014.9.6 Gas-Fired Boilers. Where boilers are gas-fired, the burners used shall conform to the requirements of the *Fuel Gas Code*. The burner shall be equipped with a fuel-regulating governor which shall be automatic and regulated by the steam pressure. This governor shall be so constructed that in the event of its failure, there shall be no possibility of steam from the boiler entering the gas chamber or supply pipe. A manual stop or throttle valve shall be located in the inlet pipe ahead of the fuel-regulating governor. All requirements of the *Fuel Gas Code* shall be satisfied.

M-1014.9.7 Boiler Vent Installations. Each gas-fired boiler shall be connected to a vent or flue, or to a chimney, extended to an approved location outside of the building, all to be of approved design, and in accordance with the boiler

manufacturers' installation instructions.

M-1014.10 Installation of Unfired Pressure Vessels

M-1014.10.1 General. Each unfired pressure vessel shall be installed so that it is available for complete external inspection of shell and heads and shall be located so that wherever possible, there will be not less than twelve inches (12") between any floor, wall, ceiling, or other obstruction. There shall be no piping or other obstructions to prevent proper access; any manhole or inspection opening shall be located so that it is readily accessible. All stamping and longitudinal welded or riveted joints shall be located in a position as to be readily visible to the inspector. Where necessary to install a vessel underground, it shall be enclosed in a concrete or brick pit with a removable cover so that inspection of the entire shell and heads of the vessel can be made.

M-1014.10.2 Structural Supports. Each unfired pressure vessel shall be supported by masonry or structural supports of sufficient strength and rigidity to safely support the vessel and its contents. There shall be no vibration in either the vessel or its connecting piping.

M-1014.10.3 Piping and Connections. All piping and connections to an unfired pressure vessel shall be supported in a substantial and safe manner so that there is no strain placed upon the vessel. Provision shall be made for expansion, contraction, and drainage.

M-1014.10.4 Protection. Each unfired pressure vessel shall be painted with two coats of approved paint, so that it is protected from rust or corrosion. It shall not be in contact with any corrosive material or moisture.

M-1014.10.5 Drip Pipe. Each unfired pressure vessel shall have bottom drip pipe fitted with a valve or cock in direct connection with the lowest space practicable. The minimum size of pipe and fittings shall be three quarters of an inch (3/4") except for tanks twenty inches (20") in diameter or less in which the minimum of the pipe and fitting shall be one-quarter inch (1/4"). If a plug cock is used, the plug shall be held in place with a guard or gland. Globe valves and cocks shall not be used.

M-1014.10.6 Pressure Gage. Each unfired pressure vessel shall have a pressure gage connected in a manner that the gage cannot be shut off from the vessel, except by a cock with a "T" or lever handle which shall be placed on the pipe near the gage. Connections to gages shall be placed on the pipe near the gage. Connections to gages shall be made of non-ferrous pipe and fittings from the tank to the gage. Tubing shall not be used. The dial of the gage shall be graduated to not less than one and one-half times the maximum pressures allowed for the vessel. A one-quarter inch (1/4") test gage connection shall be provided for attaching the inspector's test gage.

M-1014.11 Safety Valves for Unfired Pressure Vessels

M-1014.11.1 General. Each unfired pressure vessel shall be protected by safety and relief valves and indicating and controlling devices to insure its safe operation. These valves and devices shall be so constructed, located, and installed that they cannot readily be rendered inoperative.

M-1014.11.2 Safety Valves. The relieving capacity of safety valves shall be such as to prevent a rise of pressure in the vessel of more than ten (10) percent above the maximum allowable working pressure, taking into account the effect of static head. Safety valve discharge shall be carried to a safe place.

M-1014.11.3 Type of Safety Valve. Each safety valve shall be of the direct spring-loaded type having a substantial lever-lifting device so that the disk can be lifted from its seat by the spindle not less than one-eighth (1/8th) the diameter of the valve when the pressure of the vessel is seventy-five percent (75%) of that at which the safety valve is set to blow.

M-1014.11.4 Marking. Every such valve shall be marked "ASME or National Board Standard," and shall give the following information.

1. The name or identifying mark of the manufacturer;

2. The pipe size of valve inlet;

3. The pressures of which the valve is set to blow; and

4. The relieving capacity.

M-1014.11.5 Prohibit & Safety Valves. Safety valves having either the seat or disk of cast iron shall not be used.

M-1014.11.6 Multiple Safety Valves. If more than one safety valve is used, the discharge capacity shall be taken as the combined capacity of all valves.

M-1014.11.7 Pressure Relief in Unfired Pressure Vessels. For vessels in which pressure is not generated but is derived from an outside source, each safety valve shall be so connected to the vessel, vessels, or system which it protects as to prevent a rise in pressures beyond the maximum allowable pressure in any vessel protected by the safety valve.

M-1014.11.8 Pressure Relief In. For vessels in which pressure may be generated, the safety valve or valves shall be connected directly to the vessel which is to be protected or to a pipe line leading to the vessel. The internal cross-sectional area of the pipe line shall be not less than the nominal area of the safety valve or valves used, and without any intervening valve between the vessel and the safety valve or valves protecting it.

M-1014.11.9 Pressure Relief Escape Pipe. When an escape pipe is used, it shall be full-sized and fitted with an open drain to prevent liquid from lodging in the upper part of the-safety valve, and no valve of any description shall be placed on the escape pipe between the safety valve and the atmosphere.

M-1014.11.10 Escape Pipe Fittings. When an elbow is placed on an escape pipe, it shall be located close to the safety valve outlet or the escape pipe shall be securely anchored and supported. When two or more safety valves are placed on one connection, this connection shall have a cross-sectional area at least equal to the combined area of these safety valves.

M-1014.11.11 Freeze Protection. Each safety valve which is exposed to a temperature of thirty-two (32) degree F. or less shall have a drain at least three-eighths inch (3/8") in diameter at the lowest point where water can collect; provided, that safety valves three-quarters inch (3/4") in size and less may have drain holes as large as possible but not less than three-eighths inch (3/8") diameter.

M-1014.11.12 Spring Adjustment. Safety-valve springs shall not be adjusted to carry more than ten (10) percent greater pressure than that for which the springs were made.

M-1014.11.13 Valve Testing. Each safety valve shall be tested once every day or more often by raising the disk from its seat.

M-1014.11.14 Valve Sizing. Safety valves for compressed air tanks shall not exceed three inches (3") in diameter and shall be proportioned for the maximum number of cubic feet of free air that can be supplied per minute as determined in Section VIII, Division 1, Part UG, paragraph UG-133, "Determination of Pressure Relief Requirements" in the ASME Code.

M-1014.11.15 Use of Rupture Disks. Rupture disks or heads my be used for additional protection of pressure vessels but they shall be designed to fail at a pressure above the safety or relief valve setting.

M-1014.11.16 Multiple Vessels. When two or more unfired pressure vessels which are allowed different pressures are connected to a common source of pressure, all safety valves shall be set at pressure not exceeding the lowest pressure allowed.

M-1014.12 Penalties for Code Violations. Any person who violates or fails to comply with any one or more of the provisions of this chapter, shall upon conviction thereof in the District of Columbia Superior Court, on information filed by the Office of the Attorney General, be subject to a fine of not to exceed two thousand dollars ($2000.00) or to imprisonment for not more than 90 days, or both, for each and every violation thereof and each violation shall constitute a separate offense.

TABLE M-1014-1
REQUIREMENTS FOR POWER BOILERS
(see M-1014.4.4)

BOILER RATING	SIZE TANK	OUTLET	VENT
2 to 25 horsepower	24 in. diameter by 36 in. deep	2	2
26 to 75 horsepower	30 in. diameter by 48 in. deep	3	3
76 to 150 horsepower	36 in. diameter by 54 in. deep	5	4
151 to 250 horsepower	36 in. diameter by 60 in. deep	5	5
251 to 600 horsepower	42 in. diameter by 66 in. deep	5	6
601 to 1,000 horsepower	48 in. diameter by 72 in. deep	6	6

TABLE M-1014-2
EQUALIZER PIPE SIZES
(see M-1014.5.2)

GRATE AREA (square feet)	S.V.R.C. (pounds per hour)	PIPE SIZE (inches)
Under 4	250 or less	1 ½
4 to 15	251 or 2000	2 ½
Over 15	2001 or over	4

*Note. Safety Valve Relieving Capacity for this purpose shall be the capacity as stamped on a steel boiler or on the name plate of a cast iron boiler.

TABLE M-1014-3
BLOW-OFF VALVES
(see M-1014.5.9)

BOILER RATING (square feet E.D.R.)	Pipe Size (inches)
Under 1000	¾
1001 to 3500	1
3501 to 8500	1 ½
8501 to over	2

SECTION M-1015E WATER STORAGE TANKS, WATER HEATERS, HYDRO-PNEUMATIC TANKS

M-1015.1 General. Each hot water storage tank, range boiler, or automatic storage water heater, having a nominal water-containing capacity of one-hundred twenty (120) gallons or less shall be built for a minimum working pressure of one-hundred twenty-five (125) pounds per square inch and shall be tested hydrostatically to three-hundred (300) pounds per square inch. Each tank shall have clearly and indelibly stamped or stenciled thereon the name of the manufacturer, the maximum allowable working pressure for which it is built, and the test pressure.

M-1015.1.1 Tank Label. Each hot water tank shall be stamped with the ASME symbol to indicate that it is constructed in accordance with the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers. It shall also be stamped with the name of the manufacturer, the maximum allowable working pressure, the year built, and the identifying number of the National Board of Boiler

and Pressure Vessel Inspectors.

M-1015.1.2 Permit Application. Applications for permits for hot water storage tanks as described in Article 1015.1 shall be accompanied by the Manufacturers' Data Report which shall be signed by an Inspector licensed to inspect boilers and pressure vessels by the National Board.

M-1015.1.3 Gas-fired Automatic Storage Water Heaters. Gas fired automatic storage water heaters shall bear a label indicating approval and listing in accordance with the *Fuel Gas Code*.

M-1015.1.4 Oil Fired or Electrically Heated Water Heaters. Oil fired or electrically heated automatic storage water heaters shall bear the U.L. label to indicate listing by Underwriters Laboratories, Inc.

M-1015.1.5 Storage Water Heater Label. Each storage water heater shall bear the manufacturer's trade name, if any, the catalog number, the firing rate (input), the output in gallons per hour at one-hundred degrees Fahrenheit (100 deg F.) rise in temperature, and the nominal capacity in gallons of the storage tank.

M-1015.1.6 Storage Tank Construction. Storage tanks shall be supported upon metal supports of pipe or structural steel resting upon the floor, or they may be hung from supports attached to structural steel or concrete beams, provided the beams have been determined to be of sufficient strength to support the additional weight; or they may be installed upon concrete saddles. Provision shall be made to take care of expansion. Tanks shall not be supported by their piping system. Manhole openings shall be kept clear of all walls, pipes, or other obstructions.

M-1015.1.7 Installation-Gas-Fired Water Heaters. Each gas-fired water heater shall be provided with an approved draft diverter installed in accordance with the manufacturer's design, and shall be connected to an effective chimney shall be above the entrance of other vent connectors or breechings.

M-1015.1.8 Commercial and Industrial Installation. In commercial and industrial establishments when a connection to a chimney is impracticable, the installation of an automatic water heater may be approved by the Director if the following requirements are met. The maximum flow of gas shall be limited by fixed orifices to values in relation to the net cubical contents of the space in which the heater is located as specified in Table M-1015. In no case shall the maximum input rate exceed 10,000 BTU per hour; and the heater shall otherwise conform to these regulations.

M-1015.1.9 Prohibited Use. No water from a hot water supply boiler, automatic water heater coil or tank shall be used for building heating, except that water to be used for auxiliary space heating may be by-passed from any such boiler or heater, provided there is no actual withdrawal or possible leakage of water from the unit, and that all surfaces and connections in contact with the water are of copper or other approved corrosion resistant material.

M-1015.1.10 Existing Tanks. A tank currently in use shall not be painted, lined or repaired on the inside with any material or in any manner that will affect either the color or taste of the water supply after the tank is put into service. Any material intended for use as a lining or protective coating for the interior of tanks shall be submitted for approval.

M-1015.1.11 Tank Maintenance and Repair. The water supply connections to and from the tank shall be disconnected or plugged while the tank is being cleaned, painted, lined or repaired, to prevent any foreign fluid or substance from entering the distribution piping. Adequate measures shall be taken for the protection of workmen in the tank.

M-1015.1.12 Welding Repair. Any repair by welding on a tank shall be done by a welder qualified and licensed by the Department and the work shall be done under the supervision of a D.C. Boiler Inspector or an insurance company.

M-1015.1.13 Modification or Additions. When any changes or additions are made to an existing hot water supply system or when a storage tank is replaced or moved, compliance with this title shall be required; provided, that when there is no available opening in the top of an automatic storage water heater having a nominal water containing capacity of one-hundred twenty (120) gallons or less, the valve shall be installed in the outlet header from the heater with only one fitting between the relief valve and the tank.

M-1015.2 Hydro-pneumatic Tanks

M-1015.2.1 Construction. Each hydro-pneumatic tank shall be constructed for a minimum working pressure of one-hundred fifty (150) pounds per square inch.

M-1015.2.2 Label. Each hydro-pneumatic tank shall be stamped with the following information.

The ASME symbol to indicate that it is constructed in accordance with the Unfired Pressure Vessel Code of the American Society of Mechanical Engineers;

1. The name of the manufacturer;

2. The maximum allowable working pressure;

3. The year built; and

4. The identifying number of the National Board of Boiler and Pressure Vessel Inspector.

M-1015.2.3 Permit Applications. Applications for permits shall be accompanied by the Manufacturers Data Report which shall be signed by an Inspector licensed to inspect boilers and pressure vessels by the National Board.

M-1015.2.4 Gage-Glass. Each hydro-pneumatic tank shall be provided with a gage-glass to show the level of the water in the upper section of the tank and a pressure gage. It shall also be provided with an eleven inch (11") manhole opening which shall be kept clear of all walls, pipes, or other obstructions.

M-1015.2.5 Safety Valves. Each hydro-pneumatic shall be equipped with a lever lifting safety valve bearing the ASME symbol suitable for use with air, installed in a vertical position on the top of the tank and set to relieve at or below the maximum allowable working pressure of the tank. The valve shall be sealed to prevent tampering and there shall be no shut-off valve between the tank and the relief valve.

M-1015.2.6 Pressure Gage. Each tank shall be provided with a pressure gage not less than four inches (4”) in diameter connected directly to the tank by means of non-ferrous pipe. A cock with a tee handle shall be placed in the pipe near the gage. The gage shall be graduated to not less than one and one-half (1.5) times the maximum allowable working pressure of the tank.

M-1015.2.7 Valve By-Pass. Each hydro-pneumatic tank shall be piped to include a full-size valved by-pass so that city water can be used in the building when the tank is not in service.

M-1015.2.8 Vacuum Relieving Device. Each hydro-pneumatic tank shall be provided with a vacuum relieving device located on the top of the tank and a horizontal swing check valve in the water supply line from the pump to the tank, and in the District water supply by-pass line to the tank. A valved sludge drain pipe shall be installed at the bottom of the tank and shall discharge through an open connection into the drainage system of the building.

M-1015.3 Relief Valves, Gages, and Safety Controls

M-1015.3.1 General. Each hot water storage tank and automatic water heater shall be equipped with safety controls, which shall prevent the temperature of the water in the tank from exceeding two-hundred degrees Fahrenheit (200 deg F.) and the pressure from exceeding the maximum allowable working pressure for which the tank is built. Each such unit shall be equipped with the following.

1. A pressure relief valve and a separate temperature relief valve of the spillage type;

2. A combined temperature-pressure relief valve of the spillage type; or

3. In the case of automatic water heaters manufactured as a unit, a thermostat and pressure relief valve.

M-1015.3.2 Pressure Relief Valve. Each pressure relief valve shall be of the lever lifting, spring-loaded type without disk on the pressure side of the valve. The valves shall be set to relieve at a pressure at or below the maximum allowable working pressure of the tank and shall be so arranged that they cannot be reset to relieve at a higher pressure than stamped thereon.

M-1015.3.3 Relief Valve Capacity. The valve or valves shall have sufficient capacity to prevent the pressure in the tank from rising more than ten percent (10%) above the maximum allowable working pressure. The rate capacity of the valve, or valves shall be equal to the maximum gross output of the heating unit installed. The gross output shall be determined from the data supplied on the manufacturer's name plate, catalog data, or from the fuel input.

M-1015.3.4 Label. Pressure relief valves shall bear the ASME symbol to indicate that they comply with the requirements of the ASME Low Pressure Heating Boiler Code in regard to construction, testing, and rating, and shall be plainly and permanently marked by the manufacturer in a way that the marking will be readable when the valve is installed and will not be obliterated in service. Pressure relief valves used on non-ASME approved, gas-fired equipment shall bear the symbol to indicate listing under the requirements of an approved testing agency, and shall bear the ASME symbol for equipment using other fuels. The marking on pressure relief valves shall include the following information:

1. The manufacturer's name;

2. The type and catalog number;

3. The pressure at which it is set to blow; and

4. The capacity in pounds of steam or BTU per hour as certified by the National Board of Boiler and Pressure Vessel Inspectors.

M-1015.3.5 Valve Size. No pressure relief valve shall be less than three-quarter inch (3/4") standard pipe size.

M-1015.3.6 Installation. Each pressure relief valve shall be installed in a vertical position directly on the top of the tank, or if there is no opening available, to a fitting in the hot water service line within two inches (2") from the tank. Each pressure relief valve shall have a full size discharge pipe of non-ferrous metal, with an unthreaded open end, run to an approved plumbing fixture or if none is available to within six inches (6") of the floor. When the discharge pipe is over one inch (1") in diameter it shall be supported and braced to prevent any strain being placed on the valve.

M-1015.3.7 Multiple Valve Use. If more than one valve is used, they may be connected to a manifold whose inlet pipe area shall be equal to the area of the inlet openings of all the valves. There shall be no restriction in size on either the inlet or discharge side of the valve or valves, and there shall be no shut-off valve or check valve between the relief valve and the tank.

M-1015.3.8 Temperature Relief Valve. Each temperature relief valve shall bear a label indicating approval and listing by ASME, and shall be submitted for approval to the Department.

M-1015.3.8.1 Valve Type and Design. Each temperature relief valve shall be of the automatic self-closing type with a test lever and shall be designed to open at two-hundred degrees Fahrenheit (200 degrees F.) or lower and be of sufficient capacity to limit the temperature to not over two-hundred degrees Fahrenheit (200 degrees F.). The valve shall be non-adjustable and shall not be less than three-quarter inch (3/4") standard pipe size.

M-1015.3.8.2. Label. Each temperature relief valve shall bear a plate permanently attached, giving the following information.

1. The name of the manufacturer;

2. The model or type number of the valve;

3. The temperature at which the valve will deliver its rated capacity; and

4. The rated capacity in BTU.

M-1015.3.8.3 Installation. Each temperature relief valve shall be installed in a vertical position on the top of the tank. Valves shall be screwed directly into the tank without intervening fittings unless the dip tube extension type is used, in which case the tube shall project into the tank. If a fitting is used, it shall be of non-ferrous material. Each valve shall have a full size discharge pipe with an unthreaded open end, run to within six inches (6") of the floor or to a suitable fixture. There shall be no restrictions in size on either the inlet or

discharge side of the valve, and there shall be no shut-off or check valve between the relief valve and the tank.

M-1015.3.9 Combined Temperature and Pressure Valve. When a combination temperature-pressure relief valve is used, it shall conform with and be installed similarly to the requirements for pressure relief valves and for temperature relief valves. It shall bear both the ASME symbol and required stamping in addition to the symbol of the AGA for the temperature relief element.

M-1015.3.10 Aquastat. Each aquastat used on an automatic gas water heater unless provided as part of a complete AGA approved unit, shall be listed by AGA and shall operate to shut off the gas supply to limit the temperature of the heated water to not over two-hundred ten degrees Fahrenheit (210 deg F.).

M-1015.3.11 Hot Water Heating Systems. Hot water supply boilers, tankless heaters, electric heaters, immersion heating coils in boilers and any other type of heater shall be protected against excessive pressure, as provided herein.

M-1015.3.11.1 Pressure Gage. Each hot water supply boiler and hot water storage tank shall be provided with a pressure gage connected directly to the boiler or tank by means of non-ferrous pipe. A cock with a tee handle shall be placed in the pipe near the gage. The gage shall have a dial not less than four inches (4") in diameter and be so located that it can be easily read from the floor. It shall be graduated to not less than one and one-half (1.5) times the maximum allowable working pressure of the boiler or tank. Gages shall not be required for range boilers and domestic type water heaters.

M-1015.3.11.2 Thermometer. Each hot water supply boiler, hot water storage tank, tankless heater, immersion type heater or any other type of heater shall be provided with a thermometer reading up to three-hundred degrees Fahrenheit (300 degrees F.), of a size and so located that it can be easily read from the floor. It shall be located in a well so that it will indicate the temperature of the water at or near the outlet and shall be accurate within two percent (2%). Thermometers shall not be required for range boilers or domestic type water heaters.

M-1015.3.11.3 Water Mixing Valve. When hot water is used by the general public or by persons not in control of the heating equipment, an approved water mixing valve shall be installed to limit the temperature of the water at the fixture to not over one-hundred forty degrees Fahrenheit (140 degrees F.). A thermometer shall be installed on the discharge side of the mixing valve and be of a size and so located as to be easily read.

TABLE M-1015
MAXIMUM PERMISSIBLE FLOW FOR UNVENTED COMMERCIAL AND INDUSTRIAL WATER HEATERS

(see M-1015.1.8)

Net Cubical Contents of Room or Space (in cubic feet)	PERMISSIBLE MAXIMUM GAS FLOW IN CUBIC FEET PER HOUR	
	COLUMN NO. 1 (a)	COLUMN NO. 2 (b)
1000 to 1500	2	3
1500 to 2000	3	4
2000 to 2500	4	5
2500 to 3000	5	6
3000 to 3500	6	7
3500 to 4000	7	8
Over 4000	8	8

Note a. Column No.1 applies to appliances when located in areas, which do not have openings to other areas.

Note b. Column No. 2 applies to appliances when located in areas, which have permanent openings of at least 15 sq. ft. leading to another area of equal or greater cubical content.

SECTION M-1016E WELDING ON BOILERS AND UNFIRED PRESSURE VESSELS

M-1016.1 General Rules for Welding. The construction, installation, repair or alteration of a boiler or unfired pressure vessel by welding shall be made in accordance with Section IX, Part QW, "Welding" in the ASME Code governing the particular kind of vessel or work to be done.

M-1016.1.1 Welding Procedure. A contractor desiring to make repairs shall have a written welding procedure specification that shall be prepared and qualified in accordance with the Welding Qualification of Section IX, Article II, "Welding Procedure Qualifications" in the ASME Code, or the contractor may use the standard D.C. welding procedure specification. This procedure shall then be used for qualifying each welders and shall be strictly adhered to in making repairs under this chapter. A welder shall be limited to the type of steel and thickness of plate for which he or she was qualified.

M-1016.1.2 Qualification Test. Each welder shall pass satisfactory qualification tests as required by Section IX, Article III, "Welding Performance Qualifications" in the ASME Code, NBIC and the D.C. Welding Standard. The qualification test for individual welders shall be made in accordance with the ASME Code. The test shall be made in the presence of the boiler inspector or an assistant boiler inspector who shall stamp the specimens with a D.C. identifying number. A welder may be accepted without further examination provided that he submits a satisfactory welding procedure and operator qualification test, made in accordance with the ASME Code

and these regulations, for approval prior to any welding. The qualification test does qualify a welder to do welding on pressure piping.

M-1016.1.3 Test Specimens. After the specimens have been prepared as required by Section IX, Part QW, paragraph QW-310, "Qualification Test Coupons" in the ASME Code, they shall be tested by the D.C. Boiler Inspector, or they may be submitted to the National Institute of Standards and Technology (NIST) for test. The test shall be made in accordance with the guided-bend jig test as described Section IX, Part QW, paragraph QW-160, "Guided-Bend Tests" in the ASME Code. A report shall be made on a form similar to data recording forms in Section IX, Appendix-B, "Non-mandatory Welding and Brazing Forms" in the ASME Code. If the report indicates that the welder has passed the test, a card authorizing him or her to do welding on boilers or unfired pressure vessels in the District of Columbia for a period of two (2) years from the date of the test, shall be issued.

M-1016.1.4 Fees. The fee for witnessing the welding and making the tests shall be sixty-five dollars ($65.00). The fee for the NIST test is additional. All fees are payable in advance.

M-1016.2 Qualification Retest. A welder who fails to meet the requirements for one or more of the test specimens may be retested under the following conditions.

1. When an immediate retest is made, the welder shall make two test welds of each type for each position on which he has failed, all of which shall pass the test examination; or

2. If, in the judgment of the inspector, the welder requires further training or practice, a complete retest of the welder shall be made after he has completed his additional training or practice.

M-1016.3 Inspector's Authority. Notwithstanding the issuance of a qualification card, the inspector may request a new test under the following circumstances.

1. When a welder has not welded under the procedure specification for a period of three (3) months or more;

2. When there is a specific reason to question his ability to make welds that meet the specification; and

3. At the expiration of his two (2) year qualification period.

M-1016.3.1 Welding Defects. If any question should arise as to the quality of a weld, the inspector may call for test specimens to be trepanned from the welds. Preparation of the specimens and examination shall be done by the NIST and the contractor shall stand all expense incidental to this testing.

M-1016.3.2 Welding Inspection. No welding on any boiler or unfired pressure vessel shall be done before an inspection has been made by the boiler Inspector, an assistant boiler Inspector, or an insurance company Inspector, and the method of welding sanctioned by that Inspector. If, in the opinion of the Inspector, a hydrostatic test is necessary, that test shall be applied after the repairs have been completed.

M-1016.4 Repairs of Boilers or Unfired Pressure Vessels. Before repairs are started, it shall be the duty of the Inspector to satisfy himself or herself, by examination of the written welding procedure and records of qualification tests, that procedures and welders have been properly tested and qualified. Welding repairs or alterations on boilers or unfired pressure vessels and connections by unqualified contractors or welding operators will not be accepted for either new or existing installations.

M-1016.4.1 Inspector's Report. A report shall be made of every welded repair by the Inspector who authorized and witnessed the repair.

M-1016.5 Rules for Welding on Boilers and Unfired Pressure Vessels

M-1016.5.1 Welding Rule. The construction, installation, repair or alteration of a boiler or unfired pressure vessel by welding shall be made in accordance with the section of the ASME Code governing the particular kind of vessel or work to be done or by the specific requirements in this section for welded repairs.

M-1016.5.2 Qualified Welding Procedure. A contractor desiring to make repairs shall have a written welding procedure specification that shall be prepared and qualified in accordance with the Welding Qualification in Section IX of the ASME code, or the contractor may use the standard D.C. welding procedure specification. This procedure shall then be used for qualifying each welders and shall be strictly adhered to in making repairs under this chapter. A welder shall be limited to the type of steel and thickness of plate for which he or she was qualified.

M-1016.5.3 Welder Qualifications. Each welder shall pass satisfactory qualification tests as required by the ASME Code.

M-1016.5.4 Qualification Standard. The qualification test for individual welders shall be made in accordance with the ASME Code. The test shall be made in the presence of the boiler inspector or an assistant boiler inspector who shall stamp the specimens with a D.C. identifying number. A welder may be accepted without further examination provided that he submits a satisfactory welding procedure and operator qualification test, made in accordance with the ASME Code and these regulations for approval prior to any welding.

M-1016.5.5 Specimen Test. After the specimens have been prepared as required by the ASME Code, they shall be tested by the D.C. Boiler Inspector or they may be submitted to the NIST for test. The test shall be made in accordance with the guided-bend jig test as described in the ASME Code. A report shall be made on a form

similar to the data recording forms in Section IX, Appendix-B in the ASME Code.

M-1016.5.6 Welding Fees. The fee for witnessing the welding and making the tests shall be one-hundred dollars ($100.00). The fee for the NIST test is additional. All fees are payable in advance.

M-1016.5.7 Authorization Card. If the report indicates that the welder has passed the test, a card authorizing him or her to do welding on boilers or unfired pressure vessels in the District of Columbia for a period of two (2) years from the date of the test, shall be issued.

M-1016.5.8 Welder Qualification Limit. The qualification test does not qualify a welder to do welding on pressure piping.

M-1016.5.9 Welder Re-Test. A welder who fails to meet the requirements for one or more of the test specimens may be retested under the following conditions.

1. When an immediate retest is made, the welder shall make two test welds of each type for each position on which he has failed, all of which shall pass the test examination; or

2. If, in the judgment of the inspector, the welder requires further training or practice, a complete retest of the welder shall be made after he has completed this additional training or practice.

M-1016.5.10 Welder Re-Test Performance. Notwithstanding the issuance of a qualification card, the inspector may request a new test under the following circumstances.

1. When a welder has not welded under the procedure specification for a period of three (3) months or more;

2. When there is a specific reason to question his ability to make welds that meet the specification; and

3. At the expiration of the two (2) year qualification period.

M-1016.5.11 Trepanned Specimen. If any question should arise as to the quality of a weld, the inspector may call for test specimens to be trepanned from the welds. Preparation of the specimens and examination shall be done by the NIST and the contractor shall stand all expense incidental to this testing.

M-1016.5.12 Inspection Requirements. No welding on any boiler or unfired pressure vessel shall be done before an inspection has been made by the boiler inspector, an assistant boiler inspector, or an insurance company inspector, and the method of welding sanctioned by that inspector. If, in the opinion of the inspector, a

hydrostatic test is necessary, that test shall be applied after the repairs have been completed.

M-1016.5.13 Inspector Examination. Before repairs are started, it shall be the duty of the inspector to satisfy himself or herself, by examination of the written welding procedures and records of qualification tests, that procedures and welders have been properly tested and qualified.

M-1016.5.14 Weld Rejection. Welding repairs or alterations on boilers or unfired pressure vessels and connections by unqualified contractors or welding operators will not be accepted for either new or existing installations.

M-1016.5.15 Inspector's Report. A report shall be made on every welded repair by the inspector who authorized and witnessed the repair.

M-1016.6 Method of Conducting Tests

M-1016.6.1 Welder Qualification Tests. The qualification tests described shall be specially devised tests to determine a welder's ability to produce sound wells. In order to determine the welder's ability to make groove wells in various positions in plate, the following three positions for tests are required.

1. Test Position I – Plates placed in a vertical position with the welding groove in a horizontal plane. This test shall qualify the welder to make flat and horizontal welds.

2. Test Position II – Plates placed in a vertical position with the axis of the weld vertical. The test shall qualify the welder to make flat and vertical welds.

3. Test Position III – Plates placed in a horizontal position with the weld metal deposited form the underside of the plate. This test shall qualify the welder to make flat welds in the overhead position.

M-1016.6.2 Weld Plate Specifications. The base material of the plates to be welded shall be of flange or firebox steel quality three-eights inch (3/8") thick and having a tensile strength of not less than fifty-five thousand (55,000) pounds per square inch. The plates shall be five inches (5") long by six inches (6") wide, and shall be prepared for a single "V" groove butt joint.

M-1016.6.3 Preparing Test Specimens. The method of preparing test specimens shall be as follows:

1. When the welding has been completed, specimens shall be removed as directed by machine or flame cutting. They shall be approximately one and one-half inches (1.5") wide.

2. The weld reinforcement shall be removed by machine or grinding, flush with the surface or the base metal.

3. The corners of the edges of all test specimens shall be rounded to a radius of not more than one-fifteenth inch (1/15").

In addition to (1), (2) and (3) above, the test specimens shall be prepared as specified in Section IX, paragraph QW-462, "Test Specimens" in the ASME Code.

M-1016.6.4 Specimen Testing Methods. The method of testing specimens shall be as follows:

Specimens shall be bent in a bending jig called the "guided bend test", until the curvature of the specimen is such that a one-thirty-second inch (1/32") wire cannot be passed between the curve portion of the plunger and the specimen. Face bend specimens shall be placed with the face of the weld toward the gap in the jig; root bend specimens shall be placed with the root of the weld toward the gap.

After removal from the jig, the convex surface of the specimens shall be examined for the appearance of cracks or other open defects. Any specimen in which a crack or other open defect is present after the bending exceeding one-eight inch (1/8") measured in any direction, shall be cause for failure to pass the test.

M-1016.7 Repairs by Welding

M-1016.7.1 Repairs Limited to Steels. The repairs that may be made under these rules are limited to steels having known weldable quality and are further limited to carbon steels having a carbon content of not more than thirty-five hundredths percent (0.35%) and low alloy steels having a carbon content of not more than twenty-five hundredths (0.25%) percent. A welder shall not make repairs in a plate thickness in excess of that permitted under the qualification tests in the ASME Code, or on a material, or in a thickness of plate that is not permitted within the welder's qualification tests.

M-1016.7.2 Groove Welding. Groove welds shall completely penetrate the material being welded. If possible, welding shall be applied from both sides of the plate, or a backing strip or ring may be used to insure complete penetration. Welds shall have a convex surface on both sides if applied on both sides of the plates being joined; or on one side if welding is applied from one side only. No valleys or undercutting at edges or welded joints shall be permitted. The reinforcement may be chipped, ground or machined off flush with the base metal, if so desired, after the welding has been completed.

M-1016.7.3 Defective Weld Repair. In making a repair to a weld that has failed in service, the defective weld material shall be removed by chipping or grinding until sound metal is reached on all sides. The resulting groove shall be filled as required by the applicable welding procedure.

M-1016.7.4 Carbon Steel Stress-Relieving. In the repair of carbon or low alloy steels, when required by these rules and when considered necessary by the authorized inspector, thermal stress-relieving shall be applied to the completed work. The heat may be applied by any means that will raise the temperature of the material gradually and uniformly to approximate twelve-hundred degrees Fahrenheit (1200 deg. F.). In the absence of more accurate means of determining temperature, a dull "red glow" in daylight will suffice. This temperature shall be maintained for a period of one hour per inch of thickness of material.

> **M-1016.7.4.1 Circumferential Joints.** For circumferential joints, the area heated shall comprise a band extending completely around the cylinder and having a width on each side of the center line of the weld not less than three times the greatest width of the finished weld.
>
> **M-1016.7.4.2 Nozzles.** For nozzles, the heated area shall comprise a circumferential band extending around the entire vessel, including the nozzle of welded attachment, and shall extend at least six times the plate thickness beyond the welding which connects the nozzle or other attachment to the vessel.

M-1016.7.5 Stress-Relieve Cooldown Procedure. Upon completion of the stress-relieving operation, the plate shall be allowed to cool at a rate not greater than five-hundred degrees Fahrenheit (500 deg. F.) per hour divided by the maximum thickness of the welded part in inches, but in no case more than five-hundred degrees Fahrenheit (500 deg. F.) is reached, after which normal cooling by exposure in a still atmosphere may be permitted.

M-1016.7.6 Thermal Stress-Relief Alternatives. It should be noted that under certain conditions, thermal stress relieving as outlined above may be inadvisable. In such cases any other method of stress-relieving acceptable to the authorized inspector may be used. Under certain conditions preheating may be necessary.

M-1016.8 Welded Repairs on Boilers and Unfired Pressure Vessels

M-1016.8.1 Crack Repair in Stayed Areas. Cracks in stayed areas may be repaired by welding, provided that no multiple or star cracks radiating from rivet or stay bolt holes shall be welded.

M-1016.8.2 Crack Repair in Unstayed Shells. Cracks in unstayed shells, drums or headers of boilers or pressure vessels may be repaired by welding, provided that the cracks do not extend between rivet holes in a longitude seam or parallel to a longitudinal riveted seam within eight inches (8”), measured from the nearest caulking edge. The total length of any one such crack shall not exceed eight inches (8”). A crack of greater length may be welded provided the complete repair is radiographed and stress-relieved. Any crack that may be welded shall be properly prepared to permit fusion through the entire plate.

M-1016.8.3 Crack Repair in Unstayed Furnaces. Cracks of any length in unstayed furnaces may be welded, provided that the welds are thermally stress relieved. Welds shall be applied from both sides of the plate wherever possible. Welds applied from one side only may be used if expressly permitted by the inspector. Repair of cracks at the knuckle or turn of flange of furnace openings shall be prohibited except upon special approval by the Inspector.

M-1016.8.4 Corrosion Repair in Stayed Furnaces. Corroded areas in stayed furnaces may be built up by welding, provided that the remaining plate has an average thickness of not less that fifty percent (50%) of the original thickness, and further provided that the areas so affected are not sufficiently extensive to impair the safety of the object. In those cased the stays and stay bolts shall come completely through the reinforcing metal and the original ends of the stay bolts shall be plainly visible to the Inspector.

M-1016.8.5 Corrosion Repair Around Manholes. Corroded areas around manholes or handhole openings, in either stayed or unstayed plates, may be built up by welding, provided that the average loss of thickness does not exceed fifty percent (50%) of the original plate thickness and the area to be repaired does not extend more than three inches (3”) from the edge of the hole.

M-1016.8.6 Corrosion Repair in Unstayed Shells. Corroded areas in unstayed shells, drums or of the object has not been impaired.

M-1016.8.7 Repairing Connector Areas. Edges of butt straps, of plate laps and nozzles, or of connections, attached by riveting may be restored to their original thickness by welding. No seal welding shall be used except upon special approval of the Inspector, and in no case where cracks are present in riveted areas.

M-1016.8.8 Welding Tube Ends. The ends of tubes in fire-tube and water-tube boilers may be welded, provided that they have not been reduced more than ten percent (10%) percent in thickness and comply with the requirements of paragraphs PWT-11 and PFT-12 in Section I, Parts PWT and PFT in the ASME Power Boiler Code.

M-1016.8.9 Re-ending Tubes, Pipes. Re-ending of piecing tubes or pipes in either fire-tube or water-tube boilers shall be permitted, provided that the thickness of the tube or pipe has not been reduced by more than ten percent (10%) from the thickness required by the ASME Code for the pressure approved. In all cases they shall comply with the requirements in Section I, Part PWT, paragraph PWT-10, "Tube Wall Thickness" in the ASME Power Boiler Code.

M-1016.8.10 Patch Material. The material used for patches shall be of the same general quality and have at least the minimum physical properties of the plate to be patched. The thickness of any patch shall be at least equal to, but not more than one-third inch (1/3") greater than the plate being patched.

M-1016.8.11 Patches Permitted. Flush or butt-welded patches or new sections may be applied to stayed plates without limitation of size or plate thickness. Lapped or fillet-welded patches may be applied to stayed plates, provided that they are not exposed to radiant heat. Lapped and fillet-welded patches may be applied on the pressure side of the sheet in unstayed areas, provided that the maximum diameter of the opening so repaired does not exceed sixteen (16) times the thickness of the plate, but in no case larger than eight inches (8") in diameter.

M-1016.8.12 Patches Not Permitted. No flush or butt-welded patches in unstayed shells, drums or headers shall be permitted.

M-1016.8.13 Threaded to Weld-in Stays. Threaded stays may be replaced by welded-in stays, provided that in the judgment of the Inspector, the plate adjacent to the stay bolt has not been materially weakened by deterioration or wastage. All requirements of the applicable sections of the ASME Code governing welded-in stays, including Section I, Part PW, paragraph PW-19, "Welded-in Stays" shall be complied with.

SECTION M-1017E EXISTING INSTALLATIONS. POWER BOILERS

M-1017.1 Maximum Allowable Working Pressure. The maximum allowable working pressure on the shell or drum of a power boiler shall be determined by the strength of the weakest section of the structure, computed from the following information.

1. The thickness of the plate;

2. The tensile strength of the plate;

3. The efficiency of the longitudinal joint, or tube ligaments (whichever is least);

4. The inside diameter of the course; and

5. The factor of safety allowed by this chapter.

M-1017.1.1 Computation. The maximum allowable working pressure computation shall be as follows:

$\frac{TS \times t \times E}{R \times FS}$	=	Maximum allowable working pressure in pounds per square inch

TS	=	ultimate tensile strength of shell plates, pound per square inch
t	=	minimum thickness of shell plate in weakest course in inches
E	=	efficiency of longitudinal joint. (See Section VIII, Division 1, Part UW, paragraph UW-12 in ASME Code)
R	=	inside radius of the weakest course of the shell or drum in inches.
FS	=	factor of safety allowed by these rules.

M-1017.2 Factors of Safety. The factor of safety for boilers of nonstandard construction, the longitudinal joints of which are of butt and double strap construction, shall be not less than the following:

1. Four and one-half (4.5) for boilers not over 20 years old;

2. Five (5) for boilers over 20, but not more than 25 years old;

3. Five and one-half (5.5) for boilers over 25, but not more than 30 years old;

At the beginning of each five (5) year period thereafter, the factor of safety shall be increased by not less than five-tenths (0.5).

M-1017.2.1 Maximum Allowable Working Pressure Limit. In no case shall the maximum allowable working pressure on old boilers be increased unless they are being operated at a lesser pressure than would be allowable for new boilers, in which case the changed pressure shall not exceed that allowable for new boilers of the same construction.

M-1017.2.2 Conditional Factor of Safety Limits. The factor of safety for all standard boilers, the longitudinal joints of which are of butt and double strap construction shall be five (5) for boilers not more than twenty-five (25) years old, and at the beginning of each five (5) year period thereafter, the factor of safety shall be increased by not less than five-tenths (0.5), provided that after a thorough internal and external inspection and a hydrostatic pressure test to one and one-half times the pressure allowed during which no distress or leakage develops, the pressure allowed may be continued at a factor of safety of five (5).

M-1017.2.3 Lowest Factor of Safety. The lowest factor of safety for boilers of the water-tube type of nonstandard construction, the longitudinal joints of which are of lap riveted construction shall be not less than the following:

1. Five (5) for boilers not over 20 years old.

2. Five and one-half (5.5) for boilers over 20, but not over 25 years old.

3. Six (6) for boilers over 25, but not over 30 years old.

4. At the beginning of each five (5) year period thereafter, the factor of safety for boilers of the water-tube type of nonstandard construction, the longitudinal joints of which are of lap riveted construction, shall be increased by not less than five-tenths (0.5).

M-1017.2.3.1 Lowest Factor of Safety. The lowest factor of safety for all fire tube, flue and cylinder boilers of nonstandard construction, the shells of which are exposed to the products of combustion and which have continuous longitudinal joints of lap-riveted construction exceeding twelve feet (12ft) in length, shall be not less than the following:

1. Six (6) for boilers not over 10 years old.

2. Six and one-half (6.5) for boilers over 10, but not over 15 years old.

3. Seven (7) for boilers over 15, but not over 20 years old.

4. At the beginning of each five (5) year period thereafter, the factor of safety for boilers as specified in 1, 2 and 3 above, shall be increased by not less than five-tenths (0.5). This type of boiler when removed from an existing setting shall not be reinstalled for a pressure in excess of fifteen (15) pounds.

M-1017.3 Cast-Iron Headers and Mud Drum. The maximum allowable working pressure on water-tube boilers, the tubes of which are secured to cast-iron or malleable-iron headers, or which have cast-iron mud drums, shall not exceed one-hundred sixty (160) pounds per square inch.

M-1017.4 Tensile Strength. When the tensile strength of steel or wrought iron shell plates is not known, it shall be taken as fifty-five thousand (55,000) pounds per square inch for steel and forty-five thousand (45,000) pounds per square inch for wrought iron.

M-1017.5 Crushing Strength of Mild Steel. The resistance to crushing of mild steel shall be taken at ninety-five thousand (95,000) pounds per square inch of cross-sectional area.

M-1017.6 Rivets. In computing the ultimate strength of rivets in shear the cross-sectional area of the rivet shank shall be used for the values in pounds per square inch based upon the requirements in Section I of the ASME Code.

M-1017.6.1 Size of Rivets. When the diameter of the rivet holes in the longitudinal joints on a boiler is not known, the diameter and cross-sectional area of rivets, after driving, may be selected from Table M-1017. or ascertained by cutting out one rivet in the body of the joint.

M-1017.7 Inspection of Inaccessible Parts. The heads of water tube boiler mud drums or headers which are not accessible for inspection shall have the brick work removed after the boiler has been in service for ten (10) years and at not less than every five (5) years period thereafter. All seams and parts of fire-tube boilers that are not accessible for inspection shall be exposed whenever, in the discretion of the inspector, the general condition of the boiler appears to be such that further examination is desirable.

M-1017.8 Safety Valves. Each boiler shall be equipped with one or more safety valves of the spring-pop type with a lifting device, placed as close to the boiler as possible. No valve of any description shall be placed between the safety valve and the boiler nor on the escape pipe between the safety valve and the atmosphere. When an elbow is placed on a safety valve escape pipe, it shall be located close to the safety valve outlet or the escape pipe shall be securely anchored and supported. When an escape pipe is used, it shall be full sized and fitted with an open drain to prevent water lodging in the upper part of the safety valve or escape pipe. Safety valves having either the seat or disk of cast iron shall not be used. Dead weight and lever weight safety valves shall be prohibited.

M-1017.8.1 Safety Valves Capacity. The safety-valve capacity of each boiler shall be such that the safety valve or valves will discharge all the steam that can be generated by the boiler without allowing the pressure to rise more than six percent (6%) above the maximum allowable working pressure, or more than six percent (6%) percent above the highest pressure to which any valve is set.

M-1017.8.2 Safety Valves Setting. One or more safety valves on every boiler shall be set at or below the maximum allowable working pressure. The remaining valves may be set within a range of three percent (3%) above the maximum allowable working pressure, but the range of setting of all the safety valves on a boiler shall not exceed ten percent (10%) of the highest pressures to which any valve is set.

M-1017.9 Parts and Equipment for existing installations – Power Boilers.

M-1017.9.1 Fire-Actuated Fusible Plugs. Fire-actuated fusible plugs when used shall conform to the rules and regulations of the ASME Code for new construction.

M-1017.9.2 Water Glass. Each steam boiler shall have at least one water glass, the lowest visible part of which shall be as called for under the ASME Code for new construction.

M-1017.9.3 Gage Cock. Each boiler shall have three or more gage cocks located within the range of the visible length of the water glass when the maximum allowable working pressure exceeds fifteen (15) pounds per square inch except when such boiler has two water glasses with independent connections to the boiler, located on the same horizontal line and not less than two feet (2') apart.

M-1017.9.4 Outlet Connections. No outlet connections except for damper regulator, feed water regulator, low water fuel cut-out, drains or steam gage shall be placed on the pipes connecting a water column to a boiler. Each water column shall have a valved drain run to within six inches (6") of the floor.

M-1017.9.5 Steam Gage. Each steam boiler shall have a steam gage connected to the steam space or to the steam connection to the water column. The steam gage shall be connected to a siphon or equivalent device of sufficient capacity to keep the gage tube filled with water and so arranged that the gage cannot be shut off from the boiler except by a cock placed near the gage and provided with a “T” or level handle arranged to be parallel to the pipe in which it is located when the cock is open.

M-1017.9.6 Low-Water Cut-Off. Each steam boiler when mechanically fired shall be equipped with a low-water cut-off so located as to automatically cut off the fuel supply when the water level falls to a point not lower than the top of the bottom nut of the water glass. Each cut-off shall have a drain run to within six inches (6") of the floor. When two or more mechanically fired boilers are connected to the same system, each boiler shall have independent low-water cut-offs, controls, and gages.

M-1017.9.7 Stop Valve. Each steam outlet from a high-pressure boiler (except safety-valve connections) shall be fitted with a stop valve located as close as practicable to the boiler.

M-1017.9.8 Blow Drains. When a stop valve is so located that water can accumulate, free blow drains shall be provided, the discharge of which shall be visible to the operator while manipulating the valve.

M-1017.10 Blow-Off Connection. Each boiler shall have a full-size blow-off fitted with a valve or cock in direct connection with the lowest water space practicable. When cocks are used they shall be of the gland or guard type and suitable for the pressure allowed. Globe

valves are not permitted.

M-1017.10.1 Maximum Pressure. When the maximum allowable working pressure exceeds one-hundred (100) pounds per square inch, the blow-off shall be extra heavy from boiler to valve or valves, and shall run full size without reducers or bushings. Blow-off piping shall be of black wrought iron or black steel (not galvanized) and shall be extra heavy pipe.

M-1017.10.2 Fittings. All fittings, between the boiler and valve shall be steel or extra heavy fittings of bronze, brass, or malleable iron. In case of renewal of pipe or fittings in the blow-off lines, as specified in this paragraph, they shall be installed in accordance with the ASME Code for new installations.

M-1017.10.3 Blow-off Pipe. When the maximum allowable working pressure exceeds one-hundred (100) pounds per square inch, each bottom blow-off pipe shall be fitted with two valves or a valve and cock such valves and cocks to be of the extra heavy type. A bottom blow-off pipe when exposed to direct furnace heat shall be protected by fire-brick or other heat-resisting material, so arranged that the pipe may be inspected. An opening in the boiler setting for a blow-off pipe shall be arranged to provide for free expansion and contraction.

M-1017.11 Feed-Water Connections. The feed pipe of a steam boiler shall be provided with a check valve near the boiler and a valve or cock between the check valve and the boiler, and when two or more boilers are fed from a common source, there shall also be a globe valve on the branch to each boiler between the check valve and the source of supply. When a globe valve is used on a feed pipe, the inlet shall be under the disk from the valve. In all cases where the safety valve is set above twenty-five (25) pounds, there shall be an additional means of feeding water against the maximum approved pressure.

M-1017.12 Test Pressure. When a hydrostatic test is applied, test pressure shall be not more than one and one-half times the maximum allowable working pressure. During a hydrostatic test of a boiler, suitable provisions shall be made so that it will not be necessary to screw down the compression screw upon the spring of the safety valve.

M-1017.13 Repair and Replacements. Where repairs or replacements are made or fittings or appliances renewed or attached to a boiler, they must comply with the ASME Code for new installations.

M-1017.14 Conditions not Covered by These Rules. If any condition not definitely covered by this chapter, the ASME Code for new installations shall apply.

TABLE M-1017
SIZES OF RIVETS BASED ON PLATE THICKNESS
(see M-1017.6.1)

	Inch	Inch	Inch	Inch	Inch	Inch
Thickness of plate	1/4	9/32	5/16	11/32	3/8	13/32
Diameter of rivet after driving	11/15	11/16	3/4	3/4	13/16	13/16
Thickness of plate	7/16	15/32	2	9/16	5/8	-
Diameter of rivet after driving	15/16	15/16	15/16	11/16	11/16	-

SECTION M-1018E EXISTING INSTALLATIONS - HEATING BOILERS

M-1018.1 Maximum Allowable Working Pressure. Maximum allowable working pressure of heating boilers shall be as follows.

1. Riveted Heating Boilers. The maximum allowable working pressures on the shell or drum of riveted heating boiler shall be determined in accordance with Subsection M-1017.0, except that in no case shall the maximum allowable working pressure of a steam-heating boiler exceed fifteen (15) pounds per square inch.

2. Cast Iron Heating Boilers. The maximum allowable working pressure of a boiler composed principally of cast iron shall not exceed fifteen pounds (15 psi) unless such boiler complies with all other requirements of the rules and regulations for power boilers. The maximum allowable working pressure of a boiler having cast-iron shell or heads and steel or wrought-iron tubes shall not exceed fifteen (15 psi).

M-1018.1.1 Low Pressure Boiler. A radiator in which steam pressure is generated at a pressure of fifteen (15 psi) or less shall be considered a low pressure boiler.

M-1018.1.2 Manufacturers Specification and Identification. The maximum allowable working pressure shall in no case exceed the pressure indicated by the manufacturer's identification stenciled or cast upon the boiler or upon a plate secured to it. In the absence of a manufacturer's identification stencil or plate the maximum allowable working pressure shall not exceed that guaranteed in the manufacturer's specification or catalogs.

M-1018.1.3 Safe Operating Pressure. If in the judgment of an inspector, a steam-heating boiler is not safe for operation at the pressure previously approved, the pressure shall be reduced to the safe amount or proper repair shall be made or the boiler retired from service.

M-1018.2 Safety Valves. Each steam-heating boiler shall be provided with one or more safety valves with a total area of not less than one square inch (1 sq. in.) for each five square feet (5 sq. ft) of grate area or equivalent, if grates are not used. The steam-relieving capacity of the safety valve or valves on any boiler shall be sufficient to prevent the boiler pressure from rising more than five (5 psi) above the maximum allowable working pressure of the boiler.

M-1018.2.1 Capacity. If there is any doubt as to the capacity of the safety valve, an accumulation test shall be run. No safety valve shall be smaller than three-quarter inch (3/4") in diameter or larger than four and one-half inches (4.5") in diameter.

M-1018.2.2 Stop Valve. No stop valve of any description shall be located between a boiler and its safety valve, nor in the safety valve discharge pipe.

M-1018.3 Parts and Equipment. Each steam boiler shall be equipped with the following parts and equipment in accordance with each specified conditions.

M-1018.3.1 Steam Gage Pressure. Each steam boiler shall have a steam pressure gage connected to the steam space of the boiler itself or on steam pipe near the boiler. The graduations of the steam gage shall not be less than fifteen (15 psi) nor more than thirty (30 psi).

M-1018.3.2 Water Gage Glass. Each boiler shall have at least one water gage glass with the lowest visible part above the heating surfaces in the primary combustion chamber. When, in the judgment of an Inspector, the heating surfaces above the low-water line may be injured by contact with gases of high temperature, the water gages shall be raised until the lowest visible part of the glass gage is above the testing surface.

M-1018.3.3 Gage Cocks. Each steam boiler shall have two or more gage cocks located within the visible length of the water gage glass except when such boiler is provided with two water gage glasses.

M-1018.3.4 Steam Stop Valve. If a boiler may be closed off from the heating system by closing a steam stop valve, there shall be a check valve in the condensate return line between the boiler and the system. If any part of a heating system may be closed off from the remainder of the system by closing a steam stop valve, there shall be a check valve in the condensate return pipe from that part of the system.

M-1018.3.5 Feed-Water Connections. Feed-water connections shall be independent of any water gage connections and it is recommended that the

connections be made to the condensate return pipe of reservoir of the condensate return pump. There shall be a check valve in the feed-water line close to the boiler.

M-1018.3.6 Low-Water Cut-Off Mechanical Fired Boilers. Each mechanically fired boiler shall be equipped with a low-water cut-off so located as to automatically cut off the fuel supply in case the water level falls to a point not lower than the tip of the bottom nut of the water glass. Each cut-off shall have a drain run to within six inches (6") of the floor. When two or more mechanically fired boilers are connected to the same system, each boiler shall have independent low-water cut-offs, controls, and gages.

M-1018.3.7 Low-Water Cut-Off Electrically Operated Boilers. If a low-water fuel cut-out device is electrically operated, it shall be so connected that it will assume the "cut-out" position when the electric current is off.

M-1018.3.8 Condensate Return Pump. Each condensate return pump shall be provided with an automatic water level control set to maintain the water level within the limits of two gage cocks.

M-1018.4 Repairs or Replacements. When repairs or replacement of parts or piping are made or fittings or appliances renewed or attached to a boiler, the rules applying to new installations shall be followed as nearly as practicable.

M-1018.4.1 Safety Valve. When a safety valve is replaced the requirements of Subsection M-1014.0 and Subsection M-1015.0 shall be complied with, no valve being less than three-quarter inch (3/4") in diameter or larger than four and one-half inches (4.5") in diameter.

SECTION M-1019E EXISTING INSTALLATIONS - MINIATURE BOILERS

M-1019.1 Maximum Allowable Working Pressure. The maximum allowable working pressure on the shell of a boiler or drum shall be determined by the formula.

$\frac{TS \times t \times E}{R \times FS}$	=	Maximum allowable working pressure in pounds per square inch

Where:

TS	=	ultimate tensile strength of shell plates, pound per square inch
t	=	minimum thickness of shell plate in weakest course in inches
E	=	efficiency of longitudinal joint. (See Section VIII, Division 1, Part UW, paragraph UW-12 in ASME Code)
E	=	efficiency for tube ligaments between openings as calculated in Section I, Part PG, paragraphs PG-52 and PG-53 in the ASME Code.
R	=	inside radius of the weakest course of the shell or drum in inches.
FS	=	factor of safety allowed by these rules.

N.B. To be used as given for longitudinal joints, riveted construction, or if for fusion welded joints, E shall be taken as specified in Section VIII, Division 1, Part UW, paragraph UW-12, "Joint Efficiencies" in the ASME Code. In any case where there are both riveted joints and tube ligaments to consider, the weaker of these shall be used for E.

M-1019.2 Parts and Equipment. Each miniature boiler shall be equipped with the following parts and equipment in accordance with each specified conditions.

M-1019.2.1 Feed Pump. Each miniature boiler operating at a pressure in excess of twenty-five (25) pounds per square inch shall be provided with at least one feed pump or other approved feeding device except where the steam generator is operated with no extraction of steam (closed system). In the latter case, in lieu of a feeding device, a suitable connection or opening, not less than one-half inch (½") pipe size, shall be provided to fill the generator when cold.

M-1019.2.2 Feed Water and Blow-Off Connections. Each miniature boiler shall be fitted with feed water and blow-off connections which shall not be less than one-half inch (½") iron pipe size unless operated on a closed system. The feed pipe shall be provided with a check valve and stop valve. The blow-off shall be fitted with a valve or cock in direct connection with the lowest water space practicable. When the boiler is under pressure, feed water shall not be introduced through the openings or connections used for the column, the water gage glass or gage cocks. All valves, pipe fittings, and appliances shall be at least one-hundred twenty-five (125 psi) standard pressure.

M-1019.2.3 Water Gage Glass and Gage Cocks. Each miniature boiler shall be equipped with a water gage glass and one or more gage cocks. The lowest permissible water level shall be at a point one-third of the height of the shell except where the boiler is equipped with internal furnace, when it shall be not less than one-third of the length of the tube above the top of the furnace. In the case of small generating units operated on the closed system, where there is insufficient space for the usual water gage, water-level indicators of the glass bull's eye type may be used.

M-1019.2.4 Steam Gage. Each miniature boiler shall be equipped with a steam

gage having its dial graduated to not less than one and one-half times the maximum allowable working pressure. The gage shall he connected to the steam space or to the steam connection to the water column by a brass or bronze composition siphon tube or equivalent device that will keep the gage tube filled with water.

M-1019.2.5 Safety Valve. Each boiler shall be equipped with a sealed, spring loaded "pop" safety valve not less than one-half inch (½") diameter connected directly to the boiler. To insure the safety valve being free each valve shall have a substantially lifting device by which the valve disk may be lifted from its seat when there is at least seventy-five percent (75%) of full working pressure in the boiler. All safety valves shall be mounted with their spindles vertical and freely accessible.

1. Safety Valve Identification. The safety valve shall be plainly marked by the manufacturer with the following information.
   (a) Manufacturer name or identifying trademark;
   (b) The nominal diameter;
   (c) The steam pressure at which it is set to blow; and
   (d) The capacity in pounds and ASME Standard.

2. Minimum Relieving Capacity. The minimum relieving capacity for the safety valve shall be determined on the basis of three (3) pounds of steam per hour per square foot of heating surface and shall be sufficient to discharge all the steam that can be generated by the boiler without allowing the pressures to rise more than six percent (6%) above the maximum allowable working pressure.

M-1019.2.6 Standard Stop Valve. Each steam line from a boiler shall be provided with a one-hundred twenty-five (125 psi) standard stop valve located as close to the boiler shell or drum as is practicable.

M-1019.2.7 Blow-Off Connections. Each boiler shall be provided with a blow-off connection which shall not be reduced in size and shall be led to a safe point of discharge. Whenever, in the judgment of the boiler inspector, such a place cannot be provided, a blow-down tank shall be provided on all such tanks. The blow-off shall be fitted with a valve or cock in direct connection with the lowest water space practicable.

M-1019.2.8 Automatic Low-Water Fuel Cut-Off. Each boiler mechanically fired other than by gas shall be provided with an automatic low-water fuel cut-off so located as to automatically cut off the fuel supply in case the water level falls to a point not lower than the bottom of the water glass.

M-1019.2.9 Exception. Where boilers are gas-fired, the burners used shall conform to the requirements of the American Gas Association. The burner shall in those cases be equipped with a fuel-regulating governor which shall be automatic and regulated by the steam pressure. The governor shall be so constructed that in the event of its failure, there can be no possibility of steam from, the boiler entering the gas chamber or supply pipe. A manual stop cock or throttle valve shall in all cases be located in the inlet pipe ahead of the fuel-regulating governor. Each gas-fired boiler shall be equipped with a four inch (4") vent or flue extended to an approved location outside of the building or connected to a chimney, all to be in accordance with the *Building Code*. Where the horizontal run is more than ten feet (10'), the vent shall be increased to six inches (6").

M-1019.2.10 Replacement. All boiler replacements shall conform to the rules and regulations governing new installations.

M-1019.2.11 Retubed Boilers. Each retubed boiler must be inspected and passed by the boiler inspector before the boiler is again put in service. The annual inspection fee will be charged for this inspection.

M-1019.2.12 Used Boilers. Each used boiler brought into the District of Columbia shall be inspected by the boiler inspector before being installed.

M-1019.2.13 Installation Permit. Moving a boiler and reinstating it in the same or another building shall require an installation permit.

SECTION M-1020E EXISTING INSTALLATIONS - UNFIRED PRESSURE VESSELS

M-1020.1 Maximum Allowable Internal Working Pressures. For internal pressure, the maximum allowable working pressure for the shell of a pressure vessel shall be determined by the strength of the weakest course computed for the thickness of the plate, the tensile strength of the plate, the efficiency of the longitudinal joint, the inside diameter of the course (see R below) and the factor of safety allowed by the rules.

$\frac{TS \times t \times E}{R \times FS}$	=	Maximum allowable working pressure in pounds per square inch

Where:

TS	=	ultimate tensile strength of shell plates, pound per square inch		
t	=	minimum thickness of shell plate in weakest course in inches		
E	=	efficiency of longitudinal joint depending upon construction. Use values as follows:		
		For riveted joints	=	calculated riveted efficiency.
		For fusion welded joint	=	Single "V" weld, fifty (50) percent.
				Double "V" weld, seventy (70) percent.
				Forge weld, eighty (80) percent.
				Brazed, eighty (80) percent.
				Brazed copper, ninety (90) percent.
E	=	efficiency for tube ligaments between openings as calculated in Section I, Part PG, paragraphs PG-52 and PG-53 in the ASME Code.		
R	=	Inside radius of the weakest course of the shell, inches, provided the thickness of the shell does not exceed ten (10) percent of the radius. If the thickness is over ten (10) percent of radius, the outer radius shall be used.		
FS	=	factor of safety allowed by these rules.		

M-1020.2 Maximum Allowable External Working Pressure. The maximum allowable working pressure for cylindrical vessels subjected to external or collapsing pressure shall be determined by methods in Section 1, Part PG, paragraph PG-28 in the ASME Code, except that the factor of safety used to calculate the working pressure shall be in accordance with the requirements of Subsection 1020.3.

M-1020.3 Existing Pressure Vessels. The maximum permissible working pressure on pressure vessels of other than lap-seam construction shall have a factor of safety of not less than four and one-half (4.5).

M-1020.3.1 Exception. The maximum permissible working pressure on pressure vessels (PVs) with longitudinal lap joints shall be calculated in accordance with the age of the vessel and the following factors of safety.

1. Not less than four (4) for PVs up to and including ten (10) years of age.

2. Not less than four and one-half (4.5) for PVs from ten (10) years of age to twenty (20) years of age.

3. Not less than five (5) for PVs from twenty (20) years of age to twenty-five (25) years of age.

4. Not less than five and one-half (5.5) for PVs from twenty-five (25) years of age to thirty (30) years of age.

M-1020.4 Maximum Allowable Working Pressure Limit. In no case shall the maximum allowable working pressure be increased unless such vessels are being operated at a lesser pressure than would be allowable for new vessels, in which case the changed pressure shall not exceed that allowable for new vessels of the same construction.

M-1020.4.1 Stress Limits. In checking the conformity of existing vessels with the limiting stresses for use in the design of pressure vessels, it is necessary to take account of the effect of static head that may be produced in any part in order that such stress limits be not exceeded.

M-1020.4.2 Age Limit. The age limit of a pressure vessel having a longitudinal lap joint and carrying over fifty (50) pounds pressure per square inch, shall be thirty (30) years.

M-1020.5 Inspection of Inaccessible Parts. Where, in the opinion of the inspector, as the result of the conditions disclosed at the regulator inspection, it is deemed advisable to remove interior or exterior lining, covering or brick work to expose certain parts of the vessel not visible at time of regular inspection, the inspector shall require the removal of such material to permit proper inspection and drilling of same to ascertain thickness if necessary.

M-1020.6 Lap-Seam Cracks. The shell or drum of a pressure vessel in which a lap seam crack is discovered along a longitudinal riveted joint, either butt or lap construction, shall be immediately discontinued from use. If the vessel is not more than fifteen (15) years of age, a complete new course of the original thickness may be installed at the discretion of the inspector (and after approval by the boiler inspector). Patching shall be prohibited. (By "lap-seam crack" is meant the typical crack frequently found in lap seams, extending parallel to the longitudinal joints and located either between or adjacent to rivet holes).

M-1020.7 Tensile Strength. When the tensile strength of steel shell plates is not known, it shall be taken as fifty-five thousand (55,000) pounds per square inch for temperatures not exceeding seven-hundred degrees Fahrenheit (700 degrees F.).

M-1020.8 Crushing Strength of Mild Steel. The resistance to crushing of mild steel shall be taken at ninety-five thousand (95,000) pounds per square inch of cross-sectional area.

M-1020.9 Rivets. In computing the ultimate strength of rivets in shear the following values of the cross-sectional area of the rivet shank shall be used.

POUNDS PER SQUARE INCH	
Steel rivets in single shear	44,000
Steel rivets in double shear	88,000

M-1020.9.1 Cross-Sectional Area. The cross-sectional area used in the computations shall be that of the rivet shank after driving.

M-1020.9.2 Diameter. When the diameter of the rivet holes in the longitudinal joints of a pressure vessel is not known, the diameter and cross-sectional area of rivet after driving, may be ascertained from Table M-1017.0 or by cutting out one rivet in the body of the joint.

M-1020.10 Safety Appliances. Each unfired pressure vessel shall be protected by such safety and relief valves and indicating and controlling devices as will insure its safe operation. These valves and devices shall be so constructed, located, and installed such that they cannot readily be rendered inoperative. The relieving capacity of safety valves shall be such as to prevent a rise of pressure in the vessel of more than ten percent (10%) percent above the maximum allowable working pressure, taking into account the effect of a static head. Safety valve discharges shall be carried to a safe place.

CHAPTER 11E REFRIGERATION

SECTION M-1101E GENERAL

Add new Subsections M-1101.4.1 through M-1101.4.3 to the Mechanical Code to read as follows:

M-1101.4.1 Condenser Cooling Water. Water used for condenser cooling purposes without recirculation shall at all times be regulated by automatic controls designed to produce a minimum water temperature rise of 15 degrees Fahrenheit (8.3 degrees Celsius), and to stop the flow of water when cooling is not required.

M-1101.4.2 Refrigeration Systems. No permit shall be issued for the installation of a refrigeration system requiring water from the public water mains, quantity of which exceeds 15 gallons per minute, until an application signed by the owner or owners of the premises where the system is to be installed has been filed with and approved by the Water and Sewer Authority.

M-1101.4.3 Water for Refrigeration. Water supplied from the public water mains shall not be used for refrigeration purposes to the extent that the use might be detrimental to the proper service of consumers in the distribution area, as determined by the director of the Water and Sewer Authority.

SECTION M-1105E MACHINERY ROOM, GENERAL REQUIREMENTS

Add new Subsection 1105.7.1 to the Mechanical Code to read as follows:

1105.7.1 Discharge Pipe Sizing. Discharge piping shall be in accordance with ASHRAE 15.

CHAPTER 15E REFERENCED STANDARDS

Add the following Referenced Standards to the Mechanical Code:

ANSI

American National Standards Institute
25 West 43rd Street
Fourth Floor
New York, NY 10036

Standard Reference number	Title	Referenced in code section number
721.13		

ASHRAE

American Society of Heating, Refrigerating
And Air-Conditioning Engineers, Inc.
1791 Tullie Circle, NE
Atlanta, GA 30329-2305

Standard Reference number	Title	Referenced in code section number
15-2004		

ASME

American Society of Mechanical Engineers
Three Park Avenue
New York, NY 10016-5990

Standard Reference number	Title	Referenced in code section number
ASME 98 I through XI		

NBIC

National Board Inspection Code
National Board of Boiler and Pressure Vessel Inspectors
1055 Crupper Avenue
Columbus, OH 43229

Standard Reference number	Title	Referenced in code section number

NFPA

National Fire Protection Association
Batterymarch Park
Quincy, MA 02269

Standard Reference number	Title	Referenced in code section number
NFPA 45-2004	Fire Protection for Laboratories using Chemicals	

UL

Underwriters Laboratories, Inc.
333 Pfingsten Road
Northbrook, IL 60062-2096

Standard Reference number	Title	Referenced in code section number
835		

DISTRICT OF COLUMBIA CONSTRUCTION CODE SUPPLEMENT OF 2008 DCMR 12F PLUMBING CODE SUPPLEMENT

CHAPTER 3F GENERAL REGULATIONS

SECTION P-301F GENERAL

Add new Subsection P-301.3.1 to the Plumbing Code to read as follows:

P-301.3.1 Wastewater. Every improved lot in which plumbing fixtures are installed shall have its own independent sanitary or combined sewer connection to discharge liquid wastes and sewage to the available public system installed from the public way at a right angle to the street lot line or as approved by the administrative authority.

Add new Subsection P-301.4.1 to the Plumbing Code to read as follows:

P-301.4.1 Domestic Water. Every improved lot in which plumbing fixtures are installed shall have its own independent water connection to the available public system installed from the public way at a right angle to the street lot line or as approved by the administrative authority.

Add new Subsection P-301.8 to the Plumbing Code to read as follows:

P-301.8 Public Systems Available. A public water main or public sewer shall be considered available to a building when the premises are located within the distances specified below:

1. **One and two-family dwellings:** The lot is within 100 feet (30 480mm) of the public water main or sewer measured along the center line of the street or public way abutting the lot.

2. **Other occupancies:** The lot is within 250 feet (76 200mm) of the public water main or sewer measured along the center line of a street or public way abutting the lot.

SECTION P-305F PROTECTION OF PIPES AND PLUMBING SYSTEM COMPONENTS

Add new Subsection P-305.10 to the Plumbing Code to read as follows:

P-305.10 Grounding Electrical Systems in existing structures. Where water service is replaced in existing structures with approved plastic pipe, provision shall be made to replace any existing electrical grounding system, as needed, so as to conform to the National Electric Code as amended by the District of Columbia Electric Code Supplement.

SECTION P-306F TRENCHING, EXCAVATION AND BACKFILL

Add new Subsections P-306.2.4 and P-306.2.5 to the Plumbing Code to read as follows:

P-306.2.4 Trench locations. Trenches shall be of sufficient width to permit proper installation of pipe. Where shoring is required, ample allowance shall be made in trench width for proper working conditions. No house sewer or water service shall be laid within 4 feet (1219mm) parallel to any bearing wall nor within 3 feet (914mm) parallel to any lot line or lot line extended. Where permitted in the same trench with the house sewer, the water service pipe shall be placed on a shelf cut into solid ground at one side of the common trench at least 8 inches (203mm) from the edge of the ditch.

P-306.2.5 Trench safeguards. These requirements apply to any trench 4 feet (1219mm) or more of depth which serves as a workplace. The sides of all such trenches shall be securely supported by substantial and adequate sheeting, sheet piling, bracing, shoring or other approved method of support, or the sides of the excavation sloped to the angle of repose of the material being excavated, where there is apparent danger of slides, slips, cave-ins, or falling of earth and where the undercutting of banks or walls of the excavation is pertinent to the excavation system. Shoring will not be required where the trench is cut in solid rock or hard shale. All trenches shall be supplied with at least one ladder for each 50 feet (15 240mm) of length or fraction. The ladder shall extend from the bottom of the trench to at least 3 feet (914mm) above the surface of the ground. Minimum requirements for the size and spacing of trench shoring members shall be in accordance with current OSHA requirements.

CHAPTER 6F GENERAL REGULATIONS

SECTION P-605F MATERIALS, JOINTS AND CONNECTIONS

Delete the following Materials and Standards from Table 605.3 of the Plumbing Code:

TABLE P-605.3
WATER SERVICE PIPE

MATERIAL	STANDARD
~~Asbestos-cement pipe material~~	~~ASTM C 296~~
~~Polybutylene (PB) plastic pipe and tubing material~~	~~ASTM D 2662; ASTM D 2666; ASTM D 3309; CSA B137.8M~~

Delete the following Material and Standard from Table 605.4 of the Plumbing Code:

TABLE P-605.4
WATER DISTRIBUTION PIPE

MATERIAL	STANDARD
~~Polybutylene (PB) plastic pipe and tubing material~~	~~ASTM D 3309; CSA B137.8M~~

Delete the following Material and Standard from Table 605.5 of the Plumbing Code:

TABLE P-605.5
PIPE FITTINGS

MATERIAL	STANDARD
~~Polybutylene (PB) plastic~~	~~CSA B137.8~~

CHAPTER 11F STORM DRAINAGE

SECTION P-1101F GENERAL

Delete Subsection 1101.2 of the Plumbing Code in its entirety and add new Subsections P-1101.2 through P-1101.2.2 to read as follows:

P-1101.2 Where required: Storm water drainage shall comply with sections P-1101.2.1 and P-1101.2.2.

P-1101.2.1 Unless a construction project is otherwise exempt from the DC Storm Water Management Regulations, a permit shall not be issued for a building or structure associated with grading operations or construction, or both, that disturb more than 5,000 square feet (464.65m^2) of land area, or that are part of an approved subdivision plan which contains provisions for storm water management, until the submitted plans reflect the pertinent storm water management features approved by the official charged with the administration and enforcement of the D.C. Storm Water Management Regulations, 21 DCMR §§ 526-535, and the requirements of D.C. Law 5-188, Water Pollution Control Act of 1984, as amended.

P-1101.2.2 When approved, storm water may be discharged from roofs, paved areas, yards, courts, courtyards, downspouts, rain barrels, cisterns or rooftop storage facilities to vegetated areas such as lawns, gardens, grassy swales or bio-retention cells on the same single record lot. In such instances, the storm water shall flow away from the building and shall not flow over property lines onto adjacent lots unless it runs into existing natural water courses; otherwise, stormwater shall discharge to an approved place of disposal or into a storm sewer or combined sewer.

SECTION P-1102F MATERIALS

Add the following material and standard to Table 1102.4 of the Plumbing Code:

TABLE P-1102.4
BUILDING STORM SEWER PIPE

MATERIAL	STANDARD
Polyethylene (PE) plastic pipe material	ASTM F2306/F2306M

Add the following material and standard to Table 1102.7 of the Plumbing Code:

TABLE P-1102.7
PIPE FITTINGS

MATERIAL	STANDARD
Polyethylene (PE) plastic pipe material	ASTM F2306/F2306M

DISTRICT OF COLUMBIA CONSTRUCTION CODE SUPPLEMENT OF 2008 DCMR 12G PROPERTY MAINTENANCE CODE SUPPLEMENT

CHAPTER 1G ADMINISTRATION AND ENFORCEMENT

Delete Chapter 1 of the International Property Maintenance Code and add new Chapter 1G to read as follows:

SECTION PM-101G GENERAL

PM-101.1 Title. The *D.C. Property Maintenance Code* (2008), hereinafter referred to as the "*Property Maintenance Code*," shall consist of the *International Property Maintenance Code* (2006), as amended by the *D.C. Property Maintenance Code Supplement* (2008) (DCMR 12G).

PM-101.2 Scope. The scope of the *Property Maintenance Code* shall be as defined in Subsection 101.4.5.2 of 12A DCMR.

PM-101.3 Intent. The intent of the *Property Maintenance Code* shall be as defined in Subsection 101.4.5.3 of 12A DCMR.

PM-101.4 Severability. The provisions of Subsections 102.5, Partial Invalidity, and 102.5.1, Segregation of Invalid Provisions, of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

SECTION PM-102G APPLICABILITY

PM-102.1 General. The provisions of the *Property Maintenance Code* shall apply to all matters affecting or relating to structures and premises, as set forth in Section 101 of the *Property Maintenance Code*. Where, in a specific case, different sections of the *Property Maintenance Code* specify different requirements, the most restrictive shall govern.

PM-102.2 Maintenance. Equipment, systems, devices and safeguards required by the *Property Maintenance Code* or a previous regulation or code under which the structure or premises was constructed, altered or repaired shall be maintained in good working order. The requirements of the *Property Maintenance Code* are not intended to provide the basis for removal or abrogation of fire protection and safety systems and devices in existing structures. Except as otherwise specified herein, the owner or the owner's designated agent shall be responsible for the maintenance of buildings, structures and premises.

PM-102.3 Application of Other Codes. Repairs, additions, demolition, razing or alterations to a structure, or changes of use or occupancy, shall be done in accordance with the provisions of the *Construction Codes*. Nothing in the *Property Maintenance Code* shall be construed to cancel, modify or set aside any provision of the Construction Codes or the District of Columbia Zoning Regulations, Title 11 DCMR.

PM-102.4 Existing Remedies. The provisions in the *Property Maintenance Code* shall not be construed to abolish or impair existing remedies of the District of Columbia or its officers or agencies relating to the condemnation, removal or demolition of any structure which is dangerous, unsafe and/or insanitary, the abatement of nuisance property or the maintenance of vacant buildings.

PM-102.4.1 Code Precedence. The provisions in the *Property Maintenance Code* shall not be construed to abolish or impair existing remedies or penalties for violations of the *Housing Code* (14 DCMR), provided, if a conflict arises between the *Housing Code* and the minimum conditions, standards and responsibilities set forth in Chapters 3, 4, 5,6, and 7 of the *Property Maintenance Code*, the *Property Maintenance Code* shall take precedence.

PM-102.5 Workmanship. Repairs, maintenance work, alterations or installations which are caused directly or indirectly by the enforcement of the *Property Maintenance Code* shall be executed and installed in a workmanlike manner, installed in accordance with the manufacturer's installation instructions, and use materials of a quality and kind suitable for the purpose for which used, and of a kind normally used in the applicable trade.

PM-102.6 Historic Buildings. The provisions of the *Property Maintenance Code* shall not be mandatory for historic buildings or structures meeting the requirements of Chapter 10 of the *Existing Building Code*, when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare.

PM-102.7 Referenced Codes and Standards. The provisions of Subsection 102.4, Referenced Standards, of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

PM-102.8 Matters Not Covered by the Code. The provisions of Subsection 102.1.3, Matters Not Provided For, of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

SECTION PM-103G DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

PM-103.1 Department of Consumer and Regulatory Affairs. The provisions of Section 103, Department of Consumer and Regulatory Affairs, of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

SECTION PM-104G DUTIES AND POWERS OF THE CODE OFFICIAL

PM-104.1 General. The code official shall enforce the provisions of the Property Maintenance Code.

PM-104.2 Rule-making Authority. The provisions of Subsection 104.1.1, Legal Authority, of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

PM-104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by approved agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

PM-104.4 Right of Entry. The code official is authorized to enter a structure or premise at all reasonable times to inspect and for the purpose of enforcing the *Property Maintenance Code*, subject to constitutional restrictions on unreasonable searches and seizures, and subject to the provisions of this Section. If entry is refused or not obtained, the code official is authorized to obtain an administrative search warrant or to pursue any other recourse as provided by law.

PM-104.4.1 Right of Entry – Housing Business License Property. The code official, both prior to the issuance of a housing business license and during the license period, may, at all reasonable hours, enter and inspect the premises occupied or to be occupied by a housing business except as provided in Section 104.4.2

PM-104.4.2 Right of Entry of Housing Business License Property with Tenant. If it appears that any portion of a premises is under the exclusive control of a tenant, or if the operator of a housing business so claims, the code official shall not enter that portion of the premises without first having obtained permission from the tenant or the tenant's agent, except as provided in Subsection PM-104.4.3.

PM-104.4.3 Tenant Refusal to Permit Inspection. If a tenant of a housing business does not give permission to inspect that portion of the premises under the tenant's exclusive control, the code official shall not enter that portion of the premises unless the code official has:

1. A valid administrative warrant permitting the inspection pursuant to D.C. Official Code § 11-941 or D.C. Superior Court Civil Rule 204; or

2. A reasonable basis to believe that exigent circumstances require immediate entry into that portion of the premises in order to prevent

any imminent danger to the public health or welfare.

The refusal of any tenant to permit such an inspection shall not result in the revocation or suspension of the housing business license; nor shall such refusal result in the assessment of penalties against the operator of a housing business, provided however, that when the code official presents a valid administrative search warrant that permits inspection of premises under a tenant's exclusive control, the tenant of a housing business who refuses to give permission to inspect that portion of the premises shall be in violation of the *Property Maintenance Code.*

PM-104.4.4 Refusal to Permit Inspection. If the owner or operator of a housing business, or agent of such owner or operator, refuses to permit the code official to inspect the premises occupied or to be occupied by a housing business, such refusal shall be cause for withholding the issuance of a license for those premises until the inspection is permitted and/ or cause for the revocation of any existing license.

PM-104.4.4.1 As a condition of receiving a housing business license under DC Code §47-2828 (2001), the owner or operator of a housing business must agree to:

(1) allow access to the Department for any inspection required under the *Construction Codes*; and

(2) notify any affected tenant whose unit requires inspection.

PM-104.5 Identification. The provisions of Subsection 104.5, Credentials, of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

PM-104.6 Notices and Orders. The code official shall issue all necessary notices or orders to ensure compliance with the *Property Maintenance Code*.

PM-104.7 Department Records. The provisions of Subsection 104.7, Department Records, of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

PM-104.8 Coordination of Inspections. Whenever in the enforcement of the *Property Maintenance Code* or another code or ordinance, the responsibility of more than one code official of the District is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors or multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

SECTION PM-105G APPROVAL

PM-105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of the *Property Maintenance Code*, the code official shall have the authority to grant modifications for individual cases, provided the code official shall first find that special individual reason makes the strict letter of the *Property Maintenance Code* impractical and the modification is in compliance with the intent and purpose of the *Property Maintenance Code* and that such modification does not lessen health, life and fire safety requirements or violate District law or regulations. The details of action granting modifications shall be recorded and entered in the department files.

PM-105.2 Alternative Materials, Methods and Equipment. The provisions of Subsection 104.11, Alternative Materials, Equipment, Methods of Construction and Design, of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

PM-105.3 Required Testing.

> **PM-105.3.1 Test Methods.** Test methods shall be as specified in the *Property Maintenance Code* or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.
>
> **PM-105.3.2 Testing Agency.** All tests shall be performed by an approved agency.
>
> **PM-105.3.3 Test Reports.** The provisions of Subsection 104.7, Department Records, of 12A DCMR, regarding retention of test reports, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

PM-105.4 Material and Equipment Reuse. The provisions of Subsection 104.9.1, Used Materials, Equipment and Devices, of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

PM-105.5 Permits for Repairs and Improvements. Any repair or improvement which may be required by a notice issued under the authority of the *Property Maintenance Code* for which a permit is required to be issued shall not be made until a permit has been issued by the District.

PM-105.5.1 Issuance of Permit. The permit shall not be conditioned on the making of any repair or improvement, except as required under the *Property Maintenance Code* or in order to comply with a notice issued under the authority of the *Property Maintenance Code*.

PM-105.5.2 Compliance with Applicable Laws. All work under a permit shall be done in accordance with all applicable laws and regulations. The provisions of Subsection 102.4.1, Conflicts, of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

SECTION PM-106G VIOLATIONS

PM-106.1 Unlawful Acts. It shall be unlawful for a person, firm or corporation to be in conflict with or in violation of any of the provisions of the *Property Maintenance Code*.

PM-106.2 Notice of Violation. The code official shall serve a notice of violation or order in accordance with Section PM-107.

PM-106.3 Prosecution of Violation. Any person failing to comply with a notice of violation or order served in accordance with Section PM-107 shall be deemed guilty of a misdemeanor and the violation shall be deemed a strict liability offense. If the notice of violation is not complied with, in addition to any other remedies or penalties otherwise available to the code official in the *Property Maintenance Code* or otherwise, the code official may institute the appropriate proceeding at law or in equity to prosecute, restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of the *Property Maintenance Code* or of the order or direction made pursuant thereto.

PM-106.4 Violation Fines and Penalties. Any person, who shall violate a provision of the *Property Maintenance Code*, or fail to comply therewith, or with any of the requirements thereof, shall be subject to the penalties established hereafter and shall be subject to prosecution. In the event of any failure to comply with any provision of the *Property Maintenance Code* following service of a notice of violation or order in accordance with Section PM-107, each and every day such violation continues shall constitute a separate offense.

PM-106.4.1 Penalty. Any person who violates any of the provisions of the *Construction Codes* or orders issued under the authority of the *Construction Codes*, shall, upon conviction, be guilty of a misdemeanor, punishable by a fine of not more than $2000, or by imprisonment not exceeding 90 days, or both, for each such offense. Each day a violation continues shall be deemed a separate offense. Prosecutions pursuant to this section shall be brought in the name of the District of Columbia by the Attorney General for the District of Columbia.

PM-106.4.2 Additional Penalty. Civil fines, penalties, and fees may be imposed, in addition to other available remedies, for any infraction of the provisions of the *Construction Codes*, including the provisions of the *Property Maintenance Code*, pursuant to the Civil*l Infractions Act*, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §2-1801 *et seq.*). Adjudication of any infraction shall be pursuant to the *Civil Infractions Act,*

PM-106.4.3 Culpability. Any person, including a tenant, who causes a violation of the *Property Maintenance Code,* is subject to the same penalties as those provided in PM-106.4.

PM-106.4.4 Separate Offenses. The penalties prescribed in Section PM-106.4 shall be applicable to each separate offense.

PM-106.4.5 Housing Business License. The violation of any of the provisions of the *Property Maintenance Code* may be grounds for denial, suspension or revocation of any housing business license or license endorsement under Chapter 28 of Title 47 of the D.C. Official Code and/or 14 DCMR.

PM-106.5 Abatement of Violation. Notwithstanding any other penalties or remedies set forth in Section 106.4, where any person violates a provision of the *Property Maintenance Code*, or fails to comply therewith, or with any of the requirements thereof, following notice as prescribed in Section PM-107G, the code official may cause such condition to be corrected. The costs of any corrective action, and all expenses incident thereto, shall be assessed as a tax against the property on which the violative condition existed, and such tax shall be carried on the regular tax rolls of the District, and collected in the same manner as general taxes in the District are collected, 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.

SECTION PM-107G NOTICES AND ORDERS

PM-107.1 Notice to Owner or to Person or Persons Responsible. Whenever the code official determines that there has been a violation of the *Property Maintenance Code* or has grounds to believe that a violation has occurred, notice shall be given to the owner or the person or persons responsible therefore in the manner prescribed in Subsections PM-107.2 and PM-107.3. Notices for closure procedures pursuant to Section PM-108 shall also comply with Subsection PM-108.3.

PM-107.2 Form. Such notice prescribed in Subsection PM-107.1 shall be in accordance with all of the following:

1. Be in writing.

2. Include the name and address of the person or entity being cited,

3. Include a description of the real estate sufficient for identification.

4.. Include a statement of the violation or violations and why the notice is being issued.

5. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the dwelling unit or structure into compliance with the provisions of the *Property Maintenance Code*.

6. Inform the property owner of the right to appeal.
7. Include a statement of the right to file a lien in accordance with Section PM-106.5.

PM-107.3 Method of Service. The code official shall effect service of a notice upon the property owner or person(s) responsible for the violation or violations by one of the following methods, any of which shall be deemed proper service:

1. Personal service on the property owner or persons responsible, or the agents thereof; or

2. Delivering the notice to the last known home or business address of the property owner or persons responsible as identified by the tax records, business license records, or corporate registration records, and leaving it with a person over the age of sixteen (16) years old residing or employed therein; or

3. Mailing the notice, via first class mail postage prepaid, to the last known home or business address of the property owner or persons responsible or the agents thereof as identified by the tax records, business license records or corporate registration records; or

4. If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure affected by such notice.

PM-107.4 Penalties. Penalties for noncompliance with orders and notices shall be as set forth in Subsection PM-106.4.

PM-107.5 Transfer of Ownership. It shall be unlawful for the owner of any dwelling unit or structure upon whom a notice of violation or order has been served to sell, transfer, mortgage, lease or otherwise dispose of such dwelling unit or structure to another person or entity until the provisions of the notice or order have been complied with, or until such owner shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any notice or order issued by the code official and shall furnish to the code official a signed and notarized statement from the grantee, transferee, mortgagee or lessee, acknowledging the receipt of such notice or order and fully accepting the responsibility without condition for making the corrections or repairs required by such notice or order.

PM-107.6 Copy of Notices . After an inspection of a dwelling unit occupied by a tenant, the Director shall provide the tenant with a copy of any notice or order with respect to that unit issued to the owner pursuant to the *Property Maintenance Code*. This requirement will be satisfied by mailing a copy to the tenant by first-class mail, leaving a copy at the tenant's residence, or by any other reasonable method in the code official's discretion.

PM-107.6.1 Notification for Multiple Tenants. In any instance where a violation or violations of the *Property Maintenance Code* involve more than one tenant of a residential building or dwelling, including violations involving common space, the Director shall post a copy of any notice or order issued to the owner pursuant to Subsections PM-107.2 and PM-107.3 for a reasonable time in one or more locations within the building or buildings in which the deficiency exists. The locations for posting the notification shall be reasonably selected to give notice to all tenants affected. Any tenant directly affected by the violation(s) shall, upon request to the code official, be sent a copy of the posted notification.

PM-107.6.2 Tampering with Notification. No person shall alter, modify, destroy or otherwise tamper with or mutilate a notification posted under Subsections PM-107.6.1 through PM-107.6.2.

PM-107.6.3 Application of Other Notice Provisions. The code official shall not be subject to any other tenant notification provisions, except as set forth in Subsections PM-107.6.1 through PM-107.6.3.

PM-107.7 Appeal and Hearing. Any person directly affected by a notice or order issued under this *Property Maintenance 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 Imminent Danger notices pursuant to Section PM-109 or notices of closure pursuant to

Section PM-108) shall stay the enforcement of the notice until the appeal is heard by the Office of Administrative Hearings.

SECTION PM-108G UNSAFE STRUCTURES AND EQUIPMENT

PM-108.1 General. When equipment or a structure or equipment, in whole or in part, is found by the code official to be unsafe, or when a structure is found unfit for human occupancy, or is found unlawful, such structure may be closed by the code official pursuant to the provisions of the *Property Maintenance Code* and may be considered for condemnation with referral to the Board of Condemnation, pursuant to D.C. Code § 6-901 through §6-919.

PM-108.1.1 Unsafe Structures. An unsafe structure or anything attached to or connected with any building or other structure that is found to be unsafe or dangerous to the life, health, property or safety of the public or the occupants of the structure by not providing minimum safeguards to protect or warn occupants in the event of fire, or because such structure contains unsafe equipment or is so damaged, decayed, dilapidated, structurally unsafe, or of such faulty construction or unstable foundation, that partial or complete collapse is possible.

PM-108.1.2 Unsafe Equipment. Unsafe equipment includes any boiler, heating equipment, elevator, moving stairway, electrical wiring or device, flammable liquid containers or other equipment on the premises or with in the structure which is in such disrepair or condition that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure.

PM-108.1.3 Structure Unfit for Human Occupancy. A structure is unfit for human occupancy whenever the code official finds that such structure is unsafe, unlawful or, because of the degree to which the structure is in disrepair or lacks maintenance, is unsanitary, vermin or rat infested, contains filth and contamination, or lacks ventilation, illumination, sanitary or heating facilities or other essential equipment required by the *Property Maintenance Code*, or because the location of the structure constitutes a hazard to the occupants of the structure or to the public.

PM-108.1.4 Unlawful Structure. An unlawful structure is one found in whole or in part to be occupied by more persons than permitted under the *Property Maintenance Code*, or was erected, altered or occupied contrary to law.

PM-108.2 Closing of Vacant Structures. If the structure is vacant and unfit for human habitation and occupancy, and is not in danger of structural collapse, the code official, after providing notice prescribed in PM-108.3,is authorized to post a closure placard on the premises and order the structure closed up so as not to be an attractive nuisance. Upon failure of the owner to close up the premises within the time specified in the order, the code official shall cause the premises to be closed and secured through any available public agency or by contract or arrangement by private persons and the cost thereof shall be charged against the real estate upon which the structure is located and shall be a lien upon such real

estate and may be collected by any other legal resource.

PM-108.3 Notice. Whenever the code official has closed a structure or discontinued the use of equipment under the provisions of this section, notice shall be posted in a conspicuous place in or about the structure affected by such notice and served on the owner or the person or persons responsible for the structure or equipment in accordance with Subsection PM-107.3 and An Act to authorize the C ommissions of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, as amended, 78 Stat. 600, approved August 24, 1964 (D.C. Official Code § 6-801 to § 6-805). If the notice pertains to equipment, it shall also be placed on the equipment removed from service. The notice shall be in the form prescribed in Subsection PM-107.2.

PM-108.4 Placarding. Upon failure of the owner or person responsible to comply with the notice provisions within the time given, the code official shall post on the premises z a closure placard reading as follows: "This Structure is Unsafe and Its Occupancy Has Been Prohibited by the Code Official" or post the defective equipment with a placard bearing the words "Removed from Service" and a statement of the penalties provided for occupying the premises, operating the equipment or removing the placard.

PM-108.5 Prohibited Occupancy. Any occupied structure, closed and placarded by the code official, shall be vacated as ordered by the code official. Any person who shall occupy a placarded premises or shall operate placarded equipment, and any owner or any person responsible for the premises who shall let anyone occupy a placarded premises or operate placarded equipment shall be liable for the penalties provided by the *Property Maintenance Code*.

PM-108.6 Removal of Placard. The code official shall remove the applicable placards whenever the defect or defects upon which the closure or removal from service actions were based have been eliminated. Any person who defaces or removes a placard without the approval of the code official shall be subject to the penalties provided by the *Property Maintenance Code*.

SECTION PM-109G EMERGENCY MEASURES

PM-109.1 Imminent Danger. The provisions of §116.1 of 12A DCMR, Emergency Measures, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

PM-109.2 Temporary Safeguards. The provisions of §116.2 of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference..

PM-109.3 Closing Streets. The provisions of §116.3 of 12A DCMR, shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

PM-109.4 Emergency Repairs. The provisions of §116.4 of 12A DCMR, shall apply to the

Property Maintenance Code and are hereby incorporated by reference.

PM-109.5 Costs of Emergency Repairs. The provisions of §116.5 of 12A DCMR shall apply to the *Property Maintenance Code* and are hereby incorporated by reference.

PM-109.6 Hearing. Any person ordered to take emergency measures shall comply with such order forthwith. Any affected person shall thereafter, upon petition to the Office of Administrative Hearings, be afforded a hearing as described in Section PM-107.7.

CHAPTER 3G REQUIREMENTS

SECTION PM-302G EXTERIOR PROPERTY AREAS

Add new Subsection PM-302.7.1 to the International Property Maintenance Code to read as follows:

> **PM-302.7.1 Storm water management facilities**. Storm water management facilities constructed pursuant to D.C. Storm Water Management Regulations shall be inspected and maintained in good condition and repair, including all graded surfaces, conveyance, basins, drains, structures, vegetation and other protective devices for storm water management, using established guidelines and procedures and approved by the official charged with the administration and enforcement of the D.C. Storm Water Management Regulations, 21 DCMR §§526-535, and the requirements of Water Pollution Control Act of 1984, as amended., March 16, 1985 (D.C. Law 5-188; D.C. Official Code § 8-103.01 *et seq.*)

SECTION PM-304G EXTERIOR STRUCTURE

Delete Subsection 304.14 of the International Property Maintenance Code in its entirety and add new Subsection PM-304.14 to read as follows:

PM-304.14 Insect screens. During the period from April 15 to October 15, every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas, or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of not less than 16 mesh per inch (16 mesh per 25 mm) and every swinging door shall have a self-closing device in good working condition.

CHAPTER 5G PLUMBING FACILITIES AND FIXTURE REQUIREMENTS

SECTION PM-505G WATER SYSTEM

Add new Subsection PM-505.5 to the International Property Maintenance Code to read to as follows:

PM-505.5 Inspections of Water Heating Facilities. The owner of a multiple dwelling, containing two (2) or more units served by a domestic water heating facility common to more than one unit, shall cause the domestic water heating facility to be inspected by a qualified person between March 1 and September 1 of each year.

CHAPTER 6G MECHANICAL AND ELECTRICAL REQUIREMENTS

SECTION PM-602G HEATING FACILITIES

Delete Subsection 602.3 of the International Property Maintenance Code in its entirety and add new Subsection PM-602.3 to read as follows (maintain Exceptions to this Section):

PM-602.3 Heat supply. Every owner and operator of any building who rents, leases or lets one or more dwelling unit, rooming unit, dormitory or guestroom on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from October 15th to May 15th to maintain a temperature of not less the 68ºF (20ºC) in all habitable rooms, bathrooms, and toilet rooms.

Delete Subsection 602.4 of the International Property Maintenance Code in its entirety and add new Subsection PM-602.4 to read as follows (maintain Exceptions to this Section):

PM-602.4 Occupiable work spaces. Indoor occupiable work spaces shall be supplied with heat during the period from October 15th to May 15th to maintain a temperature of not less than 65ºF (18ºC) during the period the spaces are occupied.

Add new Subsections PM-602.6 through PM-602.9 to the International Property Maintenance Code read to as follows:

PM-602.6 Inspection of Heating Facilities by Qualified Persons. The provisions of 14 DCMR §§501.6 through 501.12 are hereby incorporated by reference.

Delete Section 606 of the Property Maintenance Code in its entirety and add the following:

SECTION PM-606G ELEVATORS AND CONVEYING SYSTEMS

PM-606.1 General. Elevators and conveying systems, including, but not limited to escalators, dumbwaiters, wheelchair lifts, and moving walks, shall be maintained in compliance with ASME A17.1, and shall be subjected to acceptance and maintenance tests and periodic inspections as required by the *Property Maintenance Code* and referenced standards. Inspections and tests shall be performed at not less than the periodical intervals listed in ASME A17.1, Appendix N. A certificate of inspection will be issued by the code official for each unit of equipment which has satisfactorily met all of the inspections and tests required herein.

> PM-606.1.1 Periodic Tests and Periodic Inspections. Periodic tests and inspections shall be made by the code official, or by an approved third party agency, and shall be made at the expense and responsibility of the owner. Where such tests and inspections are not made by the code official, the approved agency shall submit a detailed report of the tests and inspections to the code official on approved forms not more than 30 days after completion of the tests and inspections.

PM-606.1.2 Content of Certificate. The certificate shall bear the name and signature of the person who made the periodic inspection and witnessed the periodic and maintenance tests, and shall designate the rated load and speed, and the date of the inspections and tests.

PM-606.1.3 Posting of Certificate. The most current certificate of inspection shall be on display at all times within the elevator or attached to the conveying system, or the certificate shall be available for public inspection in the office of the building operator.

PM-606.1.4 Certificate of Compliance for New, Relocated or Altered Equipment. New, relocated or altered elevators and conveying systems may not be operated unless a final or limited certificate of compliance has been obtained in accordance with Section 3007 of the *Building Code.*

PM-606.2 Elevators. In buildings equipped with passenger elevators, at least one elevator shall be maintained in operation at all times when the building is occupied.

Exception: Buildings equipped with only one elevator shall be permitted to have the elevator temporarily out of service for testing or servicing.

PM-606.3 Maintenance, repair, alteration of existing elevators, and replacement of components or subsystems in existing elevators. Existing elevators shall comply with the *Existing Building Code.*

Add new Section PM-608 to the International Property Maintenance Code to read to as follows:

SECTION PM-608G AIR CONDITIONING

PM-608.1 General. The owner of a rental habitation, who provides air conditioning as a service either through individual air conditioning units or a central air conditioning system, shall maintain such unit or system in safe and good working condition so that it is capable of providing an inside temperature, in the rooms it is intended to serve, equal to the greater of (i) seventy-eight degrees Fahrenheit (78 degrees F), or (ii) at least fifteen degrees Fahrenheit (15 degrees F) less than the outside temperature.

SECTION PM-605G ELECTRICAL EQUIPMENT

Add new Subsection PM-605.4 to the International Property Maintenance Code to read as follows:

PM-605.4 Switchboards of 1000 Amperes or Larger. Preventative maintenance shall be performed on switchboards having a capacity of 1000 amperes or larger as required by Article 403.23 of the *Electrical Code*, as amended.

CHAPTER 7G FIRE SAFETY REQUIREMENTS

SECTION PM-702G MEANS OF EGRESS

Add new Subsections PM-702.5 through PM-702.7 to the International Property Maintenance Code to read to as follows:

PM-702.5 Arrangements. Exits from dwelling units, rooming units, guestrooms and dormitory units shall not lead through other such units, or through toilet rooms or bathrooms.

PM-702.6 Exit signs. All means of egress shall be indicated with approved "Exit" signs where required by the *Building Code*. All "Exit" signs shall be maintained visible and all illuminated "Exit" signs shall be illuminated at all times that the building is occupied.

PM-702.7 Stair identification. The interior and exterior of all stairway doors shall be provided with signage as required by Subsection 1020.1.6 of the *Building Code*.

SECTION PM-704G FIRE PROTECTION SYSTEMS

Add new Subsection PM-704.5 to the International Property Maintenance Code to read as follows:

PM-704.5 Fire alarm systems. Fire alarm systems shall be in proper operating condition at all times.

> **PM-704.5.1 Manual fire alarm boxes.** All manual fire alarm boxes shall be operational and unobstructed.

Add new Section PM-705 to the International Property Maintenance Code to read as follows:

SECTION PM-705G GENERAL PRECAUTIONS AGAINST FIRE

PM-705.1 Hazardous and combustible materials. Combustible, flammable, explosive or other hazardous materials, such as paints, volatile oils and cleaning fluids, or combustible rubbish, such as wastepaper, boxes and rags, shall not be accumulated or stored unless such storage complies with the applicable requirements of the *Building Code* and the *Fire Code* listed in Chapter 1 of the *Building Code*.

PM-705.2 Fire extinguishers. All portable fire extinguishers when required by previous or present *Building* or *Fire Codes*, shall be visible, provided with ready access thereto, and maintained in an efficient and safe operating condition. Extinguishers shall be of an approved type. Fire extinguishers shall be maintained in accordance with NFPA 10 as referenced in the *Fire Cod*e.

DISTRICT OF COLUMBIA

CONSTRUCTION CODE 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 Subsection 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* 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 Code Supplement*, the *International Fire Code*, and its reference standards:

1. The provisions of the *Construction Code 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 Subsection 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*, unless the Director of the Department of Consumer and Regulatory Affairs is specifically designated as the code official in the *Fire Prevention Code*. Notwithstanding the foregoing, the Director of the Department of Consumer and Regulatory Affairs shall be the code official for the enforcement of provisions in the *Construction Codes*, other than the *Fire Prevention Code*, pertaining to 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 Subsection F-105.1. References to the term "Department" within the *Fire Prevention Code* shall mean the D.C. Fire and Emergency Medical Services Department.

> **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 Subsection 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) (Valid for 45 business days)	$600.00
Explosives vehicle inspection, per vehicle (Valid for 45 business days)	$150.00
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 four hours,
HAZARDOUS MATERIALS MITIGATION FEE:	
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 Subsection 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 Subsection 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 Subsections 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 ($1.2m^3$).

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 m^2) 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	See Section 107.10.8
Liquids	55 gallons
Solids	1,000 pounds
Explosive materials	See Section 107.10.13
Flammable materials	
Gases	See Section 107.10.8
Liquids	See Section 107.10.14
Solids	100 pounds
Highly toxic materials	
Gases	See Section 107.10.8
Liquids	Any amount
Solids	Any amount
Oxidizing materials	

Gases	See Section 107.10.8
Liquids	
Class 4	Any amount
Class 3	1 gallon
Class 2	10 gallons
Class 1	55 gallons
Solids	
Class 4	Any amount
Class 3	10 pounds
Class 2	100 pounds
Class 1	500 pounds
Organic Peroxides	
Liquids	
Class I	Any amount
Class II	Any amount
Class III	1 gallon [a]
Class IV	2 gallons
Class V	No permit required
Solids	
Class I	Any amount
Class II	Any amount
Class III	10 pounds [b]
Class IV	20 pounds
Class V	No permit required
Pyrophoric materials	
Gases	Any amount
Liquids	Any amount
Solids	Any amount
Toxic materials	
Gases	See Section 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 m).

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 ft^3)(236 m^3).

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 m^3) 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 m^3) 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 m^3).

F-107.11 Required installation permits. The code official is authorized to issue installation permits for work as set forth in Subsections F-107.11.l 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 Subsection 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 §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 5H FIRE SERVICE FEATURES

SECTION F-504H ACCESS TO BUILDING OPENINGS AND ROOFS

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

SECTION F-505H PREMISES IDENTIFICATION

Delete Subsections 505.1 and 505.2 of the Fire Prevention Code in their entirety and add Subsection 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 Subsection 509 of the Fire Prevention Code in its entirety.

CHAPTER 6H BUILDING SERVICES AND SYSTEMS

SECTION F-603H FUEL-FIRED APPLIANCES

Delete Subsection 603.4 of the Fire Prevention Code in its entirety and add new Subsection 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 Subsection 604.1 of the Fire Prevention Code in its entirety and add new Subsection 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 Subsections F-604.3 through F-604.5. Existing installations shall be maintained in accordance with the original approval.

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

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

SECTION F-606H MECHANICAL REFRIGERATION

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

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

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

SECTION F-607H ELEVATOR RECALL AND MAINTENANCE

Delete Subsection 607.1 of the Fire Prevention Code in its entirety and add new Subsection 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 Subsection 608.3 of the Fire Prevention Code in its entirety.

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

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

SECTION F-609H COMMERCIAL KITCHEN HOODS

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

CHAPTER 9H FIRE PROTECTION SYSTEMS

Delete Subsection 901.1 of the Fire Prevention Code in its entirety and add new Subsection 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 Subsections 901.2 through 903.1 of the Fire Prevention Code in their entirety.

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

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

Delete Subsection 903.5 of the Fire Prevention Code in its entire and add new Subsection 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 Subsections 904.2 through 904.3.5 of the Fire Prevention Code in their entirety.

Delete Subsection 904.4 of the Fire Prevention Code in its entirety and add new Subsection 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 Subsection 905.2 of the Fire Prevention Code in its entirety and add new Subsection 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 Subsections 905.3 through 905.9 of the Fire Prevention Code in their entirety.

Delete Subsection 905.11 of the Fire Prevention Code in its entirety and add new Subsection 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 Subsection 906.1 of the Fire Prevention Code in its entirety and add new Subsection 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 Subsection 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 Subsection 907.1 of the Fire Prevention Code in its entirety and add new Subsection 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 Subsections 907.1.1 through 907.2.23 of the Fire Prevention Code in their entirety.

Delete Subsection 907.3 of the Fire Prevention Code in its entirety and add new Subsection 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 Subsections 907.3.1 through 907.3.1.8 and Section 907 of the *Building Code*. Where automatic sprinkler protection is provided in accordance with Subsection 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 Subsections 907.4 through 907.19 of the Fire Prevention Code in their entirety.

SECTION F-909 SMOKE CONTROL SYSTEMS

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

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

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

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

SECTION F-13 FIRE PUMPS

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

SECTION F-14 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 Subsection 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 Subsection 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 Subsection 1413.1 of the Fire Prevention Code in its entirety.

CHAPTER 15H FLAMMABLE FINISHES

SECTION F-1501H GENERAL

Add new Subsection 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 Subsection 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 Subsection 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 Subsection 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 Subsection 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 Subsection F-3309.3.2. No process or notice shall be served under the provisions of Subsection 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 Subsection F-3309.3.2. The provisions of Subsection 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 Subsection F-3309.3.2.3.

F-3309.3.2.3 Fee Under Subsection 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 Subsection F-3309.3.2.

F-3309.3.2.4 Forwarding of Process or Notice. Upon payment of the fee required by Subsection 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 Subsection 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 a 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 that 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 wholesale 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 Subsection 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 Subsection 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 Subsection 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 Subsection 3801.2 in its entirety and add new Subsection 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 Subsections 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.

DISTRICT OF COLUMBIA CONSTRUCTION CODE SUPPLEMENT OF 2008 DCMR 12I ENERGY CONSERVATION CODE SUPPLEMENT

CHAPTER 1I ADMINISTRATION

Delete Chapter 1 of the Energy Conservation Code in its entirety and add new Sections EC-101I and EC-103I to read as follows:

SECTION EC-101I GENERAL

Administration and enforcement of the *Energy Conservation Code* shall be governed by Chapter 1 of Title 12A of the District of Columbia Municipal Regulations.

SECTION EC-103I ALTERNATIVE MATERIALS – METHOD OF CONSTRUCTION, DESIGN OR INSULATING SYSTEMS

EC-103.1I General. This code is not intended to prevent the use of any material, method of construction, design or insulating system not specifically prescribed herein, provided that such construction, design, or insulating system has been approved by the code official as meeting the intent of this code

EC-103.1.1I Above code programs. The code official or other authority having jurisdiction shall be permitted to deem a national, state or local energy efficiency program to exceed the energy efficiency required by this code if the program provides a detailed written energy analysis study demonstrating that the requirements in the program exceed all requirements of this code and includes a requirement for inspections of each home by an accredited independent party to determine compliance. Buildings approved in writing by such an energy efficiency program and that meet all mandatory provisions of this chapter shall be considered in compliance with this code.

CHAPTER 2I DEFINITIONS

SECTION EC-202I GENERAL DEFINITIONS

Insert following definition between ADDITION and ALTERATION in Section 202 GENERAL DEFINITIONS of the International Energy Conservation Code (2006) to read as follows:

AIR BARRIER. Material(s) assembled and joined together to provide a barrier to air

leakage through the building envelope. An air barrier may be a single material, or a combination of materials.

Insert following definition between HEATED SLAB and HUMIDISTAT in Section 202 GENERAL DEFINITIONS of the International Energy Conservation Code (2006) to read as follows:

HIGH-EFFICACY LAMPS: Compact florescent lamps, T-8 or smaller diameter linear florescent lamps, or lamps with a minimum efficacy of:

1. 60 lumens per watt for lamps over 40 watts,
2. 50 lumens per watt for lamps over 15 watts to 40 watts,
3. 40 lumens per watt for lamps 15 watts or less

CHAPTER 4I RESIDENTIAL ENERGY EFFICIENCY

SECTION EC-402I BUILDING THERMAL ENVELOPE

Delete Table 402.1.1 of the International Energy Conservation Code (2006) and replace with Table 402.1.1 to read as follows:

TABLE 402.1.1
INSULATION AND FENESTRATION REQUIREMENTS BY COMPONENT [a]

CLIMATE ZONE	FENES-TRATION U-FACTOR	SKY-LIGHT U-FACTOR [b]	GLAZED FENEST-RATION SHGC	CEILING R-VALUE	WOOD FRAME WALL R-VALUE	MASS WALL R-VALUE [H]	FLOOR R-VALUE	BASEMENT[c] WALL R-VALUE	SLAB [d] R-VALUE & DEPTH	CRAWL SPACE [c] WALL R-VALUE
1	1.20	0.75	0.37	30	13	3/4	13	0	0	0
2	0.75	0.75	0.37	30	13	4/6	13	0	0	0
3	0.65	0.65	0.40 [e]	30	13	5/8	19	0	0	5 / 13
4 except Marine	0.35	0.60	NR	49	18	5/10	19	10 / 13	10, 2ft	10 / 13
5 and Marine 4	0.35	0.60	NR	38	19 or 13+5[g]	13/17	30 [f]	10 / 13	10, 2ft	10 / 13
6	0.35	0.60	NR	49	19 or 13+5[g]	15/19	30 [f]	10 / 13	10, 4ft	10 / 13
7 and 8	0.35	0.60	NR	49	21	19/21	30 [f]	10 / 13	10, 4ft	10 / 13

For SI: 1 foot = 304.8 mm.
a. *R*-values are minimums. *U*-factors and SHGC are maximums. R-19 shall be permitted to be compressed into a 2 × 6 cavity.
b. The fenestration *U*-factor column excludes skylights. The SHGC column applies to all glazed fenestration.
c. The first *R*-value applies to continuous insulation, the second to framing cavity insulation; either insulation meets the requirement.
d. R-5 shall be added to the required slab edge *R*-values for heated slabs.
e. There are no SHGC requirements in the Marine zone.
f. Or insulation sufficient to fill the framing cavity, R-19 minimum.

g. “13+5” means R-13 cavity insulation plus R-5 insulated sheathing. If structural sheathing covers 25 percent or less of the exterior, insulating sheathing is not required where structural sheathing is used. If structural sheathing covers more than 25 percent of exterior, structural sheathing shall be supplemented with insulated sheathing of at least R-2.

Delete Table 402.1.3 of the International Energy Conservation Code (2006) and replace with Table 402.1.3 to read as follows:

TABLE 402.1.3
EQUIVALENT U-FACTORS [a]

CLIMATE ZONE	FENES-TRATION U-FACTOR	SKY-LIGHT U-FACTOR	CEILING U-FACTOR	FRAME WALL U-FACTOR	MASS WALL U-FACTOR	FLOOR U-FACTOR	BASEMENT WALL U-FACTOR	CRAWL SPACE WALL U-FACTOR
1	1.20	0.75	0.035	0.082	0.197	0.064	0.360	0.477
2	0.75	0.75	0.035	0.082	0.165	0.064	0.360	0.477
3	0.65	0.65	0.035	0.082	0.141	0.047	0.360	0.136
4 except Marine	0.35	0.60	0.26	0.062	0.141	0.047	0.059	0.065
5 and Marine 4	0.35	0.60	0.030	0.060	0.082	0.037	0.059	0.065
6	0.35	0.60	0.026	0.060	0.060	0.033	0.059	0.065
7 and 8	0.35	0.60	0.026	0.057	0.057	0.033	0.041	0.057

a. Nonfenestration *U*-factors shall be obtained from measurement, calculation or an approved source.

Delete Section 402.2.1 of the International Energy Conservation Code (2006) and replace with Section 402.2.1 to read as follows:

402.2.1 Ceilings with attic spaces. When Section 402.1.1 would require R-38 in the ceiling, R-30 shall be deemed to satisfy the requirement for R-38 wherever the full height of uncompressed R-30 insulation extends over the wall top plate at the eaves. Similarly R-38 shall be deemed to satisfy the requirement for R-49 or higher wherever the full height of uncompressed R-38 insulation extends over the wall top plate at the eaves.

Renumber Sections 402.4.2 Fenestration air leakage, and 402.4.3 Recessed lighting, as 402.4.4 Fenestration air leakage and 402.4.5 Recessed lighting and insert the following sections to read as follows:

402.4.2 Air sealing and insulation. Building envelope air tightness and insulation installation shall be demonstrated to comply with one of the following options given by Section 402.4.2.1 or 402.4.2.2:

402.4.2.1 Testing option. Building envelope tightness and insulation installation shall be considered acceptable when tested air leakage is less than 7 ACH when tested with a blower door at a pressure of 50 pascals. Testing shall occur after rough in and after installation of penetrations of the building envelope, including penetrations for utilities, plumbing,

electrical, ventilation, and combustion appliances.

During testing:

1. Exterior windows and doors, fireplace and stove doors shall be closed, but not sealed;
2. Dampers shall be closed, but not sealed; including exhaust, intake, makeup air, back draft, and flue dampers;
3. Interior doors shall be open;
4. Exterior openings for continuous ventilation systems and heat recovery ventilators shall be closed and sealed;
5. Heating and cooling system(s) shall be turned off;
6. HVAC ducts shall not be sealed; and
7. Supply and return registers shall not be sealed.

402.4.2.2 Visual inspection option: Building envelope tightness and insulation installation shall be considered acceptable when the items listed in Table 402.4.2, applicable to the method of construction, are field verified. Where required by the code official, an approved party independent from the installer of the insulation, shall inspect the air barrier and insulation.

TABLE 402.4.2
AIR BARRIER AND INSULATION INSPECTION

COMPONENT	CRITERIA
Air barrier and thermal barrier	Exterior thermal insulation is installed in substantial contact and continuous alignment with building envelope air barrier.
	Breaks or joints in the air barrier are filled or repaired. Air permeable insulation is not used as a sealing material. Air permeable insulation is inside of an air barrier.
Ceiling / attic	Air barrier in any dropped ceiling / soffit is substantially aligned with insulation and any gaps are sealed. Attic access (except unvented attic), knee wall door, or drop down stair is sealed.
Walls	Corners and headers are insulated.
	Junction of foundation and sill plate is sealed.
Windows and doors	Space between window/door jambs and framing is sealed.
Rim joists	Rim joists are insulated and include an air barrier.
Floors (including above garage and cantilevered floors)	Insulation is installed to maintain permanent contact with underside of subfloor decking. Air barrier is installed at any exposed edge of insulation.
Crawlspace walls	Insulation is permanently attached to walls. Exposed earth in unvented crawlspaces is covered with class I vapor retarder with overlapping joints taped.
Shafts, penetrations	Duct shafts, utility penetrations, knee walls, and flue shafts opening to exterior or unconditioned space are sealed.
Narrow cavities	Batts in narrow cavities are cut to fit, or narrow cavities are filled by spayed/blown insulation.
Garage separation	Air sealing is provided between the garage and conditioned spaces.
Recessed lighting	Recessed light fixtures are airtight, IC rated, and sealed to drywall. Exception--fixtures in conditioned space.
Plumbing and Wiring	Insulation is placed between outside and pipes. Batt insulation is cut to fit around wiring and plumbing, or sprayed/blown insulation extends behind piping and wiring.
Shower / tub on exterior wall	Showers and tubs on exterior walls have insulation and an air barrier separating them from the exterior wall.
Electrical / phone box on exterior walls	Air barrier extends behind boxes or an air sealed type boxes are installed.
Common wall	Air barrier is installed in common wall between dwelling units.
HVAC register boots	HVAC register boots that penetrate building envelope are sealed to subfloor or drywall.
Fireplace	Fireplace walls include an air barrier.

402.4.3 Fireplaces. New wood-burning fireplaces shall have gasketed doors and outdoor combustion air.

SECTION EC-403I SYSTEMS

Delete Sections 403.2.2 Sealing from the International Energy Conservation Code (2006) and replace with Section 403.2.2 to read as follows:

403.2.2 Sealing. All ducts, air handlers, filter boxes, and building cavities used as ducts shall be sealed. Joints and seams shall comply with Section M1601.3 of the *International Residential Code*

Air handlers with a manufacturer's designation for an air leakage of no more than 2 percent of the design air flow rate when tested at an air pressure of 1-inch water gauge when all air inlets, air outlets, and condensate drain port(s) are sealed shall be deemed sealed. Air handlers with filter boxes shall be tested with the filter box in place.

Duct tightness shall be verified by either of the following:

1. Post-construction test: Leakage to outdoors shall be less than or equal to 8 CFM per 100 ft2 of conditioned floor area or a total leakage less than or equal to 12 CFM per 100 ft2 of conditioned floor area when tested at a pressure differential of 0.1 inches

w.g. (25 Pa) across the entire system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test.

2. Rough-in test: Total leakage shall be less than or equal to 6 CFM per 100 ft2 of conditioned floor area when tested at a pressure differential of 0.1 inches w.g. (25 Pa) across the roughed in system, including the manufacturer's air handler enclosure. All register boots shall be taped or otherwise sealed during the test. If the air handler is not installed at the time of the test, total leakage shall be less than or equal to 4 CFM per 100 ft2 of conditioned floor area.

Exceptions: Duct tightness test is not required if the air handler and all ducts are located within conditioned space.

Renumber Sections 403.4 Circulating hot water systems, 403.5 Mechanical ventilation, and 403.6 Equipment sizing of the International Energy Conservation Code (2006) to Sections 403.5 Circulating hot water systems, 403.6 Mechanical ventilation, and 403.7 Equipment sizing and insert new Section 403.4 to read as follows:

403.4 Service water heating. Service water heating systems and piping shall be installed in accordance with the applicable requirements of Sections 403.4.1 through 403.4.2.

403.4.1 Insulation. All Service Hot Water piping shall be insulated to at least R-2 for the distance between the service water heater to within 5 feet of each fixture connected to the hot water pipe.

403.4.2 Stub-in for solar water. All service water heating distribution systems shall have a stub-in connection point for future Solar Hot Water Systems in an accessible location within 5 feet of the roof.

SECTION EC-404I ELECTRICAL POWER AND LIGHTING SYSTEMS

Renumber Section 404 SIMULATED PERFORMANCE ALTERNATIVE of the International Energy Conservation Code (2006) as Section 405 SIMULATED PERFORMANCE ALTERNATIVE and add new Section 404 to read as follows:

SECTION 404 (Mandatory)

ELECTRICAL POWER AND LIGHTING SYSTEMS

404.1 Scope. This section applies to lighting equipment, related controls and electric circuits serving the interior spaces and exterior building facades of all residential buildings including accessory structures and garages.

404.2 Lighting Equipment. A minimum of fifty percent of the lamps in permanently

installed lighting fixtures shall be high efficacy lamps.

SECTION EC-405I SIMULATED PERFORMANCE ALTERNATIVE

Delete Table 404.5.2(1) of the International Energy Conservation Code (2006) and replace with Table 405.2(1) to read as follows:

TABLE 405.5.2(1)

SPECIFICATIONS FOR THE STANDARD REFERENCE AND PROPOSED DESIGNS

BUILDING COMPONENT	STANDARD REFERENCE DESIGN	PROPOSED DESIGN
Above-grade walls	Type: mass wall if proposed wall is mass; otherwise wood frame Gross Area: same as proposed U-Factor: from Table 402.1.3 Solar absorptions = 0.75 Remittance = 0.90	As proposed As proposed As proposed, assuming gaps/missing insulation equal to 5%, unless otherwise verified As proposed As proposed
Basement and crawlspace walls	Type: same as proposed Gross Area: same as proposed U-Factor: from Table 402.1.3, with insulation layer on interior side of walls	As proposed As proposed As proposed, assuming gaps/missing insulation equal to 5%, unless otherwise verified
Above-grade floors	Type: wood frame Gross Area: same as proposed U-Factor: from Table 402.1.3	As proposed As proposed As proposed, assuming gaps/missing insulation equal to 5%, unless otherwise verified
Ceilings	Type: wood frame Gross Area: same as proposed U-Factor: from Table 402.1.3	As proposed As proposed As proposed, assuming gaps/missing insulation equal to 5%, unless otherwise verified
Roofs	Type: composition shingle on wood sheathing Gross area: same as proposed Solar absorptance = 0.75 Emittance = 0.90	As proposed As proposed As proposed As proposed
Attics	Type: vented with aperture = 1 ft^2 per 300 ft^2 ceiling area	As proposed
Foundations	Type: same as proposed	As proposed
Doors	Area: 40 ft^2 Orientation: North *U*-factor: same as fenestration from Table 402.1.3	As proposed As proposed As proposed
Glazing[a]	Total area[b] = (a) The proposed glazing area; where the proposed glazing area is less than 18% of the conditioned floor area (b) 18% of the conditioned floor area; where the proposed glazing area is 18% or more of	As proposed

	the conditioned floor area Orientation: equally distributed to four cardinal compass orientations (N, E, S, & W) U-factor: from Table 402.1.2 SHGC: From Table 402.1 except that for climates with no requirement (NR) SHGC = 0.40 shall be used Interior shade fraction: Summer (all hours when cooling is required) = 0.70 Winter (all hours when heating is required) = 0.85 External shading: none	As proposed As proposed As proposed Same as standard reference design[c] As proposed
Skylights	None	As proposed
Thermally isolated sunrooms	None	As proposed
Air exchange rate	Specific Leakage Area (SLA)[d] = 0.00036 assuming no energy recovery	For residences that are not tested, the same as the standard reference design For residences without mechanical ventilation that are tested in accordance with ASHRAE 119, Section 5.1, the measured air exchange rate[e] but not less than 0.35 ACH For residences with mechanical ventilation that are tested in accordance with ASHRAE 119, Section 5.1, the measured air exchange rate[e] combined with the mechanical ventilation rate,[f] which shall not be less than $0.01 \times CFA + 7.5 \times (N_{br}+1)$ where: CFA = conditioned floor area N_{br} = number of bedrooms
Mechanical ventilation	None, except where mechanical ventilation is specified by the proposed design, in which case: Annual vent fan energy use: kWh/yr = $0.03942 \times CFA + 29.565 \times (N_{br}+1)$ where: CFA = conditioned floor area N_{br} = number of bedrooms	As proposed
Internal gains	IGain = $17{,}900 + 23.8 \times CFA + 4104 \times N_{br}$ (Btu/day per dwelling unit)	Same as standard reference design
Internal mass	An internal mass for furniture and contents of 8 pounds per square foot of floor area	Same as standard reference design, plus any additional mass specifically designed as a thermal storage element[g] but not integral to the building envelope or structure

Structural mass	For masonry floor slabs, 80% of floor area covered by R-2 carpet and pad, and 20% of floor directly exposed to room air For masonry basement walls, as proposed, but with insulation required by Table 402.1.3 located on the interior side of the walls For other walls, for ceilings, floors, and interior walls, wood frame construction	As proposed As proposed As proposed
Heating systems[h, i]	Fuel type: same as proposed design Efficiencies: Electric: air-source heat pump with prevailing federal minimum efficiency Nonelectric furnaces: natural gas furnace with prevailing federal minimum efficiency Nonelectric boilers: natural gas boiler with prevailing federal minimum efficiency Capacity: sized in accordance with Section M1401.3 of the *International Residential Code*	As proposed As proposed As proposed As proposed As proposed
Cooling systems [h,j]	Fuel type: Electric Efficiency: in accordance with prevailing federal minimum standards Capacity: sized in accordance with Section M1401.3 of the *International Residential Code*	As proposed As proposed As proposed
Service Water Heating[h,k]	Fuel type: same as proposed design Efficiency: in accordance with prevailing Federal minimum standards Use: gal/day = 30 + 10 × N_{br} Tank temperature: 120°F	As proposed As proposed Same as standard reference Same as standard reference
Thermal distribution systems	A thermal distribution system efficiency (DSE) of 0.88 shall be applied to both the heating and cooling system efficiencies for all systems other than tested duct systems. For tested duct systems, the leakage rate shall be the applicable maximum rate from Section 403.2.2.	As tested or as specified in Table 405.5.2(2) if not tested.
Thermostat	Type: Manual, cooling temperature setpoint = 75°F; Heating temperature set point = 70 °F	Same as standard reference

For SI: 1 square foot = 0.93 m^2; 1 British thermal unit = 1055 J; 1 pound per square foot = 4.88 kg/m^2; 1 gallon (U.S.) = 3.785 L; °C = (°F-32)/1.8.

a. Glazing shall be defined as sunlight-transmitting fenestration, including the area of sash, curbing or other framing elements, that enclose conditioned space. Glazing includes the area of sunlight-transmitting fenestration assemblies in walls bounding conditioned basements. For doors where the sunlight-transmitting opening
is less than 50% of the door area, the glazing area is the sunlight transmitting opening area. For all other doors, the glazing area is the rough frame opening area for the door including the door and the frame.

b. For residences with conditioned basements, R-2 and R-4 residences and townhouses, the following formula shall be used to determine glazing area:

$AF = A_s _ FA _ F$

where:

AF = Total glazing area.

A_s = Standard reference design total glazing area.

FA = (Above-grade thermal boundary gross wall area)/(above-grade boundary wall area + 0.5 x below-grade boundary wall area).

F = (Above-grade thermal boundary wall area)/(above-grade thermal boundary wall area + common wall area) or 0.56, whichever is greater.

and where:

Thermal boundary wall is any wall that separates conditioned space from unconditioned space or ambient conditions.

Above-grade thermal boundary wall is any thermal boundary wall component not in contact with soil.
Below-grade boundary wall is any thermal boundary wall in soil contact.
Common wall area is the area of walls shared with an adjoining dwelling unit.
c. For fenestrations facing within 15 degrees (0.26 rad) of true south that are directly coupled to thermal storage mass, the winter interior shade fraction shall be permitted to be increased to 0.95 in the proposed design.
d. Where Leakage Area (*L*) is defined in accordance with Section 5.1 of ASHRAE 119 and where:
SLA = L/CFA
where *L* and *CFA* are in the same units.
e. Tested envelope leakage shall be determined and documented by an independent party approved by the code official. Hourly calculations as specified in the 2001 ASHRAE *Handbook of Fundamentals*, Chapter 26, page 26.21, Equation 40 (Sherman-Grimsrud model) or the equivalent shall be used to determine the energy loads resulting from infiltration.
f. The combined air exchange rate for infiltration and mechanical ventilation shall be determined in accordance with Equation 43 of 2001 ASHRAE *Handbook of Fundamentals* page 26.24 and the "Whole-house Ventilation" provisions of 2001 ASHRAE *Handbook of Fundamentals*, page 26.19 for intermittent mechanical ventilation.
g. Thermal Storage Element shall mean a component not part of the floors, walls or ceilings that is part of a passive solar system, and that provides thermal storage such as enclosed water columns, rock beds, or phase-change containers. A thermal storage element must be in the same room as fenestration that faces within 15 degrees (0.26 rad) of true south, or must be connected to such a room with pipes or ducts that allow the element to be actively charged.
h. For a proposed design with multiple heating, cooling or water heating systems using different fuel types, the applicable standard reference design system capacities and fuel types shall be weighted in accordance with their respective loads as calculated by accepted engineering practice for each equipment and fuel type present.
i. For a proposed design without a proposed heating system, a heating system with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and proposed design. For electric heating systems, the prevailing federal minimum efficiency air-source heat pump shall be used for the standard reference design.
j. For a proposed design home without a proposed cooling system, an electric air conditioner with the prevailing federal minimum efficiency shall be assumed for both the standard reference design and the proposed design.
k. For a proposed design with a nonstorage-type water heater, a 40-gallon storage-type water heater with the prevailing federal minimum Energy Factor for the same fuel as the predominant heating fuel type shall be assumed. For the case of a proposed design without a proposed water heater, a 40-gallon storage-type water heater with the prevailing federal minimum efficiency for the same fuel as the predominant heating fuel type shall be assumed for both the proposed design and standard reference design.

Delete Table 404.5.2(2) of the International Energy Conservation Code (2006) and replace with Table 405.5(2) to read as follows:

TABLE 404.5.2(2)

DEFAULT DISTRIBUTION SYSTEM EFFICIENCIES FOR PROPOSED DESIGNS [a]

DISTRIBUTION SYSTEM CONFIGURATION AND CONDITION:	FORCED AIR SYSTEMS	HYDRONIC SYSTEMS[b]
Distribution system components located in unconditioned space	--	0.95
Untested distribution systems entirely located in conditioned space[c]	0.88	1.00
"Ductless" systems [d]	1.00	--

For SI: 1 cubic foot per minute = 0.47 L/s; 1 square foot = 0.093 m2; 1 pound per square inch = 6895 Pa; 1 inch water gauge = 1250 Pa.
a. Default values given by this table are for untested distribution systems, which must still meet minimum requirements for duct system insulation.
b. Hydronic Systems shall mean those systems that distribute heating and cooling energy directly to individual spaces using liquids pumped through closed loop piping and that do not depend on ducted, forced air flows to maintain space temperatures.
c. Entire system in conditioned space shall mean that no component of the distribution system, including the air handler unit, is located outside of the conditioned space.
d. Ductless systems may have forced airflow across a coil but shall not have any ducted airflows external to the manufacturer's air handler enclosure.

CHAPTER 5I COMMERCIAL ENERGY EFFICIENCY

SECTION EC-501I GENERAL

Delete Section 501 General of the International Energy Conservation Code (2006) and insert Section 501 General to read as follows:

SECTION 501 GENERAL

501.1 Scope. The requirements contained in this chapter are applicable to all buildings or portions of buildings except that they are not applicable to low-rise residential buildings. Commercial buildings shall meet the requirements of ASHRAE/USGBC/IESNA Standard 189.1, *Standard for High-Performance Green Buildings Except Low-Rise Residential Buildings*, Section 7. Energy Efficiency, with the following revisions:

Standard 189.1, Section 7.3.2 On-site Renewable Energy Power Systems:
Edit existing text as follows, "*Building projects* shall either:
a) Contain *on-site renewable energy power systems* with an electrical rating not less than 1.0% of *the service overcurrent protection device rating*. The rating of the *on-site renewable energy power system* shall be the nameplate rating in kVA (dc).
OR
b) Contain provisions to enable future renewable energy power generation, specifically:

- sufficient available and appropriate space to accommodate a *solar energy system* with an electrical rating not less that 1.0% of *the service overcurrent protection device rating*;
- a supportive wall structure with sufficient space for a power inverter;
- an empty conduit, of sufficient size to accommodate anticipated electrical currents, between the spaces reserved for the power inverter and the *solar energy system*;
- an empty conduit connecting the space reserved for the power inverter with an appropriate electrical panel, if they are not adjacent.

Exception: The following text is to be added:
(c) All tenant improvements.
(d) Building projects that do not involve construction of a new roof with more than 2000 square feet of un-shaded surface.
(e) Buildings projects that lack sufficient un-shaded roof surface to meet the above requirement due to pre-existing shade conditions.

501.2 Application. Buildings less than 100,000 square feet shall have the alternative option to meet the requirements of the New Building Institute *Core Performance Guide*. Office buildings less than 20,000 square feet shall have the alternative option to meet the requirements of the *ASHRAE Advanced Energy Design Guide for Small Office Buildings*. Retail buildings less than 20,000 square feet shall have the alternative option to meet the requirements of the *ASHRAE Advanced Energy Design Guide for Small Retail Building*. K-12 Schools shall have the alternative option to meet the requirements of the *ASHRAE Advanced Energy Design Guide for K-12 School Buildings*. Warehouses and Self Storage

buildings less than 50,000 square feet shall have the alternative option to meet the requirements of *The ASHRAE 30% Advanced Energy Design Guide for Small Warehouses and Self Storage Buildings*."

SECTIONS EC-502I, EC-503I, EC-504I, EC-505I, AND EC-506I

Delete sections 502, 503, 504, 505, and 506 of the International Energy Conservation Code (2006) in their entirety.

DISTRICT OF COLUMBIA CONSTRUCTION CODE SUPPLEMENT OF 2008 DCMR 12J EXISTING BUILDING CODE SUPPLEMENT

CHAPTER 1J ADMINISTRATION

Delete Chapter 1 of the Existing Building Code in its entirety and add new Section EX-101J to read as follows:

SECTION EX-101J GENERAL

Administration and enforcement of the *Existing Building Code* shall be governed by Chapter 1 of Title 12A of the District of Columbia Municipal Regulations.

CHAPTER 2J DEFINITIONS

SECTION EX-202J GENERAL DEFINITIONS

Delete the existing definitions for the following terms and add the following new definitions to read as follows:

ADDITION. An extension or increase in the building area, aggregate floor area, number of stories, or height, of a building or structure.

EXISTING BUILDING. Any building or structure that was erected and occupied or issued a certificate of occupancy at least one year before a construction permit application for that building or structure was made to DCRA.

Add the following new definitions:

FIRE RESISTANCE RATING. The fire resistance ratings of building assemblies and structural elements shall be determined in accordance Section 703 of the *Building Code*. The fire resistance rating of existing building assemblies which have not been rated in accordance with Section 703 of the *Building Code* shall be determined in accordance with the procedures set forth in *Guideline on Fire Ratings of Archaic Materials and Assemblies*, published in the *Existing Building Code* as Resource A.

RETROACTIVE REQUIREMENT. Provision applying to an existing building, regardless of whether any repair, alteration, change of occupancy, addition, or relocation is performed.

CHAPTER 3J PRESCRIPTIVE COMPLIANCE METHOD

SECTION EX-302J ADDITIONS, ALTERATIONS OR REPAIRS

Delete Subsection [B] 302.2.2 of the Existing Building Code in its entirety and add new Subsection [B] EX-302.2.2 to read as follows:

> **[B] EX-302.2.2 Live load reduction.** If the approved live load is less than required by Section 1607 of the *Building Code*, the areas designed for the reduced live load shall be posted in with the approved load. Placards shall be of an approved design. In the alteration of buildings erected before July 1, 1925, the code official is authorized to allow a maximum reduction of 30 percent of the specified minimum live loads in Table 1607.1 of the *Building Code*, with a minimum live load for other than residential buildings of 40 psf (1.92 kN/m^2), provided official live load placards are posted showing this reduced live load.

Delete Subsection [B] 302.3 of the Existing Building Code in its entirety and add new Subsection [B] EX-302.3 to read as follows:

[B] EX-302.3 Nonstructural. Nonstructural alterations or repairs to an existing building or structure are permitted to be made of the same materials of which the building or structure is constructed, provided that they do not adversely affect any structural member or the fire-resistance rating of any part of the building or structure. The work shall not make the building less conforming to the building, plumbing, mechanical, electrical or fire codes of the jurisdiction, or to alternative materials, design and methods of construction, or to any previously approved plans, modifications, alternative methods, or compliance alternatives, than it was before the repair was undertaken.

Add new Subsection EX-302.4.1 to the Existing Building Code to read as follows:

> **EX-302.4.1 Handrails.** In alterations or replacement of an existing stairway in an existing structure, handrails shall comply with Subsection 1009.10 of the *Building Code*.
>
> > **Exception:** In alterations, full extension of the handrails in accordance with Subsection 1012.5 of the *Building Code* is not required where such extensions would be hazardous due to plan configuration.

Add new Subsection EX-302.10 to the Existing Building Code to read as follows:

EX-302.10 Energy Efficiency and Sustainable (Green) Building Practices. Alterations, additions, renovations or repairs shall comply with the applicable provisions of Chapter 13 *Energy Efficiency and Sustainable (Green) Building Practices* of the *Building Code*, without requiring the entire building or structure to

comply.

SECTION EX-308J ACCESSIBILITY FOR EXISTING STRUCTURES

Delete Subsection 308.6 of the Existing Building Code in its entirety and add new Subsection EX-308.6 to read as follows:

308.6 Alterations. A building, facility or element that is altered shall comply with the applicable provisions in Chapter 11 of the *Building Code* and ICC A117.1, unless technically infeasible. Where compliance with this section is technically infeasible, the alteration shall provide access to the maximum extent technically feasible.

Exceptions:

1. The altered element or space is not required to be on an accessible route, unless required by Subsection 308.7.

2. Accessible means of egress required by Chapter 10 of the *Building Code* are not required to be provided in existing buildings and facilities.

3. The alteration to Type A individually owned dwelling units within a Group R-2 occupancy shall meet the provision for a Type B dwelling unit and shall comply with the applicable provisions in Chapter 11 and ICC A117.1.

4. Type A dwelling units or sleeping units required by Section 1107 of the *Building Code* are not required to be provided in existing building and facilities being altered.

Add new Exception #5 under Section 308.7 of the Existing Building Code to read as follows:

5. Power-operated doors at the main building entrance are not required except where that entrance is part of the work area.

CHAPTER 4J CLASSIFICATIONS OF WORK

SECTION EX-401J GENERAL

Delete Subsection 401.1 of the Existing Building Code in its entirety and add new Subsection EX-401.1 to read as follows:

EX-401.1 Scope. The provisions of this chapter shall be used in conjunction with Chapters 5 through 12, and Chapter 16 and shall apply to the alteration, repair, addition and change of occupancy of existing structures, including historic and moved structures, as referenced in Subsection 101.4.8 of the *Building Code*. The work performed on an existing building shall be classified in accordance with this chapter.

Add new Section EX-410J to the Existing Building Code to read as follows:

SECTION EX-410J RETROACTIVE REQUIREMENTS

EX-410.1 Scope. Retroactive provisions establish minimum requirements affecting existing buildings, elements, equipment or systems which are relevant to the safety, health, or welfare of the occupants or of the public.

EX-410.2 Application. Retroactive work shall comply with the provisions of Chapter 16 of the *Existing Building Code*.

CHAPTER 5J REPAIRS

SECTION EX-506J ACCESSIBILITY

Deleted new section

CHAPTER 6J ALTERATIONS-LEVEL 1

SECTION EX-604J MEANS OF EGRESS

Add new Subsections EX-604.2 and EX-604.3 to the Existing Building Code to read as follows:

EX-604.2 Use of Exit and Exit Access Enclosures. Exits and exit access corridors shall comply with *Building Code* Subsection 1017.4.

> **Exception**: Existing exit access corridors that serve areas undergoing Level 1 Alterations shall be allowed to be used as air return plenums where the following four conditions are verified:
>
> 1. The existing HVAC system already uses the corridor as a return plenum.
> 2. The HVAC system remains as existing, except for rearrangement of terminal branches, relocation of supply diffusers, or replacement in kind of equipment.
> 3. The transfers from the altered space, to the corridor, shall be equipped with an approved smoke damper arranged to close upon detection of smoke on either side of the transfer.
> 4. The corridor is not a grade passageway.

EX-604.3 Allowance for Fire Resistance Upgrading: When improving the fire resistance rating of the enclosure of stairways, exit access corridors or exit passageways complying with Building Code Subsection 1005.1, a tolerance of up to 1-1/2-inch (38 mm) shall be allowed in the minimum width of those elements of egress. When improving the fire resistance rating of a wall assembly on one side of stairways, exit access corridors or exit passageways, a tolerance of up to ¾ inch (19 mm) shall be allowed in the minimum width of those elements of egress.

SECTION EX-605J ACCESSIBILITY

Add new Exception #5 under Section 605.2 of the Existing Building Code to read as follows:

5. Power-operated doors at the main building entrance are not required except where that entrance is part of the work area.

Add new Subsection EX-605.3 to the Existing Building Code to read as follows:

EX-605.3 Fixed Transportation Facilities and Stations. Section B102 of Appendix B is hereby made a part of the *Existing Building Code.*

CHAPTER 7J ALTERATIONS-LEVEL 2

SECTION EX-701J GENERAL

Delete Exception to Subsection 701.1 of the Existing Building Code and add new Exceptions #1 and #2 to Subsection 701.1 to read as follows:

Exceptions:

1. Buildings in which the reconfiguration is exclusively the result of compliance with the accessibility requirements of Subsection EX-605.2 shall be permitted to comply with Chapter 6.

2. Subsections EX-703.2.1, EX-705.3, and EX-705.4 shall not be mandatory for Level 2 alteration work areas of less than 500 square feet (46.5 m^2) provided:

   a. There is no increase in hazard; and

   b. The alterations do not adversely affect the existing means of egress or any required fire resistance rating.

Delete Exception 4 under Subsection 701.3 of the Existing Building Code in its entirety and add new Exception 4 to read as follows:

4. The minimum ceiling height of the newly created habitable and occupiable spaces and corridors shall be 7 feet (2134 mm). A lower clearance than that set forth in Exceptions to Subsection 1208.2 of the *Building Code* is permitted in special cases where the Code Official determines that a lower clearance will pose no undue health and safety hazard to the occupants.

SECTION EX-703J BUILDING ELEMENTS AND MATERIALS

Delete existing Exception 4 under Subsection 703.2.1 of the Existing Building Code in its entirety and add new Exception 4 to read as follows:

4. In Group A Occupancies, a minimum 30 minute enclosure shall be provided to protect all vertical openings not exceeding three stories, except as permitted in 4.1.and 4.2:

   4.1. In A-1 occupancies, the enclosure shall not be required for a main exit (where required in Subsection 1008.1 of the *Building Code*) where all of the following conditions are met:

      (1) A maximum of three stories are connected by the existing, unenclosed stair;

(2) Fully enclosed exits, complying with Section 1019 of the *Building Code*, are provided with an egress capacity of at least 117% of the total occupant load;
(3) Building is protected by an approved automatic fire alarm system with smoke detectors located in all corridors, lobbies and commons;
(4) Building is equipped throughout by an approved automatic fire suppression system.
(5) There is no change of use or occupant loading off the affected stories.

4.2. In A-3 and A-4 occupancies, an enclosure shall not be required for existing, unenclosed interior exits provided all of the following conditions are met:

(1) A maximum of two stories are connected by the existing, unenclosed stair;
(2) The area of the larger connecting story does not exceed 3500 square feet;
(3) Fully enclosed exits, complying with Section 1019 of the *Building Code*, are provided with an egress capacity of at least 50% of the total occupant load;
(4) Work area for Level 2 Alterations is protected by an approved automatic fire alarm system with smoke detectors located in all corridors, lobbies and commons; and
(5) Work Area for Level 2 Alterations is equipped throughout by an approved automatic fire suppression system.

SECTION EX-704J FIRE PROTECTION

Delete Subsections 704.1 through 704.2.1.1 of the Existing Building Code in their entirety and add new Subsections EX-704.1 through EX-704.2.1.4 to read as follows:

EX-704.1 Scope. The requirements of this Section shall be limited to work areas in which Level 2 alterations are being performed, and where specified they shall apply throughout the floor on which the work areas are located or otherwise beyond the work area.

EX-704.1.1 Phased work. Where Level 2 alterations to an existing building are done in phases, the limits on the amount of work stated in Subsection EX-704.2 shall apply to the combined total of all Level 2 work permitted for the building in the period of four years preceding the date of application for permit, in addition to the work being applied for.

EX-704.1.2 Deferred Compliance. In cases of warranted hardship, compliance with

applicable fire protection related requirements in existing buildings can be temporarily deferred upon approval of an Alternative Fire Protection Compliance Plan by the code official. The submittal of the compliance plan for approval is the responsibility of the owner, who has the burden of proof of all invoked circumstances. The submittal requirements for the compliance plan will be established by the code official. The owner is responsible for the full and timely implementation of all conditions of the approved plan. When the code official deems that lack of implementation of the conditions of the approved compliance plan is having a significant impact on the safety of the public or of the occupants of the building, the code official is authorized to rescind the approval of the plan and the owner shall forfeit the right to the previously granted temporary deferral of compliance. Thereupon, the owner shall take immediate steps to bring the building into compliance with the deferred requirements, within a reasonable period. When the code official deems that delays in compliance adversely affect the general safety, health and welfare of the occupants and the public, the code official is authorized to revoke any certificate of occupancy issued in connection with the approval of the compliance plan.

EX-704.1.2.1 Required Covenants: A covenant complying with Subsection 106.6.5 of the *Building Code* shall be required, before an Alternative Fire Protection Compliance Plan submitted under Subsection EX-704.1.2 can be approved.

EX-704.1.3 Corridor ratings. Where an approved automatic sprinkler system is installed throughout the story, the required fire resistance rating for any corridor located on the story shall be permitted to be reduced in accordance with the *Building Code*. In order to be considered for a corridor rating reduction, such system shall provide coverage for the stairwell landings serving the floor and the intermediate landings immediately below.

EX-704.2 Automatic sprinkler systems. Automatic sprinkler systems shall be provided in accordance with the requirements of Subsections EX-704.2.1 through EX- 704.2.5. Installation requirements shall be in accordance with the *Building Code*.

EX-704.2.1 High rise buildings. In high rise buildings, work areas that include exits or corridors shared by more than one tenant or that serve an occupant load greater than 30 persons or at least 50 percent of the floor area shall be provided with automatic sprinkler protection. Automatic sprinkler protection shall be-provided throughout the exit access corridors, lobbies and core areas including-toilet rooms, mechanical closets, equipment rooms and similar spaces located on-the same floor as the work area.

EX-704.2.1.1 Partially sprinklered floors. When automatic sprinkler protection has been installed on any part of a floor per Subsection EX-704.2.1, all subsequent Level 2 Alteration work areas on the floor shall be provided with automatic sprinkler protection.

EX-704.2.1.2 Supplemental automatic sprinkler system requirements. Where the work area on any floor exceeds 50 percent of that floor area, Subsection EX-704.2.1 shall apply to the entire floor on which the work area is located.

Exception: Tenant spaces that are entirely outside the work area and separated from the work area and from exit access corridors by a 1-hour fire partition.

EX-704.2.1.3 Alterations to 75% of floors. Where 75% of the building floors are fully or partially sprinklered per Subsection EX-704.2.1, excluding mechanical, parking and non-occupiable levels, the entire building shall be provided with automatic sprinkler protection.

EX-704.2.1.4 Alterations to 100 % of Floors. Where 100% of the total quantity of floors include Level 2 work areas, excluding mechanical, parking and non-occupiable levels, the entire building shall comply with the following additional requirements:

1. **Standby Power and Emergency Power Systems**. Comply with Subsection 403.10 and 403.11 of the *Building Code*.

2. **Emergency voice/Alarm system**. Comply with Subsection 403.6 of the *Building Code*.

Delete existing Subsection 704.2.2 of the Existing Building Code in its entirety and add new Subsection EX-704.2.2 to read as follows:

EX-704.2.2 Groups A, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2. In buildings with occupancies in Groups A, E, F-1, H, I, M, R-1, R-2, R-4, S-1 and S-2, work areas that include exits or corridors shared by more than one tenant or that serve an occupant load greater than 30 shall be provided with automatic sprinkler protection where both of the following conditions occur:

1. The work area is required to be provided with automatic sprinkler protection in accordance with the *Building Code* as applicable to new construction; and

2. The work area exceeds 50 percent of the floor area;

Exceptions:

1. Deleted
2. Work areas in Group R-2 occupancies other than dormitories.

EX-704.2.3 Windowless stories. Retain as currently written in code

EX-704.2.4 Other required suppression systems Retain as currently written in code

Delete Subsection 704.3 of the Existing Building Code in its entirety and add new Subsection EX-704.3 to read as follows:

EX-704.3 Standpipes. Where the work area includes exits or corridors shared by more than one tenant and is located more than 75 feet (22 860 mm) above or below the lowest level of fire department access, a standpipe system shall be provided. 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. Standpipe systems shall be installed in accordance with the *Building Code*.

Exceptions:

1. Installation of a manual, wet standpipe system is permitted to achieve compliance with this section.

2. The interconnection of multiple standpipe risers shall not be required where constraints of the existing structure or systems make interconnection impractical. However, separate labeled fire department connections are required at the same location.

SECTION EX705J MEANS OF EGRESS

Delete Subsection 705.2 of the Existing Building Code in its entirety and add new Subsection EX-705.2 to read as follows:

EX-705.2 General. The means of egress shall comply with the requirements of this section.

Exception: Means of egress conforming to the requirements of the building code under which the building was constructed shall be considered compliant means of egress if, in the opinion of the code official, they do not constitute a distinct hazard to life.

Delete Subsections 705.3 through 705.3.1.1 of the Existing Building Code in their entirety and add new Subsections EX-705.3 through EX-705.3.1.1 to read as follows:

EX-705.3 Number of exits. The number of exits shall be in accordance with Subsections 705.3.1 through 705.3.3.

EX-705.3.1 Minimum number. Every story utilized for human occupancy on which there is a work area that includes exits or corridors shared by more than one tenant within the work area shall be provided with the minimum number of exits based on the occupancy and the occupant load in accordance with the *Building Code*. In addition, the exits shall comply with Subsections 705.3.1.1 and 705.3.1.2.

EX-705.3.1.1 Single-exit buildings. Only one exit is required from buildings and spaces of the following occupancies:

1. In Group A, B, E, F, M, U and S occupancies, a single exit is permitted in the story at the level of exit discharge when the occupant load of the story does not exceed 50 and the exit access travel distance does not exceed 75 feet (22 860 mm).

   Exception. In Group A, B, E, F, M, U and S the exit access travel distance may be increased to 100 feet when the area served by the single exit and all egress components of the single exit are protected with automatic sprinklers.

2. Group B, F-2, and S-2 occupancies not more than two stories in height that are not greater than 3,500 square feet per floor (326 m2), when the exit access travel distance does not exceed 75 feet (22 860 mm). The minimum fire-resistance rating of the exit enclosure and of the opening protection shall be 1 hour.

   Exception: In Group B occupancies not more than three stories in height provided the exit access travel distance does not exceed 100 feet and the building is equipped with an approved automatic fire suppression system and automatic fire alarm system with smoke detectors located in all corridors, lobbies and common areas.

3. Open parking structures where vehicles are mechanically parked.

4. In community residences for the developmentally disabled, the maximum occupant load excluding staff is 12.

5. Groups R-1 and R-2 not more than two stories in height, when there are not more than four dwelling units per floor and the exit access travel distance does not exceed 50 feet (15 240 mm). The minimum fire-resistance rating of the exit enclosure and of the opening protection shall be 1 hour.

   Exception: Group R-2 buildings may be not more than three stories in height where the building is equipped with an

automatic fire suppression system and automatic fire alarm system.

6. In multilevel dwelling units in buildings of occupancy Group R-1 or R-2, an exit shall not be required from every level of the dwelling unit provided that one of the following conditions is met:

   6.1 The travel distance within the dwelling unit does not exceed 75 feet (22 860 mm); or

   6.2 The building is not more than three stories in height and all third-floor space is part of one or more dwelling units located in part on the second floor; and no habitable room within any such dwelling unit shall have a travel distance that exceeds 50 feet (15 240 mm) from the outside of the habitable room entrance door to the inside of the entrance door to the dwelling unit.

7. In Group R-2, H-4, H-5 and I occupancies and in rooming houses and child care centers, a single exit is permitted in a one-story building with a maximum occupant load of 10 and the exit access travel distance does not exceed 75 feet (22 860 mm).

8. In buildings of Group R-2 occupancy that are equipped throughout with an automatic fire sprinkler system, a single exit shall be permitted from a basement or story below grade if every dwelling unit on that floor is equipped with an approved window providing a clear opening of at least 5 square feet (0.47 m2) in area, a minimum net clear opening of 24 inches (610 mm)in height and 20 inches (508 mm)in width, and a sill height of not more than 44 inches (1118 mm) above the finished floor.

9. In buildings of Group R-2 occupancy of any height with not more than four dwelling units per floor; with a smokeproof enclosure or outside stair as an exit; and with such exit located within 20 feet (6096 mm) of travel to the entrance doors to all dwelling units served thereby.

10. In buildings of Group R-3 occupancy equipped throughout with an automatic fire sprinkler system, only one exit shall be required from basements or stories below grade.

11. In Group E Occupancies that satisfy all of the following conditions:

   11.1 Not more than two stories above the level of exit discharge.

11.2 The floor area of the story does not exceed 3000 square feet.

11.3 Total occupant load served by the single exit does not exceed 50 persons per floor.

11.4 Automatic sprinkler protection throughout the building, and a building fire alarm system.

12. In Group A-3, A-4, B, E, M and R occupancies located not more than one story below grade that satisfy all the following conditions:

12.1 The floor area of the story does not exceed 2,500 square feet.

12.2 The area served by the single exit and all egress components of the single exit are equipped with an approved automatic fire suppression system.

12.2 The building is equipped with an automatic fire alarm system.

13. In Group A occupancies located not more than one story above the level of exit discharge where all of the following conditions are satisfied:

13.1 The floor area of the Group A occupancy does not exceed 2000 square feet.

Exception: Where the entire building is protected by an automatic sprinkler system, the floor area shall not exceed 3000 square feet.

13.2 The occupant load of the assembly area served by the single exit does not exceed 2/3 of the capacity of the single exit.

13.3 The area served by the single exit and all egress components of the single exit are protected with an automatic sprinkler system.

13.4 All portions of the level of discharge with access to the single exit egress path shall be protected by an automatic sprinkler system or shall be separated from the egress path in by an enclosure with a fire resistance rating of not less than one (1) hour.

13.5 The building is provided with an automatic fire alarm system in accordance with the Building Code and NFPA 72.

13.6 There is no change of use or occupant loading of the floor area of the Group A occupancy.

14. In below-grade parking garages of Group S-2, provided:

14.1 The parking levels are protected with automatic sprinklers and a fire alarm system, and
14.2 The travel distance to the exit does not exceed 400 feet., and
14.3 A car ramp is available for exit in addition to the single exit.

15. Group R-2 occupancies in buildings of any height with that are provided with an approved, automatic fire suppression system, a single exit from a dwelling unit (i.e. apartment) is permitted, provided both of the following conditions are met:

15.1 Travel distance within the dwelling unit to the exit access corridor does not exceed 125 ft.
15.2 Travel distance from corridor door to an exit does not exceed 200 ft.

Delete Subsection 705.3.1.2.1 of the Existing Building Code in its entirety and add new Subsection EX-705.3.1.2.1 to read as follows:

EX-705.3.1.2.1 Fire escape access and details. Fire escapes shall comply with all of the following requirements:

1. Occupants shall have unobstructed access to the fire escape without having to pass through a room subject to locking.

2. Access to a new fire escape shall be through a door, except that windows shall be permitted to provide access from single dwelling units or sleeping units in Group R-1, R-2, and I-1 occupancies or to provide access from spaces having a maximum occupant load of 10 in other occupancy classifications. Windows providing access to a fire escape shall comply with the following:

2.1. The window shall have a minimum net clear opening of 5.7 square feet (0.53 m2) or 5 square feet (0.46 m2) where located at grade.

2.2. The minimum net clear opening height shall be 24 inches (610 mm) and net clear opening width shall be

20 inches (508 mm).

2.3. The bottom of the clear opening shall not be greater than 44 inches (1118 mm) above the floor.

2.4. The operation of the window shall comply with the operational constraints of the *Building Code*.

Add new Exception 3 to Subsection 705.4.1.1 of the Existing Building Code to read as follows:

3. In Group B occupancies, only one egress doorway is required when conditions 3.1, 3.2 and 3.3 are met and condition 3.4 or 3.5, as applicable, is also met:

3.1 The space is confined, restricted or isolated by the demising partitions of existing adjacent spaces such that two egress doorways complying with the remoteness requirements of the *Building Code* cannot be provided, and

3.2 The common path of travel within the space is not more than 100 (30 480 mm) feet, and

3.3 The occupant load of the space does not exceed fifty (50), and

3.4 In non-sprinklered, non-high-rise buildings, automatic smoke detection is provided both in the spaces served by the single egress doorway and throughout the means of egress to the building exits or,

3.5 In high-rise buildings, both the spaces served by the single egress doorway and the means of egress to the building exit are provided with automatic sprinklers.

Delete Subsection 705.6 of the Existing Building Code in its entirety and add new Subsection EX-705.6 to read as follows:

EX-705.6 Dead end corridors. Dead end corridors in any work area shall not exceed 35 feet (10 670 mm).

Exceptions:

1. Where dead end corridors of greater length are permitted by the *Building Code*.

2. In other than Group A and H occupancies, the maximum length of an existing dead end corridor shall be 50 (15 240 mm) feet in buildings equipped throughout with an automatic fire alarm system installed in accordance with the *Building Code*.

3. In other than Group A and H occupancies, the maximum length of an existing dead-end corridor shall be 70 feet (21 356 mm) where the floor containing the dead end corridor is equipped with automatic sprinkler protection in accordance with the *Building Code*.

Deleted Exception 4

4. In other than Group A and H occupancies, the maximum length of an extended dead-end corridor shall not exceed 50 feet (15 240 mm) on floors equipped with an automatic sprinkler system installed in accordance with the *Building Code*.

CHAPTER 8J ALTERATIONS-LEVEL 3

SECTION EX-802J SPECIAL USE AND OCCUPANCY

Add new Exception to Subsection 802.1 of the Existing Building Code to read as follows:

Exception: Existing high-rise buildings that are stripped of all systems and interior walls in all areas other than those used as public garage, leaving no more than the structure, shaft walls and the exterior envelope assemblies, shall be rebuilt in full compliance with Section 403 of the *Building Code.*

Delete Subsection 804.1.1 of the Existing Building Code in its entirety and add new Subsection EX-804.1.1 to read as follows:

EX-804.1.1 High-rise buildings. In high-rise buildings, work areas shall be provided with automatic sprinkler protection in accordance with Section 903 of the *Building Code*.

EX-804.1.1.1 Where Level 3 work areas occur on 75% or more of the building floors, excluding mechanical, parking, and non-occupiable levels, automatic sprinkler protection shall be provided throughout the entire building in accordance with Section 903 of the *Building Code*.

EX-804.1.1.2 Where an automatic sprinkler system with sprinkler control valves and water flow devices is provided for each floor throughout the building in accordance with Section 903 of the *Building Code*, modifications to the minimum type of construction and fire resistance rating requirements of the *Construction Codes* are permitted as described in Subsection 403.3 of the *Building Code*.

EX-804.1.1.3 Additional requirements for Alterations to 100% of floors. Where Level 3 Alteration work areas occur on all floors, excluding mechanical, parking, and non-occupiable levels, the building shall comply with the following additional requirements:

1. **Emergency Voice/Alarm Communication Systems**. Provide an emergency voice/alarm communication system in accordance with Subsection 403.6 of the *Building Code*.

2. **Fire Department Communications System**. Provide a two-way fire department communications system in accordance with Subsection 403.7 of the *Building Code*.

3. **Fire Command**. Provide a fire command center in accordance with Subsection 403.8 of the *Building Code*.

Exception: Where the following features are not existing in the building or cannot be readily provided as part of the Level 3 Alterations, they are not required to be added for compliance with Subsection 911.1 of the *Building Code*: annunciator unit visually indicating the location of the elevators and whether they are operational; status indicators and controls for air-handling systems; and emergency and standby power status indicators.

4. **Standby Power and Emergency Power Systems**. Provide standby power and emergency power systems in accordance with Subsections 403.10 and 403.11 of the *Building Code*.

Delete Subsection 804.1.2 of the Existing Building Code in its entirety and add new Subsection EX-804.1.2 to read as follows:

EX-804.1.2 Rubbish and linen chutes. Rubbish and linen chutes located in the work area shall be provided with sprinklered protection where protection of the rubbish and linen chute would be required under the provisions of the *Building Code* for new construction.

Delete Subsection 806.1 of the Existing Building Code in its entirety and add new Subsection EX-806.1 to read as follows:

EX-806.1 General. A building, facility, or element that is altered shall comply with Sections 605 and 706 of the *Existing Building Code.*

Add new Subsection 808.2 to the Existing Building Code to read as follows:

EX-808.2 Energy Efficiency and Sustainable (Green) Building Practices. Work areas for Level 3 alterations shall comply with the applicable provisions of Chapter 13 of the D.C. Building Code, without requiring the entire building or structure to comply.

CHAPTER 9J CHANGE OF OCCUPANCY

SECTION EX-912A CHANGE OF OCCUPANCY CLASSIFICATION

Delete Subsection 912.41 in its entirety and add a new Subsection 912.4.1 to read as follows:

EX-912.4.1 Means of egress for change to higher hazard category. When a change of occupancy classification is made to a higher hazard category (lower number) as shown in Table 912.4, the means of egress shall comply with the requirements of Chapter 10 of the *Building Code*.

Exceptions:

1. Stairways shall be enclosed in compliance with the applicable provisions of Subsection 803.1.

2. Existing stairways including handrails and guards complying with the requirements of Chapter 8 shall be permitted for continued use subject to approval of the code official.

3. Any stairway replacing an existing stairway within a space where the pitch or slope cannot be reduced because of existing construction shall not be required to comply with the maximum riser height and minimum tread depth requirements.

4. Existing corridor walls constructed on both sides of wood lath and plaster in good condition or 1/2-inchthick (12.7 mm) gypsum wallboard shall be permitted. Such walls shall either terminate at the underside of a ceiling of equivalent construction or shall extend to the underside of the floor or roof next above.

5. Existing corridor doorways, transoms, and other corridor openings shall comply with the requirements in Subsections 705.5.1, 705.5.2, and 705.5.3.

Add new Exception to Subsection 912.5.1 of the Existing Building Code to read as follows:

EX-912.5.1 Height and area for change to higher hazard category. When a change of occupancy classification is made to a higher hazard category as shown in Table 912.5, heights and areas of buildings and structures shall comply with the requirements of Chapter 5 of the *Building Code* for the new occupancy classification.

Exception: In other than Groups H, F-1 and S-1, in lieu of fire walls, use of fire barriers having a fire-resistance rating of not less than that specified in

Table 705.4 of the *Building Code*, constructed in accordance with Section 706 of the *Building Code*, shall be permitted to meet area limitations required for the new occupancy in buildings protected throughout with an automatic sprinkler system in accordance with Subsection 903.3 of the *Building Code*.

CHAPTER 10J ADDITIONS

SECTION EX-1001J GENERAL

Deleted new section

CHAPTER 13J PERFORMANCE COMPLIANCE METHODS

SECTION EX-1301J GENERAL

Add new Subsection EX-1301.3.4 to the Existing Building Code to read as follows:

EX-1301.3.4 Compliance with Energy Efficiency and Sustainable (Green) Building Practices. Repairs, alterations, and additions to existing buildings that are evaluated in accordance with this section shall comply with the applicable provisions of Chapter 13 *Energy Efficiency and Sustainable (Green) Building Practices* of the *Building Code*, without requiring the entire building or structure to comply.

CHAPTER 14J CONSTRUCTION SAFEGUARDS

SECTION EX-1401J GENERAL

Delete Subsection [B] 1401.1 of the Existing Building Code and add new Subsection EX-1401.1 to read as follows:

EX-1401.1 Scope. The provisions of Chapter 33 of the *Building Code* shall govern safety during construction that is under the jurisdiction of this code and the protection of adjacent public and private properties.

CHAPTER 16J RETROACTIVE REQUIREMENTS

Add new Chapter 16 to the Existing Building Code to read as follows:

SECTION EX-1601J GENERAL

EX-1601.1 Intent. The purpose of this Chapter is to establish minimum requirements for existing elevators and escalators that will provide a reasonable degree of safety for the general public by requiring the correction of identified safety issues.

EX-1601.2 Scope. Existing elevators shall comply with the requirements of this Chapter.

> **EX-1601.2.1 Referenced standards.** Except as otherwise provided in this section, the maintenance, repair, and alteration of existing elevators and replacement of components or subsystems in existing elevators shall conform to those sections of ASME A17.1 which apply to existing elevators.
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> **EX-1601.2.2 Limitations of scope.** Work described in this Chapter shall apply to the affected element, equipment, or system without requiring work for other areas, systems or equipment in the existing building.

EX-1601.3 Conformance. Except where modified by this code, new construction elements, components, equipment and systems shall comply with requirements of the *Building Code*. Work required by this Chapter shall not cause an existing structure to become unsafe or adversely affect the performance or accessibility of the building. The work shall not make the building less conforming to the building, plumbing, mechanical, electrical or fire codes, or to alternative materials, design and methods of construction, or any previously approved plans, modifications, alternative methods, or compliance alternatives, than it was before the work was undertaken.

EX-1601.4 Minimum requirement. When any alteration is made to an existing elevator, the installation, as a minimum, shall conform to the:

1. *Building Code* for the alteration at the time of the alteration;
2. *Building Code* at the time of original installation; and
3. *Building Code* at the time of any previous alteration to the elevator.

EX-1601.5 Inspection and Testing. Inspection and testing of existing elevators and escalators shall be in accordance with Subsection 606.1 of the *Property Maintenance Code*.

EX-1601.6 Deferred compliance with requirements for existing elevators. In cases of warranted hardship, compliance with applicable requirements for existing elevators can be temporarily deferred upon approval of an Alternative Compliance Plan by the code official. The submittal of the compliance plan for approval is the responsibility of the owner, who has the burden of proof of all invoked circumstances. The submittal requirements for the compliance plan will be established by the code official. The owner is responsible for the full

and timely implementation of all conditions of the approved plan. When the code official deems that lack of implementation of the conditions of the approved compliance plan is having a significant impact on the safety of the public or of the occupants of the building, the code official is authorized to rescind the approval of the plan and the owner shall forfeit the right to the previously granted temporary deferral of compliance. Thereupon, the owner shall take immediate steps to bring the building into compliance with the deferred requirements, within a reasonable period. When the code official deems that delays in compliance adversely affect the general safety, health and welfare of the occupants and the public, the code official is authorized to revoke any certificate of occupancy issued in connection with the approval of the compliance plan.

> **EX-1601.6.1 Required Covenants:** A covenant complying with Subsection 106.6.5 of the *Building Code* shall be required, before an Alternative Compliance Plan submitted under this Section can be approved.

SECTION EX-1602J DEFINITIONS

EX-1602.1 Definitions. Terms not defined in this code shall have the meanings ascribed to them in ASME A17.1, including but not limited to the following:

ALTERATIONS: Any change to equipment other than maintenance, repair or replacement. Where used in this section pertaining to emergency operation, “alterations” to an existing elevator shall mean: change in the type of service; installation of a controller as part of an alteration to the elevator; change in the type of motion control; change in type of operation control.

OPERATION CONTROL: That portion of a control system that initiates elevator movement in response to a signal from an operating device.

MOTION CONTROL: That portion of a control system that governs the acceleration, speed, retardation, and stopping of the moving member.

REPAIR: Reconditioning or renewal of parts, components, and/or subsystems necessary to keep equipment in compliance with applicable code requirements.

FREIGHT ELEVATOR: An elevator used primarily for carrying freight and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride. The elevator shall not be accessible to the general public.

AUTOMATIC ELEVATOR: Elevator operation in which the starting of the elevator car is effected in response to the momentary actuation of operating devices at the landing, and/or of operating devices in the car identified with the landings, and/or in response to an automatic starting mechanism, and wherein the car is stopped automatically at the landings.
MANUAL / ATTENDANT OPERATED ELEVATOR: Elevator operation wherein the movement and direction of travel of the car are directly and solely under the control of the car attendant by means of a manually operated car switch or continuous-pressure buttons in

the car.

SECTION EX-1603J REQUIREMENTS FOR EXISTING ELEVATORS

EX-1603.1 Compliance Requirements for Existing Elevators. Existing elevators shall be made to comply with the applicable requirements stated below no later than three (3) years after the effective date of this code. The sections applicable to each type of elevator service are as follows:

1. Existing automatic elevators shall comply with Subsections EX-1603.2 through EX-1603.12.

   Exception: The compliance deadline for Subsection EX-1603.8 shall be five (5) years after the effective date of this code.

2. Existing manual / attendant operated elevators shall comply with Subsections EX-1603.4, EX-1603.6, EX-1603.7, EX-1603.10, EX-1603.11 and EX-1603.13.

3. Existing freight elevators shall comply with Subsection EX-1603.4, EX-1603.8, EX-1603.10 and EX-1603.11.

   Exception: The compliance deadline for Subsection EX-1603.8 shall be five (5) years after the effective date of this code.

EX-1603.2 Swing-opening hoistway doors. Existing automatic elevators with swing-opening type hoistway doors shall conform with Rule 2.11.4 of ASME 17.1. Where the existing elevator door exceeds the required maximum distance between the hoistway face of the doors to the hoistway landing, a space guard shall be provided to bring the installation into compliance.

EX-1603.3 Prevention of door opening between floors. Existing automatic elevators shall be equipped with a mechanical means to prevent a passenger in the cab from opening the hoistway or car doors when the elevator is outside the unlocking zone. The installation shall comply with ASME A17.1, Rule 2.12.5.

EX-1603.4 Hydraulic elevator plungers. Cylinders of existing hydraulic elevators installed without a safety bulkhead or of single wall construction and which are buried in the ground shall be provided with either plunger grippers or replaced with a cylinder with a safety bulkhead, in conformance with ASME A17.1, Rule 8.6.5.8.

EX-1603.4.1 Deferred Compliance Plan. A deferred compliance plan for cylinders of existing hydraulic elevators shall, at a minimum, include compliance with the relevant periodic testing and inspection requirements set forth in Appendix N of ASME A17.1.

EX-1603.5 Disabling of door reopening device. Existing automatic elevators, which do not have emergency operations shall be provided with a means to render inoperative a door opening device affected by smoke or flame, and to close the doors after they have been open for 20 seconds.

EX-1603.6 Secondary hoistway door retainers. Existing elevators shall be provided with secondary hoistway door safety retainers in compliance with ASME A-17.1, Rule 2.11.11.8.

EX-1603.7 Audible alarm bells. In existing hoistways over one hundred (100) feet in height (30 480 mm) additional alarm bells shall be provided so that the alarm is audible at the designated level.

EX-1603.8 Car top inspection stations. Existing elevators shall be provided with car top inspection stations that conform to the requirements of ASME A-17.1, Subsections 2.26.1.4.1 and 2.26.1.4.2.

EX-1603.9 Car Emergency Signaling Devices Existing elevators shall be provided with a means of two-way communication in accordance with ASME A17.1 Subsection 2.27.1.1.

EX-1603.10 Doors to elevator machine rooms and spaces. Access doors to existing elevator machine rooms and overhead elevator machinery spaces shall be self-closing and self-locking.

EX-1603.11 Illumination of elevator machine rooms. Existing elevator machine rooms shall be provided with permanent electric lighting. The illuminations shall not be less than 200 lx (19 fc) at the floor level.

EX-1603.12 Emergency Operation of Existing Automatic Elevators in high-rise buildings. Existing automatic elevators in high-rise buildings shall be provided with Phase I emergency recall operation and Phase II emergency in-car operation in accordance with ASME A17.1 where required in Subsections EX-1603.12.1 through EX-1603.12.3.

EX-1603.12.1 Existing provisions for emergency operation. Existing elevators which are provided with emergency operations in compliance with Rule 211.3 of the 1987 edition of ASME A17.1, or with more recent editions of this rule, shall be deemed in compliance with this section.

EX-1603.12.1.1 Alterations to elevators with existing emergency operations. Existing elevators that are not in compliance with the edition of ASME A17.1 referenced in Chapter 14 shall upgrade the emergency operation to comply with the referenced standard when one of the alterations defined in Subsection EX-1602.1 is made to the existing elevator.

EX-1603.12.2 Existing elevators without emergency operations. Existing elevators which do not comply with Subsection EX-1603.12.1 shall be provided with emergency operations conforming to ASME A17.1 within three (3) years of the date of adoption of this code.

Exceptions:

1. Elevators which serve only parking levels and the main floor

2. Elevators located within, and serving, a single dwelling unit.

EX-1603.12.2.1 Special provisions for elevators in high-rise buildings of limited size. Existing elevators which do not comply with Subsection EX-1603.12.1 shall be provided with emergency operations conforming to ASME A17.1 within six (6) years of the date of adoption of this code, provided the building occupancy is less than:

1. Use group R2: fewer than fifty (50) dwelling units

2. Other use groups: occupancy fewer than 200 persons, calculated in accordance with Table 1004.2 of the *Building Code*.

EX-1603.12.3 Extension of compliance deadline in buildings with partial automatic sprinkler systems. In existing buildings which have an approved automatic sprinkler system in all exit access corridors, exits and lobbies, additional time for compliance with Subsection EX-1603.12.2 shall be allowed in the use groups listed below:

1. **Use Group B**: five (5) years

2. **Use Group R2**: ten (10) years

EX-1603.13 Emergency operation of existing manual/attendant operated elevators in high-rise buildings. Existing manual/attendant operated elevators shall comply with the following sections.

EX-1603.13.1 Existing emergency operations. Manual/attendant operated existing elevators with emergency operations which comply with Rule 211.4 of the 1987 edition of ASME A17.1, or with more recent editions of this rule, shall be deemed in compliance with this section.

EX-1603.13.2 Existing manual/attendant operated elevators in high-rise buildings without emergency operations. Within three (3) years of the effective date of this code, existing elevators that do not have emergency operations compliant with Subsection EX-1603.13.1 shall comply with the provisions of ASME A17.1 as referenced in Chapter 14 for emergency operation of manual/attendant operated elevators.

SECTION EX-1604J EXISTING ESCALATORS

EX-1604.1 Compliance requirement for existing escalators. Within twelve (12) months of the date of adoption of this code, existing escalators shall be provided with skirt obstruction devices where there is excessive index reading, per ASME A17.1.