

**DISTRICT OF COLUMBIA  
BUILDING CODE SUPPLEMENT OF 2003  
DCMR 12A BUILDING CODE**

**CHAPTER 1A ADMINISTRATION AND ENFORCEMENT**

*Delete Chapter 1 in its entirety and substitute the following:*

**SECTION 101A GENERAL**

**101.1 Title.** These regulations shall be known as the *Building Code* of the District of Columbia, hereinafter referred to as "this code."

**101.1.1 The Construction Codes Scope and Intent.** The District of Columbia Construction Codes, hereinafter referred to as the "Construction Codes" are comprised of this Title and the codes listed in Sections 101.2 through 101.4.8. Chapter 1 of this Title of the D.C. Construction Codes Supplement/2003 shall serve as the administrative and enforcement provisions of each code supplement referred hereafter, DCMR 12A, 12B, 12C, 12D, 12E, 12F, 12I and 12J, other than the D.C. Property Maintenance Code Supplement/2003 and the D.C. Fire Prevention Code Supplement/2003. The D.C. Property Maintenance Code Supplement/2003 (12G) and the D.C. Fire Code Supplement/2003 (DCMR 12H) include their own Chapter 1, Administration and Enforcement.

**101.2 D.C. Building Code.** The ICC International Building Code/2000 as amended by D.C. Building Code Supplement/2002 (DCMR 12A) shall constitute the D.C. Building Code/2003 hereinafter referred to as the "Building Code".

**101.2.1 Appendices.** Provisions in the appendices of the ICC International Building Code/2000 shall not apply unless specifically adopted.

**101.2.2 Repeal.** Chapter 1 of the ICC International Building Code/2000 is deleted in its entirety.

**101.2.3 Scope.** These regulations shall control matters concerning 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 this 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

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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.

**Exception.** Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the D.C. Residential Code listed in Section 101.3.

**101.2.4 Intent.** This code shall be construed to secure its expressed intent, which is to insure public safety, health and welfare insofar as they are affected by building construction, through structural strength, adequate means of egress facilities, sanitary equipment, light and ventilation, and fire safety, and, in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition or use and occupancy of buildings, structures or premises.

**101.3 D.C. Residential Code.** The ICC International Residential Code/ 2000 as amended by the D.C. Residential Code Supplement/2003 (DCMR 12B) shall constitute the D.C. Residential Code/2003 hereinafter referred to as the "Residential Code".

**101.3.1 Appendices.** Provisions in the appendices of the ICC International Residential Code/2000 shall not apply unless specifically adopted.

**101.3.2 Repeal.** Chapter 1 of the ICC International Residential Code/2000 is deleted in its entirety.

**101.3.3 Scope.** These regulations shall control the construction, prefabrication, alteration, repair, use, occupancy, and maintenance of detached one- or two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress, and their accessory structures.

**101.3.4 Intent.** This code shall be construed to secure its expressed intent, which is to provide minimum standards for the protection of life, limb, health, property, affordability, environment and for the safety and welfare of the consumer, general public and the owners and occupants of residential buildings regulated by this code.

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

**101.4.1 D.C. Electrical Code.** The National Fire Protection Association National Electrical Code/1996 as amended by the D.C. Electrical Code Supplement/2003 (DCMR 12C) shall constitute the D.C. Electrical Code/2003 hereinafter referred to as the "Electrical Code".

**101.4.1.1 Appendices.** Provisions in the appendices of the NFPA National Electrical Code/1996 shall not apply unless specifically adopted.

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**101.4.1.2 Repeal.** Article 90 of the National Electrical Code/1996 is deleted in its entirety.

**101.4.1.2.1 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.

**101.4.1.3 Scope.** These regulations shall control 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 this 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 electric, 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 this code.

**101.4.1.4 Intent.** The Electrical Code shall be construed to secure its expressed intent, which is the practical safeguarding of persons and property from hazards arising from the use of electricity, and is not intended as a design specification nor as an instruction manual for untrained persons.

**101.4.2 D.C. Fuel Gas Code.** The ICC International Fuel Gas Code/2000 as amended by the D.C. Fuel Gas Code Supplement/2003 (DCMR 12D) shall constitute the D.C. Fuel Gas Code/2003 hereinafter referred to as the "Fuel Gas Code".

**101.4.2.1 Appendices.** Provisions in the appendices of the ICC International Fuel Gas Code/2000 shall not apply unless specifically adopted.

**101.4.2.2 Repeal.** Chapter 1 of the ICC International Fuel Gas Code/2000 is deleted in its entirety.

**101.4.2.3 Scope.** These regulations shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment and related accessories, as follows:

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1. Requirements covering piping systems with an operating pressure of 125 psig (862 kPa gauge) or less and shall extend from the point of delivery to the connections with gas utilization equipment.
2. Piping systems 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.

**101.4.2.3.1 Exempted Installations and Equipment.** This 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.

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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 Section FG-401.1.1 of the *D.C. 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.

**101.4.2.4 Intent.** The fuel gas code shall be construed to secure the proper installation of systems within the scope of the Fuel Gas Code, and to ensure public safety, health and welfare insofar as they are affected by the installation, operation and maintenance of fuel gas systems.

**101.4.3 D.C. Mechanical Code.** The ICC International Mechanical Code/2000 as amended by the D.C. Mechanical Code Supplement/2003 (DCMR 12E) shall constitute the District of Columbia Mechanical Code/2003 hereinafter referred to as the "Mechanical Code".

**101.4.3.1 Appendices.** Provisions in the appendices of the ICC International Mechanical Code/2000 shall not apply unless specifically adopted.

**101.4.3.2 Repeal.** Chapter 1 of the ICC International Mechanical Code/2000 is deleted in its entirety.

**101.4.3.3 Scope.** These regulations shall control the design, installation, maintenance, alteration, and inspection of non-gas-fired mechanical systems, including heating systems, ventilation systems, cooling systems, steam and hot water heating systems, water heaters, process piping, boilers and pressure vessels, appliances using liquid or solid fuel, chimneys and vents, mechanical refrigeration systems, fireplaces, barbecues, incinerator, crematories, and air pollution systems.

**101.4.3.4 Intent.** The mechanical code shall be construed to secure the proper installation of systems within the scope of the mechanical code, and to insure

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public health, safety and welfare insofar as they are affected by the installation and maintenance of mechanical systems.

**101.4.4 D.C. Plumbing Code.** The ICC International Plumbing Code/2000 as amended by the D.C. Plumbing Code Supplement/2003 (DCMR 12F) shall constitute the D.C. Plumbing Code/2003 hereinafter referred to as the "Plumbing Code".

**101.4.4.1 Appendices.** Provisions in the appendices of the ICC International Plumbing Code/2000 shall not apply unless specifically adopted.

**101.4.4.2 Repeal.** Chapter 1 of the ICC International Plumbing Code/2000 is deleted in its entirety.

**101.4.4.3 Scope.** These regulations shall control the design and installation of plumbing systems, including sanitary and storm drainage, sanitary facilities, water supplies, storm water and sewage disposal in buildings. The design and installation of gas piping shall conform to the requirements of 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 plumbing code shall be construed to secure the proper installation of systems for furnishing potable water, for sanitary sewage disposal and storm drainage, and to insure public safety, health and welfare insofar as they are affected by the installation and maintenance of plumbing systems.

**101.4.5 D.C. Property Maintenance Code.** The ICC International Property Maintenance Code/2000 as amended by the D.C. Property Maintenance Code Supplement/2003 (DCMR 12G) shall constitute the D.C. Property Maintenance Code/2003 hereinafter referred to as the "Property Maintenance Code".

**101.4.5.1 Repeal.** Chapter 1 of the ICC International Property Maintenance Code/2000 is deleted in its entirety.

**101.4.5.2 Scope.** These regulations shall apply to every premises or part of any premises occupied, used, or held out for use as a place of abode for human beings.

**101.4.5.3 Intent.** This code shall be construed to secure its expressed intent, which is to preserve and promote the public health, safety, and welfare through the abatement of certain conditions affecting existing residential buildings and areas, including dilapidation, inadequate maintenance, overcrowding, inadequate toilet facilities, inadequate bathing or washing facilities, inadequate heating,

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insufficient protection against hazards, inadequate lighting and ventilation and other unsanitary or unsafe conditions.

**101.4.6 D.C. Fire Prevention Code.** The ICC International Fire Code/ 2000 as amended by the D.C. Fire Prevention Code Supplement/2003 (DCMR 12H) shall constitute the D.C. Fire Prevention Code/2003 hereinafter referred to as the "Fire Prevention Code".

**101.4.6.1 Appendices.** Provisions in the appendices of the ICC International Fire Code/2000 shall not apply unless specifically adopted.

**101.4.6.2 Repeal.** Chapter 1 of the ICC International Fire Code/2000 is deleted in its entirety.

**101.4.6.3 Scope.** These regulations shall 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 buildings, structures, sheds, tents, lots or premises.

**101.4.6.4 Intent.** The fire prevention code shall be construed to secure its expressed intent, which is to insure public safety, health and welfare insofar as they are affected by conditions which cause fire or explosions and panic resulting there from, and in general, to secure safety to life and property from fire hazards incident to the use, occupancy and maintenance of building, structures or premises. All matters within the intent of this code and not covered by this code shall comply with the referenced standards listed in Chapter 44, of ICC International Fire Code/ 2000.

**101.4.7 D.C. Energy Conservation Code.** The ICC International Energy Conservation Code/2000 as amended by the D.C. Energy Code Supplement/2003 (DCMR 12I) shall constitute the D.C. Energy Conservation Code/2003, hereinafter referred to as the "Energy Code".

**101.4.7.1 Appendix.** Provisions in the appendix of the ICC International Energy Conservation Code/2000 shall apply to this code.

**101.4.7.2 Repeal.** Sections 101.1, 101.2, 101.4, 101.4.1, 101.4.1.1, 101.4.1.2, 101.4.2, 101.4.2.3, 103, 104, 105, 106 and 107 of Chapter 1 of the ICC International Energy Conservation Code/2000 are deleted without substitution.

**101.4.7.3 Scope.** These regulations shall establish minimum prescriptive and performance-related provisions for the design of energy-efficient building 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. This code shall regulate the design of

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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. Commercial buildings provided with service water heating and/or electric lighting shall meet the applicable provisions of Chapter 7 or 8 of the International Energy Conservation Code/2000, regardless of whether they would be otherwise exempt.

**Exceptions:**

1. Buildings and structures, or portions thereof, which are neither heated nor cooled.
2. Buildings and structures, or portions thereof, separated by building envelope assemblies from the remainder of the building, that have a peak design rate of energy usage less than 3.4 Btu/h per square foot (10.7 W/m<sup>2</sup>) or 1.0 watt per square foot (10.7 W/m<sup>2</sup>) of floor area for all purposes.

**101.4.7.4 Intent.** This code shall be construed to serve its expressed intent, which is to regulate the design of building envelopes for adequate thermal resistance and low air leakage and the design and selection of mechanical, electrical, service water-heating and illumination systems and equipment which will enable effective use of energy in new building construction. It is intended that these provisions provide flexibility to permit the use of innovative approaches and techniques to achieve effective utilization of energy. This code is not intended to abridge safety, health or environmental requirements under other applicable codes or ordinances.

**101.4.8 D.C. Existing Buildings Code.** The provisions contained in the D.C. Existing Buildings Code Supplement/2003 (DCMR 12J) shall constitute the D.C. Existing Buildings Code/2003 hereinafter referred to as the "Existing Buildings Code".

**101.4.8.1 Administrative Provisions.** The D.C. Existing Buildings Code/2003 shall be administered and enforced following the provisions of Chapter 1 of DCMR 12.

**101.4.8.2 Scope.** The Existing Buildings Code shall control the repair, alteration, change of occupancy, addition, and relocation of existing buildings. A building or portion of a building which has not been previously occupied or used for its intended purpose shall comply with the provisions of the Building Code for new construction. Repairs, alterations, change of occupancy, existing buildings to which additions are made, historic buildings and relocated buildings complying with the provisions of the Building Code, Plumbing Code, Mechanical Code, Electrical Code, Fuel Gas Code, and Residential Code, as applicable, shall be considered in compliance with the provisions of the Existing Buildings Code.

**101.4.8.3 Intent.** The Existing Buildings Code shall be construed to secure its expressed intent, which is to ensure public health, safety and welfare insofar as

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they are affected by the repair, alteration, change of occupancy, addition, and relocation of existing buildings.

**101.5 Jurisdiction.** The Construction Codes shall apply to 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 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.

**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, Pub. L. 97-241; D.C. Code, sec.6-1306(g)), that is, foreign missions shall substantially comply with the Construction Codes are 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 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 101. A building or structure shall not be constructed, extended, repaired, removed or altered in violation of these provisions. When the provisions herein are more restrictive than those of other regulations, this code shall control. When different sections of this code specify different requirements for the same specific case, the most restrictive shall govern. When there is a conflict between a general requirement and a specific requirement, the specific requirement shall be applicable.

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**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.

**102.2 Other Laws, Codes and Regulations.** This code shall not be construed to prevent the enforcement of other applicable regulations.

**102.2.1 Public Works Standards.** Work performed in public space, not specifically addressed in this code, shall conform to the pertinent standards of the Department of Public Works (DPW), the 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 pertinent City standard.

**102.2.2 Matters Not Provided For.** Any requirement essential for structural, fire or sanitary safety, or safe operation of electrical or mechanical systems and appliances, of an existing or proposed building or structure, or essential for the safety of the occupant thereof, and which is not specifically covered by this code, shall be determined by the code official.

**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 this code and listed in Chapter 35 of the ICC International Building Code/2000, in Chapter 34 of the ICC International Residential Code/2000, in Appendix A of the NFPA National Electrical Code/1996, in Chapter 7 of the ICC International Fuel Gas Code/2000, in Chapter 15 of the ICC International Mechanical Code/2000, in Chapter 13 of the ICC International Plumbing Code/2000, in Chapter 8 of the ICC International Property Maintenance Code/2000, in Chapter 45 of the ICC International Fire Code/2000, in Chapter 9 of the ICC International Energy Conservation Code/2000 and in Chapter 14 of the D.C. Existing Buildings Code/2002, shall be considered part of the requirements of this code to the prescribed extent of each such reference. Where differences occur between provisions of this code and referenced standards, the provisions of this code shall apply.

**102.4.1 Conflicts.** If conflict arises between the provisions of D.C. Law 6-216, Construction Codes Approval and Amendments Act of 1986 and the D.C. Supplement, the ICC International Codes, or their referenced standards, the provisions of D.C. Law 6-216 shall take precedence. If conflict arises between the D.C. Supplement, the ICC International Codes, and their referenced standards:

1. The provisions of the D.C. Supplement shall take precedence over the ICC International Codes and their referenced standards.

2. The provisions of the ICC International Codes other than their referenced 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, except for provisions of the building code, the property maintenance code or the fire prevention code listed in Chapter 35, that are specifically required to be applied retroactively, or as deemed necessary by the code official for the general safety, health and welfare of the occupants and the public.

**102.6.1 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 this code, shall be deemed a violation or infraction under Section 113. A notice of violation and order requiring discontinuance of the use or occupancy may be issued pursuant to Section 113 and the owner or other violator shall be subject to the penalties or fines prescribed in Section 113.

**102.6.2 Moved Structures.** Buildings and structures moved into or within the jurisdiction shall comply with the provisions of this code for new buildings and structures or shall comply with Chapter 11 of the Existing Buildings Code. Such buildings and structures shall not be used or occupied in whole or in part until a certificate of use and occupancy, as required by Section 110.0, shall have been issued by the code official. Before any building or structure which has been moved into or within the District of Columbia is occupied, its equipment and devices shall be inspected and tested for safe operation and for compliance with the requirements of this code.

**102.6.3 Change in Existing Use.** It shall be unlawful to make any change in the use or occupancy of any structure or portion thereof which would subject it to any special provisions of the Construction Codes without first complying with those provisions for the new use by obtaining approval for the new use through issuance of a building permit

and a certificate of occupancy. Work required for compliance with this section shall be performed under a duly issued building permit and shall comply with Section 102.6.4.

**102.6.4 Alterations or Repairs.** Alterations or repairs to any structure shall conform to that required of a new structure without requiring the existing structure to comply with all of the requirements of the Construction Codes. Compliance with the provisions of the Existing Buildings Code for alterations or repairs shall be deemed compliance with this section. Repairs shall be allowed to be made in kind, provided that such repairs shall not cause an existing structure to become unsafe or adversely affect the performance or accessibility of the building.

**Exceptions:**

1. Historic structures meeting the requirements of Chapter 10 of the Existing Buildings Code.
2. The provisions of Chapter 11 shall be applicable to the extent required by Section 506 of the Existing Buildings Code, unless the code official grants modification pursuant to Sections 104.10 and 104.10.1.

**102.6.4.1 Structural Elements.** Alterations or repairs to an existing structure which are structural or which adversely affect either any structural member or any part of the structure having a required fire- resistance rating shall be made with materials required for a new structure.

**102.6.4.2 Non-Structural Elements.** Alterations or repairs to an existing structure which are not structural and which do not adversely affect any structural member nor any part of the structure having a required fire- resistance rating, may be made with the same materials of which the structure is constructed.

**102.6.4.3 Existing Systems.** This section shall apply to existing mechanical, plumbing and electrical systems, or to any building systems that are relevant to the safety, health or welfare of the occupants or of the public. Alterations or repairs to a system shall conform to that required for a new system for altered or repaired portion of the system, without requiring the remainder of the system to comply with all the requirements of the Construction Codes. Alteration or repairs shall not cause an existing system to become unsafe or adversely affect the performance of the system.

**102.6.4.3.1 Additional Loads.** Where additions or alterations subject parts of existing systems to loads exceeding those permitted herein, such parts shall be made to comply with the Construction Codes.

**102.6.4.3.2 Mechanical Systems.** The Mechanical Code shall apply to existing mechanical systems in a building occupied for occupancies or uses other than those for which it was occupied on the effective date of the

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Construction Codes, as if such mechanical systems were hereinafter installed.

**102.6.5 Additions.** Additions to an existing building or structure shall conform to the Construction Codes requirements for a new structure or building, unless they conform with the provisions of the Existing Buildings Code for additions, without requiring the existing structure to comply with all the requirements of the Construction Codes. Any building plus new additions shall not exceed the height, number of stories, and area specified for new buildings. Additions shall not cause an existing structure to become unsafe or adversely affect the performance or accessibility of the building.

**Exceptions:**

1. Historic structures meeting the requirements of Chapter 10 of the Existing Buildings Code.
2. The provisions of Chapter 11 shall be applicable to the extent required by Section EX-905 of the Existing Buildings Code, unless the code official grants modification pursuant to Sections 104.10 and 104.10.1.
3. Existing one and two story buildings shall be permitted to be expanded beyond what is permitted by up to 25 percent of the existing floor area, not to exceed an area of 125 percent of that permitted by the Building Code, without providing fire separation.
4. Infilling of floor openings, non-occupiable appendages such as elevator and exit stair shafts, and the addition of mezzanines and equipment penthouses shall be permitted beyond that permitted by 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 D.C. Construction Codes, except those of the Fire Prevention Code as provided in section 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 may 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 shall be the code official for the enforcement of the Fire Prevention Code, except that the Director of the Department of Consumer and Regulatory Affairs shall be the code official for the enforcement of all Fire

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Prevention Code provisions pertaining to the approval, installation, design, modification, maintenance, testing, and inspection of all 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 this code, or the preparation of plans or specifications of a building under the jurisdiction of this code, 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.** Records of the Department shall be available for public inspection at all appropriate times pursuant to the Freedom of Information Act and regulations issued pursuant to the Act. If a person requests inspection of a permit file while the application for a permit is pending, a Freedom of Information Act Request shall be required. Since the status of the permit application and accompanying plans changes from day-to-day, the code official will provide information in DCRA's response that is current as of the date stated on the response. If further or more current information is desired, a new FOIA request must be submitted.

**SECTION 104A DUTIES AND POWERS OF THE CODE OFFICIAL**

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**104.1 General.** The code official shall enforce the provisions of this code 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 Section 103.2 and Sections 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 remove 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.

**104.4 Inspections.** The code official shall make or cause to be made the required inspections for which a permit has been issued, except third-party and special inspections done under Sections 109.4 or 1704.0 of the *Building Code*. The code official is authorized to accept reports of inspection by approved agencies or individuals or to inspect work subject to special inspection done under Sections 109.4 or 1704.0 of the *Building Code*. All reports of such inspections shall be in writing and certified by a responsible officer of the 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 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, the 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

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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 Corporation Counsel 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 this code 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 this code 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.

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**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 Section 104.9.2, 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, except where all elements of the assembly are readily accessible to inspection at the site. 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 shall be provided. Provisions for foundation systems and building service equipment connections necessary to provide for the installation of new manufactured homes to which additions, alterations or repairs are made are contained in Appendix E of the residential code.

**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, except where all elements of the assembly are readily accessible to inspection at the site. 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 shall be provided. Provisions shall be made for foundation systems and building service equipment connections necessary to provide for the installation of prefabricated construction, 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 this code, 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 this code impractical and the modification is in compliance with the intent and purpose of this code 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 Corporation Counsel 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.

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**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 this code are not intended to prevent the use of any material, equipment or method of construction not specifically prescribed by this code, 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 this code, and that the material, equipment or method offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire-resistance, durability and safety. Approvals shall conform to Sections 1701 and 1703 of the *Building Code*.

**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 Sections 105.1.1 through 105.1.13 shall begin. Depending on the scope of work, as specified in Sections 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. Projection permit.
7. Public space permit.
8. Specialty permit.
9. Miscellaneous permit.
10. Supplemental permit.

Certain types and scopes of work, as specified in Section 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 compliance with the permit requirement of this section.

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**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 may 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;

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13. Change the occupancy of the building or structure to a different Use Group, as defined in Chapter 3 of the Building Code.

**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 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 Section 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 Section 105.1.7.
2. Interior demolition within a building or structure, that would otherwise be allowed under an interior demolition permit issued pursuant to section 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 Razing Operations.** Before a structure can be demolished or removed, the owner or agent shall apply for and obtain a razing operations permit pursuant to section 105.1.13(5), to be authorized to proceed with the necessary operations to raze or remove the structure.

**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 demolished or removed, until a raze permit to demolish or remove the building or structure has been issued in accordance with this Section 105.1.7.

**105.1.7.2 Lot Regulation.** Whenever a structure is demolished or removed, 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.

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

**105.1.10 Public Space Permits.** A public space permit is required for the following actions entailing the temporary occupation of public space:

1. To install, alter or remove enclosed or unenclosed sidewalk cafés;
2. To store building materials;
3. To install temporary fences, sidewalk protection or construction trailers in public space;
4. To install cranes or similar hoisting devices;
5. To place a dumpster for construction debris.
6. To otherwise occupy public space, to the extent deemed necessary by the Director of Public Works or the Director of the Department of Transportation 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 loadbearing elements.
2. Excavation Permit, to excavate and other earth disturbing actions affecting an area larger than 50 square feet.
3. Sheet piling and Shoring Permit, to install excavation and slope stabilization systems.
4. Grading Permit, for grading, regrading or landfilling operations.
5. Capacity Placard Permit, to obtain approval of the posted maximum occupant load for the placards required by Section 1003.2.2.5.
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. For the purposes of this permit, normal working hours shall be from seven (7) a.m. to seven (7) p.m., Monday through Saturday.

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 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;
2. Cleaning exteriors of buildings or structures, in private or public space, using steam, chemical cleaning or sandblasting;
3. Blasting operations;
4. Waterproofing and dampproofing;
5. Erecting observation stands;
6. Renewal Permit, to obtain an extension of a valid unused building permit, as authorized by Section 105.5.1.
7. Revision Permit, to revise or amend a valid current permit, as authorized by Section 105.3.3.
8. Installation of dish antenna on the façade of any building in a historic district or on a historically designated building or structure.

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 Sections 105.1.4, 105.1.5, 105.1.6 and 105.1.7.

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1. Supplemental plumbing installation permit, for installation of plumbing systems and fixtures, as specified in Section 105.1.16.
2. Supplemental gasfitting installation permit, for installation of gas-fueled appliances and equipment, as specified in Section 105.1.17.
3. Supplemental mechanical installation permit, for installation of refrigerating and cooling systems and mechanical equipment, as specified in Section 105.1.15.
4. Supplemental electrical installation permit, for installation of electrical systems and fixtures, as specified in Section 105.1.14.
5. Supplemental razing or demolition operations permit, for license to proceed with demolition operations in connection with a raze permit or a partial demolition permit, as specified in Section
6. 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 Sections 200.1 and 200.2 of DCMR Title 20, except as exempted in the same Title.

**105.1.7.1 and to use specially regulated demolishing equipment.** Once the razing operations permit application is filed with the Department, the code official shall notify all utilities having service connections within the structure such as water, electric, gas, sewer, telephone and other connections. A permit to demolish or remove a structure 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.

**105.1.14 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 Section 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 protective signaling systems and other power limited wiring 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.

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3. Preventive Maintenance. Electrical permits are required to perform preventive maintenance in switchboards, as required in Article E-384-37 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 Department of Public Works.
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.

**105.1.14.1 Limited scope permits.** When new electrical work, addition to or alteration of existing electrical systems is not included in a building permit, and the project entails only electrical work, only the electrical installation permit shall be required, provided plans showing the proposed work are submitted with the application and approved by the code official. Where the scope of work thus permitted exceeds the scope of two (2) postcard permits, as defined in Section 105.5.4.2.5, an alteration permit fee shall be assessed, based on the valuation of the project, in addition to the installation permit fee.

**105.1.14.2 Temporary Permits.** Permits required under items 4 and 5 of Section 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 Section 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 Permits for Conduits, Poles and Wires.** Permits shall be obtained to install manholes, underground conduits, for the erection of poles and stringing of overhead wires, or increasing the height of a pole in accordance with the following sections.

**105.1.14.4.1 Public Works or Utility Company Work in Public Space.**

The code official shall issue permits, upon approval by the Director of the Department of Public Works, of an application to install manholes, underground conduits, erect poles or string overhead wires for telegraph, telephone, signal, railway, light, heat or power purposes. Overhead wires shall also include service drops to buildings, private wires strung along curb or public sidewalk for decorative or other lighting, and the installation of all wiring incidental to the Department of Public Works, such as motors for drawbridges and for underpass ventilation. Said permits shall be issued to electrical contractors, public utilities, and any person, firm, company, or corporation authorized by law to use the public space, roads, avenues, alleys and highways, for these purposes.

**105.1.14.4.2 Private wiring in public space.** The code official shall issue electrical permits upon approval by the Director of Public Works, 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.

**105.1.14.4.3 Private Wiring in Sidewalk Cafes, Entrance Awnings, and Similar Structures in Public Space.** The code official is authorized to issue electrical permits for private wiring in connection with awnings, entrance awnings, sidewalk café enclosures, and similar facilities in public space, when accompanied by the special permit specified hereafter. No private lamp post or lamp shall be erected or placed in public space or in any public street, avenue, alley, or road of the District of Columbia, nor beyond the inner edge of a sidewalk, unless authorized by a special permit to erect the lamp post or lamp. The permit is subject to the right of the Director of Public Works to require such lamppost or lamp to be removed whenever he or she deems such removal necessary in the public interest. The application for the permit shall be accompanied by a written agreement signed by the owner or occupant, or both, of the premises in front of which it is desired to erect such lamp post or lamp, agreeing to

remove the same when called upon by the Director of Public Works to do so.

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

**105.1.15.1 Limited scope permits.** When new mechanical work, addition to or alteration of existing mechanical systems is not included in a building permit, and the project entails only mechanical work, only the mechanical installation permit shall be required, provided plans showing the proposed work are submitted with the application and approved by the code official. Where the scope of work thus permitted exceeds the scope of two (2) postcard permits, as defined in Section 105.5.4.2.4, an alteration permit fee shall be assessed, based on the valuation of the project, in addition to the installation permit fee.

**105.1.16 Permits Required for Plumbing Work.** Installation, replacement or repair of plumbing systems, plumbing fixtures, or their appurtenances, other than work exempt under Section 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.

**105.1.16.1 Limited scope permits.** When new plumbing work, addition to or alteration of existing plumbing systems is not included in a building permit, and the project entails only plumbing work, only the plumbing installation permit shall be required, provided plans showing the proposed work are submitted with the application and approved by the code official. Where the scope of work thus permitted exceeds twenty (20) fixture units, an alteration permit fee shall be assessed, based on the valuation of the project, in addition to the installation permit fee.

**105.1.17 Permits Required for Gasfitting 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 gasfitting installation permit. Gasfitting installation permits shall be obtained, namely, 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).

**105.1.17.1 Limited scope permits.** When new gasfitting work, addition to or alteration of existing gas distribution systems is not included in a building permit,

and the project entails only gasfitting work, only the gasfitting installation permit shall be required, provided plans showing the proposed work are submitted with the application and approved by the code official. Where the scope of work thus permitted exceeds service to five (5) appliances, an alteration permit fee shall be assessed, based on the valuation of the project, in addition to the installation permit fee.

**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 Section 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, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
7. Detached garden storage sheds complying with Section 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.
  - b. Roofing and coping.
  - c. Siding.
  - d. Gutters and downspouts.
  - e. Private sidewalks and driveways.

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- f. Patios.
  - g. Non-rated suspended ceiling tile.
  - h. Floor coverings.
  - I. Not more than 160 square feet (14.9m<sup>2</sup>) of gypsum board.
  - j. Not more than 50 linear feet (15.24m) of piping of storm drainage system.
  - k. Not more than 10 linear feet (3.05m) of piping of sanitary drainage system.
  - l. Not more than 20 linear feet (6.10m) of piping of sanitary venting piping system.
  - m. Not more than 50 linear feet (15.24m) of piping of a hydronic system.
  - n. Not more than 10 linear feet (3.05m) of ductwork, in other than hazardous exhaust and commercial kitchen exhaust systems.
- 10. Fences not over 42 inches (1067 mm) high and of open design at least 50% open.
  - 11. 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.
  - 12. Temporary motion picture, television and theater stage sets and scenery.
  - 13. Prefabricated swimming pools accessory to a Use Group R-3 occupancy which are less than 24 inches (610 mm) deep, do not exceed 5,000 gallons (19 000 L) and are installed entirely above ground. A swimming pool enclosure complying with Section 3109 shall be required.
  - 14. Swings and other playground equipment accessory to one- and two-family dwellings.
  - 15. Window awnings supported by an exterior wall of Use Group R-3 buildings, and awnings exempted per Section 3105.
  - 16. Movable cases and counters not over 5 feet 9 inches (1753 mm) in height, in spaces of Use Group M.

**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 sections 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 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 water or space heating appliance other than boilers.
8. Boilers in single-family dwellings.
9. Gas fired hot water boilers with a gas input rating of less than 525,000 Btu/h (154 kW).

10. Distribution, exhaust, and make-up air systems ductwork and appurtenant devices, such as dampers, connectors, louvers, diffusers, grilles, or insulation.
11. Air circulation, supply, or exhaust fans.
12. Air compressors or suction pumps.
13. Unfired pressure vessels with a capacity of less than 15 gallons (0.057 m<sup>3</sup>), or operating at a working pressure of 60 psig (414 kPa) or less.
14. Work exempted by item 9.n of Section 105.2.

**105.2.2.3 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. Work exempted by items 9.j through 9.m of Section 105.2.
5. Minor repairs not involving the removal or setting of any plumbing fixtures.

**105.2.2.4 Gasfitting Permits Not Required.** A gasfitting 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.

**105.2.3 Public Service Agencies.** A permit shall not be required under this code for the installation, alteration or repair of generation, transmission, distribution, metering or treatment or other related equipment that is under the ownership or control of public service agencies subject to the jurisdiction of the Public Service Commission, or of the District of Columbia Water and Sewer Authority.

**105.2.4 Compliance with Code Provisions.** Despite being exempted from permit, the work performed pursuant to Section 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 and 15 of Section 105.2, and the work is to occur on the land of or the exterior of buildings or structures

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located in historic districts, or of historically designated buildings or structures, an application for a building permit, pursuant to Section 105.1.4, shall be required.

**105.2.6 Limitations on Exempted Garden Storage Sheds.** The permit exemption of Section 105.2(7) is limited to a single garden storage shed that does not exceed 50 square feet (4.65 m<sup>2</sup>) 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 Section 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. 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. 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 may, in his discretion, 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 Code sections, 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 Peer Reviewer.** Wherever the terms "third-party reviewer", "third-party plans reviewer", or "third-party reviewing 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 the "Homestart Regulatory Improvement Amendment Act of 2002," D.C. Law 14-162, effective 6/25/02. A "certified third-party reviewer" or "certified third party reviewing agency" shall refer to and be equivalent to a "certified peer reviewer" as that term is defined and described in D.C. Law 14-162.

**105.3.1.2 Third-party Certification.** 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 subsection, 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 within 15 days of submission of the documents and accompanying certified report.

**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 plans review agencies shall meet the following requirements:

1. Each third-party plans reviewer who reviews construction documents shall possess the appropriate licenses and expertise in order to review the type of documents being reviewed, and shall submit evidence annually that his or her license is valid.
2. Each plans review agency shall have adequate staff with the appropriate licenses and expertise to review the types of construction documents that they propose to review.
3. A third-party plans reviewer or plans review agency shall meet the independence and ethical requirements of Section 6c (b)(4), (5), (6), (7), and (8) of the Homestart Regulatory Improvement Amendment Act.
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 plans reviews performed by the agency. Any person working for the agency who is not so licensed shall work under the direct supervision of a D.C. registered architect or professional engineer.
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 is seeking certification, which shall include at a minimum: Demonstrable experience of at least three years of code compliance reviews in the applicable discipline in a jurisdiction using the applicable national model codes as the basis for its construction codes; or possession of a current national certification as a plans reviewer, issued by a certifying agency recognized by the International Codes Council, in the discipline or disciplines in which the reviewer is applying to perform reviews.

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 Director and shall provide all necessary information and documentation to demonstrate satisfaction of the minimum qualifications, training, experience and reliability requirements set forth in section 105.3.1.1.1.

**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 Section 6c of the Homestart Regulatory Improvement Amendment Act of 2002. 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.** The third-party plans reviewer shall include a certification on each plan reviewed including the information required by Section 6c. (e) of the Homestart Regulatory Improvement Amendment Act.

**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 6b or 6c of the Homestart Regulatory Improvement Amendment Act, the code official is authorized to revoke the third-party reviewer's or third party reviewing agency's certification 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.

**105.3.1.2 Payment of Delinquent Fines and Penalties.** The code official may refuse to issue a permit if the owner, applicant, or responsible officer has outstanding fines or penalties imposed under 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.

**105.3.1.4 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 D.C. 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.

**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 Section 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 Section 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 Sections 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.

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

**105.5.2 Lapsed Permits.** Permits issued under the Construction Codes shall not be extendable if permitted to expire.

**105.5.3 Non-Transferrable Supplemental Permits.** A new supplemental installation permit should be obtained pursuant to Section 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 Sections 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 gasfitting 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 Section 105.5.4.1, the applicants shall have the following respective minimum qualifications:

1. Postcard plumbing permits: master plumbers only.
2. Postcard gasfitting permits: master plumbers and master gasfitters.
3. Postcard mechanical permits: master mechanics only.
4. 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.
5. Postcard electrical service permits (heavy-up): electrical contractors only.
6. 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.

**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 Section 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 this Code 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 Sections 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 Section 105.5.4.2.4 or items 1, 2, 12.a and 12.b of Section 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 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.

**105.5.4.2.3 Postcard Gasfitting Permit Limitations.** Postcard gasfitting 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.

**105.5.4.2.4 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.

**105.5.4.2.5 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.

**105.5.4.2.6 Postcard Electrical (Heavy-up) Permit Limitations.**

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

**105.5.4.2.7 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. Installation of one (1) construction trailer on private property.

5. Erection of one (1) Fireworks Stand on private property.
6. Erection of one (1) Christmas Tree Stand on private property.
7. Renewal of an active building permit.
8. Revision of an active permit for change of ownership or change of address.
9. 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.
10. 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. 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<sup>2</sup>).
  - g. Existing fence on private property.
  - h. Interior wall coverings.
  - i. Up to 800 square feet (74.3 m<sup>2</sup>) of gypsum board.
  - j. Ductwork 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.

**105.5.4.3 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:

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1. Postcard plumbing permits, equal to the fee for an installation permit for a single plumbing fixture.
2. Postcard gasfitting permits, equal to the fee for an installation permit for a single gas appliance.
3. Postcard mechanical permits, equal to the fee for an installation permit for a 10-ton air-conditioning system.
4. Postcard electrical permits (general), equal to the fee for an electrical installation permit for up to 10 junction boxes.
5. 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.
6. Building postcard permits, equal to the fee for a miscellaneous building permit.

**105.6 Revocation of Permits.** The code official is authorized to revoke a permit or approval issued under the Construction Codes, 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;
2. When the construction does not comply with the Construction Codes, the permit, the revised permit, 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 Section 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; or
4. When the construction has been posted with two (2) or more stop work orders, under Section 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.

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6. When the permit has been issued in error.

**105.6.1 Effect of Revocations.** Revocations based on items 1, 2, 4, 5 or 6 of Section 105.6 are proposed actions and shall become final upon occurrence of one of the following two conditions:

1. If the respondent's right to a hearing is waived by failing to request a hearing within ten (10) business days of receipt of the proposed order; or
2. If so determined by the Office of Adjudication as the result of a hearing requested by the respondent pursuant to Section 105.6.4.
3. Revocations based on item 3 of Section 105.6 shall be summary revocations and shall take effect the date ordered by the code official.

**105.6.2 Notice of Revocations.** The respondent shall be provided, pursuant to Section 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 or the Construction Codes which have been violated; and
3. A statement advising the respondent of the right to request a hearing within ten (10) days (excluding Saturdays, Sundays, and legal holidays) from the day the notice is received.

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

1. Personal service on the respondent or the respondent's agent;
2. Delivering the notice to the last known home or business 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, via certified mail with return receipt requested, to the last known home or business address of the respondent or respondent's agent.

**105.6.3.1 Posting of Notice.** In addition to service of notice under Section 105.6.3, a notice shall be posted at the construction site. This notice shall not be necessary to effect service.

**105.6.3.2 Proof of Service.** Proof of service shall include any of the following:

1. If notice is served personally, the notice shall be deemed to have been served at the time when delivery is made to the person concerned. The certificate of service shall state the name and address of the person on whom service is made, the date and time of service, and be signed by the issuing agent;
2. If the notice is sent by certified mail, it shall be deemed to have been served on the date on the return receipt showing delivery of the notice; or
3. A written acknowledgment by the respondent or the respondent's agent.

**105.6.3.3 Service by Return Receipt.** In the event the respondent or the respondent's agent is no longer at the last known address shown by the records of the Department of Consumer and Regulatory Affairs and no forwarding address is available, the notice shall be deemed to have been served on the date the return receipt bearing such notification is received by the code official.

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

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

1. The respondent shall notify the Office of Adjudication of all changes of address or of a preferred address to receive all future notices. This notification by the respondent shall be in writing; and
2. All other notices, orders, or any other information regarding these hearings may be sent by the Department via first class mail, postage prepaid.

**105.6.4 Hearings.** A request for a hearing on a permit suspension or revocation must be made directly to the Office of Adjudication, Department of Consumer and Regulatory Affairs, by the respondent.

**105.6.4.1 Hearing Procedures.** Upon receipt of a request for a hearing under this section, the Director shall appoint an Administrative Law Judge to hold the hearing. Hearings shall be conducted pursuant to the contested case provisions of the District of Columbia Administrative Procedures Act (D.C. Official Code §2-509) and any rules or procedures applicable to the DCRA Office of Adjudication.

**105.6.4.2 Expedited Hearings.** When a summary revocation is ordered under item 3 of Section 105.6 of this chapter, the respondent may request an expedited hearing from the Director 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

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code official's decision to revoke a permit under item 3 of Section 105.6 shall be permitted pending the final resolution of the hearing.

**105.6.5 Appeals.** An appeal of a hearing under this section shall be heard by the District of Columbia Board of Appeals and Review pursuant to Chapter 5, Title 1, DCMR.

**105.7 Posting of Permit.** A photocopy of the permit or the original shall be kept on the site of operations, open to public inspection during the entire time of progression of the work and until it is completed.

**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 and electrical plans, as applicable. When quality of materials or equipment is essential for conformity to this code, specific information shall be given to establish such quality and the plans shall contain a schedule of such equipment. This code 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, mechanical, plumbing, and electrical work to be filed, including computations, stress diagrams and other technical data essential to assess compliance with this code, as further specified in Sections 106.1.2 through 106.1.17. All engineering plans and computations shall bear the signature of the professional engineer responsible for the design as required by Section 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. Commercial kitchen hood suppression systems.
19. Flammable and combustible liquid storage tanks.
20. Elevators, escalators and other vertical transportation 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 this code. 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 this code. 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 Plans.** 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 licensed and 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 Section 106.1.4.1 of the D.C. Construction Codes."

**106.1.4.2 Non-Structural Review.** The provisions of Section 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 Plumbing Plans.** 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.

**106.1.5.1 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 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 Water and Sewer Authority (WASA), shall be provided with the plumbing plans for every project entailing new water or sewer service connections.

**106.1.5.2 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.

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

1. Any work exempted from building permit requirement in accordance with Section 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 Section 105.2.2.3.
6. Any work allowed to be performed under a postcard permit in accordance with Sections 105.5.4.2 through 105.5.4.2.7.

**106.1.6 Mechanical Plans.** The applicant shall provide, in quadruplicate, diagrammatic mechanical equipment or system and mechanical plans, drawn to a scale of not less than 1/8 inch to the foot (10 mm/m), showing the location and arrangement of the mechanical equipment and distribution elements including safeties 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.

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

1. Any work exempted from building permit requirement in accordance with Section 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 Sections 105.2.2.2 and 105.2.2.4.
6. Any work allowed to be performed under a postcard permit in accordance with Sections 105.5.4.2 through 105.5.4.2.7.

**106.1.7 Energy Conservation Plans.** 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 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:**

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 this code.

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

**106.1.7.1 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 conformance with the requirements of this code and relevant laws, ordinances, rules and regulations, as determined by the code official.

**106.1.7.2 Deemed to Comply.** Use of the appropriate REScheck and COMcheck tools is deemed an acceptable method to demonstrate compliance with the requirements of the *Energy Code*.

**106.1.8 Electrical Plans.** 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 this code, 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 1003.2.11 through 1003.2.11.3 and hazardous uses requirements in Chapter 4 of the *Building Code*.
2. Stairway and exit illumination in accordance with Section 1204 and Section 1003.2.11 through 1003.2.11.3 of the *Building Code*; "Exit" sign lighting circuits in accordance with Section 1003.2.10 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 Section 901.6 through 901.6.3 and 907 of the *Building Code*.
5. Wiring of display signs in accordance with Sections 3112.1.4 and 3116.6.7.2 of the *Building Code*; and radio and television antennas in accordance with Sections 3108.0 and 3109.0 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 1204 of the *Building Code*.
8. Backup emergency and standby power systems.

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

1. Any work exempted from building permit requirement in accordance with Sections 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 Section 105.2.2.1.
6. Any work allowed to be performed under a postcard permit in accordance with Sections 105.5.4.2 through 105.5.4.2.7.

**106.1.9 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 this code 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 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).

**106.1.10 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 this code 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.

**106.1.11 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 Title 11 DCMR, 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.
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 Title 11 DCMR, Zoning Regulations.

**106.1.11.1 Zoning Data on Building Plat.** For the purpose of zoning compliance review, the following data shall be provided on the building plat required by Section 106.1.12, as applicable, in addition to the information required by Section 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 Title 11 DCMR, Zoning Regulations.

**106.1.12 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.

**106.1.12.1 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.

**106.1.13 Location of Water and Sewer Mains.** When relevant to the scope of work, the permit applicant shall secure from the Water and Sewer Authority 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 Section 525 of DCMR 21, 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 Section 106.1.11.

**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 Section 105.3.1.

**106.3.1 Special Inspections.** Where special inspections are required by Section 1704 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 1704 of the building code.

**106.3.2 Building Permit Requirement.** The special inspection requirement of Section 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 Section 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 the D.C. Architects Registration Act or the D.C. Professional Engineers Registration Act, 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 the D.C. Professional Engineers Registration Act, 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 the D.C. Interior Designer Licensure Act of 1986.

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

1. Work done under any of the exemptions from chapter 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 with the approved plans shall be resubmitted for approval, in accordance with Section 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 Corporation Counsel.

**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 D.C. Public Space Rental Act (D.C. Code, Title 7, Chapter 9). 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 Sections 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 Corporation Counsel 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 the final Certificate of Occupancy for the building.

**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 there in as follows:

1. Upon referral of a notice of violation received from inspection agencies other than the Department;
2. Upon receipt of a complaint by a District resident, Councilmember, District government employee, or other government agency;
3. Upon change of use or occupancy;

4. On new construction, additions, alterations, and repairs.

**109.1.1 Field Enforcement.** The purpose of inspections shall be to ensure that all work is performed in strict accordance with permit conditions, approved plans and the Construction Codes.

**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 Required Inspections.** After issuing a building permit, the code official shall conduct such inspections, 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 this code shall be maintained by the code official. Inspections to be done pursuant to Section 109 include, but are not limited to, the types indicated in Sections 109.3.1 through 109.3.8.7.

**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.

**109.3.2 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 Section 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 or 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, 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 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 to ascertain compliance with the provisions of this code and other laws that are enforced by the department.

**109.3.8.1 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.

**109.3.8.2 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.

**109.3.8.3 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.

**109.3.8.4 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.

**109.3.8.5 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.

**109.3.8.6 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.

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

**109.3.9 Special Inspections.** Special inspections shall be made in accordance with Section 1704 of the Building Code.

**109.3.9.1 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 Sections 109.3.9.1.1 through 109.3.9.1.8.

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

**109.3.9.1.2 Reinforced Masonry.** Reinforced masonry construction.

**109.3.9.1.3 Reinforced Gypsum.** Reinforced cast-in-place gypsum construction.

**109.3.9.1.4 Welding.** Structural welding.

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

**109.3.9.1.6 Structural Steel.** Structural steel construction.

**109.3.9.1.7 Engineered Fill.** Method of fill, fill materials and compaction tests.

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

**109.3.9.2 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 Section 1704.

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

**109.3.10 Final Inspection.** Upon completion of the building or structure and site work, and before the certificate of use and occupancy required in Section 110 is issued, a final inspection shall be made. 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.

**109.3.10.1 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 or approved third-party inspectors on all field inspection disciplines under the Construction Codes, provided such agencies or inspectors satisfy the qualifications and reliability requirements, set forth in this subsection, as well as Sections 1703.1.1 through 1703.1.3 of the Building Code. If an inspection report is filed by a third-party inspection agency, it shall be signed by the agency professional in charge of the project. The code official shall approve the work inspected by the approved third-party inspection agency or approved third-party inspector, based on the inspection reports, provided that the code official is satisfied that the reports substantiate compliance with the requirements of the Construction Codes.

**109.4.1 Minimum Training and Experience Requirements for Third-Party Inspectors.**

Third-party inspectors shall meet the minimum training and experience requirements set forth herein.

**109.4.1.1. Construction Inspector.** A construction inspector shall possess demonstrated knowledge of the D.C. Building Code and other pertinent sections of the Construction Codes, and shall further possess an acceptable combination of education and experience, or NCPCCI certification, as set forth in more detail in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.1.2 Mechanical Inspector.** A mechanical inspector shall possess demonstrated knowledge of the Construction Codes pertinent to mechanical systems, and shall further possess an acceptable combination of education and experience as set forth in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.1.3 Electrical Inspector.** An electrical inspector shall possess demonstrated knowledge of the D.C. Building Code and other sections of the D.C. Construction Codes and NFPA standards pertinent to electrical inspections and

shall further possess an acceptable combination of education and experience as set forth in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.1.4 Plumbing Inspector.** A plumbing inspector shall possess demonstrated knowledge of the D.C. Plumbing Code and other sections of the Construction Codes pertinent to plumbing systems and fixtures under inspection and shall possess an acceptable combination of education and experience as described in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.1.5 Elevator Inspector.** An elevator inspector shall possess demonstrated knowledge of the Elevator Code and other sections of the D.C. Construction Codes pertinent to elevator systems and equipment under inspection and shall possess an acceptable combination of education and experience as described in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.1.6 Fire Inspector.** A fire protection inspector shall possess demonstrated knowledge of the D.C. Building Code and other sections of the D.C. Construction Codes and NFPA Standards pertinent to the systems and devices under inspection and shall possess a current license as a professional engineer or registered architect and shall possess an acceptable combination of education and experience as described in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.2 Minimum Qualifications and Reliability Requirements for Approved Third-Party Inspection Agencies.** In order to become approved as a third-party inspection agency, the agency shall meet the requirements of this section, as well as any additional requirements set forth in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to the date of application).

1. **Submission of Information.** An approved third-party inspection agency shall provide all information necessary for the code official to determine that the agency meets applicable requirements, as set forth more fully in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to the date of application).

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2. Independence. An approved agency shall be objective and competent. The agency shall also disclose possible conflicts of interest so that objectivity can be confirmed.
3. Equipment. An approved 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.
4. Personnel. An approved 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.
5. Insurance Coverage. An approved agency shall possess a minimum of \$1,000,000 per occurrence "errors and omissions" insurance coverage in accordance with the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.2.6 Construction Professional in Charge.** A construction professional in charge shall possess demonstrated knowledge of the Construction Codes related to building structures and other construction features, and shall further possess an acceptable combination of education and experience, or NCPCCI certification and experience as set forth in more detail in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.2.7 Mechanical Professional-in-Charge.** A mechanical Professional in Charge shall possess demonstrated knowledge of the Construction Codes pertinent to mechanical systems, and shall further possess a current license as a professional engineer or registered architect and a minimum of three years experience in mechanical engineering or mechanical systems design and layout, and shall meet any other requirements set forth in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.2.8 Electrical Professional in Charge.** An electrical Professional-in-Charge shall possess demonstrated knowledge of the Construction Codes pertinent to electrical systems, a current license as a registered architect, and a minimum of three years experience in electrical design or construction in a position of responsible charge and shall meet any other requirements set forth in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application.)

**109.4.2.9 Plumbing Professional in Charge.** A plumbing Professional-in-Charge shall possess demonstrated knowledge of the Construction Codes pertinent to plumbing systems and shall possess an acceptable combination of education and experience as described in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.2.10 Elevator Professional in Charge.** An elevator Professional-in-Charge shall possess demonstrated knowledge of the Construction Codes pertinent to elevator systems and shall possess an acceptable combination of education and experience as described in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

**109.4.2.10 Fire Protection Professional in Charge.** A fire protection Professional-in-Charge shall possess demonstrated knowledge of the Construction Codes pertinent to fire protection systems and shall possess a current license as a professional engineer or registered architect and a minimum of three years experience in fire protection engineering in a position of responsible charge, and shall meet any other requirements set forth in the "Third-Party Inspection Procedures" published by the Department of Consumer and Regulatory Affairs (October 2002 edition or more current edition published prior to date of application).

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

**109.5 Inspection Requests.** 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 Sections 109.3 through 109.3.9.1.8 and 109.3.10 through 109.3.10.1, and for other critical items as directed by the code official.

**109.6 Approval Required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building 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 this code. Any portions that do not comply shall be corrected and such portions shall not be covered or concealed until authorized by the building official.

**109.7 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

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habitable portion of any building, the 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.

**109.7.1 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 Sec. 113.

**109.7.2 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.

**109.8 Coordination of Inspections.** Whenever in the enforcement of this code 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.

**109.9 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.

**109.10 Referral From Other Agencies.** Upon receipt of notices of violation from other inspection agencies, the code official shall investigate or inspect the alleged violations and obtain such compliance as may be required.

**109.11 Plant Inspection.** When required by the provisions of this 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 the District of Columbia Zoning Regulations, 11 DCMR Subsection 3202, no person shall use any structure, land, or part thereof for any purpose other than a one-family dwelling until a Certificate of Occupancy has been issued to that person stating that the use complies with the Zoning Regulations and related building, electrical, plumbing, mechanical and fire prevention requirements.

**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 this Section and Title 11 DCMR, the District of Columbia Zoning Regulations.

**Exception:** Existing one-family dwellings. For the purpose of this exception, a dwelling shall be deemed existing if it was built, under construction or a permit for its erection had been issued, on or before November 19, 1999, the date of adoption of the 1996 BOCA Codes.

**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 reinspection), provided there is no proposed change in use or increase in occupancy load.

**110.1.3 Exemption from Certificate.** A Certificate of Occupancy shall not be required for each separate apartment or bachelor apartment in an apartment building, or in tenements or apartments in a tenement house, if a certificate of occupancy is issued for the entire structure. For the purpose of this section, the term apartment, bachelor apartment, apartment house, tenement and tenement house shall have the meanings ascribed to them in 11 DCMR §199.1.

**110.1.4 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.

**Exceptions:**

1. Sanctuary and nave areas of places of worship in Use Group A-4.
2. One-family dwellings.
3. Community Based Residential Facility with six (6) or fewer beds.

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

**110.2.1 Application Procedure.** All applications for Certificate of Occupancy shall be filed with the Director or his or her designee on the prescribed forms provided by the code official. The applicant shall pay the prescribed filing fee at the time of the application. The code official shall collect the prescribed filing fee and refer the application to appropriate inspectors within five (5) working days from the date of filing. Where field inspections are deemed necessary, the inspection process shall be in accordance with Sections 110.2.2 through 110.2.3.4.