

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

CHAPTER 1A ADMINISTRATION AND ENFORCEMENT

Delete Chapter 1 in its entirety and substitute the following:

SECTION 101A GENERAL

101.1 The Construction Codes. The *D.C. Construction Codes* (2008), hereinafter referred to as the "*Construction Codes*," shall consist of the *Building Code*, *Residential Code*, *Electrical Code*, *Fuel Gas Code*, *Mechanical Code*, *Plumbing Code*, *Property Maintenance Code*, *Fire Safety Code*, *Energy Conservation Code* and *Existing Building Code*, as defined in Sections 101.2 through 101.4.8 of 12A DCMR, and shall include, as to any specific application, any waivers thereto authorized and duly granted by the code official, as define in Section 103.1 of the *Building Code*. The *District of Columbia Construction Codes Supplement of 2008* (the "*Construction Codes Supplement*") shall consist of the additions, insertions, deletions and changes to the 2006 edition of the *International Codes* published by the International Code Council (ICC) and to the *National Electrical Code* (2005) published by the National Fire Protection Association (NFPA) (collectively the "*International Codes*") which are adopted pursuant to the provisions of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1401 *et seq.*).

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

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

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

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

101.2.3 Scope. The provisions of the *Building Code* shall apply to the construction, alteration, addition, repair, removal, demolition, use, location, movement, enlargement,

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

Exceptions:

1. Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories above grade plane in height with a separate means of egress and their accessory structures shall be permitted to comply with the *Residential Code* listed in Section 101.3.
2. Existing buildings undergoing repair, alteration, additions or change of occupancy shall comply with the *Existing Building Code* listed in Section 101.4.8 or the current Construction Codes.

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

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

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

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

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

101.3.4 Intent. The purpose of the *Residential Code* is to establish the minimum

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

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

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

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

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

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

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

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

Exceptions:

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

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

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

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

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

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

101.4.2.3 Scope. The provisions of the *Fuel Gas Code* shall apply to the installation of fuel gas piping systems, fuel gas utilization equipment, gaseous hydrogen systems, and related accessories, as follows:

1. Gaseous hydrogen systems shall be regulated by Chapter 7.
2. The regulations cover piping systems for natural gas with an operating pressure of 125 pounds per square inch gauge (psig) (862 kPa gauge) or less, and for LP-gas with an operating pressure of 20 psig (140 kPa gauge) or less, except as provided in Section 402.6.1. Coverage shall extend from the point of delivery to the outlet of the equipment shutoff valves. Piping system requirements shall include design, materials, components, fabrication, assembly, installation, testing, inspection, operation, and maintenance.
3. Requirements for gas utilization equipment and related accessories shall include installation, combustion and ventilation air, and venting and connection to piping systems.

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

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

1. Portable LP-Gas equipment of all types that is not connected to a fixed fuel system.
2. Installation of farm equipment such as brooders, dehydrators, dryers and irrigation equipment.
3. Raw material (feedstock) applications except for piping to special atmosphere generators.
4. Oxygen-fuel gas cutting and welding systems.
5. Industrial gas applications using gases such as acetylene and acetylenic compounds, hydrogen, ammonia, carbon monoxide, oxygen and nitrogen.
6. Petroleum refineries, pipeline compressor or pumping stations, loading terminals, compounding plants, refinery tank farms and natural gas processing plants.
7. Integrated chemical plants or portions of such plants where flammable or combustible liquids or gases are produced by chemical reactions or used in chemical reactions.
8. LP-Gas installations at utility gas plants.
9. Liquefied natural gas (LNG) installations.
10. Fuel gas piping in power and atomic energy plants.
11. Proprietary items of equipment, apparatus, or instruments such as gas generating sets, compressors and calorimeters.
12. LP-Gas equipment for vaporization, gas mixing and gas manufacturing.
13. Temporary LP-Gas piping for buildings under construction or renovation that is not to become part of the permanent piping system.

14. Installation of LP-Gas systems for railroad switch heating.
15. Installation of LP-Gas and compressed natural gas (CNG) systems on vehicles.
16. Except as provided in Section FG-401.1.1 of the *Fuel Gas Code*, gas piping, meters, gas pressure regulators, and other appurtenances used by the serving gas supplier in the distribution of gas, other than undiluted LP-Gas.
17. Building design and construction, except as specified herein.
18. Piping systems for mixtures of gas and air within the flammable range with an operating pressure greater than 10 psig (69 kPa gauge).
19. Portable fuel cell appliances that are neither connected to a fixed piping system nor interconnected to a power grid.

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

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

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

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

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

101.4.3.4 Intent. The purpose of the *Mechanical Code* is to provide minimum

standards to safeguard life or limb, health, property, public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of mechanical systems.

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

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

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

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

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

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

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

101.4.5.2 Scope.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Existing Building Code shall also establish requirements for existing elevators and escalators.

101.4.8.4 Intent. The purpose of the *Existing Building Code* is to provide flexibility to permit the use of alternative approaches to achieve compliance with minimum requirements to safeguard the public health, safety and welfare insofar as they are affected by the repair, alteration, change or occupancy, addition and relocation of existing buildings.

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

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

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

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

Exception: Alterations complying with the laws in existence at the time the building or the affected portion of the building was built shall be considered in compliance with the provisions of the *Existing Building Code* unless the building has sustained substantial structural damage as defined in Section 506.2, or the building is undergoing more than a limited structural alteration as defined in Section 807.5.3. New structural members added as part of the repair or alteration shall comply with the *Building Code*. Repairs and alterations of existing buildings in flood hazard areas shall comply with Sections 302.1, 501.4 and 601.3,

respectively, of the *Existing Building Code*.

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

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

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

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

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

101.5.2 Foreign Missions. The *Construction Codes* shall apply to those buildings occupied by or for any foreign government as an embassy or chancery to the extent provided for in Section 206 of the Foreign Missions Act, approved August 24, 1982 (96 Stat. 286; D.C. Official Code § 6-1306(g)), that is, foreign missions shall substantially comply with the *Construction Codes* as required by the U.S. Secretary of State in a manner determined by the Secretary to be not inconsistent with the international obligations of the United States. Notwithstanding the foregoing, a permit shall be

required for all land disturbing activities.

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

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

SECTION 102A APPLICABILITY

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Exceptions:

1. Provisions of the *Building Code*, the *Property Maintenance Code*, the *Fire Prevention Code* or the *Existing Building Code* that are specifically required to be applied retroactively.
2. Provisions of the *Construction Codes* deemed necessary by the code official, as defined in Section 103.1 of the *Building Code*, for the general safety, health and welfare of the occupants and the public.

102.7 Continuation of Unlawful Use. The continuation of occupancy or use of a building or structure, or of a part thereof, contrary to the provisions of the *Construction Codes* or to the provisions of the District of Columbia Zoning Regulations (11 DCMR), as amended from time to time, or any relief granted or order issued pursuant thereto (collectively the “*Zoning Regulations*”), shall be deemed a violation or infraction under Section 113 of the *Building Code*. The code official, defined in Section 103.1 of the *Building Code*, is authorized to issue a notice of violation and order requiring discontinuance of the use or occupancy pursuant to Section 113 of the *Building Code* and the owner or other violator shall be subject to the penalties or fines prescribed in Section 113 of the *Building Code*.

SECTION 103A DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

103.1 Code Official. The Director of the Department of Consumer and Regulatory Affairs shall enforce the provisions of the *Construction Codes*, except those of the *Fire Prevention Code* as provided in 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 shall have the authority to delegate his or her duties and powers under the *Construction Codes*, but he or she shall remain responsible for the proper performance of those duties and powers.

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

103.2 Code Official for the Fire Prevention Code. The Fire Chief of the D.C. Fire and Emergency Medical Services Department shall be the code official for the enforcement of the Fire Prevention Code, except that the Director of the Department of Consumer and Regulatory Affairs shall be the code official for the enforcement of all Fire Prevention Code provisions pertaining to 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 the *Construction Codes*, or the preparation of plans or specifications of a building under the jurisdiction of the *Construction Codes*, unless the official or employee is the principal owner of the building.
2. **Conflict with Official Duties.** Engaging in any work which conflicts with official duties or with the interest of the Department.
3. **Private Work.** Directly or indirectly engaging with or accepting remuneration from any private person, firm, or corporation for the performance of any work as a designer, architect, engineer, consultant or inspector, which work is to be submitted to, passed upon, reviewed, or inspected by any officer of the District of Columbia charged with the administration of any portion of the *Construction Codes*.

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

shall provide information that is current as of the date stated on the response.

SECTION 104A DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official shall enforce the provisions of the *Construction Codes* and shall act on any question relative to the mode or manner of construction and the materials to be used in the erection, addition to, alteration, repair, removal, demolition, installation of service equipment and the location, use, occupancy and maintenance of buildings and structures, except as otherwise specifically provided for by statutory requirements or as provided for in 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 cause the removal of illegal or unsafe conditions, to require the necessary safeguards during construction, to require adequate means of egress facilities in existing buildings and structures, to ensure compliance with the applicable code requirements for the safety, health and welfare of the public, and shall institute administrative and legal actions to correct violations or infractions, including actions pursuant to An Act To authorize the Commissioners of the District of Columbia to remove dangerous or unsafe buildings and parts thereof, and for other purposes, approved April 14, 1906 (34 Stat. 114: D.C. Official Code § 42-3131.01 *et seq.*), and the Abatement and Condemnation of Nuisance Properties Omnibus Amendment Act of 2000, as amended, effective April 19, 2002 (D.C. Law 14-114; D.C. Official Code § 42-3171.01 *et seq.*)

104.4 Inspections. The code official shall make or cause to be made the required inspections for which a permit or certificate has been issued, except third-party and special inspections done under Sections 109.4 or 109.3.13 or Chapter 17 of the *Building Code*. The code official is authorized to accept reports of inspection by approved third party or special inspection agencies in accordance with Sections 109.4 or 109.3.13 and Chapter 17 of the *Building Code*. All reports of such third party or special inspection agencies shall comply with the requirements set forth in Sections 109.4, 109.3.13 or Chapter 17 of the *Building Code*, as applicable. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that may arise.

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

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

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

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

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

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

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

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

approval.

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

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

104.9.3 Assembled Components. Any mechanical or electrical appliance which is not labeled, listed or classified by an approved testing agency, which is an assembly of individually labeled or listed subassemblies or components and which is proposed to be installed in the District of Columbia, shall be tested and approved in accordance with Section 104.9.2 of the *Building Code*, before a permit can be granted for its installation.

104.9.4 Manufactured Homes. Before erecting or installing in the District of Columbia any prefabricated structure, manufactured at a remote site and transported in one or more sections, to be used as a one or two-family dwelling, a certificate of approval by a third party inspector approved by the code official shall be furnished with every prefabricated assembly. Placement of prefabricated assemblies at the building site shall be inspected by the code official to determine compliance with the Residential Code. A final inspection by the code official shall verify all field connections, including any factory required structural connections, and any other construction not approved by the factory third party. Provisions in Appendix E of the Residential Code is incorporated by this reference.

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

104.10 Modifications. Wherever there are practical difficulties or undue economic hardship involved in carrying out the provisions of the *Construction Codes*, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or

owner's representative, provided the code official shall first find that special individual reason makes the strict letter of the *Construction Codes* impractical and the modification is in compliance with the intent and purpose of the *Construction Codes* and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modification shall be recorded and entered in the appropriate files of the Department. The code official may seek the opinion of the Office of the Attorney General for the District of Columbia when deemed necessary for the requested modification.

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

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

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

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

SECTION 105A PERMITS

105.1 Required Permits. A permit shall be obtained from the code official before any of the construction activities or regulated actions specified in 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. Special sign permit
7. Projection permit.
8. Public space permit.
9. Specialty permit.
10. Miscellaneous permit.
11. 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 Sections 105.5.4 through 105.5.4.3 shall be deemed in compliance with the permit requirement of this section.

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

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

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

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

1. New construction, including constructing, adding to or moving a building or structure;
2. Altering or repairing an existing building or structure;

3. Build-out the interior layout of a tenant space within a new building shell;
4. Repair fire damage to a building or structure;
5. Erect or replace a retaining wall;
6. Erect or replace a fence;
7. Erect or replace an awning, canopy, tent or other membrane structure, or similar structures;
8. Install or remove an underground storage tank;
9. Erect a radio, television or other telecommunications tower;
10. Construct, alter or repair a swimming pool;
11. Construct supporting structures for heavy equipment.
12. Underpinning;
13. Change of use or occupancy, increase in load or modification of floor layout of the building or structure.

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

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

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

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

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

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

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

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

105.1.10 Public Space Permits. A public space permit is required for all construction activity conducted in the public space as specified by 24 DCMR, including, but not limited to, the following:

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

2. To install temporary fences, sidewalk protection or construction trailers in public space;
3. To install cranes or similar hoisting devices;
4. To place a dumpster for construction debris;
5. To locate refrigeration systems in accordance with Section 120.2 of the *Building Code*;
6. To otherwise occupy public space, to the extent deemed necessary by the Director of the Department of Transportation to be in the public interest.

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

1. Underpinning Permit, to underpin existing walls, footings, foundations or other structural load bearing elements.
2. Excavation Permit, to excavate or perform other earth disturbing activities. All work shall comply with soil erosion and sedimentation control regulations specified in 21 DCMR Section 502.1 and the storm water management regulations specified in 21 DCMR Section 526.1.
3. Sheet piling and Shoring Permit, to install excavation and slope stabilization systems.
4. Grading Permit, for grading, regrading or land filling operations. All work shall comply with soil erosion and sedimentation control regulations specified in 21 DCMR Section 502.1 and the storm water management regulations specified in 21 DCMR Section 526.1.
5. Capacity Placard Permit, to obtain approval of the posted maximum occupant load for the placards required by Section 1004.3.
6. Capacity Increase Permit, to secure approval of an increase in allowable occupant load for a building or premises.
7. After-Hours Permit, to engage in construction, installation, maintenance, alteration, repair, demolition, or razing activities outside normal working hours, subject to noise regulations set forth in 20 DCMR chapters 27 and 28, 14 DCMR §2515, and the “Georgetown Project and Noise Control Amendment Act of 2004”, effective December 7, 2004 (DC Law 15-214;. For the purposes of this permit, normal working hours shall be from seven (7) a.m. to seven (7) p.m., Monday through Saturday, exclusive of legal holidays.
8. Tower Crane Permit, to install cranes or other similar hoisting devices, in public space or private property.

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

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

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

1. Installing stationary scaffolding above two stories in height;
2. Cleaning exteriors of buildings or structures, in private or public space, using steam, chemical cleaning or sandblasting;
3. Blasting operations;
4. Waterproofing and damp proofing;
5. Erecting observation stands, except as provided by section 105(g) of the First Amendment Rights and Police Standards Act of 2004, effective April 13, 2005 (D.C. law 15-352);D.C. Official Code § 5-331.05(g)) for First Amendment assemblies;
6. Renewal Permit, to obtain an extension of a valid unused building permit, as authorized by 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, to include a building, in a historic district or on a historically designated building or structure.
9. Transfer of a valid building permit as authorized by Section 105.3.1.3.

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

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

1. Supplemental electrical installation permit, for installation of electrical systems and fixtures, as specified in Section 105.1.14.
2. Supplemental fuel gas installation permit, for installation of gas-fueled appliances and equipment, as specified in Section 105.1.15.
3. Supplemental mechanical installation permit, for installation of refrigerating and cooling systems and mechanical equipment, as specified in Section 105.1.16.
4. Supplemental plumbing installation permit, for installation of plumbing systems and fixtures, as specified in Section 105.1.17.
5. Supplemental air quality permit, to obtain license to install and/or operate stationary air pollution source equipment or an air pollution control device on a stationary source, as specified in Sections 200.1 and 200.2 of Title 20 DCMR, except as exempted in the same Title.
6. Supplemental elevator/escalator permit, for installation, modernization alteration or repair of new and existing elevators, escalators or conveying systems, except for general maintenance per ASME A17.1 Section 8.6, and A17.3 (2005).

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 alarm and detection systems and other power limited wiring, such as burglar alarms, telephone data cables, and security, installed by other than public utility companies.
2. **Electrical Signs.** Electrical permit shall be required for the erection of a sign on or in which lights of any description are to be used, or which will be illuminated by artificial means.
3. **Preventive Maintenance.** Electrical permits are required to perform preventive maintenance in switchboards, as required in Article E-408-23 of the *Electrical Code*.
4. **Temporary Wiring.** Electrical permit shall be required for the installation of electric wiring of a temporary nature for light, heat, or power purposes, and is

issued contingent upon the removal of said wiring and apparatus upon expiration of the permit.

5. **Barricade Lamps.** Electrical permit shall be required for temporary obstruction barricade lamps on or over an authorized temporary enclosing fence or barricade on public property and for other temporary lighting in public space back of the inner edge of a public sidewalk; such temporary permits shall be approved by the District of Columbia Department of Transportation (DDOT).
6. **Construction Hoists.** Electrical permit shall be required for the installation of building material hoists used in building construction.
7. **Electrical Current Use During Building Construction.** Electrical permit shall be required for the temporary use of electric current for light, heat, or power purposes on any permanent system of wiring, pending completion and final approval thereof.
8. **Electrical Work in Connection with the Installation of Mechanical Equipment.** Electrical permit shall be required for electrical work in connection with the installation of mechanical equipment, including elevators and escalators.

105.1.14.1 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.

105.1.14.2 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.

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

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

permits shall be obtained for the following:

1. Gas fired water or space heating appliances other than boilers.
2. Gas fired boilers in single-family dwellings.
3. Gas fired hot water boilers with a gas input rating of less than 525,000 Btu/h (154 kW).

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

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

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

105.2 Work Exempted from Permit. The types of work listed in this section, in the amounts indicated hereafter, shall not require a permit, except as provided for in 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, for one and two family dwellings only.
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 for one and two-family dwellings only.
 - b. Roofing and coping.
 - c. Siding.
 - d. Gutters and downspouts.
 - e. Private sidewalks and driveways.
 - f. Patios.
 - g. Non-rated suspended ceiling tile.
 - h. Floor coverings.
 - i. Not more than 160 square feet (14.9m²) of gypsum board.
 - j. Not more than 10 linear feet (3.05m) of ductwork, in other than hazardous exhaust and commercial kitchen exhaust systems.
10. Pedestrian walkways and driveways not more than 30 inches (762 mm) above grade and not over any basement or story below and which are not part of a required accessible route.
11. Prefabricated pools accessory to a Use Group R-3 occupancy, or accessory to buildings under the jurisdiction of the Residential Code, which are less than 24 inches (610 mm) deep, do not exceed 1,000 gallons (4 000 L) and are installed entirely above ground.
12. Swings and other playground equipment accessory to one- and two-family dwellings.
13. Window awnings supported by an exterior wall of Use Group R-3 buildings, and awnings exempted per Section 3105.
14. Movable cases and counters not over 5 feet 9 inches (1753 mm) in height, in spaces of Use Group M.
15. Excavation Permit for minor land disturbing activities as defined in Title 21 DCMR.

- a. Home gardening and individual home landscaping repairs and maintenance;
- b. Single family dwelling utility service connections or utility construction, where excavated material is removed from the job site;
- c. Tilling, planting, or harvesting of agricultural or horticultural crops;
- d. The digging of holes for fences, sign posts or poles;
- e. Emergency work to protect life, limb, or property, and emergency repairs. In all land disturbing activities that would have required an approved erosion and sedimentation control plan, the land disturbed shall be shaped and stabilized in accordance with the requirements of the *Construction Codes*.

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

105.2.2 Ordinary Repairs. Supplemental permits are not required for certain ordinary repairs, as specified in 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 Fuel Gas Permits Not Required. A fuel gas installation permit shall not be required for minor repairs to fuel gas systems, not involving any cutting into, plugging, extension, relocation or removal of any gas pipe.

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

1. Any portable heating appliance.
2. Any portable ventilation equipment.
3. Any portable cooling unit.
4. Replacement of any minor part, which does not alter approval of equipment, or make it unsafe.
5. Any portable evaporative cooler.
6. Any self-contained refrigerating system with a refrigerating effect of 24,000 Btu/h (7,034 W) or less.
7. Any non-kerosene-fueled water or space heating appliance other than boilers.
8. Distribution, exhaust, and make-up air systems ductwork and appurtenant devices, such as dampers, connectors, louvers, diffusers, grilles, or insulation.
9. Air circulation, supply, or exhaust fans.
10. Work exempted by item 9.j of Section 105.2.

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

1. Repairs, which involve only the working parts of a faucet or valve.
2. Clearance of stoppages.
3. Repairing of defective faucets or valves, provided alterations are not made to the existing piping and fixtures.
4. Minor repairs not involving the removal or setting of any plumbing fixtures.
5. Repair or replacement of water meters performed by the District of Columbia Water and Sewer Authority (WASA).

105.2.3 Public Service Agencies. A permit shall not be required under the *Construction Codes* for the installation, alteration or repair of equipment used for generation,

transmission, distribution, metering or treatment that is under the ownership or control of public service agencies subject to the jurisdiction of the Public Service Commission, or of WASA.

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

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, 15 and 17.d. of Section 105.2, and the work is to occur on the land of or the exterior of buildings or structures located in historic districts, or of historically designated buildings or structures, an application for a building permit, pursuant to 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 m²) 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. If a property is located in a CM or M zone district, the “Standards of External Impact” application required by the District of Columbia Zoning Regulations (11 DCMR) (the “*Zoning Regulations*”) shall also be submitted. The code official may reject an application at the time of filing if the application and required supporting documents are not substantially complete.” Submittal requirements shall be in accordance with Section 106. The application form shall contain the statement “Making of a false statement in this form is punishable by criminal penalties pursuant to D.C. Official Code § 22-2405” in the applicant’s signature box.

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

requirements of the *Construction Codes* and all applicable laws, rules, and regulations, the code official shall issue a permit as soon as practicable.

105.3.1.1 Expedited Construction Documents Review Procedures; Third-Party Plan Review The applicant shall have the option of providing for a third-party plans reviewer or third-party reviewing agency, at the applicant's expense, to perform a code compliance review of the project, including review of one or more components of the construction documents set forth in this section, and to provide the code official with a certified report of the findings of the review, in a format acceptable to the code official. "Components" of construction documents as used in this section shall refer to the various disciplines requiring review. The code official shall accept such reports from approved third-party plans reviewers or plans review agencies, provided that the code official determines that such agencies and reviewers satisfy the qualification and reliability requirements established by the code official and all such reports are certified by reviewers who are graduate architects, or engineers, or equivalent, with applicable certification for the review or possess a valid license as a registered architect or professional engineer in the District of Columbia and certified for the review. 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*, DCRA shall complete its review within 15 days of application submission. The code official's final approval of the construction documents and issuance of related permits will be provided upon receipt of approvals from other reviewing agencies.

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

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

1. Each third-party plans reviewer who reviews construction documents shall possess the appropriate licenses and/or certifications and expertise in order to review the type of documents being reviewed, and shall submit evidence annually that his or her license and/or certification is valid.
2. Each plans review agency shall have adequate staff with the appropriate licenses and/or certifications and expertise to review the types of construction documents that they propose to review. All approved submitted construction documents shall bear the stamp and signature of the approving reviewer for the respective

discipline.

3. A third-party plans reviewer or plans review agency shall meet the independence and ethical requirements set forth in D.C. Official Code § 6-1405.03 (4), (5), (6), (7), (8) .
4. Each third-party plans review agency shall include at least one registered architect or professional engineer licensed in the District of Columbia who shall act as the professional in charge of the review and who shall certify the plan reviews performed by the agency. Any person, architect or engineer working for the agency who is not so licensed shall work under the direct supervision of an architect or professional engineer who holds a current registration in the District of Columbia.
5. Each plans reviewer who reviews construction documents under this section, either as a third-party plans reviewer or as a member of a plans review agency, shall have an accredited degree in architecture or engineering or equivalent and an acceptable level of expertise and experience in the performance of code compliance reviews in the disciplines for which he or she is seeking certification, which shall include at a minimum: possession of a current ICC certification as a plans reviewer, or a certifying agency recognized by the code official , in the discipline or disciplines in which the reviewer is applying to perform reviews. With respect to any third-party plans reviewer or third-party plans review agency certified as of the effective date of the *Construction Codes*, such entities shall have one year from the effective date to come into compliance with the certification requirement.
6. Such additional requirements as the code official may impose from time to time to ensure the accuracy and reliability of the plans reviewers and the plan reviews conducted.

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

identified in the application or changes in licensing, registration or certification status.

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

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

105.3.1.1.3.1 Third Party Review Restriction: A third party reviewer/agency shall not perform plan review and inspection of the same project.

105.3.1.1.4 Expedited Construction Documents Review Procedures. In order to participate, the property owner, agent or permit applicant shall advise the Department, in the construction permit application, that a certified third-party plans reviewer or third-party plans review agency will review one or more disciplines of the construction documents in conformity with the provisions of D.C. Official Code, §6-1405.03. The 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. The certified third-party plan reviewer or the certified third-party plan review agency shall be identified on all submitted plan review documents.

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

105.3.1.1.6 Review of Work Conducted by Third-Party Plans Reviewers and Revocation of Certification. The code official shall periodically conduct a detailed unannounced audit of documents reviewed by third-party plans reviewers and plans review agencies, and shall also maintain a tracking system to monitor the recommendations of the third-party plans reviewers. If the code official determines that plans

recommended by the third-party reviewer or third-party reviewing agency for approval do not meet the requirements of the *Construction Codes* or that the reviewer or agency has failed to meet other requirements of this section, or of section 6(c) of the Homestart Regulatory Improvement Amendment Act, D.C. Law 14-162, effective June 25, 2002 (D.C. Law 14-162; D.C. Official Code, § 6-1405.03), or any regulations promulgated thereunder, the code official is authorized to revoke the certification of the third-party reviewer or third party reviewing agency upon written notice, including the reason for the revocation. The certification may be reinstated if the Director determines that the third-party reviewer or third party reviewing agency has remedied the violation that formed the basis for the revocation and the reviewer, or professional in charge in the case of a reviewing agency, possesses a valid license as an architect or professional engineer in the District of Columbia.

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

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

105.3.1.3.1 Transfer of Permit. If the owner or lessee of the building or structure should change, an unexpired permit may be transferred to a new owner or lessee upon approval by the code official of an application by the new owner or lessee, in a form specified by the code official, to transfer the permit.

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

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

105.3.1.6 Approval of Partial Plans. The code official is authorized to issue a partial permit for the construction of foundations or any other part of a building or

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

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

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

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

105.3.2 Time Limitation of Application. Application and supporting documentation for any proposed work shall be deemed to have been abandoned if the applicant fails to obtain the permit within six months of the date of written notification by the code official that the permit is ready for issuance, or if the applicant fails to make the required changes in the application, plans or other supporting documents within one year of the date of written notification by the code official that the plans review is complete and that changes are required before the permit shall be issued. Refunds of the unused portion of the application file deposit shall be made pursuant to 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. Inspections are required to verify that work has not been suspended or abandoned for a period of one year.

Exception: Any permit issued for work on premises or structures that have been deemed to be unsafe or unfit for human occupancy (in accordance with Section 115A), or abandoned or deteriorated property (in accordance with D.C. Official Code § 42-3171.01 *et seq.*), shall become invalid if the authorized work is not begun within thirty (30) days after the permit is issued, and completed within six (6) months after the date work is begun, or is extended in accordance with Section 105.5.1

105.5.1 Extension of Permit. A permit extension is required if no work has begun within one year. Upon written request, and upon a showing of good cause, the code official is authorized to grant extensions of time not to exceed six (6) months per extension. Not more than three (3) extensions of time will be granted to any permit.

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

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

official.

105.5.3 Non-Transferable Supplemental Permits. A new supplemental installation permit should be obtained pursuant to 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 fuel gas permits.
3. Postcard mechanical permits.
4. Postcard electrical permits (general).
5. Postcard electrical service permits (heavy-up).
6. Postcard building permits.

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

1. Postcard building permits: any applicant is allowed to purchase; only a building owner, lessee, or authorized agent of either is allowed to submit a postcard building permit.
2. Postcard electrical permits (general): master electricians and homeowners are allowed to purchase; homeowners are allowed to purchase limited quantities, consistent with the anticipated scope of work of one (1) one-family dwelling; homeowners are only allowed to submit postcard permits for work done in their own one-family home; master electricians are allowed to use the permits regardless of location.
3. Postcard electrical service permits (heavy-up): electrical contractors only.

4. Postcard fuel gas permits: master plumbers and master gasfitters.
5. Postcard mechanical permits: master mechanics only.
6. Postcard plumbing permits: master plumbers only.

105.5.4.1.2 Postcard Permit a Privilege. The code official shall have the right to deny the privilege of purchasing or using postcard permits to any qualified applicant who fails to submit a postcard permit timely, or who misuses the postcard permits as a means to evade full compliance with the application requirements of 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 the *Construction Codes* and shall subject the applicant to penalties and fines pursuant to Section 113.

105.5.4.2 Postcard Permit Limitations. The scope of validity of each type of postcard permit is limited by the conditions specified in 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 Building Permit Limitations. Postcard building permits shall be acceptable for a scope of work within the limits of any one of the categories listed hereafter. A separate postcard permit shall be required for each category when the scope of work includes items in more than one category.

1. Repair a fence up to a height of seven (7) feet (2.13 m) above grade, entirely located in private property and behind the building restriction line.
2. Interior demolition of non-bearing elements in a space up to 5,000 square feet.
3. Application of fire-retardant paint, up to five (5) gallons (19 L).
4. Erection of one (1) Christmas Tree Stand on private property.
5. Renewal of an active building permit.
6. Revision of an active permit for change of ownership or change of address.
7. Repairs of one of the following items:
 - a. Existing fire escape.
 - b. Front porch and steps in a single-family dwelling.
 - c. Rear porch and steps in a single-family dwelling.
 - d. Up to four (4) stories of a single interior stairway.
 - e. Guardrails and/or handrails in up to four (4) stories of a single interior stairway.
 - f. Guardrails of up to five (5) balconies.
8. Replacement *in kind* of one of the items listed hereafter. For the purpose of this section, "replacement in kind," when applied to architectural features, means replacement with a feature of like material that replicates the existing feature in proportion, appearance, texture, design, detail, location and dimensions.
 - a. Guards and guardrails of up to five (5) balconies and/or exterior porches on the same building.

- b. Up to five (5) fire windows.
- c. Up to five (5) fire doors.
- d. Up to five (5) fire or smoke dampers.
- e. Up to ten (10) sprinklers, on an existing residential, commercial or industrial system.
- f. Rated suspended ceiling tile in an area up to 5,000 square feet (464.5 m²).
- g. Existing fence on private property.
- h. Interior wall coverings.
- i. Up to 800 square feet (74.3 m²) of gypsum board.
- j. Ductwork in a single family dwelling of a single system, in other than hazardous exhaust and commercial kitchen exhaust systems.
- k. Guards, guardrails and/or handrails in up to four (4) stories of a single interior stairway.

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

1. Installation of a total of not more than ten (10) new outlets or new lighting fixtures, on a residential, commercial or industrial project.
2. Replacement or repair of not more than ten (10) existing outlets and not more than ten (10) existing lighting fixtures, on a residential, commercial or industrial project.
3. Installation of not more than ten (10) new outlets in a power-limited system, on a residential, commercial or industrial project.
4. Replacement of not more than one (1) residential electric appliance on a residential project.

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

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

1. Repairs to existing fuel gas systems, including the connection of

not more than one (1) new gas appliance.

2. Minor alterations to existing fuel gas systems, including the installation of not more than one (1) new gas appliance. For the purpose of this section, minor alterations shall not include changing the layout of the fuel gas system piping serving more than two (2) appliances.
3. Replacement of not more than one (1) gas appliance, on a residential, commercial or industrial project.
4. Testing of a single gas line.

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

1. Repairs to not more than one (1) existing refrigerating or cooling system, up to a maximum of 10-ton of equivalent refrigerating effect.
2. Conversion of one (1) existing refrigerating or cooling system to adapt it to use an environmentally safe refrigerant, in a residential, commercial or industrial facility, not including the installation of related detection, alarm and ventilation devices.
3. Installation, as required, of gas detection, alarm and ventilation devices, related to the use of environmentally safe refrigerants as a result of the conversion of existing refrigerating or cooling systems in a single location inside a residential, commercial or industrial facility.

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

1. Installation of not more than one (1) new plumbing fixture, on a residential, commercial or industrial project.
2. Repairs to existing plumbing systems, including the installation of not more than one (1) new fixture.

3. Minor alterations to existing plumbing systems, including the installation of not more than one (1) new fixture. For the purpose of this section, minor alterations shall not include changing the layout of piping serving more than three (3) fixtures, including domestic water, sewer or venting systems.
4. Replacement of not more than one plumbing fixture, on a residential, commercial or industrial project.
5. Installation of one (1) backflow preventer.
6. One (1) sewer or water line cut.
7. Pressure testing of a single water system.

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

1. Building postcard permits, equal to the fee for a miscellaneous building permit.
2. Postcard electrical permits (general), equal to the fee for an electrical installation permit for up to 10 junction boxes.
3. Postcard electrical (service heavy-up) permits, equal to the fee for an electrical installation permit for a service heavy-up of up to 200 Amp.
4. Postcard fuel gas permits, equal to the fee for an installation permit for a single gas appliance.
5. Postcard mechanical permits, equal to the fee for an installation permit for a 10-ton air-conditioning system.
6. Postcard plumbing permits, equal to the fee for an installation permit for a single plumbing fixture.

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

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

2. When the construction does not comply with the *Construction Codes, Zoning Regulations*, the permit, the revised permit, one or more conditions of any Board of Zoning Adjustment or Zoning Commission Order that authorized the construction, or the approved plans and other information filed to obtain the permit, and when the permit holder fails to correct the non-conforming situation, within the time period specified in a notice or order issued under Section 113;
3. When the permit holder has been cited under 12A DCMR 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;
4. When the construction has been posted with two (2) or more stop work orders, under 12A DCMR 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;
6. When the code official determines that the permit has been issued in error or on the basis of incorrect information supplied; or
7. When the use is located in a CM or M zone district and the use violates the "Standards of External Impact" described in its Certificate of Occupancy application

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

1. If the permit holder fails to request a hearing from (a) the Office of Administrative Hearings within ten (10) business days of receipt of the notice of revocation with respect to violations of the *Construction Codes* or (b) the Board of Zoning Adjustment within sixty (60) days of receipt of the notice of revocation with respect to violations of the *Zoning Regulations*; or
2. If the Office of Administrative Hearings or Board of Zoning Adjustment finds that grounds exist to revoke the permit as the result of a hearing requested by the permit holder pursuant to Section 105.6.4.

105.6.1.2 Summary Revocations; Cancellations

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

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

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

105.6.2 Notice of Revocation. Except as provided in Section 105.6.21, the permit holder 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, the *Construction Codes* or the *Zoning Regulations* which have been violated; and
3. A statement advising the permit holder of the right to appeal the revocation in accordance with Section 105.6.4.

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

1. Personal service on the permit holder or the permit holder's agent; or
2. Delivering the notice to the last known home or business address of the permit holder as identified by the permit application, the tax records, or business license records, and leaving it with a person over the age of sixteen (16) years old residing or employed therein; or
3. Mailing the notice, via first class mail postage prepaid, to the last known home or business address of the permit holder or the permit holder's agent as identified by the permit application, the tax records, or business license records; or
4. If the notice is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice in a conspicuous place in or about the structure affected by such

notice.

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

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

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

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

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

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

105.6.4.3 Expedited Hearings. When a summary revocation is ordered under item 3 of Section 105.6 of this chapter, the permit holder may request an expedited hearing from the Office of Administrative Hearings within seventy-two (72) hours (excluding Saturdays, Sundays, and legal holidays) to review the reasonableness of the revocation order. At this hearing, the code official shall

have the burden of establishing a prima facie case of immediate or serious and continuing endangerment. No stay of the code official's decision to revoke a permit under item 3 of Section 105.6 shall be permitted pending the final resolution of the hearing.

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

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

SECTION 106A CONSTRUCTION DOCUMENTS

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

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

106.1.1 Engineering Details. The code official shall require adequate details of structural, electrical, fuel gas, mechanical, plumbing, and energy conservation work to be filed, including computations, stress diagrams and other technical data essential to assess compliance with the *Construction Codes*, as further specified in Sections 106.1.2 through 106.1.14. All engineering plans and computations shall bear the signature of the D.C. licensed professional engineer responsible for the design as required by 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 new construction/installations of elevators, escalators and other vertical transportation systems including, but not limited to, accessibility lifts.
11. Pre-engineered elements.
12. Suspended plaster ceiling systems.
13. Underpinning.
14. Sheeting and shoring.
15. Formwork.
16. Automatic fire suppression systems.
17. Fire alarm systems.
18. Smoke control systems
19. Commercial kitchen hood suppression systems.
20. Flammable and combustible liquid storage tanks.
21. For all modernization or alterations which include one of more of the following:
 1. Change in type of service (e.g., freight to passenger, passenger to freight).
 2. Change in class of loading (e.g., freight Class A to Class C).

3. Increase in capacity.
4. Increase in speed.
5. For all elevator machine replacements which require a change of support beams and/or support structures.

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

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

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

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

106.1.4.1 Certification of Structural Design. When the structural portions of such plans have been prepared by a professional engineer registered in the District of Columbia, practicing in the field of structural engineering, the owner shall have the option to submit with such plans a certificate, duly executed by such structural engineer on a form provided by the code official, that the structural portion of the plans complies with the structural requirements of the *Construction Codes*. The code official is authorized to accept the structural portions of the plans thus certified, at the code official's discretion, provided the certificate is duly notarized and witnessed. Each sheet of each set of plans certified under this section shall bear the original seal and signature of the certifying engineer, under the following statement: "Structural plans certified as provided in 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 Fire Protection Information. The applicant shall provide plans and schedules, in quadruplicate, in sufficient detail showing the features and characteristics of all fire protection systems components for any system required by the *Construction Codes* or otherwise proposed to be installed, including but not limited to the following. The construction documents shall show the location and type of all fire alarm devices, fire alarm control equipment and panels, fire alarm primary and backup power sources. The construction documents shall include sufficient information and detail to adequately describe the elements of any smoke control systems including equipment location and engineering needs as required by the *Construction Codes*. The construction documents shall show the standpipes and automatic sprinkler system infrastructure, including the location, size and type of risers, valves, flow and pressure sensors, siamese connections, fire pump, jockey pump, pump controllers, pump test pipes and other appurtenances of the system, as applicable. The type of sprinkler system and areas and openings requiring special coverage shall be so noted on the construction documents. The construction documents shall show details of other fire suppression systems, including gaseous and kitchen hood systems. The construction documents shall show capacities and loads of the means of egress, maximum travel distances at every floor, remoteness between exits, fire resistance rating of structural members, floors and walls enclosing means of egress, rating of fire doors and fire dampers, location and type of exit signs and emergency lighting. Construction documents for work in part of an existing building shall include a scoping document listing all floors of the building and the extent to which each floor is protected with an automatic fire suppression system. Construction plans containing fire protection systems data shall be drawn to a scale of not less than 1/8 inch to the foot (10 mm/m).

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

provisions for access to elevator pits, provisions for drainage of elevator pits, provisions for illumination and electric power in elevator machine rooms, elevator hoistways, elevator pits and elevator equipment spaces shall be shown on the construction documents, as applicable. The construction documents shall show the location of provisions for emergency disconnect of elevator power in elevator pits, elevator machine rooms and elevator equipment spaces, and shall show the location of sprinkler valves and sprinkler flow sensors for systems serving elevator machine rooms and hoistways, as required.

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

1. Places of public assembly and education and control of emergency lighting systems in accordance with Section 1006 and hazardous uses requirements in Chapter 4 of the *Building Code*.
2. Stairway and exit illumination in accordance with Section 1205 and Section 1006 of the *Building Code*; "Exit" sign lighting circuits in accordance with Section 1011 of the *Building Code*; elevator car illumination in accordance with Chapter 30 of the *Building Code*.
3. Electrical equipment and control of heating, refrigerating and ventilating machinery and devices in accordance with the *Mechanical Code* listed in Chapter 35.
4. Fire protective signaling systems, automatic fire detection systems, fire department communications and supervisory services in accordance with Section 901.6 through 901.6.3 and 907 of the *Building Code*.
5. Wiring of signs in accordance with Sections 3107 of the *Building Code*; and radio and television antennas in accordance with Section 3108.0 of the *Building Code*.
6. Power control electric operation and circuit wiring of elevators and escalators in accordance with Chapter 30 of the *Building Code*.
7. Illumination of spaces intended for human occupancy in accordance with Section 1205 of the *Building Code*.
8. Backup emergency and standby power systems.

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

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

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

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

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

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

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

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

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

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

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

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

Exceptions:

1. The code official is authorized to waive the submission of construction documents and other supporting data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that reviewing of construction documents is not necessary to obtain compliance with the *Energy Conservation Code*.
2. For residential buildings having a conditioned floor area of 5,000 square feet (465 m²) or less, designs submitted under the provisions of Chapter 4 of the *Energy Conservation Code* shall be prepared by anyone having qualifications acceptable to the code official.

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

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

106.1.12 Zoning Compliance Review Data. The applicant shall provide to the Zoning Division of the Department not less than four (4) copies of plans drawn to a scale indicated numerically as well as depicted graphically, showing orientation of the property as to true North, and the following:

1. The shape, dimensions and topography of the lot to be built upon, in sufficient detail to allow determination of heights above existing and proposed finished grade of all proposed structures, so as to allow determination of compliance with pertinent height limitations of the *Zoning Regulations*.
2. The width of all public streets and public rights-of-way contiguous to the lot, with elevations at measuring points along them sufficient to determine compliance with the Height Act of 1910, as amended (D.C. Official Code § 6-601.05).
3. The shape and location in plan of all existing and proposed structures, fully dimensioned, including orientation and distances to lot lines so as to define without ambiguity the dimensions and location of said structures.
4. The elevations of all existing and proposed structures fully dimensioned so as to define without ambiguity the dimensions of said structures.
5. The parking and loading plans and the basis for computation of the facilities shown on those plans.
6. A Zoning Data Summary of the project including, as applicable, at least the following data: lot width, area of the lot, percentage of lot occupancy, height of the structure and the location and elevation of the height measurement reference points, gross floor area for each floor level, area of basement, area of cellar, proposed Floor Area Ratio, areas dedicated to each use, width of any proposed side yard, rear yard or court, number of standard and compact parking spaces and dimensions of loading berths and delivery loading spaces.
7. Other information necessary to determine compliance with the *Zoning Regulations*.

106.1.12.1 Zoning Data on Building Plat. For the purpose of zoning compliance review, the following data shall be provided on the building plat required by 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 the *Zoning Regulations*.

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

1. Erection of a new building or structure.
2. Addition to an existing building.
3. Permanent construction higher than 4 feet (1.22m) above grade, outside the footprint of existing buildings.
4. Construction or alteration of projections into public space.
5. Erection of retaining walls higher than 36 inches (914 mm).
6. Establishment of a new parking lot, regardless of the amount of work involved.

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

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

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

1. Erection of a new building or structure.
2. Addition to an existing building.
3. Permanent construction outside the footprint of existing buildings.
4. Construction or alteration of projections into public space.

5. Erection of retaining walls higher than 36 inches (914 mm) above grade.
6. Excavation or grading work disturbing earth in an area in excess of the limits set forth in 21 DCMR Section 525, Water and Sanitation, for minor projects.
7. Demolition or razing of existing structures or buildings.
8. Installation or replacement of underground utility service connections.
9. Installation or replacement of site drainage systems.

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

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

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

106.3.1 Special Inspections. Where special inspections are required by Chapter 17 of the *Building Code*, the owner shall name the individual or firms who are to perform such special inspections. The stages of construction at which special inspections are to occur shall be established by the applicant and approved by the code official. Special inspections shall be made in accordance with Section 109.3.13 and Chapter 17 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 applicable District of Columbia laws, shall be prepared by registered architects or professional engineers licensed to practice in the District of Columbia. All plans, computations, and specifications required

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

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

1. Work done under any of the exemptions from registration provided for in the laws of the District of Columbia governing the professional registration of architects, engineers and interior designers.
2. Nonstructural alteration of any building of Use Group R-3 or of any building under the jurisdiction of the *Residential Code*.
3. Preparation of drawings or details for cabinetry, architectural millwork, furniture, or similar interior furnishings, for any work to provide for their installation or for any work exempt from building permit by Section 105.2.

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

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

106.6.1 Vault Agreement. Before issuance of a permit for the use or construction of a vault in public space, the owner of the abutting private property shall execute an

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

106.6.2 Covenants for Openings on Property Lines. A covenant running with the land shall be required where openings in exterior walls closer than 5 feet (1524 mm) from interior lot lines are allowed pursuant to s 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. One copy of such covenant, approved and accepted by the Office of the Attorney General for the District of Columbia as to legal form and sufficiency, shall be filed and recorded with the Recorder of Deeds of the District of Columbia by and at the expense of the owner before issuance of the final certificate of occupancy for the building. The owner will cause any lien or interest, recorded prior to the covenant, to be subordinated to the covenant.

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

106.6.4 Covenants for Modifications of Projection Requirements. The owner who applies for a projection modification pursuant to Section 3202.4 shall, by covenant running with the land for such period as the projection shall exist, agree to such limitations and conditions as shall be imposed by the code official, which shall include but not be limited to agreement to save harmless the District of Columbia, its officers and agents, from liability by virtue of the grant of authority to construct said projection, and agreement to landscape or otherwise treat, to the satisfaction of the code official, and

thereafter to maintain the area upon which the covenantor has forborne to build. Such covenant to which the District of Columbia shall be made covenantee, shall be satisfactory to the Office of the Attorney General for the District of Columbia, as to legal form and sufficiency and shall be filed with the Recorder of Deeds by and at the expense of the owner, and shall be made an official part of the land records of that property, before a permit for said projection is issued.

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

SECTION 107A TEMPORARY STRUCTURES AND USES

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

107.2 Conformance. Temporary structures shall conform to the structural strength, fire safety, means of egress, light, ventilation and sanitary requirements of the *Construction Codes* as necessary to ensure the public health, safety and general welfare.

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

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

SECTION 108A FEES

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

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

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

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

108.2.1.1 Application Filing Deposit for New Construction and Alterations.

All applications filed for new construction or alterations must be accompanied by a portion of the permit fee in the amount of 50% of the assessed permit fee based on the estimated cost of construction; provided that the required deposit shall not exceed twenty thousand dollars (\$20,000).

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

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

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

108.5 Related Fees. The payment of the building permit fee, as prescribed in Section 108.2, shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law, such as fees for water taps or sewer connections; fees for the temporary use of

public space; fees for supplemental installation permits; fees for special inspections; fees for special permits issued in connection with or concurrently with a building permit, such as sign, projection, awning, demolition, razing, excavation permits; fees for plan revisions and amendment of permits; fees for certificates of use and occupancy; or fees for any other privileges, services or requirements, allowed or prescribed by the *Construction Codes* or other regulations, both within and without the jurisdiction of the Department.

108.6 Refunds. In the case of a revocation of a permit or of abandonment or discontinuance of a building project, upon written request made by the permit holder before the permit expires, the portion of the work actually completed shall be computed and any excess fee for the incomplete work shall be returned to the permit holder as soon as practicable after written request is made. All plan examination and permit processing fees, all fees for inspections actually performed, and all penalties that have been imposed on the permit holder under the requirements of the *Construction Codes* shall first be withheld. Refunds may not be granted for permits issued after six months.

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

SECTION 109A INSPECTIONS

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

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

109.3 Types of Inspections. After issuing a building permit, the code official or an approved third-party inspection agency under Section 109.4 shall conduct the types of inspections specified in Section 109.3 or 109.4, from time to time during and upon completion of the work, for which a permit has been issued. A record of all such examinations and inspections and of all noted violations of the *Construction Codes* shall be maintained by the code official. It is the responsibility of the permit holder or his agent to notify the code official when the stages of construction are reached that require any inspection under Sections 109.3 through 109.3.9.1.11,

and Sections 109.3.14 and 109.3.14.2, and for other critical items as directed by the code official. The code official shall not be responsible for conducting inspections unless appropriately notified by the permit holder or his agent that such work is ready for inspection. It shall be the duty of the person requesting any inspections required by the *Construction Codes* to provide access to and means for inspection of such work.

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

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

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

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

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

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

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

109.3.3 Lowest floor elevation. The elevation certification required in 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 and Gypsum Board Inspection. Lath and gypsum board inspections shall be made after lathing and gypsum board, interior and exterior, is in place, but before any

plastering is applied or before gypsum board joints and fasteners are taped and finished.

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

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

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

1. Emergency lighting wiring, junction boxes and fixture mounting boxes.
2. Emergency power circuits.
3. Exit lights wiring and mounting bases.
4. Location of exit lights and emergency lighting.

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

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

1. Automatic sprinkler system supply piping and valves.
2. Standpipes and floor control assemblies.
3. Underground fire service main and appurtenances.

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

1. Fire alarm system wiring.
2. Location of fire alarm system devices mounting backboxes/bases.
3. Sprinkler system valve and water flow supervisory devices.
4. Standpipe valves and floor control assemblies supervisory devices.
5. Location of fire alarm system control and annunciation panels.
6. Location of central control room.

109.3.11.1. Smoke Control Systems. Inspection of all portions of the smoke control systems, whether to be concealed or not, performed before installation of any concealing material, 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. Smoke/fire detection system
2. Smoke exhaust system equipment
3. Location of smoke control panels
4. Location of fire control room
5. Execution of Special Inspection activities

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

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

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

109.3.13.1.1 Reinforced Concrete. Inspection and tests for reinforced

concrete when the working stresses are based on a stipulated strength of the concrete.

109.3.13.1.2 Reinforced Masonry. Reinforced masonry construction.

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

109.3.13.1.4 Welding. Structural welding.

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

109.3.13.1.6 Structural Steel. Structural steel construction.

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

109.3.13.1.8. Smoke Control Systems. The code official shall require the owner to have the smoke control system inspected and tested as outlined in Section 909.3 of the Building Code.

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

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

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

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

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

set forth in Section 110.2.2.

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

Exception:

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

109.3.14.2 Final Acceptance Inspection of Fire Protection Systems.

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

1. Location of sprinklers.
2. Continuity of sprinkler system piping.
3. Fire pump operation and supervision.
4. Fire alarm device operation.
5. Fire alarm annunciation.
6. Activation and operation of smoke management systems.
7. Operation of exit signs and emergency lighting with normal and emergency power.
8. Operation of emergency generator and transfer switch.
9. Location of manual fire extinguishing equipment.
10. Commercial kitchen automatic suppression systems.
11. Elevator recall and operation in fireman's service, phase 1 and 2.

109.4 Third-Party Inspection Agencies. The code official shall accept reports of approved third-party inspection agencies on all field inspection disciplines under the *Construction Codes*, provided such agencies satisfy the qualifications and reliability requirements, set forth in this section, DC Official Code § 6-1405.04, and the "Third-Party Inspection Inspections Program-

Procedure Manual” published by the Department of Consumer and Regulatory Affairs (October 2002 edition, as may be amended from time to time by DCRA) (the “Procedure Manual”); the provisions of the Procedure Manual are hereby incorporated by reference. When an inspection report is filed by an approved third-party inspection agency, it shall be signed by the approved inspector or inspectors for each field inspection discipline addressed in the report and counter signed by the agency professional in charge of the project. The code official will accept all such reports as prima facie evidence that the work inspected by the third party inspection agency meets or exceeds all of the requirements of the construction documents and all regulations of the District of Columbia. The code official will, on a periodic basis, review and verify third party inspection reports.

Exception: Special Inspections. Special inspections shall be governed by Section 109.3.13 and Chapter 17 of the *Building Code* and the Procedure Manual, as applicable to special inspections.

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

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

109.4.2.1 Construction

- 1. Construction Professional-in-Charge.** A construction Professional-in-Charge shall meet the qualification requirements as set forth in the Procedure Manual.
- 2. Construction Inspector.** A construction inspector shall meet the

qualification requirements as set forth in the Procedure Manual.

109.4.2.2 Mechanical

- 1. Mechanical Professional-in-Charge.** A mechanical Professional in Charge shall meet the qualification requirements as set forth in the Procedure Manual.
- 2. Mechanical Inspector.** A mechanical inspector shall meet the qualification requirements as set forth in the Procedure Manual.

109.4.2.3 Electrical

- 1. Electrical Professional-in-Charge.** An electrical Professional-in-Charge shall meet the qualification requirements as set forth in the Procedure Manual.
- 2. Electrical Inspector.** An electrical inspector shall meet the qualification requirements as set forth in the Procedure Manual.

109.4.2.4 Plumbing

- 1. Plumbing Professional-in-Charge.** A plumbing Professional-in-Charge shall meet the qualification requirements as set forth in the Procedure Manual.
- 2. Plumbing Inspector.** A plumbing inspector shall meet the qualification requirements as set forth in the Procedure Manual.

109.4.2.5 Elevators and Conveying Systems

- 1. Elevator Professional-in-Charge.** An elevator Professional-in-Charge shall meet the qualification requirements as set forth in the Procedure Manual.
- 2. Elevator Inspector.** An elevator inspector shall meet the qualification requirements as set forth in the Procedure Manual.

109.4.2.6 Fire Protection

- 1. Fire Protection Professional-in-Charge.** A fire protection Professional-in-Charge shall meet the qualification requirements as set forth in the Procedure Manual.
- 2. Fire Protection Inspector.** A fire protection inspector shall meet the

qualification requirements as set forth in the Procedure Manual.

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

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

109.4.3.2 Independence. Each Inspection Agency shall be objective and competent. The agency shall also disclose possible conflicts of interest so that objectivity can be confirmed. Each Inspection Agency, Inspector and Professional-in-Charge shall meet the independence and ethical requirements set forth in D.C. Official Code §6-1405.03 (4), (5), (6), (7), (8). Each applicant to become an approved Inspection Agency shall submit a notarized sworn affidavit, signed by the Professional(s)-in-Charge of the Inspection Agency, attesting that the Inspection Agency, its Inspectors, and its Professional(s)-in-Charge, will remain independent of conflict of interest as defined herein, or in the applicable statutes and regulations. A third party plan reviewer/party inspector or plan review/ inspection agency shall not perform both inspection and plan review.

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

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

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

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

109.4.5 Review of Work Conducted by Third-Party Inspection Agencies and Removal from Program. The code official shall monitor third party inspection activities in the field and office on a periodic basis in order to evaluate performance of Third Party Inspection Agencies in order to determine whether approval should be revoked or suspended. If the code official determines that an approved Inspection Agency has failed to comply with the requirements of the third party inspection program as set

forth in the *Construction Code*, the Procedure Manual, any written agreements, or D.C. Official Code §6-1405.04, the code official is authorized to remove or suspend the Inspection Agency from the third party inspection program.

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

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

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

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

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

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

109.6 Right of Entry. The code official, in the performance of his or her duties, shall have the right to enter any unoccupied building; any building under construction, alteration, or repair; any building being razed or moved; any building or premises which he or she has reason to believe to be unsafe or a menace to life or limb; or any building, the use of which may require the issuance of a license or a certificate of occupancy. With respect to the inspection of any occupied

habitable portion of any building, consent to such inspection shall first be obtained from any person of suitable age and discretion therein, except that if an acute emergency occurs and immediate steps must be taken to protect the public, such consent need not be obtained. When attempting to gain entrance for inspection, the code official shall show an official identification issued by the Department.

109.6.1 Refusal of entry. Any person who prevents or refuses to allow an inspector to enter a building for inspection in the performance of his duties, is in violation of these regulations and the code official shall have the authority to issue a notice of violation, order or notice of infractions pursuant to Section 113.

109.6.2 Administrative Search Warrant and Injunctive Relief. If the code official or his designee is denied entry for an inspection in the performance of his duties, the code official is authorized to apply to the D.C. Superior Court for an administrative search warrant and/or injunctive relief.

109.7 Coordination of Inspections. Whenever in the enforcement of the *Construction Codes* or another code or ordinance, the responsibility of more than one official of the jurisdiction is involved, it shall be the duty of the code officials involved to coordinate their inspections and administrative orders as fully as practicable so that the owners and occupants of the structure shall not be subjected to visits by numerous inspectors nor multiple or conflicting orders. Whenever an inspector from any agency or department observes an apparent or actual violation of some provision of some law, ordinance or code not within the inspector's authority to enforce, the inspector shall report the findings to the code official having jurisdiction.

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

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

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

SECTION 110A CERTIFICATE OF OCCUPANCY

110.1 General Requirement for Certificate of Occupancy. Except as provided in Section 3203 of the *Zoning Regulations*, no person shall use any structure, land, or part thereof for any

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

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

Exception:

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

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

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

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

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

110.1.5 Certificate Issued. After the code official inspects the building or structure and finds no violations of the provisions of the *Construction Codes*, the *Zoning Regulations*

or other laws that are enforced by the Department, the code official shall issue a certificate of occupancy that contains the following:

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

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

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

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

110.2.1 Application Procedure. All applications for Certificate of Occupancy shall be filed with the Department on the prescribed forms provided by the code official. The applicant shall pay the prescribed filing fee at the time of the application. If a property is located in a CM or M zone district, the “Standards of External Impact” application required by the *Zoning Regulations* shall also be submitted. Where field inspections are deemed necessary, the inspection process shall be in accordance with Sections 110.2.2 through 110.2.3.4 of the *Building Code*.

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

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

110.2.2 Inspections. Following the filing of a certificate of occupancy application,

except for a change in ownership pursuant to Section 110.1.2, inspections shall be conducted to confirm compliance with the applicable *Construction Codes* and the *Zoning Regulations*. Notice of all existing violations of the applicable *Construction Codes* and *Zoning Regulations* shall be provided to the applicant within ten (10) working days after the inspection.

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

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

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

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

110.2.3 Extensions. The code official is authorized to grant an extension to comply with the notice of existing violations for any of the following reasons:

1. The District Government has performed all the required services but due to extenuating circumstances the applicant is unable, through no fault of his or her own, to bring the property into compliance; or
2. Other special or unusual circumstances as determined by the code official.

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

1. The basis for the request including the details of all efforts on the part of the applicant to bring the property for which an extension is requested into compliance;
2. The facts which support the request in sufficient detail to enable the code official to make an informed judgment; and

3. Any other information as the code official may deem necessary.

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

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

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

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

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

110.3.2 Provisional Occupancy. At the time of approval of the building permit application by the Zoning Administrator, the proposed use shall become the provisional occupancy approved by the code official.

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

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

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

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

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

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

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

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

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

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

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

110.5.3.1 Cancellation. The code official shall have the right to declare a certificate of occupancy null and void on the grounds of administrative or clerical error, and to cancel the certificate of occupancy, if such error is discovered within five (5) business days of issuance of the certificate of occupancy and notice is provided to the holder within the five day period. Upon notification of

cancellation, the holder shall promptly surrender the certificate of occupancy for cancellation, provided, however, that the failure to voluntarily surrender the certificate shall not affect its invalidity and the cancellation shall be effective upon notification.

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

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

1. The building or space under such certificate of occupancy is undergoing alteration or repair, or an addition thereto is being constructed, under a duly issued building permit, and the original use is being continued during the construction period; and
2. The code official deems that construction is not progressing at a reasonable pace and the unfinished portion of the project, as shown on the approved permit drawings, or the missing systems or portions thereof, are such that the code official deems that the safety, health or welfare of the public or of the occupants is seriously threatened thereby.

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

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

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

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

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

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

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

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

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

1. Pending Certificate of Occupancy applications;
2. Extensions granted pursuant to Sections 110.2.3 through 110.2.3.4; and
3. All approved applications for Certificates of Occupancy, issued Certificates of Occupancy and copies of all cancellation notices and related correspondence.

SECTION 111A SERVICE UTILITIES

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

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

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

SECTION 112A APPEALS

112.1 Appeal to Office of Administrative Hearings. The owner of a building or structure or any person adversely affected or aggrieved by a final decision of the code official based in whole or in part upon the *Construction Codes* may appeal to the Office of Administrative Hearings (OAH), except where the appeal relates to or involves an interpretation of the *Zoning Regulations*, in which case the claimant shall appeal the decision to the Board of Zoning Adjustment pursuant to D.C. Official Code § 6-641.07. The OAH appeal shall specify that the *Construction Codes* or the rules legally adopted thereunder have been incorrectly interpreted or applied, the provisions of the *Construction Codes* do not fully apply, or an equally good or better form of construction can be used. The OAH shall have no authority to waive requirements of the *Construction Codes*.

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

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

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

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

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

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

SECTION 113A VIOLATIONS AND INFRACTIONS

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

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

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

1. Personal service on the respondent or the respondent's agent; or
2. Delivering the notice or order to the last known home or business address, as identified by the tax records address the business license address, or the corporate registration address of the respondent or the respondent's agent and leaving it with a person over the age of sixteen (16) years old residing or employed therein; or
3. Mailing the notice or order, via first class mail postage prepaid, to the last known home or business address, as identified by the tax records address, the business license address or the corporate registration address, of the respondent or respondent's agent; or
4. If the notice or order is returned as undeliverable by the Post Office authorities, or if no address is known or can be ascertained by reasonable diligence, by posting a copy of the notice or order in a conspicuous place in or about the structure affected by such notice.

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

113.2.1.2 Stop Work Orders. Service of stop work orders shall be

made as set forth in Section 114.

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

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

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

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

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

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

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

infraction of the *Construction Codes or Zoning Regulations* shall be pursuant to the *Civil Infractions Act*.

113.7 Illegal construction. Without limiting any of the penalties or remedies for violations of the *Construction Codes*, or the Department's enforcement authority set forth in this Section 113A or elsewhere, if a building or structure or part thereof is being erected, constructed reconstructed converted or altered, or has been erected, constructed, reconstructed, converted, or altered in violation of the *Construction Codes* or the *Zoning Regulations*, said actions shall constitute illegal construction, and the code official is authorized to order ongoing work to stop and that the condition be corrected within a specified time frame deemed reasonable by the code official. Service of the order shall be made in accordance with Section 113.2.1.

113.7.1 Civil Fines. Notwithstanding the issuance of a stop work order or an order to correct, relating to the illegal construction, the code official is authorized to issue civil fines pursuant to Section 113.6 of the *Building Code*, and each day thereafter the violation goes unabated shall be considered a separate offense. Upon adjudication of the civil fines provided for in this section, the code official is authorized to assess any unpaid fines, as a tax against the property on which the violation occurred and carry such tax on the regular tax rolls of the District and collect such tax in the same manner as general taxes.

113.7.2 Fire Safety Hazard; Public Hazard. Should the code official deem the condition to be a fire safety hazard or otherwise constitute a hazard to the public, the code official is authorized pursuant to D.C. Code §42-3131.01 (c) to cause such condition to be corrected, assess the cost of correcting such condition and all expenses incident thereto, including fees or charges authorized or imposed in the *Building Code*, as a tax against the property on which such condition existed or from which such condition arose, as the case may be; and carry such tax on the regular tax rolls of the District and collect such tax in the same manner as general taxes.

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

SECTION 114A STOP WORK ORDER

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

114.1.1 Issuance. The stop work order shall be in writing, in a form prescribed by the code official, and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work. If the stop work order cannot be delivered

personally, notice shall be effected by posting the stop work order as provided in Section 114.2 below. Upon issuance of a stop work order, the cited work shall immediately cease until the situation is corrected.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

SECTION 115A UNSAFE STRUCTURES

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

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

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

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

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

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

SECTION 116A EMERGENCY MEASURES

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

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

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

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

116.5 Costs of Emergency Repairs. Where the code official causes emergency work to be done pursuant to Section 116.2 or Section 116.4, the costs incurred in the performance of emergency work shall be paid from appropriations of the District of Columbia on certification of the code official and shall be assessed as a tax against the property on which the emergency work or repairs were performed, carried as a tax on the regular tax rolls, and collected in the same manner as real estate taxes are collected.

SECTION 117A POSTING STRUCTURES

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

117.1.1 Occupant Load Calculations. The occupant load calculations shall be

determined in accordance with Section 1004 of the *Building Code*. The Fire Chief of the District of Columbia shall be informed of the approved occupant loads calculated pursuant to Section 117.1 of this Chapter.

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

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

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

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

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

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

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

118.4 Street Numbers. Each structure to which a street number has been assigned shall have the

number displayed in conformance with the requirements provided in this section.

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

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

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

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

SECTION 119A ADMINISTRATIVE PLUMBING PROVISIONS

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

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

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

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

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

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

119.2 Covenants for Water or Sewer Utility Service. Before a permit shall be issued to install water or sewer utility services to a lot from an adjacent lot, or to extend such services to a lot or premises from a building, as approved pursuant to Section P-301.3.1 of the *Plumbing Code*, a covenant shall be approved in accordance with Section 119.2.1.

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

SECTION 120A ADMINISTRATIVE MECHANICAL PROVISIONS

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

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

120.1.2 Work on D.C. Owned Properties Located Outside of D.C. Mechanical

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

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

1. Fuel burning equipment, excluding gas fired hot water boilers with a gas input rating of less than 525,000 Btu/h (154 kW) and gas fired appliances in single-family dwellings.
2. Fired pressure vessels less than 16 inches (401 mm) in diameter, working at a pressure of less than 100 psia (690 kPa) and with a heating surface of less than 20 square feet (1.86 m²), also classified as miniature boilers.
3. Unfired pressure vessels with a capacity of less than 15 gallons (0.057 m³), or operating at a working pressure of 60 psig (414 kPa) or less.

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

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

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

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

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

the following additional requirements:

1. The use shall be considered temporary, and the user shall acquire no right, title, or interest in the space he or she is permitted to use;
2. The United States and the District, and the officers and employees of each of these governments, shall be held harmless for any loss or damage arising out of the use, whether the loss or damage is suffered by the permittee, the United States, the District, or by some third person;
3. The refrigeration system placed in or on public space by a permittee shall be maintained in good repair and in clean condition, and shall not be allowed to deteriorate or become unsightly, noisy, or dangerous to passers-by; and
4. The space shall not be used in a manner or for a purpose that the Mayor finds is deleterious to the general character of the neighborhood, or that is not in the best interest of the general public.

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

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

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

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

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

SECTION 121A ADMINISTRATIVE ELECTRICAL PROVISIONS

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

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

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

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

121.1.4 Electrical Work Incidental to Plumbing or Gas-Fitting Work. A licensed contractor performing plumbing or fuel gas work in accordance with the *Construction Codes* shall be allowed to apply for and obtain electrical permits for electric fixtures or other apparatus that are attached to or form any part of the plumbing or gas-fitting system in any building, provided that such contractor obtains a limited scope license from the professional licensing office of the Department.

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

121.2 Master Service or Master Meter Covenants for Master Service or Master Metering. No covenant in connection with Sections E-230-2 and E-230-3 of the *Electrical Code* shall be

approved in order to provide master service to more than one building on a single lot, or to buildings on different lots in the same square, unless in accordance with Sections 121.2.1 and 121.2.2.

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

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

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

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

SECTION 122A AMENDMENTS AND COPIES

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

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

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

2. The proposed changes, approved by the Director, shall be published in the D.C. Register as proposed rules for public review and comments.
3. The Director shall publish final rules after the proposed rules are approved or deemed approved by the Council.

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

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

SECTION 123A TRANSITORY PROVISIONS

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

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

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

1. Each such application shall have been filed accompanied by plans and other information conforming to Sections 106.1 and 106.1.1, sufficiently complete to allow processing of the permit without substantial change or deviation.
2. Each such permit shall be paid in full and taken out by the applicant within one (1) year after the effective date of the new edition of the *Construction Codes*.
3. All work authorized by such permit shall be carried to completion under the terms of the permit.
4. Permits granted under Section 123.1.2 shall not be extended if permitted to

expire, pursuant to Section 105.5, or if revoked pursuant to Sections 105.6 and 105.6.1.

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

1. The applicant shall file the permit application, accompanied by plans and other information conforming to Sections 106.1 and 106.1.1, sufficiently complete to allow processing of the permit without substantial change or deviation, within one (1) year after the effective date of the new edition of the *Construction Codes*.
2. The applicant shall submit a copy of the design contract, with a notarized affidavit stating that the submitted copy is a true and accurate copy of the contract for the design of the building or structure, that the contract was in effect on or before the effective date of the *Construction Codes*, and that the design submitted with the permit application was made under such contract.
3. The permit shall be obtained and the permit fee paid in full by the applicant within one (1) year after the filing date.
4. All work authorized by such permit shall be carried to completion under the terms of the permit.
5. Permits granted under Section 123.1.3 shall not be extended if permitted to expire pursuant to Section 105.5, or if revoked pursuant to Sections 105.6 and 105.6.1.

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

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

SECTION 124A ADDRESS PROTOCOL

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

124.2 Purpose. The purpose of the District of Columbia Address Standardization Protocol of 2008 is to establish a formal, legally based District-wide system of assigning addresses to

buildings and properties in order to facilitate their identification. The Protocol also facilitates protection of the public health and safety by enabling a quicker response time by police, fire, ambulance, and other emergency services; and provides for the efficient delivery of public services. Those services include building inspections, health inspections, property mapping, property tax administration, and other public affairs. The Protocol will enable the District Government to maintain a unified addressing system, and create a citywide database of addresses.

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

124.4 Definitions.

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

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

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

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

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

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

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

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

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

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

SECONDARY ADDRESS- is an address created when the subject property has a primary address and additional addresses identifying the location of associated occupancies with independent street frontage.

SITE FACILITY- is a structure that is not deemed to be a building, but for which it is desirable or necessary to have a street address (e.g. Metro vent location).

STANDARDIZED ADDRESS- shall consist of a street number, street number suffix, street name, street type, unit type, unit number, quadrant, city name, state name, zip code and zip plus four designations.

STATE- shall consist of the two letter abbreviation for the state in which the address is located.

STREET- is a public or private thoroughfare capable of permitting the passage of cars and other vehicles and pedestrians, and which provides access to two or more buildings or facilities that have or require addresses.

STREET NAME- shall consist of the full proper name of a street segment, stored as an alphanumeric character string.

STREET NUMBER- shall consist of a number used to provide specific identification for structures in the District of Columbia. It shall be stored as a numeric value.

STREET NUMBER SUFFIX- shall consist of a fraction that is attached to a street number in an existing address.

STREET QUADRANT- shall consist of two alpha characters identifying the geographic sector of the District of Columbia in which the address is located. All addresses in Washington, DC, with the exception of the Capitol which is the central point of the addressing grid, shall have a quadrant designation. The quadrants are NE (Northeast), NW (Northwest), SE (Southeast) and SW (Southwest). Quadrant shall be abbreviated and capitalized as shown above. There shall be no street quadrants that consist of a single cardinal direction (e.g. North).

STREET SEGMENT- is the portion of a public or private street between two streets' intersections with other public or private streets.

STREET TYPE- shall consist of the name of the type of street, such as avenue, street, road, etc. It shall be stored in fully spelled out form as an alphabetical string.

UNIT NUMBER - shall refer to the designation of an individual unit, such as "A," "Rear," or "102". It shall be stored as an alphanumeric string.

UNIT TYPE- shall specify the type of occupancy, such as an apartment, suite, or office space. It shall be stored as an alphabetic string.

ZIP CODE- shall be the five numeral code assigned by the US Postal Service to the area in

which the address is located.

ZIP PLUS FOUR- shall be the four numeral code assigned by the U.S. Postal Service to the block face or building or building sector in which the address is located.

124.5. Addressing Rules

124.5.1 Addressing Structure

124.5.1.1 The District of Columbia has an existing street addressing and street naming scheme that is historic in nature. To the greatest extent possible, this Protocol seeks to maintain that scheme while eliminating conditions created over time that are detrimental to the public safety and welfare of the citizens of the District of Columbia.

124.5.1.2 The existing pattern of alphabetically named and numbered streets found in the central jurisdictions of the District shall be maintained.

124.5.1.3 For the most part, the street numbers on the easterly side of north-south streets have even numbers, while those on the westerly side have odd numbers. The street numbers on the northerly side of east-west streets have odd numbers while the southerly sides have even numbers. Diagonal streets have even and odd sides that match the parity of the grid direction they most closely resemble (those at 30 degree angles are generally addressed as east-west, those at 60 degrees are considered north-south. The 45 degree angle streets are variable, and should be maintained in their current form.

124.5.1.4 Address ranges are determined based on a progression from the point of origin, which is the United States Capitol Building, and the four streets that define the quadrant boundary radiating away from the Capitol. Each standard block was initially given an address range of one hundred, progressing outward from the Capitol. Streets that commence away from the quadrant lines are examined and the ranges determined based upon the surrounding streets.

124.5.1.5 Address ranges should not overlap or create any opportunities for the assignment of duplicate addresses on a given street within a single quadrant. Similarly, there should be limited or no gaps in the address ranges if the street to which the ranges are applied is continuous.

124.5.1.6 Breaks in address ranges may occur where a street with a given name is broken into distinct segments by a park, water body, or other impediment. In these cases, the integrity of the address grid should be maintained, and a gap in the range created, to signify the break in the street's continuity.

124.5.2 Street Numbers

124.5.2.1 Every record and tax lot that is legally capable of supporting a structure or a site facility shall have an address regardless of whether the property is occupied or vacant.

124.5.2.2 When a record lot is vacant, but within an existing tax lot that contains a structure or structures, the vacant lot should be assigned the same street number as the tax lot.

124.5.2.3 Every building with an entrance from a public, private street named alley shall have an assigned street number.

124.5.2.4 Every individual occupancy shall have either a street number or a unit-number depending upon whether or not it has a separate entrance fronting onto a public or private street.

124.5.2.5 No addresses shall be assigned to any driveway. The address for a structure with a driveway shall reflect the name and the numbering sequence of the public or private street to which the driveway is connected.

124.5.2.6 No street number shall be assigned to a building, site facility or occupancy that has its access onto an unnamed street or alley. If an address is required for an occupancy, structure or site facility in such an instance, the street or alley must first be named according to the process described in Section 6.3 below.

124.5.2.7 Assigned street numbers shall be determined based upon the block face's address range, the main entrance and the existing street numbers that are assigned within that block face.

124.5.2.8 Street numbers shall be logically and spatially consistent, increasing in numeric order from the low number end of the block face to the high end of the block face.

124.5.2.9 Street numbers shall be assigned in accordance with the parity (odd/even) designation for the block face. Even numbers shall not be used in the odd-sequenced side of a street, nor shall odd numbers be used on the even side.

124.5.2.10 If a street segment exists where both odd and even numbers exist on both sides of the street, or where only one side contains addresses, and both odd and even numbers have been used, the Administrator shall issue a street number that is logically consistent with the numbers on adjoining properties.

124.5.2.11 No street number shall be assigned that duplicates the number for any existing building or site facility on the same named street.

124.5.2.12 No new street number shall be assigned that contains a letter

designation (e.g. 112A Vermont Avenue,)

124.5.2.13 Existing fractions may be maintained if there are no available street numbers in the address sequence for the block in which the address is located. The fraction shall be stored in the STREET NUMBER SUFFIX field.

124.5.2.14 Existing letter designations shall be maintained in the STREET NUMBER SUFFIX field or UNIT NUMBER field rather than as part of the street number field.

124.5.2.15 No street number shall be assigned to a proposed building on multiple lots or for a location where the sub-division process is incomplete.

124.5.3 Street Number Suffixes

124.5.3.1 Street Number Suffixes shall not be assigned for newly created parcels, buildings or occupancies.

124.5.3.2 Existing fractions that are in use shall be phased out where possible, substituting a standard format street number with or without a unit number.

124.5.3.3 Where an existing fraction cannot be changed, it shall be placed in the STREET NUMBER SUFFIX field.

124.5.4 Street Names

124.5.4.1 Public Streets shall be assigned names by the Council of the District of Columbia pursuant to Section 401, D.C. Law 4-201, Mar. 10, 1983 (D.C. Official Code § 9-204.01).

124.5.4.2 The code official shall approve the naming of newly established private streets within the district which are subject to this Protocol and streets in proposed plats or condominiums developments.

124.5.4.3 No street, public or private, shall be given a name that duplicates or nearly duplicates the name of an existing or previously existing street within the jurisdiction of the District of Columbia.

124.5.4.4 No street, public or private, shall be given a name that, when spoken, sounds like the name of an existing or previously existing street within the jurisdiction of the District of Columbia.

124.5.4.5 A street's name consists of the STREET NAME, STREET TYPE and QUADRANT.

124.5.4.6 STREET TYPE values are defined in the U.S. Postal Service Standards

and in the National Emergency Number Association Standards (NENA). Any street type that is not included in either of these standards may be added to the list by the code official..

124.5.4.7 Street naming should follow the guidelines of the District of Columbia Addressing Standards.

124.5.4.8 Street names may be changed according to the separate procedures for public and private street naming. Historical and commonly used names for streets shall be maintained where possible, and linked to newer names where necessary.

124.6 Administration

124.6.1 The code official shall maintain a master file of assigned addresses and maintain a master address mapping database.

124.6.2 The code official is responsible for determining whether an address is required for any given parcel, structure, site facility or other condition.

124.6.3 The code official may grant a waiver of the business rules contained in this Protocol, based upon the evidence presented, if the code official finds that the waiver:

124.6.3.1 Benefits the public health, safety and welfare;

124.6.3.2 Does not create conflicts or duplicate addresses; and

124.6.3.3 Is in the best interest of the District of Columbia.

124.6.4 The code official is responsible for assigning a new address under the following conditions:

124.6.4.1 A new parcel of land (whether tax lot or record lot) is created through the subdivision process;

124.6.4.2 A new structure is constructed on a vacant property;

124.6.4.3 An existing structure is reconfigured to create additional occupancies or units;

124.6.4.4 A new structure is constructed on property already containing one or more structures that have addresses;

124.6.4.5 A new site facility that is constructed on a property parcel, or right-of-way;

124.6.4.6 An existing structure is renovated to relocate the main entrance to a different street frontage.

124.6.5 The code official, the District of Columbia Department of Transportation (DDOT) and the E-911 Coordinator shall confer on recommended street names for public streets to ensure that no duplication occurs and that no streets with names that sound alike, or could create confusion for the delivery of emergency and non-emergency services, are created.

124.6.6 The code official shall recommend changes in street names where, in the code official's opinion, a valid reason exists for the change of street name. Such reasons include, but are not limited to:

124.6.6.1 Duplicate street names;

124.6.6.2 Confusion of street names that sound alike;

124.6.6.3 Street names that are extremely difficult to spell or pronounce;

124.6.6.4 Streets that have more than one commonly used name.

124.6.6.5 Street names shall not be changed to reflect changes in property ownership or for personal reasons of the adjoining owners.

124.6.7 When a street name change or designation is proposed, the code official shall provide notice to the property owners abutting the street segment(s) to be named or changed. If the change is designed to remedy existing duplicate names or confusing names, the property owners may be consulted on suggested names for the street.

124.6.8 The code official shall be the final arbiter of the street name for private streets. For public streets, the code official shall forward a recommendation on the name to the City Council for its action.

124.6.9 Before changing a street name, the code official shall consider the official street name as recorded on plats and deeds of adjacent property, and the most accurate historical name of the street in question.

124.6.10 The existing legal documents shall be of primary consideration in determining the single street name when two or more names are commonly used.

124.6.10.1 Streets or alleys shall be changed or named pursuant Law 4-201, March 10, 1983, 30 DCR 148.

124.6.11 The code official shall hear and consider requests for changes in street numbers for existing addresses.

124.6.11.1 Street numbers may be changed where there are duplicates, or where the street number is out of sequence, or on the opposite side of the street in terms of parity (odd number found on the even numbered side, or vice-versa).

124.6.11.2 The code official may also change street numbers where existing numbers contain a fraction or a letter suffix, and there is sufficient space in the existing number range for the block-face to support renumbering to remove the fraction and/or letter suffix.

124.6.11.3 The code official shall not change an existing address to one that is not consistent with the addressing structures, parity and sequences that already exist.

124.7 Process for the Naming of New Private Streets.

124.7.1 A property owner, developer, surveyor, or plat proprietor shall make application to the code official for approval of a proposed street name.

124.7.2 Upon receipt of the street name application, the code official shall review the proposed name with the addressing staff of the other agencies with street jurisdiction, and any other appropriate governmental agency.

124.7.3 The code official shall notify the applicant within thirty (30) days of the acceptance or rejection of the proposed name along with the reasons for the decision, if applicable.

124.7.4 The code official may recommend to the applicant a list of the existing approved street names in the District of Columbia for the convenience of the applicant.

124.8 Private Drives and Easements

124.8.1 Unnamed private drives and easements in existence prior to the adoption of this Protocol shall be named when two (2) or more addresses exist or are established on such drives. If the house addresses are numbered off of the adjoining public street, they shall be changed to appropriate addresses using the private street name.

124.8.2 The owners/residents shall be consulted before a name for the private drive is selected and approved. The selection of a name for a private drive shall be coordinated with the District of Columbia Office of Planning and DDOT, and any other appropriate governmental agency.

124.9 Display and Posting of Addresses

124.9.1 Street numbers shall be displayed at the exterior of the main entrance of each addressed structure or site facility according to Section 118A of the *Building Code*.

124.9.2 Before issuance of a certificate of occupancy for a new or remodeled building, all

addressing requirements shall be satisfied in accordance with the requirements of the Protocol. The street numbers required by this Protocol shall be permanently affixed at the time of final inspection of a building.

124.10 Street Sign Specifications

124.10.1 All street signs shall meet the requirements of Section 118.6 of the *Building Code*.

124.10.2 DDOT shall provide standard street signs showing the name of the street, the street type and street quadrant and the starting number for the address range(s) associated with the street segment for each public street at each intersection.

124.10.3 The owner of a private street shall provide standard street signs showing the name of the street, the street type, and street quadrant and the starting number for the range(s) associated with the street segment for each private street, based on the approved private street name issued by DCRA.

124.10.4 Street name signs designating private streets shall include the word “Private” or “PVT” on them to distinguish them from public streets.

124.11 Street Number Sign Specifications. Street address numbers shall meet the requirements of Section 118.4 of the *Building Code*.

124.12 Compliance and Enforcement. The provisions of this Section 124A shall be enforced by the code official, pursuant to the enforcement mechanisms set forth in Section 113A.

CHAPTER 2A DEFINITIONS

SECTION 202A DEFINITIONS

Additional new definitions to read as follows:

Community-Based Residential Facility (CBRF): A residential facility for persons who have a common need for treatment, rehabilitation, assistance, or supervision in their daily living. This definition includes, but is not limited to, facilities covered by the Community Residence Facilities Licensure Act of 1977, effective October 27, 1977 (D.C. Law 2-35; 24 DCR 4056) (repealed by District of Columbia Health Care and Community Residence Facility, Hospice and Home Care Licensure Act of 1983, effective February 24, 1984 (D.C. Law 5-48, as amended; D.C. Official Code §§ 44-501 to 44-509 (formerly codified at D.C. Code §§ 32-1301 to 32-1309 (1998 Repl. & 1999 Supp.))), and facilities formerly known as convalescent or nursing home, residential halfway house or social service center, philanthropic or eleemosynary institution, and personal care home.

If an establishment is a community-based residential facility as defined in this Section, it shall not be deemed to constitute any other use permitted under the authority of these regulations. A community-based residential facility may include separate living quarters for resident supervisors and their families. All community-based residential facilities shall be included in one (1) or more of the following subcategories:

1. **Adult Rehabilitation Home:** A facility providing residential care for one (1) or more individuals sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense, or any other individual twenty-one (21) years of age or older, under pre-trial detention or sentenced pursuant to court order;
2. **Community Residence Facility:** A facility that meets the definition for and is licensed as a community residence facility under Chapter 34 of Title 22, DCMR,

"Public Health and Medicine," as that definition may be amended from time to time;

3. **Emergency Shelter:** A facility providing temporary housing for one (1) or more individuals who are otherwise homeless and who are not in need of a long-term sheltered living arrangement, as that arrangement is defined in Title 22 DCMR, "Public Health and Medicine";
4. **Health Care Facility:** A facility that meets the definition for and is licensed as a skilled care facility or intermediate nursing care facility under the provisions of Title 22 DCMR, "Public Health and Medicine," as those definitions may be amended from time to time;
5. **Substance Abusers Home:** A community residence facility that offers a sheltered living arrangement, as that arrangement is defined in the Health Care Facilities Regulations of the District of Columbia, for one (1) or more individuals diagnosed by a medical doctor as abusers of alcohol, drugs, or other controlled substances;
6. **Youth Rehabilitation Home:** A facility providing residential care for one (1) or more individuals less than twenty-one (21) years of age who have been detained or committed by a court pursuant to their involvement in the commission of an act designated as an offense under the law of the District of Columbia, or of a state if the act occurred in a state, or under federal law. The facility shall not house persons sixteen (16) years of age or older who are charged by the United States Attorney with a felony offense; and
7. **Youth Residential Care Home:** A facility providing safe, hygienic, sheltered living arrangement for one (1) or more individuals less than eighteen (18) years of age, not related by blood, adoption, or marriage to the operator of the facility, who are ambulatory and able to perform the activities of daily living with minimal assistance.

Assisted Living Facility: A community residence facility housing unrelated residents that provides and/or coordinates, in return for payment, housing and supportive services, supervision services, personal assistance services, health related services, or a combination thereof, said services provides to meet the needs of residents who are unable to perform, or who need assistance in performing the activities of daily living and/or instrumental activities of daily living a way that promotes optimum dignity and independence for the residents. "Assisted Living Facility" does not include a nursing home.

Group Homes for Mentally Retarded Persons: A community residence facility that admits at least four (4) but no more than eight (8) related and non-related mentally retarded persons, maintains the necessary facilities for their care or habilitation, and provides a home-like environment to persons who, because of mental retardation, require specialized living arrangements.

Means of Escape: A way out of a building or structure that does not conform to the strict definition of means of egress but does provide an alternate way out.

Resident: A person who is receiving personal care and resides in a group home for the mentally retarded or resides in a community-based residential facility.

CHAPTER 3A USE GROUP AND CLASSIFICATION

Section 310A Residential Group R

Delete Section 310 of the Building Code in its entirety and add new Section 310 to read as follows:

R-1 Residential occupancies containing sleeping units where the occupants are primarily transient in nature, including:

- Boarding houses (transient)
- Hotels (transient)
- Motels (transient)

R-2 Residential occupancies containing sleeping units or more than two dwelling units where the occupants are primarily permanent in nature, including:

- Apartment Houses
- Boarding houses (not transient)
- Convents
- Dormitories
- Fraternities and sororities
- Hotels (not transient)
- Monasteries
- Motels
- Vacation timeshare properties

R-3 Residential occupancies where the occupants are primarily permanent in nature and not classified as Group R-1, R-2, R-4 or I, including:

- Buildings that do not contain more than two dwelling units.
- Adult facilities that provide accommodations for five or fewer persons of any age for less than 24

hours.

Child care facilities that provide accommodations for five or fewer persons of any age less than 24 hours.

Congregate living facilities and CBRF with 5 or fewer persons.

Adult and child care facilities that are within a single-family home are permitted to comply with the *International Residential Code*.

R-4 Residential occupancies shall include buildings arranged for occupancy as residential care/assisted living and CBRF facilities including more than five but not more than 16 occupants, excluding staff.

Group R-4 occupancies shall meet the requirements for construction as defined for Group R-3 except as otherwise provided for in this code, or shall comply with the *International Residential Code*.

CHAPTER 5A GENERAL BUILDING HEIGHTS AND AREAS

SECTION 501A GENERAL

Delete Section [F] 501.2 of the Building Code in its entirety.

SECTION 503A GENERAL HEIGHT AND AREA LIMITATIONS

Delete Section 503.1.1 of the Building Code in its entirety and add new Section 503.1.1 to read as follows.

503.1.1 Special industrial occupancies: Buildings and structures designed to house low-hazard industrial processes that require large areas and unusual heights to accommodate craneways or special machinery and equipment, including among others, rolling mills; structural metal fabrication shops and foundries; or collection and treatment of sewage and storm water, or the production and distribution of electric, gas, water or steam power, shall be exempt from the height and area limitations of Table 503. Ordinary repairs of such buildings or structures shall include specifically engineered structural and mechanical components designed for removal and replacement in kind.

SECTION 509A SPECIAL PROVISIONS

Delete existing Section 509.2 of the Building Code in its entirety and add new Section 509.2 to read as follows:

509.2 Group S-2 enclosed or open parking garage with Group A, B, M, R or S above. A basement and/or the first story above grade plane of a building shall be considered as a separate and distinct building for the purpose of determining area limitations, continuity of fire walls, limitation of number of stories and type of construction when all of the following conditions are met:

1. The basement and/or the first story above grade plane is of Type IA construction and is separated from the building above with a horizontal assembly having a minimum 3-hour fire-resistance rating.
2. Shaft, stairway, ramp or escalator enclosures through the horizontal assembly shall have not less than a 2-hour fire-resistance rating with opening protectives in accordance with Table 715.4.

Exception: Where the enclosure walls below the horizontal assembly have not less than a 3-hour fire-resistance rating with opening protectives in accordance with Table 715.4, the enclosure walls extending above the horizontal assembly shall be permitted to have a 1-hour fire-resistance rating, provided:

1. The building above the horizontal assembly is not required to be of Type I

construction;

2. The enclosure connects less than four stories; and
 3. The enclosure opening protectives above the horizontal assembly have a minimum 1-hour fire protection rating.
3. The building above the horizontal assembly shall be permitted to have multiple Group A uses, each with an occupant load of less than 300, or Group B, M, R or S uses.
 4. The building below the horizontal assembly is a Group S-2 enclosed or open parking garage, used for the parking and storage of private motor vehicles.

Exceptions:

1. Entry lobbies, mechanical rooms and similar uses incidental to the operation of the building shall be permitted.
 2. Multiple Group A uses, each with an occupant load of less than 300, or Group B, or R uses shall be permitted, in addition to those uses incidental to the operation of the building (including storage areas), provided that the entire structure below the horizontal assembly is protected throughout by an approved automatic sprinkler system.
5. The maximum building height in feet shall not exceed the limits set forth in Section 503 for the building having the smaller allowable height as measured from the grade plane.

CHAPTER 7A FIRE-RESISTANCE-RATED CONSTRUCTION

SECTION 704A EXTERIOR WALLS

Add new Sections 704.8.2.1 through 704.8.3 to the Building Code to read as follows:

704.8.2.1 Private Garage Openings: In detached or attached private garages, unlimited unprotected openings are permitted in the first story of exterior walls facing the public way, regardless of their fire separation distance. The remaining elements of the envelope of the garage shall comply with the general and specific requirements of this code for fire resistance ratings and protection of openings.

704.8.3 Openings on or Near Adjacent Construction or Property Lines:

Exterior walls of buildings equipped throughout with sprinklers in accordance with Section 903 containing occupancies other than Use Group H, when those walls have a fire separation distance of 10 feet (3048 mm) or less, shall be permitted to have openings, subject to the restrictions of Sections 704.8.3.1 through 704.8.3.7. Nothing in this code shall be construed to allow mechanical openings in exterior walls that would not otherwise be allowed by this code or by the *Mechanical Code* listed in Chapter 35. Openings allowed pursuant to this section shall not be counted towards natural light, natural ventilation, or smoke control requirements.

704.8.3.1 Abutting Buildings: When approved, a limited number of door openings between two abutted buildings, protected in accordance with Section 705.8 shall be permitted.

704.8.3.2 Horizontal Exposure: Those stories that directly face another building or structure located either on the same lot or on an adjacent lot, having a fire separation distance of 3 feet (914 mm) or less, shall have no openings on the portion of the exterior wall that faces, horizontally, the building or structure.

704.8.3.3 Vertical Exposure: The portions of exterior walls with a fire separation distance of 3 feet (914 mm) or less, that are less than 12 feet (348 mm) vertically above the roof of an adjoining building or adjacent structure when such roof has any portion within a horizontal fire separation distance of 10 feet (3048 mm) of the exterior walls shall have no openings. The portions of exterior walls with a fire separation distance of greater than 3 feet (914 mm), above the roof of an adjoining building or structure shall comply with Section 704.10, except that the provisions shall apply to a building on an adjacent lot.

Exceptions:

1. When a registered architect or engineer has certified that the adjacent roof assembly provides a fire rating no less than that required for the exterior wall of the proposed building or a 1 hour rating, whichever is greater, and that the roof is not used for storage, the 12 foot vertical separation required above is permitted

to be reduced to 3 feet (914 mm). Where there are skylights or other openings in the adjacent roof having a horizontal fire separation of less than 10 feet (3048 mm), the percentage of openings allowed in Section 704.8 shall be as follows:

A: 0 to 3 feet fire separation 0%

B: 3 to 5 feet fire separation 15 %

C: 5 to 10 feet separation 25 %

2. When a registered professional engineer has submitted a written report of inspection certifying that the adjacent building is protected throughout with a fire sprinkler system conforming with Section 903, the 12 foot (3658 mm) vertical separation required above is permitted to be reduced to 3 feet (914 mm).

704.8.3.4 Allowable Openings: In portions of the exterior wall, other than those specified in Sections 704.8.3.1 through 704.8.3.3, openings up to the maximum of 45%, story by story, for each wall face shall be allowed. When such openings are less than 40 feet (12 192 mm) above the roof of an adjoining building or adjacent structure when such roof has any portion within a horizontal fire separation distance of 15 feet (4572 mm) of the wall in which the opening is located, the openings shall be protected in accordance with Section 704.12 or with tempered, wired, or laminated glass, installed in compliance with Section 715.4. Mechanical and door openings shall be protected in compliance with Section 715.3.

704.8.3.5 Owner's Responsibility: The owner of the building where openings are allowed pursuant to Sections 704.8.3.1 through 704.8.3.4 is responsible for making any changes in the exterior wall or its appurtenant protective systems, to maintain the building compliance with this code, whenever changes occur in the exterior envelope of any building within a fire separation distance of 10 feet (3048 mm) or less of that wall, when those changes might affect compliance with this code. The responsibility of the owner shall include but not be limited to, the following: blocking of openings; upgrading of opening protectives; removal or extension of parts of the required sprinkler system protecting the openings; or any other provisions deemed necessary by the code official to restore the level of safety provided by this code at the time the openings were permitted.

704.8.3.6 Required Covenants: A covenant shall be required where openings in exterior walls closer than 10 feet (3048 mm) from interior lot lines are allowed pursuant to Sections 704.8.3.1 through 704.8.3.4, to ensure that compliance with the minimum requirements of those sections will be maintained for as long as the building shall exist, and to ensure that responsibility for the maintenance of those conditions will be conveyed to any future owner of the building. Two copies of such covenant, approved and accepted by the Office of the Attorney General for

the District of Columbia as to legal form and sufficiency. One copy shall be filed and recorded with the Recorder of Deeds of the District of Columbia by and at the expense of the owner, and one copy shall be made an official part of the land records of that property before issuance of a building permit.

704.8.3.7 Abatement of Unsafe Conditions: If the owner of a building or structure where any openings in exterior walls were allowed pursuant to Sections 704.8.3.1 through 704.8.3.4 fails to maintain in working order the protective systems required, or fails to proceed to make any changes required by the code official under the authority of Section 704.8.3.5, the code official is authorized to cause the necessary work to be done, in the interest of safety and welfare of the public, in accordance with D.C. Official Code § 6-801 - § 6-805. The cost of work shall become a lien against the property of the offending owner, to be recovered by the District of Columbia through appropriate action.

Delete Section 707.14.1 of the Building Code in its entirety and add new Section 707.14.1 to read as follows:

707.14.1 Elevator Lobby. An enclosed elevator lobby shall be provided at each floor where an elevator shaft enclosure connects more than three stories in an unsprinklered building. The lobby shall separate the elevator shaft enclosure doors from each floor by fire partitions equal to the fire-resistance rating of the corridor and the required opening protection. Elevator lobbies shall have at least one means of egress complying with Chapter 10 and other provisions within this code.

Exceptions:

1. Enclosed elevator lobbies are not required at the street floor, provided the entire street floor is equipped with an automatic sprinkler system in accordance with Section 903.3.1.1
2. Elevators not required to be located in a shaft in accordance with Section 707.2 are not required to have enclosed elevator lobbies.
3. Where additional doors are provided at the hoistway opening in accordance with Section 3002.6. Such doors shall be tested in accordance with UL 1784 without an artificial bottom seal.
4. In other than Group I-3,, and buildings having occupied floors located more than 75 feet (22, 860 mm) above the lowest level of fire department vehicle access, enclosed elevator lobbies are not required where the building is protected by an automatic sprinkler system installed in accordance with Section 903.1.1 or 903.3.1.2.
5. Smoke partitions shall be permitted in lieu of fire partitions to separate the elevator lobby at each floor where the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
6. Enclosed elevator lobbies are not required where the elevator hoistway is pressurized in accordance with Section 707.14.2.

SECTION 716A DUCTS AND AIR TRANSFER OPENINGS

Delete Exceptions under Section 716.5.3 of the Building Code in their entirety and add new Exceptions to read as follows:

Exceptions:

1. Fire and smoke dampers are not required where steel exhaust sub-ducts extend at least 22 inches (559 mm) vertically in exhaust shafts provided there is a continuous airflow upward to the outside and the fan is wired to the buildings emergency system.
2. Fire dampers are not required where penetrations are tested in accordance with ASTM E119 as part of the fire resistance rated assembly.
3. Fire and smoke dampers are not required where ducts are used as part of an approved smoke-control system in accordance with Section 909.
4. Fire and smoke dampers are not required where the penetrations are in parking garage exhaust or supply shafts that are separated from other building shafts by not less than 2-hour fire-resistance rated construction.
5. Smoke dampers are not required where the building is protected throughout with an automatic sprinkler system in accordance with Section 903.3.1.

CHAPTER 9A FIRE PROTECTION SYSTEMS

SECTION 901A GENERAL

Delete Section 901.2 of the Building Code in its entirety and add new Section 901.2 to read as follows:

901.2 Fire protection systems. Fire protection systems shall be installed, and repaired in accordance with this code. Any fire protection system for which an exception or reduction to the provisions of this code has been granted shall be considered to be a required system.

Exception: Any fire protection system or portion thereof not required by this code shall be permitted to be installed for partial or complete protection provided that such system meets the requirements of this code.

SECTION 903A AUTOMATIC SPRINKLER SYSTEMS

Add new Exception to Section 903.4.2 to the Building Code to read as follows:

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

SECTION 905A STANDPIPE SYSTEMS

Add new Exception to Section 905.2 to the Building Code to read as follows:

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

Exception: The residual pressure of 100 psi for 2½-inch hose connection and 65 psi for 1½-inch hose connection is not required to be greater than 65 psi in either case in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 and the highest floor level is not more than 150 feet above the lowest level of fire department vehicle access.

Delete Section 905.3.1 of the Building Code and add new Section 905.3.1 to read as follows:

905.3.1 Building height. Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 30 feet (9144 mm) above the lowest level of fire department vehicle access, or where the floor level of the lowest story is located more than 30 feet (9144 mm) below the highest level of fire department vehicle access.

Exception:

1. Class I standpipes are allowed in buildings equipped throughout with an automatic sprinkler system in accordance with Section 903.1.1 or 903.3.1.2.
2. Class I manual standpipes are allowed in open parking garages where the highest floor is located not more than 150 feet (54720 mm) above the lowest level of fire department vehicle access.
3. Class I manual dry standpipes are allowed in open parking garages that are subject to freezing temperatures, provided that the hose connections are located as required for Class I standpipes in accordance with Section 905.5.
4. Class I standpipes are allowed in basements equipped throughout with automatic sprinkler system.
5. In determining the lowest level of fire department vehicle access, it shall not be required to consider:

Recessed loading docks for four vehicles or less; and

Conditions where topography makes access from the fire department vehicle to the building impractical or impossible.

6. Hose stations for use by the building occupants shall not be required, subject to the approval of the authority having jurisdiction, provided that each hose connection is 2 ½ in. (63.5 mm) and is equipped with a 2 ½ x 1 ½ in. (63.5 mm x 38.2 mm) reducer and a cap attached with a chain.

Delete Section 906 of the Building Code in its entirety and add new Section 906A to read as follows:

SECTION 906A PORTABLE FIRE EXTINGUISHERS

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

1. In all Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S Occupancies.
2. Within 30 feet (9144 mm) of commercial cooking equipment.
3. In areas where flammable or combustible liquids are stored, used or dispensed.
4. On each floor of structures under construction, except Group R-3 occupancies, in accordance with Section 3309 of this code.
5. Where required by the sections indicated in Table F-906.1 of the *Fire Prevention Code*.
6. Special-hazard areas, including but not limited to, laboratories, computer rooms and generator rooms where required by the code official.

906.2 Installation. Installation of portable fire extinguishers shall comply with Section F-906 of the *Fire Prevention Code*.

SECTION 907A FIRE ALARM AND DETECTION SYSTEMS

Add new Sections 907.8.1.1 through 907.8.1.2.2.1 to the Building Code to read as follows:

907.8.1.1 Main Zoning annunciator panel. A zoning annunciator panel and the associated controls shall be provided in an approved location that is at the main entrance, readily discernable and readily accessible to the responding fire department. The visual zone indication shall lock in until the system is reset and shall not be canceled by the operation of an audible alarm-silencing switch. Panel shall be the same as remote panels as described below, except directory-style is limited to buildings with one zone per floor and not more than 3 stories above and 1 story below the fire department entrance.

907.8.1.2 Remote zoning annunciator panels. Remote zoning annunciator panels shall be provided at each fire department entrance other than the main entrance into a building and shall be provided as follows.

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

Exception: Where a graphic display with individual lamps is provided in accordance with Section 907.8.1.2.2.1

907.8.1.2.2 Graphic display: A graphic annunciator display shall be provided in fire command centers, or similar fire control rooms, and for each fire department entrance in buildings of the following types:

1. High-rise buildings.
2. Covered mall buildings.
3. Nursing homes and hospitals.
4. Buildings of any occupancy where three or more exits are provided per floor level above or below the level of exit discharge.
5. Buildings comprised of more than one street address with separate entrances.
6. Buildings with Group A occupancies of greater than 1000 persons.

907.8.1.2.2.1 Graphic display features: Graphic annunciator displays shall consist of an integrated graphic annunciator panel. Where approved, in buildings not more than 4 stories above or 2 stories below the fire department entrance, a directory-style annunciator panel with a permanently mounted graphic diagram may be installed. Graphic annunciator displays shall be fabricated of a durable material and shall incorporate the following features:

1. A graphic diagram that identifies:
 - a. Building address.
 - b. North arrow.
 - c. Building floor plan outline of each general type, where the orientation of each diagram is consistent with the annunciator location.
 - d. Fire alarm zoning.
 - e. Location of exit stairways and labeled with respective designations.
 - f. Location of elevator banks.
 - g. Location of elevator machine room
 - h. Location of the annunciator with “YOU ARE HERE” marker.
 - i. Location of fire command center or fire alarm control equipment.
 - j. Location of fire department connections.
2. Individual lamps that identify each associated device, floor, zone, and system status condition. Lamp colors shall be coordinated with the associated system conditions as follows: red for alarm; yellow or amber for supervisory; and yellow for system trouble. Green lamps shall be permitted to indicate annunciator power supervision. A push-button style switch shall be provided for lamp test operation.
3. Audible alert sounder that locally annunciates alarm, trouble, and supervisory conditions, with alert silencing-switch that is accessible to authorized personnel only.

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

SECTION 908A EMERGENCY ALARM SYSTEMS

Add new Section 908.0 to the Building Code to read as follows:

908.0 General. The system required by this section shall be designed and installed in accordance with the provisions of both this code and the *Fire Prevention Code*. Before proceeding with design, construction, installation, or use, a coordination meeting of all concerned parties shall be held to determine the applicable code requirements.

SECTION 911A FIRE COMMAND CENTER

Delete Section 911.1 of the Building Code in its entirety and add new Section 911.1 to read as follows:

911.1 Features. Where required by other sections of this code, a fire command center for fire department operations shall be provided. The fire command center shall have an exterior entrance on the street of the building address. The fire command center shall be conspicuously located near the main entrance, or at a location approved by the code official. The fire command center shall be separated from the remainder of the building by not less than a 1-hour fire barrier constructed in accordance with Section 706 or horizontal assembly constructed in accordance with Section 711, or both. The room shall be of sufficient size to accommodate all equipment and features required by this section and provide a minimum clear aisle width of 48-inches (1220 mm) in front of all equipment panels. A layout of the fire command center and all features required by the section to be contained therein shall be submitted for approval prior to installation. The fire command center shall comply with NFPA72 and shall contain the following features:

1. The emergency voice/alarm communication system unit.
2. The fire department communications unit.
3. Fire detection and alarm system annunciator unit.
4. Annunciator unit visually indicating the location of the elevators and whether they are operational.
5. Status indicators and controls for air-handling systems.
6. The fire-fighter's control panel required by Section 909.16 for smoke control systems installed in the building.
7. Controls for unlocking stairway doors simultaneously.

8. Sprinkler valve and water-flow detector display panels.
9. Emergency and standby power status indicators.
10. A telephone for fire department use with controlled access to the public telephone system.
11. Fire pump status indicators.
12. Schematic building plans indicating the typical floor plan and detailing the building core, means of egress, fire protection systems, fire-fighting equipment and fire department access.
13. Worktable.
14. Generator supervision devices, manual start and transfer features.
15. Public address system, where specifically required by other sections of this code

Add new Sections 911.2 through 911.5 to the Building Code to read as follows:

911.2 Identification. The entrance door to the fire command center shall be illuminated and clearly marked "Fire Command Center" with letters at a minimum of 3 inches (76 mm) in height on a contrasting background.

911.3 Prohibited Use. Electrical, mechanical or plumbing equipment other than those associated with the life safety systems, shall not be located within the fire command center. The fire command center shall not be used for other than its intended use.

911.4 Locking Arrangements. The fire command center shall be secured from unauthorized entry and made accessible to the Fire Department at all times.

911.5 Access. Where access to the fire command center from the building's exterior is restricted because of secured openings, a key box in accordance with Section 914 of the *Building Code* shall be installed at the building's main entrance or other approved location for fire department access. The key box shall be of an approved type and shall contain keys to gain necessary access to the building and fire command center as required by the code official.

Add new Sections 913A, 914A, 915A, and 916A to the Building Code to read as follows:

SECTION 913A FIRE PUMPS

913.1 General. Where provided, fire pumps shall be installed in accordance with this section and NFPA 20.

913.2 Protection against interruption of service. The fire pump, driver, and controller shall be protected in accordance with NFPA 20 against possible interruption of service through damage caused by explosion, fire, flood, earthquake, rodents, insects, windstorm, freezing, vandalism and other adverse conditions.

913.3 Temperature of pump room. Suitable means shall be provided for maintaining the temperature of a pump room or pump house, where required, above 40°F (5°C).

913.3.1 Engine manufacturer's recommendation. Temperature of the pump room, pump house or area where engines are installed shall never be less than the minimum recommended by the engine manufacturer. The engine manufacturer's recommendations for oil heaters shall be followed.

913.4 Valve supervision. Where provided, the fire pump suction, discharge and bypass valves, and the isolation valves on the backflow prevention device or assembly shall be electrically supervised in accordance with Section 903.4.

913.4.1 Test outlet valve supervision. Fire pump test outlet valves shall be supervised in the closed position.

913.5. Acceptance test. Acceptance testing shall be done in accordance with the requirements of NFPA 20.

SECTION 914A FIRE APPARATUS ACCESS ROADS

914.1 General. Fire apparatus access roads shall be provided and maintained in accordance with Section F-503 of the *Fire Prevention Code*.

SECTION 915A KEY BOXES

915.1 General. Key boxes shall be provided and maintained in accordance with Section F-506 of the *Fire Prevention Code*.

915.2 Where required. Where access to or within a structure or an area is restricted because of secured openings or where immediate access is necessary for life-saving or fire-fighting purposes, the code official is authorized to require a key box to be installed at the building's main entrance used for fire department access or other approved location. The key box shall be of an approved type and shall contain keys to gain necessary building access as required by the fire code official.

915.3 Locks. An approved lock shall be installed on gates or similar barriers when required by the code official.

SECTION 916A FIRE DEPARTMENT ACCESS TO EQUIPMENT

916.1 General. Fire department access to equipment shall be provided and maintained in accordance with Section F-510 of the *Fire Prevention Code*.

CHAPTER 10A MEANS OF EGRESS

SECTION 1003A GENERAL MEANS OF EGRESS

Delete Section 1003.2 of the Building Code in its entirety and add new Section 1003.2 to read as follows:

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

Exceptions:

1. Sloped ceilings in accordance with Section 1208.2.
2. Ceilings of dwelling units and sleeping units within residential occupancies in accordance with Section 1208.2.
3. Allowable projections in accordance with Section 1003.3.
4. Stair headroom in accordance with Section 1009.2.
5. Door height in accordance with Section 1008.1.1.

SECTION 1007A ACCESSIBLE MEANS OF EGRESS

Delete Section 1007.1 of the Building Code in its entirety and add new Section 1007.1 to read as follows:

1007.1 Accessible means of egress required. Accessible means of egress shall comply with this section. Accessible spaces shall be provided with not less than one accessible means of egress. Where more than one means of egress is required by Section 1015.1 or 1019.1 from any accessible space, each accessible portion of the space shall be served by not less than two accessible means of egress.

Exceptions:

1. Accessible means of egress are not required in alterations to existing buildings.
2. One accessible means of egress is required from an accessible mezzanine level in accordance with Section 1007.3, 1007.4 or 1007.5.
3. In assembly areas with sloped or stepped aisles, one accessible means of egress is permitted where the common path of travel is accessible and meets the requirements in Section 1025.8.

Delete Section 1007.2 of the Building Code in its entirety and add new Section 1007.2 to read as

follows:

1007.2 Continuity and components. Each required accessible means of egress shall be continuous to a public way and shall consist of one or more of the following components:

1. Accessible routes complying with Section 1104.
2. Interior exit stairways complying with Section 1007.3 and Section 1020.
3. Exterior exit stairways complying with Sections 1007.3 and Section 1023.
4. Elevators complying with Section 1007.4
5. Platform lifts complying with Section 1007.5.
6. Horizontal exits complying with Section 1021.
7. Ramps complying with Section 1010.
8. Areas of refuge complying with Section 1007.6.

Exceptions:

1. Where the exit discharge is not accessible, an exterior area for assisted rescue must be provided in accordance with Section 1007.8.
2. Where the exit stairway is open to the exterior, the accessible means of egress shall include either an area of refuge in accordance with Section 1007.6 or an exterior area for assisted rescue in accordance with Section 1007.8.

Delete Section 1007.3 of the Building Code in its entirety and add new Section 1007.3 to read as follows:

1007.3 Exit stairways. In order to be considered part of an accessible means of egress, an exit stairway shall have a clear width of 48 inches (1219 mm) minimum between handrails and shall either incorporate an area of refuge within an enlarged floor-level landing or shall be accessed from either an area of refuge complying with Section 1007.6 or a horizontal exit.

Exceptions:

1. The area of refuge is not required at unenclosed exit stairways as permitted by Section 1020.1 in buildings or facilities that are equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
2. The clear width of 48 inches (1219 mm) between handrails is not required at exit stairways in buildings or facilities equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
3. Areas of refuge are not required at exit stairways in buildings or facilities equipped throughout by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
4. The clear width of 48 inches (1219 mm) between handrails is not required for exit stairways accessed from a horizontal exit.
5. Areas of refuge are not required at exit stairways serving open parking garages.

6. Areas of refuge are not required for smoke protected seating areas complying with Section 1025.6.2.
7. The areas of refuge are not required in Group R-2 occupancies.

Delete Section 1007.4 of the Building Code in its entirety and add new Section 1007.4 to read as follows:

1007.4 Elevators. In order to be considered part of an accessible means of egress, an elevator shall comply with the emergency operation and signaling device requirements of Section 2.27 of ASME A17.1. Standby power shall be provided in accordance with Sections 2702 and 3003. The elevator shall be accessed from either an area of refuge complying with Section 1007.6 or a horizontal exit.

Exceptions:

1. Elevators are not required to be accessed from an area of refuge or horizontal exit in open parking garages.
2. Elevators are not required to be accessed from an area of refuge or horizontal exit in buildings and facilities equipped throughout by an automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2.
3. Elevators not required to be located in a shaft in accordance with Section 707.2 are not required to be accessed from an area of refuge or horizontal exit.
4. Elevators are not required to be accessed from an area of refuge or horizontal exit for smoke protected seating areas complying with Section 1025.6.2.

Delete Section 1007.6 of the Building Code in its entirety and add new Section 1007.6 to read as follows:

1007.6 Areas of refuge. Every required area of refuge shall be accessible from the space it serves by an accessible means of egress. The maximum travel distance from any accessible space to an area of refuge shall not exceed the travel distance permitted for the occupancy in accordance with Section 1016.1. Every required area of refuge shall have direct access to an enclosed stairway complying with Sections 1007.3 and 1020.1 or an elevator complying with Section 1007.4. Where an elevator lobby is used as an area of refuge, the shaft and lobby shall comply with Section 1020.1.7 for smokeproof enclosures except where the elevators are in an area of refuge formed by a horizontal exit or smoke barrier.

Exceptions:

1. A stairway serving an area of refuge is not required to be enclosed where permitted in Section 1020.1.
2. Smokeproof enclosure is not required for an elevator lobby used as an area of

refuge not required to be enclosed.

Delete Section 1007.6.2 of the Building Code in its entirety and add new Section 1007.6.2 to read as follows:

1007.6.2 Separation. Each area of refuge shall be separated from the remainder of the story by a smoke barrier complying with Section 709 or a horizontal exit complying with Section 1022. Each area of refuge shall be designed to minimize the intrusion of smoke.

Exception: Areas of refuge located within a vertical exit enclosure.

SECTION 1008A DOORS, GATES AND TURNSTILES

Delete Section 1008.1.8.7 of the Building Code in its entirety and add new Section 1008.1.8.7 to read as follows:

1008.1.8.7 Stairway doors. Interior stairway means of egress doors shall be openable from both sides without the use of a key or special knowledge or effort.

Exceptions:

1. Stairway discharge doors shall be openable from the egress side and shall only be locked from the opposite side.
2. This section shall not apply to doors arranged in accordance with Section 403.12.
3. In stairways serving not more than four stories doors are permitted to be locked from the side opposite the egress side, provided they are openable from the egress side and capable of being unlocked simultaneously without unlatching upon a signal from the fire command center, if present, or a signal by emergency personnel from a single location inside the main entrance to the building.
4. In buildings five or more stories in height including existing buildings without a fire command center complying with Section 911, doors are permitted to be locked from the side opposite the egress side provided they are unlocked without unlatching upon activation of the building's fire alarm system and the stairway is provided with a telephone or other two-way communication system in accordance with Section 403.12.1.

Add new Section 1008.1.8.8 to the Building Code to read as follows:

1008.1.8.8 Elevator lobby doors. Exit access doors in the elevator lobby serving a single Use Group B occupancy tenant are permitted to be equipped with an

approved egress access control system when all of the following conditions are met:

1. The building is equipped throughout with either an automatic sprinkler system in accordance with Section 903.1.1 or an approved automatic smoke or heat detection system installed in accordance with Section 907.
2. The elevator lobby exit access doors shall unlock upon loss of power to the access control system.
3. A readily accessible and visible manual unlocking device is installed 40- to 48-inches (1016 mm to 1219 mm) vertically above the floor and within 5 feet (1524 mm) horizontally of the secured doors, identified by a sign with minimum ½-inch (12.5 mm) high letters that reads "EMERGENCY DOOR RELEASE –ACTIVATE TO OPEN DOORS". Activation of the device shall unlock the doors for a minimum of 30 seconds.
4. Activation of the building fire alarm system, if provided, shall automatically unlock the doors, and the doors shall remain unlocked until the fire alarm system has been reset.
5. Activation of the building automatic sprinkler or fire detection system, if provided, shall automatically unlock the doors. The doors shall remain unlocked until the fire alarm system has been reset.
6. Where a manual fire alarm system is required by Section 907.2, a manual fire alarm box shall be provided and located within the elevator lobby.

SECTION 1014A EXIT ACCESS

Delete Section 1014.3 of the Building Code in its entirety and add new Section 1014.3 to read as follows:

1014.3 Common path of egress travel. In occupancies other than Groups H-1, H-2 and H-3, the common path of egress travel shall not exceed 75 feet (22 860 mm). In Group H-1, H-2 and H-3 occupancies, the common path of egress travel shall not exceed 25 feet (7620 mm). For common path of egress travel in Group A occupancies having fixed seating, see Section 1025.8.

Exceptions:

1. The length of a common path of egress travel in Group B, F and S occupancies shall not be more than 100 feet (30 480 mm), provided that the building is equipped throughout with an automatic sprinkler system installed in accordance with Section 903.3.1.1.

2. Where a tenant space in Group B, S and U occupancies has an occupant load of not more than 30, the length of a common path of egress travel shall not be more than 100 feet (30 480 mm).
3. The length of a common path of egress travel in a Group I-3 occupancy shall not be more than 100 feet (30 480 mm).
4. The length of a common path of egress travel in a Group R-2 occupancy shall not be more than 125 feet (38 100 mm), provided that the building is protected throughout with an approved automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

SECTION 1015A EXIT AND EXIT ACCESS DOORWAYS

Delete Section 1015.1 of the Building Code in its entirety and add new Section 1015.1 to read as follows:

1015.1 Exit or exit access doorways required. Two exits or exit access doorways from any space shall be provided where one of the following conditions exists:

1. The occupant load of the space exceeds the values in Table 1015.1.

Exception: In Groups R-2 and R-3 occupancies, one means of egress is permitted within and from individual dwelling units with a maximum occupant load of 20 where the dwelling unit is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2.

2. The common path of egress travel exceeds the limitations of Section 1014.3.
3. Where required by Sections 1015.3, 1015.4 and 1015.5.

Exception: Group I-2 occupancies shall comply with Section 1014.2.2.

**TABLE 1015.1
SPACES WITH ONE MEANS OF EGRESS**

OCCUPANCY	MAXIMUM OCCUPANT LOAD
A, B, E ^a , F, M, U	49
H-1, H-2, H-3	3
H-4, H-5, I-1, I-3, I-4, R	10
S	29

a. Day care maximum occupant load is 10.

Delete Section 1015.1.1 of the Building Code in its entirety and add new Section 1015.1.1 to read as follows:

1015.1.1 Three or more exits or exit access doorways. Three exits or exit access doorways shall be provided from any space with an occupant load of 501 to 1,000. Four

exits or exit access doorways shall be provided from any space with an occupant load greater than 1,000.

Delete Section 1015.2.1 of the Building Code in its entirety and add new Section 1015.2.1 to read as follows:

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

Exceptions:

1. Where exit enclosures are provided as a portion of the required exit and are interconnected by a 1-hour fire-resistance-rated corridor conforming to the requirements of Section 1016, the required exit separation shall be measured along the shortest direct line of travel within the corridor.
2. Where a building is equipped throughout with an automatic sprinkler system in accordance with Section 903.3.1.1 or 903.3.1.2, the separation distance of the exit doors or exit access doorways shall not be less than one-fourth of the length of the maximum overall diagonal dimension of the area served.

SECTION 1020A VERTICAL EXIT ENCLOSURES

Delete Section 1020.1.6 of the Building Code in its entirety and add new Sections 1020.1.6 through 1020.1.6.2 to read as follows:

1020.1.6 Stairway floor number signs. Signs shall be provided in all interior vertical exit enclosures connecting more than three stories, and in all interior vertical exit enclosures in buildings with three or more interior vertical exit enclosures.

1020.1.6.1 Signs inside stairway. A sign shall be provided at each floor landing inside the stairway identifying the stairway and the floor level, indicating the direction and number of floors to the exit discharge, and the availability of roof access from the stairway.

1020.1.6.1.1 Location. The sign shall be located entirely within the area between 5 feet (1524 mm) and 8 feet (2438 mm) above the floor landing, in a position which is readily visible when the stairway doors are in the open and closed positions, and located so that occupants egressing from

floors that are more remote from the exit discharge will face the sign frontally at some point in their path of egress.

1020.1.6.1.2 Material, Design and Colors. The sign shall be durable and of a material that complies with other sections of the code. Unless painted on the wall, the sign shall be securely fastened to the structure. The sign shall be of an approved design and the characters and background shall be of approved contrasting colors.

1020.1.6.1.3 Floor Identification. The sign shall identify the floor by one or more characters, using a designation that is consistent with the floor designations used throughout the building. Floor identification characters shall be numerals or capital letters, a minimum of 6 inches (152 mm) high, with a stroke width between one twelfth (1/12) and one fourth (1/4) of height of the floor identification character.

1020.1.6.1.4 Stairway Identification. The sign shall identify the stairway using a designation that is consistent with the stairway designations used throughout the building. The word "Stair" and the stairway designation shall be displayed immediately after the floor identification, using capital letters and/or numerals a minimum 1 ½ inches (38 mm) high but not higher than one fourth (1/4) the height of the floor identification characters.

1020.1.6.1.5 Distance to Exit Discharge. The sign shall contain information specifying the number of floors and the direction to the levels of exit discharge. The information shall be in the form of an arrow followed by the words "EXIT "n" FLOORS DOWN" or "EXIT "n" FLOORS UP," as applicable, where "n" indicates the number of floors to travel to the exit discharge. The size of the characters shall be the same used for the stair identification. The arrow shall be a minimum of 6 inches (152 mm) long and shall point in the direction of egress.

Exception: Vertical exit enclosures that connect three stories or less.

1020.1.6.1.6 Other Stairway Information. If the stairway provides access to the roof, the words "FIRE DEPT. ROOF ACCESS" shall be displayed immediately after the stairway identification, using capital letters a minimum of 1 inch (25 mm) high but not higher than the stairway identification characters.

1020.1.6.2 Signs outside stairway. A sign shall be provided at each stairway entrance identifying the stairway using the same designations as described in Section 1020.1.6.1.4. The sign shall be in accordance with ICC/ANSI A117.1 referenced in Chapter 35.

CHAPTER 11A ACCESSIBILITY

SECTION 1101A GENERAL

Delete Section 1101.1 of the Building Code in its entirety and add new Section 1101.1 to read as follows:

1101.1 Scope. The provisions of this chapter and Appendix E (except Section E110 Airports) shall control the design and construction of facilities for accessibility to persons with physical disabilities.

SECTION 1102A DEFINITIONS

Add the following definitions to the Existing Building Code to read as follows:

ASSEMBLY AREA. For the purposes of this chapter, a building or facility, or portion thereof, used for the purpose of entertainment, educational or civic gatherings, or similar purposes. Assembly areas include, but are not limited to, classrooms, lecture halls, courtrooms, public meeting rooms, public hearing rooms, legislative chambers, motion picture houses, auditoria, theaters, playhouses, dinner theatres, concert halls, centers for the performing arts, amphitheaters, arenas, stadiums, grandstands, or convention centers.

ASSISTIVE LISTENING SYSTEM. An amplification system utilizing transmitters, receivers, and coupling devices to bypass the acoustical space between a sound source and a listener by means of induction loop, radio frequency, infrared, or direct-wired equipment.

SECTION 1103A SCOPING REQUIREMENTS

Delete Section 1103.2.2 of the Building Code in its entirety and add new Section 1103.2.2 to read as follows:

1103.2.2 Existing Buildings. Existing buildings shall comply with the *Existing Building Code*.

SECTION 1105A ACCESSIBLE ENTRANCES

Delete Section 1105.1 of the Building Code in its entirety and add new Section 1105.1 to read as follows:

1105.1 Public Entrances. In addition to accessible entrances required by Sections 1105.1.1 through 1105.1.6 at least 60 percent of all public entrances shall be accessible. In buildings with an occupant load greater than 200, at least one public primary entrance door required to be accessible shall be a full-powered automatic door or power-assisted door, and at least one

interior door, if any, in series with the public primary entrance door shall be a full-powered automatic door or power-assisted door.

Delete Section 1105.1.6 of the Building Code in its entirety and add new Section 1105.1.6 to read as follows:

1105.1.6 Tenant spaces, dwelling units and sleeping units. At least one accessible entrance shall be provided to each tenant space, dwelling unit and sleeping unit in a facility.

Exceptions:

1. An accessible entrance is not required to tenant spaces that are not required to be accessible.
2. An accessible entrance is not required to dwelling units and sleeping units that are not required to be Accessible units, Type A units or Type B units.

SECTION 1107A DWELLINGS UNITS AND SLEEPING UNITS

Delete Section 1107.5.5.1 of the Building Code in its entirety and add new Section 1107.5.5.1 to read as follows:

1107.5.5.1 Group I-3 sleeping units. In occupancies in Group I-3, at least 5 percent, but not less than one, of the dwelling units and sleeping units shall be Accessible units.

Delete Section 1107.6.1.1 of the Building Code in its entirety and add new Section 1107.6.1.1 to read as follows:

1107.6.1.1. Accessible units. In Group R-1 occupancies, Accessible dwelling units and sleeping units shall be provided in accordance with Table 1107.6.1.1. All facilities on a site shall be considered to determine the total number of Accessible units. Accessible units shall be dispersed among the various classes of units, and shall provide choices of types of guest rooms, number of beds, and other amenities comparable to the choices provided to other guests. Where the minimum number of the dwelling units and sleeping units required to be accessible is not sufficient to allow for complete dispersion, accessible dwelling units and sleeping units shall be dispersed in the following priority: sleeping accommodation type, number of beds, and amenities. At least one Accessible unit shall also provide communication features complying with Appendix E, Section E104.3. Not more than 10 percent of Accessible units shall be used to satisfy the minimum number of units required to provide communication features complying with Appendix E, Section E104.3. Roll-in showers provided in Accessible units shall include a permanently mounted folding shower seat.

Delete Section 1107.6.2 of the Building Code in its entirety and add new Section 1107.6.2 to

read as follows:

1107.6.2 Group R-2. Accessible units, Type A units, and Type B units shall be provided in occupancies in Group R-2 in accordance with Sections 1107.6.2.1 through 1107.6.2.3.

Delete Section 1107.6.2.1.1 of the Building Code in its entirety and add new Section 1107.6.2.1.1 to read as follows:

1107.6.2.1.1 Type A units. In occupancies in Group R-2 containing more than 10 dwelling units or sleeping units, at least 15 percent, but not less than one, of the units shall be a Type A unit, and at least 1 percent, but not less than one, of the Type A units shall be served by a roll-in shower that includes a permanently mounted folding shower seat. All units on a site shall be considered to determine the total number of units and the required number of Type A units.

Exceptions:

1. The number of Type A units is permitted to be reduced in accordance with Section 1107.7.
2. Existing structures on a site shall not contribute to the total number of units on a site.
3. Type A units may contain the following adaptable features:
 - 3.1 Kitchen and laundry appliances that do not have accessible controls;
 - 3.2 Refrigerator/freezers that do not have the required accessible freezer space; and
 - 3.3 Kitchen sink cabinets and countertops that are not accessible, but that can be removed without cutting the countertop or damaging adjacent cabinets, walls, doors and structural elements, provided floor finishes extend under such cabinetry and the walls behind and surrounding cabinetry are finished.

Add new Section 1107.6.2.3 of the Building Code to read as follows:

1107.6.2.3 Dispersion. Accessible units and Type A units shall be dispersed among the various classes of units, in terms of number of bedrooms, size, views, and amenities.

SECTION 1108A SPECIAL OCCUPANCIES

Delete Table 1108.2.2.1 of the Building Code in its entirety and add new Table 1108.2.2.1 to read as follows:

**TABLE 1108.2.2.1
ACCESSIBLE WHEELCHAIR SPACES**

CAPACITY OF SEATING IN ASSEMBLY AREAS	MINIMUM REQUIRED NUMBER OF WHEELCHAIR SPACES
4 to 25	1
26 to 50	2
51 to 100	4
101 to 300	5
301 to 500	6
over 500	6, plus 1 for each 100, or fraction thereof, over 500

Add new Section 1108.2.8.2 to the Building Code to read as follows:

1108.2.8.2 Dining counters. In establishments serving food or drink for consumption where only counter seating is provided, a 60-inch (1524 mm) minimum length portion of the counter shall be accessible.

Add new Section 1108.5 to the Building Code to read as follows:

1108.5 Detention and correctional facilities.

1108.5.1 General. Buildings, facilities, or portions thereof, in which people are detained for penal or correction purposes, or in which the liberty of the inmates is restricted for security reasons, shall comply with Section 1108.5.

1108.5.2 General holding cells and general housing cells. General holding cells and general housing cells shall be provided in accordance with Section 1108.5.2.

Exception: Alterations to cells shall not be required to comply except to the extent determined by the District of Columbia Attorney General.

1108.5.2.1 Cells. Accessible cells shall be provided in accordance with Section 1107.5.5.1.

1108.5.2.2 Beds. In cells having more than 25 beds, 5 percent of the beds shall have clear floor space complying with ICC A117.1 Section 806.2.

1108.5.2.3 Communication features. At least 2 percent, but no fewer than one, of the total number of general holding cells and general housing cells equipped with audible emergency alarm systems and permanently installed telephones within the cell shall comply with ICC A117.1 Section 806.3.

1108.5.2.4 Overlap. Cells complying with ICC A117.1 Section 806.2 shall not be used to satisfy the minimum number of cells required to comply with ICC A117.1 Section 806.3.

1108.5.3 Special holding cells and special housing cells or rooms. Accessible special holding cells or special housing cells or rooms shall be provided in accordance with Section 1107.5.5.2.

1108.5.4 Medical care facilities. Accessible patient sleeping units or cells in medical care facilities shall be provided in accordance with Section 1107.5.5.3.

1108.5.5 Visiting areas. Visiting areas shall comply with Section 1108.5.5.

1108.5.5.1 Cubicles and counters. At least 5 percent, but no fewer than one, of cubicles shall be accessible on both the visitor and detainee sides. Where counters are provided, at least one shall be accessible on both the visitor and detainee or inmate sides.

Exception: This requirement shall not apply to the inmate or detainee side of cubicles or counters at non-contact visiting areas not serving holding or housing cells to comply with Section 1108.5

1108.5.5.2 Partitions. Where solid partitions or security glazing separates visitors from detainees, at least one of each type of cubicle or counter partition shall be accessible.

SECTION 1109A OTHER FEATURES AND FACILITIES

Delete Section 1109.4 of the Building Code in its entirety and add new Section 1109.4 to read as follows:

1109.4 Kitchens, kitchenettes or wet bars. Where kitchens, kitchenettes or wet bars are provided in accessible spaces or rooms, they shall be accessible in accordance with ICC A117.1.

CHAPTER 13A GREEN BUILDING PROMOTION

Delete Chapter 13 in its entirety and substitute the following:

SECTION 1301A GENERAL

1301.1 Scope. Pursuant to D.C. Law 16-234, the Green Building Act of 2006 Effective March 8, 2007, D.C. Official Code § 6-1451.01 *et seq.*, (“Green Building Act”), to promote the adoption of green building practices in the District of Columbia, applicants for certification of their Green Building Designs by an entity designated by the District Department of the Environment (“DDOE”), may, at cost, participate in the District’s Preliminary Design Review Program (“PDRP”) and qualify for a 30-business day expedited plans review (the “Expedited Green Building Permit Process”), provided that the requirements set forth in the Green Building Act and this Section 1301 are met.

Note: Expedited processing commences upon DCRA acceptance of an application requesting expedited plans review, provided that, if DCRA should determine that corrections to the plans are required, the 30-business day review period will recommence upon when the applicant resubmits corrected plans.

1301.2 Requirements. In order to participate in the PDRP and expedited plans review, applicants must meet the following Green Building Promotion requirements:

1301.2.1 Persons or entities desiring to participate in the Expedited Green Building Permit Process must submit a building permit application to DCRA, requesting participation in the Process and complete such green building intake forms or other forms as may be specified by the code official. In addition, the applicant must register with the United States Green Building Council (USGBC) or an equivalent green building certifying entity as determined by DDOE (the “Certifying Entity”).

1301.2.2 After application acceptance by DCRA, applicants shall meet with DCRA/DDOE in order to discuss the project, to determine design review approval requirements, and to develop a DCRA/DDOE Green Building Requirements Checklist for “Preliminary Review” and “Final Review.”

1301.2.2.1 “Preliminary Review” shall occur at approximately the 30% design completion point.

1301.2.2.2 “Final Review” shall occur at approximately the 85% design completion point.

1301.2.2.3 Prior to Preliminary Review and Final Review, the applicant shall attend an initial and final Preliminary Design Review Meeting (“PDRM”), that may include the participation of DCRA, DDOE, the Water and Sewer Authority (“WASA”) and the District Department of Transportation (“DDOT”) or other appropriate agencies as identified in the design review

approval requirements, and comply with general guidance, recommendations and documented requirements provided at the initial and final PDRM. The applicant may request additional PDRMs as needed.

1301.2.2.4 The Preliminary Review and Final Review shall be conducted by DCRA/DDOE,

1301.2.3 Prior to Preliminary Review, the applicant shall file any documentation required by the District of Columbia Environmental Policy Act (“DCEPA”), effective October 18, 1989 (D.C. Law 8-36; D.C. Official Code § 8-109.01 *et seq.* or the regulations promulgated thereto (20 DCMR § 7200.1) (e.g. the Environmental Impact Statement Form (“EISF”) or request for exemption) and post a performance bond (or letter of credit or escrow account) pursuant to Section 6 of the Green Building Act, D.C. Official Code §6-1451.05.

1301.2.4. Upon or before construction completion, the permit holder (whose permit has been obtained pursuant to the Expedited Green Building Permit Process) must apply to the Certifying Entity for “certification” of its compliance with the Green Building Act.

1301.2.5 If green building verification is not obtained in accordance with the requirements of D.C. Official Code § 6-1451.05, all or part of the performance bond shall be forfeited as provided in D.C. Official Code § 6-1451.05(g) and (h).

CHAPTER 14A EXTERIOR WALLS

SECTION 1405A INSTALLATION OF WALL COVERINGS

Delete Exceptions to Section 1405.12.2 of the Building Code in their entirety and add new Exceptions to Section 1405.12.2 to read as follows:

Exceptions:

1. Openings that are provided with window guards that comply with ASTM F 2006 or F 2090.
2. Windows with sash stops which will engage automatically so as not to allow a 4" diameter (102 mm) sphere to pass through the window opening and that shall readily manually disengage so as to allow emergency egress, ventilation or other occupant needs. The emergency escape (egress) release mechanism shall require no more than 15 lbf (66N) of force and shall consist of a double-action device requiring two distinct actions to operate.

CHAPTER 15A ROOF ASSEMBLIES AND ROOFTOP STRUCTURES

Add new Section 1511 to the Building Code to read as follows:

SECTION 1511A COOL ROOF REQUIREMENTS

1511.1 General. Roof coverings for roof slopes less than or equal to two units vertical in 12 units horizontal (17-percent slope or less) for buildings and covered parking shall conform to this section. A minimum of 75% of the entire roof surface not used for roof penetrations, *renewable energy power systems* (e.g. photovoltaics or solar thermal collectors), harvesting systems for rainwater to be used on-site, or green roofing systems shall be covered with products that comply with one or more of the following:

- (a) have a minimum initial *SRI* of 78.
- (b) comply with the criteria for the USEPA's Energy Star Program Requirements for Roof Products – Eligibility Criteria.

Exception

1. *Building projects* where an annual energy analysis simulation demonstrates that the total annual building energy cost and total annual CO_{2e}, as calculated in accordance with ASHRAE Standard 189.1 7.5.2 and 7.5.3, are both 2% less for the proposed roof than with a roof with an initial *SRI* of 78.
2. Roofs used to shade or cover parking and roofs over semi-heated spaces or used as outdoor recreation space by the occupants of the building shall be permitted to be either landscaped or have a minimum initial *SRI* of 29. A default *SRI* value of 35 for new concrete without added color pigment is allowed to be used in lieu of measurements.
3. Terraces on setbacks comprising less than 25% of the area of the largest floor plate in the building.
4. Roofs ballasted at a minimum weight of 17 pounds per square foot with limestone or a ballast with a solar reflectance of at least 30% shall be permitted to comprise part or all of the 75% required area coverage.
5. Green roofs shall be permitted to comprise part or all of the 75 percent required area coverage.

1511.2 Solar Reflective Index. The *solar reflective index (SRI)* shall be calculated in accordance with ASTM E1980 for medium-speed wind conditions. The *SRI* shall be based upon solar reflectance as measured in accordance with ASTM E1918 or ASTM C1549, and the thermal emittance as measured in accordance with ASTM E408 or ASTM C1371. For roofing products, the values for solar reflectance and thermal emittance shall be determined by a laboratory accredited by a nationally recognized accreditation organization, such as the Cool Roof Rating Council CRRC-1 Product Rating Program, and shall be labeled and certified by the

manufacturer.

CHAPTER 16A STRUCTURAL DESIGN

SECTION 1607A LIVE LOADS

Delete Number 17 in Table 1607.1 of the Building Code in its entirety and add new Number 17 to Table 1607.1 to read as follows:

**TABLE 1607.1
MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS AND MINIMUM
CONCENTRATED LIVE LOADS⁹**

OCCUPANCY OR USE	UNIFORM (psf)	CONCENTRATED (lbs.)
17. Garages (Passenger cars only)	50	Note a
Top deck of exposed garage	50, plus snow loading in accordance with Section 1608	
Trucks and buses	See Section 1607.6	

Add new Exception to Section 1607.3 of the Building Code to read as follows:

1607.3 Uniform live loads. The live loads used in the design of buildings and other structures shall be the maximum loads expected by the intended use or occupancy but shall in no case be less than the minimum uniformly distributed unit loads required by Table 1607.1

Exception: Buildings erected before July 1, 1925: In the alteration of buildings erected before July 1, 1925, the code official is authorized to allow a maximum reduction of 30 percent of the specified minimum live loads in Table 1607.1, with a minimum live load for other than residential buildings of 40 psf (1.92 kN/m²), provided official live load placards are posted showing this reduced live load.

Add new Section 1607.14 to the Building Code to read as follows:

1607.14 Powered maintenance platforms. The structural supports for powered maintenance platforms shall be designed in accordance with the requirements in Subpart F, §1910.66 of Occupational Safety and Health Administration Standards listed in Chapter 35.

SECTION 1608A SNOW LOADS

Add new Section 1608.1.1 to the Building Code to read as follows:

1608.1.1 Snow load for the District of Columbia. The basic snow load for the District of Columbia, as shown in Figure 1608.2 shall be a minimum of 25 psf (1.20 kN/m²) plus drifting or 30 psf (1.44 kN/m²) equivalent uniform load, whichever is greater.

1608.1.2 Minimum Wind Loads. The wind loads used in the design of the main wind force resisting system shall not be less than 20 pounds per square foot (0.958kN/m²) multiplied by the area of the building or structure projected on a vertical plane normal to the wind direction. In the calculation of design wind loads for components and cladding for buildings, the algebraic sum of the pressures acting on opposite faces shall be taken into account. The design pressure of components and cladding of buildings shall not be less than 20 pounds per square foot(0.958kN/m²) acting in either direction normal to the surface. The design force for open buildings and other structures shall not be less than 20 pounds per square foot (0.958kN/m²) multiplied by the area, A_f .

Exception: The wind pressures on tanks, signs, chimneys, stacks, cooling towers, dish antennas, and similar exposed surfaces and their supporting frames shall not be less than 30 psf (1.436kN/m²) of projected area.

CHAPTER 18A SOILS AND FOUNDATIONS

SECTION 1805A FOOTINGS AND FOUNDATIONS

Delete Section 1805.2.1 of the Building Code in its entirety and add new Section 1805.2.1 to read as follows:

1805.2.1 Frost Protection. Except where erected upon solid rock or otherwise protected from frost, foundation walls, piers and other permanent supports of all buildings and structures shall extend to a minimum depth below adjacent grade of 2 feet, six inches (762 mm).

Exception: Free-standing buildings classified in Importance Category I (see Table 1604.5), not larger than 100 square feet (9.25 m²) in area, and having an eave height of 10 feet (3048 mm) or less.

CHAPTER 30A ELEVATORS AND CONVEYING SYSTEMS

SECTION 3001A GENERAL

Delete Sections 3001.1 and 3001.2 of the Building Code in their entirety and add new Sections 3001.1 and 3001.2 to read as follows:

3001.1 Scope. This chapter governs the design, construction, installation, alteration and repair of elevators, escalators, platform and stairway chair lifts, dumbwaiters, moving walks, and other conveyance systems and their components.

3001.2 Referenced standards. Except as otherwise provided for in this code, the design, construction, and installation of elevators and conveying systems and their components shall conform to ASME A17.1 (2004), ASME A17.3 (2005), ASME A18.1 (2005), ICC/ANSI A117.1 (2003), ASME A90.1, ASME B20.1, ALI ALCTV, and ASCE 24 for construction in flood hazard areas established in Section 1612.3. Alteration, repair and maintenance of existing elevators and conveying systems shall comply with the *Existing Building Code* and with Section PM-606 of the *Property Maintenance Code*.

Add new Section 3007A to read as follows:

SECTION 3007 CERTIFICATE OF INSPECTION

3007.1 General. The operation of all equipment governed by the provisions of this chapter, and hereafter installed, relocated or altered, shall be unlawful by persons other than the installer thereof until such equipment has been inspected and tested as herein required and a limited certificate of inspection has been issued by the code official or a final certificate of inspection has been authorized by the code official and issued by the Department of Consumer and Regulatory Affairs.

3007.2 Limited certificate. The code official is authorized to issue a limited certificate of inspection for any equipment covered by this chapter, which is hereafter installed, relocated or altered, to permit limited use by the person designated therein during the period of such installation, relocation or alteration. Such certificate shall be signed by the code official, shall bear the dates of issue, renewal and expiration, and shall designate the class of service allowed.

3007.2.1 Tests and minimum safeguards required. A limited certificate shall not be issued for an elevator until such elevator has satisfactorily passed tests for rated load, car and counterweight safety, and terminal stopping devices. Permanent or temporary guards and enclosures shall be installed on the car, around the hoistway and at the landing entrances. Equipment other than elevators shall be tested and protectives shall be provided as deemed necessary by the code official to ensure safe operation for the limited service specified.

3007.2.2 Special Conditions. Automatic and continuous-pressure operation elevators shall not be placed in temporary operation from the landing pushbuttons

unless the door-locking device and interlocks required by ASME A17.1 are installed and operative. Where the car is operable only from the inside, landing entrance guards shall be provided with locks that are releasable from the hoistway side only.

3007.2.3 Time Limitation. Limited certificates of inspection shall be issued for periods of not more than thirty (30) days. The code official is authorized to renew the limited certificates of inspection for additional periods of not more than thirty (30) days each.

3007.3 Final Certificate. After the code official inspects elevators and conveying systems and finds no violations of the provisions of the *Construction Codes* or other laws that are enforced by the Department of Consumer and Regulatory Affairs, the code official shall authorize the issuance of a final certificate of inspection for each unit of equipment which has satisfactorily met all of the inspections and tests required by the *Building Code* and referenced standards that contains the following:

1. The building permit number.
2. The address of the structure.
3. The name and address of the owner.
4. A description of the vertical transportation equipment (e.g., escalator, elevator, dumbwaiter, wheelchair lift, moving walk or conveyor).
5. The rated load and speed, the date of acceptance tests and inspection, and the name and certification number of the inspector who made or witnessed such tests and inspections.
6. A statement that the described equipment has been inspected for compliance with the requirements of the *Construction Codes*.
7. The name of the code official.
8. The edition of the *Construction Codes* under which the permit was issued.
9. Any special stipulations and conditions of the building permit.

The final certificate of inspection shall be issued by the Business License Center of the Department of Consumer and Regulatory Affairs, concurrent with an Inspected Sales and Services license endorsement to the owner's Basic Business License, pursuant to D.C. Official Code §47-2851.03a(h)(2).

3007.4 Posting of Certificate. The owner shall post the last-issued certificate of inspection in a conspicuous place available to the code official.

3007.5 Suspension of Certificate. When equipment, in whole or in part, is found by the code official to be unsafe or unlawful, such equipment may be removed from service and classified as Temporarily Dormant.

3007.5.1 Temporarily Dormant Elevator, Dumbwaiter or Escalator. An installation whose power supply has been disconnected by removing fuses and placing a padlock on

the mainline disconnect switch in the “OFF” position. The car is parked and the hoistway doors are in the closed and latched position. A wire seal shall be installed on the mainline disconnect switch by a licensed elevator inspector. This installation shall not be used again until it has been put in safe running order and is in condition for use. Annual inspections shall continue for the duration of the temporarily dormant status by an elevator inspector. “Temporarily Dormant” status shall be renewable on an annual basis, and shall not exceed a five-year period. The inspector shall file a report with chief elevator inspector describing current conditions. The wire seal and padlock shall not be removed for any purpose without permission from the elevator inspector.

3007.5.2 Condemnation of Elevator, Dumbwaiter or Escalator. When equipment, or the structure in which it is installed, in whole or in part, is found by the code official to be unsafe, or is found unlawful, such equipment may be considered for condemnation with referral to the Board of Condemnation, pursuant to D.C. Official Code § 6-901 through §6-919 (May 1, 1906, 34 Stat. 157, *et seq.*).

CHAPTER 31A SPECIAL CONSTRUCTION

SECTION 3105A AWNINGS AND CANOPIES

Delete Section 3105.1 of the Building Code in its entirety and add new Section 3105.1 and 3105.1.1 to read as follows:

3105.1. General. Awnings or canopies shall comply with the requirements of this Section, other applicable Sections of the *Construction Codes*, the *Zoning Regulations*, the DC Public Space Manual and other applicable requirements.

3105.1.1 Permit. A permit shall be obtained from the code official for the erection, or replacement of any fixed awning, or canopy and for any retractable awning located at the first story level and extending over the public street or over any portion of a court or yard beside a building serving as a passage from a required exit or exit discharge to a public street.

Exception: A permit shall not be required for awnings located outside of the Historic and Fine Arts jurisdictions to erect or replace fixed or retractable awnings projecting 40 inches (1016 mm) or less installed on detached 1 & 2 family dwellings and townhouses not more than 3 stories above grade in height with a separate means of egress, or for retractable awnings installed above the first story or where the awning does not project over the public street or over any court or yard serving as a passage from a required exit to a public street.

Delete Sections 3105.3 through 3105.4 of the Building Code in their entirety and add new Sections 3105.3 and 3105.4 to read as follows:

3105.3 Design and construction. Awnings and canopies shall be designed and constructed to withstand wind or other lateral loads and live loads as required by Chapter 16 with due allowance for shape, open construction and similar features that relieve the pressures or loads. Structural members shall be protected to prevent deterioration. Awnings shall have frames of noncombustible material with an approved covering that meets the fire propagation performance criteria of NFPA 701 or has a flame spread index not greater than 25 when tested in accordance with ASTM E84.

3105.4 Fixed or permanent awnings. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any fixed or permanent awning shall be 8 feet (2438 mm). Fixed or permanent awnings installed above the first story shall not project more than 5 feet (1524 mm) from the face of the building.

Exception: Above doors on detached 1 & 2 family dwellings and townhouses not more than 3 stories above grade in height with a separate means of egress, the minimum clearance from the sidewalk or any other space used by the public to the lowest part of the awning shall be 6 feet 8 inches (2032 mm).

Add new Sections 3105.5 through 3105.7 to the Building Code to read as follows:

3105.5 Retractable awnings. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any retractable awning shall be 8 feet (2438 mm). Retractable awnings shall be securely fastened to the building and, in the fully extended position,

no part of the awning shall be closer than 12 inches (305 mm) to the vertical plane of the curb line. They shall be equipped with a mechanism or device for raising and holding the awning in a retracted or closed position against the face of the building.

Exception: Above doors on detached 1 & 2 family dwellings and townhouses not more than 3 stories above grade in height with a separate means of egress, the minimum clearance from the sidewalk or any other space used by the public to the lowest part of the awning shall be 6 feet 8 inches (2032 mm).

3105.6 Canopies. Canopies shall be attached to the building at the inner end and supported at the outer end by not more than two stanchions with braces anchored in an approved manner and shall not extend closer than 2 feet (610 mm) from the curb line. The minimum clearance from the sidewalk or any other space used by the public to the lowest part of any canopy shall be 8 feet (2438 mm). The width of canopies shall not exceed 8 feet (2438 mm).

3105.7 Lettering on awnings or canopies. Lettering on awnings or canopies shall comply with Section 3107.

SECTION 3106A MARQUEES

Delete Section 3106.2 of the Building Code in its entirety.

Delete Section 3107 of the Building Code in its entirety and add new Section 3107 to read as follows:

SECTION 3107A SIGNS

3107.1 General. This section shall govern the erection, hanging, placing, painting, display, and maintenance of outdoor display signs and other forms of exterior advertising. Except as otherwise specifically provided, signs bearing non-commercial statements of fact, belief, or personal or political opinion posted on private property are not subject to the provisions of this section.

3107.2 Definitions. The following words and terms shall, for the purposes of this Section and as used elsewhere in this code, have the meanings shown herein.

BILLBOARD. This term includes billboards and poster panels.

3107.3 Permits. No sign subject to the provisions of Section 3107 that exceeds 1 square foot (0.093 m²) in area, unless exempted by Section 3107.3.5, shall be erected, made a part of a building, painted, repainted, placed, replaced, hung, re-hung, altered, repaired structurally, changed in color, made to flash, or maintained, without a permit issued in accordance with this Section by the code official.

3107.3.1 Application for permit. Application for sign permit shall be made upon a form

provided by the code official. Application for a permit to install a sign shall be accompanied by drawings in triplicate, drawn to scale showing details of construction dimensions, lettering, and method of attachment of the sign.

3107.3.2 Dimensions of the premises. The application shall contain a statement of width of premises or width and height of the building, or any other dimensions deemed necessary by the code official to determine the allowable area of the sign.

3107.3.3 Materials specifications. The applicant shall furnish specifications or other information covering type and thickness of materials for the sign and its support.

3107.3.4 Permits for electrical signs. Any sign on or in which lighting of any type is to be used, or which will be illuminated by artificial means, or which will contain other electrical features, shall be designed in accordance with Chapter 27 of this code and require the issuance of a separate electrical installation permit.

3107.3.5 Exemptions from permit. The types of signs and advertising specified in Sections 3107.3.5.1 through 3107.3.5.7 do not require permits unless located within areas requiring review by the Commission of Fine Arts.

3107.3.5.1 Theater bills and changeable copy signs. The changing of bills of acts and features of theaters on established frames at such theaters, and the changing of the copy of any authorized changeable copy sign, the wording of which does not conflict with the provisions of this Section.

3107.3.5.2 Billboard advertising. Changing of matter advertised on authorized billboards and poster panels included in the official list of billboards.

3107.3.5.3 Signs within a building. Any sign located within a building, not attached directly or painted on a window, and not located within 18 inches (457 mm) of a window or entrance.

3107.3.5.4 Signs on windows. Signs upon a show window, or upon any other window abutting on, or overlooking a street or public way, within the Commercial and Industrial Districts as fixed by the *Zoning Regulations*, which signs advertise only the name of the occupant of the building, office, or store, the business conducted or products sold therein, when the aggregate area of those signs does not exceed 20 percent of the area of the window upon which they are displayed.

3107.3.5.5 Small unilluminated signs. Unilluminated signs located outside of and unattached to buildings in areas zoned Commercial or Industrial, otherwise complying with Section 3107.6, when such signs do not exceed three (3) per record lot, when each such sign does not exceed 3 feet (914 mm) in its maximum dimension and 4 square feet (0.371 m²) in area, and when each of such signs is located more than 20 feet (6096 mm) back of the building line or of the building restriction line. Such signs shall be allowed in addition to those for which a

permit is required under this Section.

3107.3.5.6 Real estate signs. Real estate signs not exceeding 6 square feet (0.557 m²) in area.

3107.3.5.7 Vacated property. One sign not to exceed 6 square feet (0.557 m²) in area, giving the name, business, and new address of the former occupant, is permitted to be displayed for not more than 60 days.

3107.3a Notwithstanding the limitations and exemptions stated in Section 3107.1 and 3107.3.5, a permit is required for the erection, painting, repainting, placement, replacement, hanging, re-hanging, alteration, repair, or change of a sign larger than one (1) square foot in size on the outside of a building on historic property or located within the first eighteen (18) inches inside a glazed opening of a building on historic property.

3107.3a.1 Permits shall be issued or denied for signs on historic property bearing non-commercial statements of fact, belief, or personal or political opinion that would otherwise be excluded from regulation under this section pursuant to Section 3107.1, and for signs on historic property that would otherwise be exempt from the permit requirement pursuant to Section 3103.5, based solely on their compliance with the requirements of 10A DCMR, Chapter 25.

3107.3b Notwithstanding the limitations stated in Section 3107.1 a permit is required for the erection, painting, repainting, placement, replacement, hanging, re-hanging, alteration, repair, or change of a sign bearing a non-commercial statement of fact, belief, or personal or political opinion that would otherwise be excluded from regulation under this section pursuant to Section 3107.1, if the sign is subject to review by the Commission of Fine Arts under Section 3107.4. Permits shall be issued or denied for these signs based solely on their compliance with Section 3107.4 and applicable Commission of Fine Arts requirements.

3107.4 Commission of Fine Arts submission. The provisions of Sections 3107.4.1 through 3107.4.2.9 shall govern applications for review of signs to be made to the Commission of Fine Arts.

3107.4.1 Shipstead-Luce Act area submissions. All applications to erect signs on buildings or land within the area controlled by An Act To regulate, the height, exterior design and construction of private and semipublic buildings in certain areas of the National Capital (“Shipstead-Luce Act”), approved May 16, 1930 (46 Stat. 366; D.C. Official Code § 6-611.01 *et seq.*), shall be submitted to the Commission of Fine Arts for review before a permit is issued. In addition to compliance with all other applicable provisions of this Section, signs within the meaning of the Shipstead-Luce Act shall comply with the requirements of Sections 3107.4.1.1 through 3107.4.1.9.

3107.4.1.1 Billboards, roof signs, projecting and revolving signs. Billboards as described in Section 3107.7.6, roof signs as described in Section 3107.7.2, projecting signs as described in Section 3107.7.1, and revolving signs as described in Section 3107.7.11, shall not be permitted.

3107.4.1.2 Permissible signs. Single-faced signs, only, shall be permitted upon the exterior walls of buildings, and all signs shall be stationary. The maximum sign projection allowed shall not exceed 12 inches (305 mm) beyond the building or building restriction lines.

3107.4.1.3 Illuminated signs. Illuminated signs shall consist of freestanding, back-lighted, opaque letters, illuminated by steady light. Exposed sources of sign illumination shall be prohibited.

3107.4.1.4 Sign dimensions. The aggregate area of all signs advertising any one business on a building or premises shall be limited to 25 sq. feet (2.322 m²) per street frontage.

3107.4.1.5 Sign copy. Copy on signs shall be limited to the address or name of the establishment, or both, and the type of business conducted, as indicated by the Certificate of Occupancy issued for the premises involved.

3107.4.1.6 Number of colors on sign. No more than two colors, nor more than one color in addition to black or white, shall be used for any sign, including the illumination of such sign.

3107.4.1.7 Signs on awnings. Signs on awnings shall be limited to the valance and shall otherwise comply with other applicable requirements of this Section.

3107.4.1.8 Show window lettering. Lettering of signs limited to a show window, or any other window, abutting on or overlooking a street or public way, shall cover an aggregate area of not more than 25 square feet (2.322 m²), per business, nor more than 20 percent of the area of the window, whichever is less.

3107.4.1.9 Nonconforming signs. Despite the limitations imposed by the requirements above, when the Commission of Fine Arts finds that the sign or the conditions surrounding it justify granting a variance from or exception to any of the requirements of Sections 3107.4.1.1 through 3107.4.1.8 and the Commission finds that granting such a variance or exception will not impair the intent and purpose of this Section or of the Shipstead-Luce Act, the code official is authorized to approve an application to erect a sign not conforming to the said requirements.

3107.4.2 Old Georgetown Act area submissions. All applications to erect signs on buildings or land within the area controlled by An Act To regulate the height, exterior design, and construction of private and semipublic buildings in the Georgetown area of the National Capital (“Old Georgetown Act”), approved September 22, 1950 (64 Stat. 904; D.C. Official Code § 6-1201 *et seq.*), shall be submitted to the Commission of Fine Arts for review before a permit is issued. In addition to compliance with all other applicable provisions of this Section, signs within the meaning of the Old Georgetown Act shall comply with the requirements of Sections 3107.4.2.1 through 3107.4.2.9.

3107.4.2.1 Billboards, roof signs, projecting and revolving signs. Billboards as described in Section 3107.7.6, roof signs as described in Section 3107.7.2, and revolving signs as described in Section 3107.7.11, shall not be permitted. Projecting signs as described in Section 3107.7.1, shall be allowed upon favorable recommendation by the Commission of Fine Arts, which shall include the maximum allowable projection of the sign.

3107.4.2.2 General restriction. All signs shall be stationary.

3107.4.2.3 Illuminated signs. Illuminated signs shall consist of freestanding, back-lighted, opaque letters, illuminated by steady light. Exposed sources of sign illumination shall be prohibited.

3107.4.2.4 Sign dimensions. The aggregate area of all signs advertising any one business on a building or premises shall be limited to 25 square feet (2.322 m²) per street frontage.

3107.4.2.5 Sign copy. Copy on signs shall be limited to the address or name of the establishment, or both, and the type of business conducted, as indicated by the Certificate of Occupancy issued for the premises involved.

3107.4.2.6 Number of colors on sign. No more than two colors, nor more than one color in addition to black or white, shall be used for any sign, including the illumination of such sign.

3107.4.2.7 Signs on awnings. Signs on awnings shall be limited to the valance and shall otherwise comply with other applicable requirements of this Section.

3107.4.2.8 Show window lettering. Lettering of signs limited to a show window, or any other window, abutting on or overlooking a street or public way, shall cover an aggregate area or not more than 25 square feet (2.322 m²), per business, nor more than 20 percent of the area of the window, whichever is less.

3107.4.2.9 Nonconforming signs. Despite the limitations imposed by the requirements above, when the Commission of Fine Arts finds that the sign or the conditions surrounding it justify granting a variance from or exception to any of the requirements of Sections 3107.4.2.1 through 3107.4.2.8 and the Commission finds that granting such a variance or exception will not impair the intent and purpose of this Section or of the Old Georgetown Act, the code official is authorized to approve an application to erect a sign not conforming to the said requirements.

3107.5 Marking of signs. Every sign for which a permit is required shall be marked with letters not less than 1 inch (25.4 mm) in height, giving the permit number and date of permit issuance.

3107.5a Signs on Historic Property. Signs on historic property shall comply with the

requirements of 10A DCMR Chapter 25.

3107.6 Character of Advertising. No sign subject to the provisions of Section 3107 shall be erected, hung, rehung, placed, replaced, painted, repainted, repaired, or maintained upon any structure or upon any wall or roof, or upon any premises, unless such sign advertises a bona fide business conducted on the premises, and for which business a Certificate of Occupancy has been issued. The change of sign copy on any sign other than an authorized "Changeable Copy Sign" shall require issuance of a new sign permit.

Exceptions:

1. Signs covered by Sections 3107.3.5.1 through 3107.3.5.3, 3107.3.5.5 through 3107.3.5.8, billboards as described in Sections 3107.7.6 through 3107.7.6.7.15, and temporary signs as described in Section 3107.8.
2. When buildings are under construction or alteration for a specific use, the code official is authorized to issue a permit for the construction or erection of a sign complying with these regulations, if such building or alteration has progressed to the satisfaction of the code official for its projected use, and application for Certificate of Occupancy has been filed.

3107.6.1 Area use restriction. Not more than 50 percent of the area of any sign shall be used to advertise products or commodities actually sold on the premises.

Exception: Devices indicating only time, temperature, or both, shall not be required to comply with this restriction.

3107.6.2 Removal of signs. Any sign subject to the provisions of Section 3107 that was erected, hung, re-hung, placed, replaced, painted, repainted, or maintained and which no longer advertises a bona fide business conducted upon the premises as specified in Section 3107.6, is not permitted pursuant to 3107.6a, or is not an authorized billboard or poster panel, shall be taken down, removed, or obliterated within five (5) days upon notification by the code official or such longer time as may be designated by the code official, and failure to so comply on the part of the owner, occupant, agent, or person having beneficial use of any building or premises upon which such sign may be found, shall subject the owner to the fines provided for in section 4 of An Act To regulate the erection, hanging, placing, painting, display and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 3, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.23), or to civil fines, penalties, and fees pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

3107.6.3 Street clocks. No lettering or advertising matter shall be placed on any street clock or part thereof, except that the name of the manufacturer of the clock is permitted to be displayed on the dial in small letters not to exceed one-twentieth of the height of the

dial.

3107.6.4 Signs on vacant property. Display of any sign, poster, or other advertising medium on or in any part of a vacant building, store, or premises, visible from the street or public way, other than real estate signs, complying with Section 3107.16 and authorized billboards or poster panels, is prohibited.

Exception: One sign not more than 6 square feet (0.557 m²) in area giving the name, business, and new address of the former occupant is permitted to be displayed for not more than 60 days on the vacated premises.

3107.6.5 Directional signs. Directional signs shall not be allowed except as permitted under Section 3107.7.6 for billboards or poster panels, under Section 3107.6.4 on vacated property, and their temporary display for the purpose of indicating the availability of real estate for sale or lease and the holding of an open house at a particular property.

Exception: Signs not more than 6 square feet (.557 m²) in area indicating the location of parking facilities for patrons shall be allowed under permit.

3107.6.6 Special permits. The code official is authorized to issue a permit to erect and maintain a sign not conforming with this Section if the code official finds that such sign or conditions surrounding such sign are unusual in character, of a type infrequently encountered, and that approval of the permit will provide an equitable application of this Section basically in keeping with its purpose and intent. The code official in each such special permit is authorized to impose such terms and conditions as he or she may deem necessary. Any sign erected under a special permit shall be removed at or prior to the time specified in the permit for the removal of such sign. If no time is specified, then such sign shall be removed not later than ten (10) days after notice from the code official to do so.

3107.6.6.1 Temporary decorations for buildings. The code official is authorized to approve permits for temporary decorations on the fronts of buildings or on legal projections from buildings in the spirit of a holiday period, inauguration, or similar occasion. Temporary decorations are permitted to include greetings, symbols, pictures, and other markings appropriate to the occasion. Any structures, framework, and fastenings shall be subject to the usual requirements. Authority is not granted in this Section to approve applications for decorations on, over, along, or across any street or highway, except as provided for in Section 3107.6.6.2. Permits for temporary decorations shall be issued for periods not exceeding 40 days.

3107.6.6.2 Temporary decorations for streets. Temporary street decorations shall not be installed on, over, along or across any street or highway until a special permit has been issued by the Director of the Department of Transportation. Street decorations are a privilege, not a right, and the Director of

the Department of Transportation is authorized to deny the corresponding permit or impose such conditions as may be deemed necessary, in the interest of public safety or welfare. Street decorations shall comply with the following conditions:

1. Street decorations shall not contain any advertising or any form of explicit or implicit reference to commercial businesses or products.
2. Street decorations shall be substantially related to an event or seasonal festivity of a civic or religious nature, not occurring more frequently than once a year.
3. Street decorations shall be stationary and shall be substantially supported structurally.
4. Street decorations containing electrical wiring or systems shall comply with Chapter 27.

3107.6a Substitution of Content. Any non-commercial message may be substituted for the content of any commercial sign allowed under this section.

3107.7 Types of signs. The provisions of this Section shall apply to types of signs and requirements for all signs subject to the provisions of Section 3107.

3107.7.1 Projecting signs. Signs projecting from or beyond a building line or building restriction line shall be allowed in Commercial and Industrial Districts, as defined in the *Zoning Regulations*, when supported on iron or steel brackets and stayed securely, or affixed in an approved equivalent manner, subject to the limitations imposed by Sections 3107.7.1.1 through 3107.7.1.3.

3107.7.1.1 Sign projection restrictions. No sign shall project more than 42 inches (1067 mm) beyond the building line or building restriction line, on the street frontage of a building. Hooded lights are permitted to be placed on projecting signs solely to illuminate such signs, but the hoods of such lights shall not project more than an additional 6 inches (152 mm). No part of projecting signs shall have less than 8 feet (2438 mm) clearance above the surface of a sidewalk or any other space used by the public, nor less than 15 feet (4572 mm) clearance above the surface of any driveway in public space. No portion of a sign shall extend over public space closer than 18 inches (457 mm) from the curb lane. No sign, including illumination, shall project more than 6 inches (152 mm) beyond the building line, in alleys.

3107.7.1.2 Double-faced projecting signs. Double-faced projecting signs on the front of buildings shall not extend above the roof or parapet a distance of more than one-third of the height of the sign nor more than 4 feet (1219 mm). Such signs are permitted to return over the roof or parapet not over 18 inches (457 mm) back of the face of the wall.

3107.7.1.3 Rigid attachment of signs. No sign projecting over public space shall be so erected or hung as to swing, sway, or revolve in any manner, except banners or flags. The supports for banners and flags shall also be installed so as to be rigid.

3107.7.2 Roof signs. Roof signs shall not be erected above the height limit established by the *Zoning Regulations*. The base of a roof sign shall not be less than 6 inches (152 mm) nor more than 18 inches (457 mm) above the roof parapet wall on which it is erected or affixed. The height of a roof sign shall not exceed half of the width of its base. In no case shall such sign exceed the maximum area fixed by Section 3107.10.

3107.7.2.1 Attachments. All roof signs shall be securely braced and fastened with lag screw expansion bolts, anchor plates, or by another approved structurally sound method, to prevent accidents in high winds. Roof signs shall not be erected or hung so as to swing, sway, or revolve in any manner. Complete structural plans indicating roof construction, method of attachment, and sign framing shall be provided with all applications for roof sign permits.

3107.7.2.2 Height limit. Lettering, advertising, or display of any character, other than religious symbols, is prohibited above the limit of height established by the *Zoning Regulations*, on spires, towers, domes, minarets, pinnacles, penthouses, ventilation shafts, chimneys, smokestacks, water storage tanks, cooling towers, or on any other support media extending above said height limit.

3107.7.3 Signs supported by projecting construction. Signs are permitted to be supported by canopies, marquees, porticos, and roofs of show windows constructed so as to safely support the weight of the sign or signs, in addition to the required snow and wind loads. Such signs shall not extend more than 42 inches (1067 mm) beyond the building line, except as provided for in Section 3107.7.1.

3107.7.4 Signs on awnings or similar projections. One horizontal line of letters, each letter not to exceed 12 inches (305 mm) in height, is permitted to be placed or painted on the vertical faces of valances, or on top of or hung from a canopy, marquee, portico, or awning. Where the line of letters is placed on top or hung from a marquee, canopy, portico, or awning, it shall be constructed in the so-called "skeleton" design, composed of separate letters without background or border. The line of letters shall designate only the street number of the premises and the name of the occupant or building or trade name. Such signs shall also be permitted in Residential Districts and Special Purpose Districts for apartment houses and hotels only. Signs on awnings, marquees, and canopies located on historic property shall comply with the requirements of 10A DCMR, Chapter 25.

3107.7.5 Banner signs and flags. No banner, sign or flag used for advertising purposes shall be erected, hung, attached, or affixed to any pole, staff, or other appurtenance, unless a permit for it has been issued, nor shall such banner, sign, or flag extend over public space more than 42 inches (1067 mm), or be hung or maintained less than 14 feet

above a public parking, sidewalk or roadway.

3107.7.5.1 Barber poles. Barber poles on public space attached to a building shall not project more than 42 inches (1067 mm) from the building line and provide not less than 8 feet (2438 mm) clearance above the sidewalk or existing ground level.

3107.7.6 Billboards. The provisions of this Section shall govern billboards in the District of Columbia.

3107.7.6.1 Authorized list. Only those billboards which were in existence as of January 1, 1972, that are contained in the "Authorized List of Billboards, Three-sheet Poster Boards, and Wall Signs," dated November 30, 1931, as amended through December 31, 1971, are authorized to remain in place, subject to the conditions in Section 3107.7.6.1 through 3107.7.6.7.15.

3107.7.6.2 Existing authorized billboards. Any existing billboard contained in the authorized list referred in Section 3107.7.6.1 shall be permitted to be maintained, repaired, altered, or rebuilt under authority of permits issued by the code official. No change in size or location is authorized and the maintenance and repair requirements of Section 3107.7.6.5 shall be met.

3107.7.6.3 Unauthorized billboards. Billboards which were not included in the authorized list referred in Section 3107.7.6.1 are without authority, unless erected in accordance with Sections 3107.7.6.6 through 3107.7.6.7. All unauthorized billboards shall be removed by the owner. No such billboard shall be replaced in any form or in any location, unless a new permit is issued in accordance with Sections 3107.7.6.6 through 3107.7.6.7.

3107.7.6.4 Razed billboards. Any billboard which is included in the authorized list referred in Section 3107.7.6.1 and which is razed, demolished, or obliterated, shall be stricken from the authorized list. No such billboard shall be replaced in any form or in any location, unless a new permit is issued in accordance with Sections 3107.7.6.6 through 3107.7.6.7.

3107.7.6.5 Maintenance and repair. Whenever the code official finds that any billboard on the authorized list referred to in Section 3107.7.6.1, or erected under a permit issued in accordance with Sections 3107.7.6.6 through 3107.7.6.7, is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the code official shall notify the owner thereof and order him to repair the billboard within a specified time but not less than 10 calendar days. If the code official finds that the billboard has deteriorated more than 50 percent of its replacement value, or is not repaired within the time specified in the repair notice, the code official shall notify the owner of the billboard and the owner of the real property on which said billboard is located to remove the billboard from the property within a specified time. All billboards ordered to be removed shall be stricken from the authorized list when the time limit set in the removal notice

ends. Failure to comply shall subject said owners, upon conviction or adjudication, to the fines provided for in section 4 of An Act To regulate the erection, hanging, placing, painting, display and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 3, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.23), or to civil fines, penalties, and fees pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 *et seq.*).

3107.7.6.6 Permit required. No billboards shall be erected, placed, maintained or relocated within the District of Columbia unless an application for permit is approved by the code official.

1. **Permit applications.** Permit applications shall be made upon forms provided by the code official. Permit applications shall be accompanied by four (4) sets of drawings showing details of construction, foundations, lighting, location of the billboard in relation to property lines, and relation to any other billboards located within 500 feet (152 400 mm) of the billboard for which the application is submitted. A separate electrical permit is required for billboards containing any electrical features.
2. **Permit fee.** The permit application must be accompanied by a fee pursuant to Section 108.
3. **Zoning compliance.** Billboard permit applications shall comply with the *Zoning Regulations*. However, where a billboard is to be located in an area, which, in the judgment of the Zoning Administrator is not permitted, the Zoning Administrator shall notify the applicant in writing that the application for permit is denied for failure to conform to the *Zoning Regulations*, indicating the applicable provisions of the *Zoning Regulations*. The Zoning Administrator's decision may be appealed to the Board of Zoning Adjustment as prescribed by its rules.
4. **Shipstead-Luce Act and Old Georgetown Act areas.** Where a billboard is to be located in an area covered either by the Shipstead-Luce Act or the Old Georgetown Act, the application and supporting material shall be transmitted to the Commission of Fine Arts for review under Sections 6-611.01 and 6-1202 of the D.C. Official Code (2001).
5. **Permit denial.** If the code official denies a billboard permit, the basis for the denial shall be stated in writing, including references to the statutory or regulatory provisions that would be violated if the permit were granted. The code official shall notify the applicant in writing with the reasons for denial of the permit.

3107.7.6.7 Design standards. Billboard permit applications shall comply with items 1 through 15 below, before a permit shall be issued:

1. The billboard shall not contain any moving parts, except where such moving parts are used to convey public service information such as time, temperature, date, weather, or similar information.
2. The billboard shall not contain flashing, intermittent, moving, or neon lights; the billboard shall not be lighted so as to permit beams of light to be directed at any portion of a public right-of-way, which beams of light are of such intensity or brilliance as to cause glare or impair the vision of any driver, or otherwise interfere with the driver's operation of a motor vehicle; the billboard shall not obstruct or undermine the traffic information systems of signs and lights.
3. The billboard shall not be located on lots of less than 50 feet (15 240 mm) of street frontage, nor shall billboard length be more than half the street frontage of the lot where it is proposed to be erected.
4. The billboard shall not be located within 200 feet (60 960 mm) of an existing billboard.
5. When located along an Interstate Highway or a controlled Access Primary Roadway within the Federal Aid Primary Urban Extension System as designated by the D.C. Department of Transportation, the billboard shall not be located less than 500 feet (152 400 mm) from an existing billboard.
6. The billboard shall not be located on lots within 200 feet (60 960 mm) of any Residential District, as defined by the *Zoning Regulations*.
7. The billboard shall not be located within 200 feet (60 960 mm) of any park or building owned or under the control of the government of the District of Columbia or of the Federal Government.
8. The billboard shall not be located within 300 feet (91 440 mm) of any Historic Landmark or in or within 300 feet (91 440 mm) of any Historic District as listed in the District of Columbia Inventory of Historic Sites.
9. The billboard shall not be visible from the nearest right-of-way line of any Interstate Highway or Federal Aid Primary Urban Extension System route, as designated by the D.C. Department of Transportation, or on any surface or elevated right-of-way of the Washington Metropolitan Area Transit Authority system, except as authorized under item 10 of this Section.
10. Where permitted by the *Zoning Regulations*, billboards shall be permitted that do not comply with item 9 of this Section, provided such billboards are located more than 200 feet (60 960 mm) from any of the right-of-ways

mentioned therein.

11. The billboards shall be set back from each property line of the lot where it is proposed to be erected, a distance of at least one (1) foot (305 mm) for each foot (305 mm) of overall billboard height.
12. The billboard shall not have a net advertising area in excess of 300 square feet (27.9 m²) for each sign face. For the purpose of this Section, net area shall be considered exclusive of any border, trim, ornamental base, apron supports or other structural members.
13. The billboard shall be designed and installed so as to maintain a minimum clearance of 8 feet (2438 mm) from the ground, as measured from the adjacent grade.
14. The billboard shall not exceed 25 feet (7620 mm) in overall height as measured from grade at the center line of the billboard to the level of the highest point of the billboard.
15. The billboard shall conform to Section 3107.11.

3107.7.7 Signs on side walls. Where no sign or signs exist on the side wall of any building or structure, no permit shall be issued for the erection, hanging or painting of a sign or signs on such side wall, except as provided in Sections 3107.7.7.1 and 3107.7.7.2.

3107.7.7.1 Corner buildings and alleys entrances. The code official shall be authorized to issue permits to erect, hang, or paint a sign or signs on those side walls of a corner building which abut a public street, or on those side walls of buildings which have a public entrance opening for business purposes upon an alley, when such signs comply with the provisions of this Section.

3107.7.7.2 Walls facing parking lots. A building with adjoining parking lots used in connection with such building shall be permitted to have side wall signs facing over such parking lots toward a street or alley fronting on such lots.

3107.7.8 Signs on public space. No structure or standard used as a sign, bulletin, or advertisement of any sort shall be built, placed, erected, hung, maintained, or left in or upon any street, avenue, alley, highway, footway, sidewalk, parking or other public space in the District of Columbia, unless specifically approved by the code official, including the use of directional signs as described in Section 3107.6.5, in accordance with provisions of this Section.

3107.7.9 Transported signs or banners. No advertising sign or banner shall be carried or transported on or over any public space. The provisions of this Section shall not apply to signs displayed on vehicles and advertising the bona-fide business of the owner. This Section shall not be construed to apply to banners or signs carried by members of any labor organization or similar body, whether employers or employees, publicizing the existence of or facts about any labor dispute or to any other sign bearing non-commercial

statements of fact, belief, or personal or political opinion.

3107.7.10 Commercial advertising on WMATA vehicles. Despite the provisions of Section 3107.7.9, or any other law, the sale and use of commercial revenue advertising space on the rear and side exteriors, or entire exterior surfaces of Metrobus public transit vehicles under the control and operation of the Washington Metropolitan Area Transit Authority (WMATA) shall be permitted for such vehicles operating on public space within the District of Columbia, subject to the conditions of Sections 3107.7.10.1 through 3107.7.10.2.

3107.7.10.1 Observance of the law. No advertisement shall be accepted by WMATA which violates this code or any other District of Columbia or federal law.

3107.7.10.2 Public service announcements. The rear and side exterior advertising space on at least 10 percent of the total number of Metrobus vehicles available for public transit operations shall be reserved for free public service announcements and advertisements regarding community, art, cultural, educational, and similar events.

3107.7.11 Revolving signs. Revolving signs shall be permitted in Commercial and Industrial Districts as defined in the *Zoning Regulations*, when located entirely upon the land of the owner and not projecting beyond the building line, subject to the conditions of Sections 3107.7.11.1 through 3107.7.11.7. As used in this Section, “revolving sign” includes a sign that displays 3-D, moving, animated, or periodically-changing images or text.

3107.7.11.1 Location restriction. Revolving signs shall not be permitted on the roofs of buildings or structures.

3107.7.11.2 Application requirement. Complete details of erection and operation of revolving signs shall be submitted with the sign permit application.

3107.7.11.3 Color and electrical features. The color and electrical features of revolving signs shall be approved by the Department of Transportation before issuance of a revolving sign permit.

3107.7.11.4 Revolving speed. Revolving signs shall not revolve faster than 5 revolutions per minute.

3107.7.11.5 Dimensions. The area of revolving signs shall not exceed 40 square feet (3.72 m²) per face, and the maximum dimension shall not exceed 3 feet (914 mm).

3107.7.11.6 Clearance and height. Revolving signs shall have not less than 8 feet (2438 mm) clearance above the adjacent ground level, and the total height of the sign above grade shall not exceed 20 feet (6096 mm).

3107.7.11.7 Illumination. Exposed lights or tubing shall be prohibited on revolving signs, and illumination shall be from indirect or internal sources.

3107.7.11.8 Vehicular Traffic Safety. No revolving sign may be installed or maintained if the Department of Transportation has determined that the sign location, size, or height above grade is objectionable with regard to vehicular traffic safety.

3107.7.12 Commercial Advertising on Taxicabs. Despite the provisions of Section 3107.7.9, or any other law, the sale and use of commercial revenue advertising space on the exterior rooftops of taxicabs shall be permitted, subject to the conditions of Sections 3107.7.12.1 through 3107.7.12.4.

3107.7.12.1 Advertising dimensions. Exterior rooftop advertising on taxicabs shall not exceed a size eighteen (18) inches in width, seventeen (17) inches in height or fifty-six (56) inches in length.

3107.7.12.2 Illuminated signs. Exterior rooftop advertising signs on taxicabs may be equipped with fluorescent illumination. However, flashing, intermittent, moving, or neon lights or parts are prohibited.

3107.7.12.3 Signs violating law. No advertisement shall be permitted that violates any District or federal law, including, but not limited to, sections 28-3901 through 28-3908 of the DC Code.

3107.7.12.4 Public service announcements. Those taxicabs carrying exterior rooftop advertising pursuant to this section shall devote ten percent (10%) of their yearly rooftop advertising to free public service announcements and advertisements regarding health, safety community, art, cultural, educational, or similar subjects or events.

3107.8 Temporary signs during construction. The code official is authorized to issue permits for the erection, painting, or affixing of signs on premises where building operations are being conducted, giving the name and address of the engineers, architects, contractors, financing institutions, and identifying the project or purpose of the building. Such signs shall comply with all requirements of this Section, and any sign so erected, painted, or affixed shall be removed upon completion of the building operations, or at any time before completion of building operations, when ordered by the code official in the interest of public safety, health and welfare.

3107.8.1 Signs in public space. Permits shall be issued for temporary construction signs, as described in Section 3107.8 to be erected on temporary barricades, covered walkways, construction offices or public space between the building line and such structures, subject to the conditions of Section 3107.8.

3107.8.2 Dimensions. The total area of signs erected on public space pursuant to Sections 3107.8 through 3107.8.2 shall be limited to 2 square feet (0.186 m²) for each foot of street frontage of the lot, with a maximum sign area of 40 square feet (3.72 m²) for residentially zoned property, and 200 square feet (18.58 m²) for commercially zoned

property. An additional 5 square feet (0.465 m²) of sign area shall be permitted on barricades to identify each adjoining premises or business.

3107.9 Residential or Special Purpose District limitations. This Section shall govern signs subject to the provisions of Section 3107 posted in residential or special purpose districts.

3107.9.1 General Residential District limitation. No sign or signs shall be permitted in any Residential District, as fixed by the *Zoning Regulations* unless a permit is issued by the code official in accordance with the provisions of this Section. The exemptions from the permit requirement stated in section 3107.3.5 shall not apply to signs in Residential Districts. Signs posted in Residential Districts that bear non-commercial statements of fact, belief, or personal or political opinion are not subject to the provisions of this Section and shall not require a permit unless the sign is posted on historic property or is subject to review by the Commission of Fine Arts and a permit is required pursuant to Section 3107.3a or 3107.3b.

Exemption. A permit shall not be required for a nameplate not exceeding 1 square foot (0.093 m²) in area, to advertise a home occupation, and bearing only the name and occupation of the occupant of the building.

3107.9.2 Zoning restrictions. Nothing within this Section shall be construed to grant any greater area nor any greater illumination than limited by specific order of the Board of Zoning Adjustment or Zoning Commission. If such a specific order prohibits any signs or illumination, such specific order shall take precedence over the provisions of this Section.

3107.9.3 Location restrictions. Residential district signs subject to the provisions of Section 3107 shall be located entirely on private property and shall be located on the portions of the building or premises occupied by the use for which the signs are authorized.

3107.9.4 Illumination. Residential District signs shall be allowed to be illuminated by steady white lighting only. No fluctuating, pulsating, or moving lights or lighting designed to change appearance in any manner shall be permitted in any Residential District. Where illumination of signs located in any Residential District is by gas tubes, these tubes shall not be visible but shall be allowed to be so arranged as to provide indirect light.

3107.9.5 Authorized signs. The code official is authorized to issue a permit for signs complying with any of Sections 3107.9.5.1 through 3107.9.5.7.

3107.9.5.1 Temporary automobile parking lots. On temporary automobile parking lots approved by the code official for such use, the total area of signs shall not exceed 20 square feet (1.86 m²) facing each street upon which the lot has a vehicular entrance, in addition to separate signs authorized under Section 3107.9.5.7.

3107.9.5.2 Nonconforming uses. Signs advertising a nonconforming use as defined in the *Zoning Regulations*, shall be limited to a total area not to exceed, for each use, the limits permitted by Section 3107.10 or 40 square feet (3.72 m²), whichever is less. Separate signs authorized under Section 3107.9.5.7 shall be counted towards the limits of this Section.

3107.9.5.3 Church bulletins. Church bulletins shall not exceed 20 square feet (1.86 m²) in area for each church. When approved by the code official, church bulletins shall be allowed to be placed on public parking upon recommendation of the Public Space Committee.

3107.9.5.4 Non-profit organization. Signs for each school, college, hotel, philanthropic institution, non-profit organization, hospital, residential care facility or church, shall be limited to a total area not to exceed 40 square feet (3.73 m²).

1. **Non-profit organization nameplates.** When approved by the code official, a nameplate or nameplates, each such plate not more than 6 square feet (0.56 m²) in area, shall be allowed to be placed on the public parking at entrance driveways, upon recommendation of the Public Space Committee. The area of such nameplates shall not be counted towards the limits on total sign area specified in Section 3107.9.5.4.
2. **Sign supports.** Signs pursuant to Section 3107.9.5.4 shall be allowed to be supported on posts or pilasters where permits have been secured for posts or pilasters, but shall not be so placed as to extend over any walkway or roadway unless there is at least 8 feet (2438 mm) clearance above such walkway or 15 feet (4572 mm) clearance above such roadway.

3107.9.5.5 Apartment house signs. For apartment houses, signs shall be limited to the name and house number of the building. Such signs shall only be permitted when facing the street or streets upon which entrances to the building are located. Such signs shall not exceed for each building frontage, the limits set forth in Table 3107.9.5.5. Signs placed on a marquee, canopy, or awning, as permitted under Section 3107.7.4, shall not be counted towards the area limitation given in Table 3107.9.5.5. For purposes of this Section, a group building erected under a covenant shall be considered as a single building.

**TABLE 3107.9.5.5
APARTMENT HOUSE SIGNS**

STREET FRONTAGE (feet) ^a	MAXIMUM ALLOWABLE SIZE OF SIGN ON STREET FRONTAGE (square feet) ^b
Up to 45	4

45 to 50	5
50 to 55	6
55 to 60	7
60 to 65	8
65 to 70	9
70 to 75	10
75 to 80	11
80 to 85	12
85 to 90	13
90 to 95	14
95 to 100	15
100 to 105	16
105 to 110	17
110 to 115	18
115 to 120	19
120 and above	20

Note a. 1 foot = 304.8 mm

Note b. 1 square foot = 0.093 square meters

3107.9.5.6 Office buildings, commercial or industrial uses. For buildings or premises approved by the Board of Zoning Adjustment or Zoning Commission for office buildings and commercial or industrial uses, the total area of signs, for each such building or premises, shall not exceed the limit prescribed in Section 3107.10, or 40 square feet, (3.73 m²), or such other limitation as may have been imposed by the Board of Zoning Adjustment or Zoning Commission, whichever is less. Such signs shall be attached flat against the wall of the building, unless they conform to Section 3107.9.5.6.1.

3107.9.5.6.1 Signs beyond the wall. Signs pursuant to Section 3107.9.5.6 shall be permitted on canopies, marquees, porticos, and awnings located entirely on private property, where placed or painted in the manner and with the limitations described in Section 3107.7.4. Signs so placed shall be counted towards the maximum allowable area of signs.

3107.9.5.7 Parking rate signs. Where Section 612 of DCMR 24, "Public Space and Safety" requires that a schedule of auto parking charge rates be posted, a separate sign setting forth such schedule, not more than 20 square feet (1.86 m²) in area, shall be allowed in addition to the areas otherwise permitted in Sections 3107.9.5.1 and 3107.9.5.2.

3107.9.6 Signs in Special Purpose Districts. For buildings or premises located in a Special Purpose District, as defined in the *Zoning Regulations*, the total area of signs subject to the provisions of Section 3107 shall not exceed the limits set forth in Table 3107.9.6, nor those imposed by any specific order of the Board of Zoning Adjustment or Zoning Commission.

**TABLE 3107.9.6
SIGNS IN SPECIAL PURPOSE DISTRICTS**

STREET FRONTAGE (feet)^a	MAXIMUM ALLOWABLE SIZE OF SIGN ON STREET FRONTAGE (square feet)^b
Up to 40	40 ft ²
40 to 100	1 ft ² per foot of frontage
Over 100	100 ft ² plus 0.5 ft ² per foot of frontage over 100

Note a. 1 foot = 304.8 mm

Note b. 1 square foot = 0.093 square meters

3107.10 Maximum size of signs. In any district other than Residential or Special Purpose Districts, the total area of sign or signs subject to the provisions of Section 3107 and attached to, displayed from, or erected upon any building, lot, or parcel of land, shall not exceed the limits prescribed in Sections 3107.10.1 through 3107.10.7.

3107.10.1 One story buildings. Two square feet (0.19 m²) for each foot of width of front of building occupied by the business or profession to be advertised, such signs or signs to be placed on the front under consideration within the limits of the portion of the front in which the business advertised is located. Roof signs shall not exceed 100 square feet (9.29 m²) facing any one street frontage.

3107.10.2 First floor stores or businesses in multi-story buildings. The provisions of Section 3107.10.1 shall apply, except that such signs shall be kept within a height of 20 feet (6096 mm) above the sidewalk.

3107.10.3 Upper stories of multi-story buildings. The total area of all signs above the 20-foot height specified in Section 3107.10.2 shall not exceed the limits set forth in Table 3107.10.3, for each street frontage.

**TABLE 3107.10.3
SIGNS ABOVE THE FIRST STORY**

AREA OF WALL ABOVE 20 FEET ABOVE THE SIDWALK, ON STREET FRONTAGE (square feet)^a	MAXIMUM ALLOWABLE AREA OF SIGNS ABOVE 20 FEET ABOVE SIDWALK ON STREET FRONTAGE
Up to 1600	40 ft ²
1600 to 4000	1/40 of area of wall above 20 ft

	height
Over 4000	100 ft ² roof signs, or 1/40 of area of wall above 20 ft height for signs below roof

Note a. 1 square foot = 0.093 square meters

3107.10.4 Single occupancy buildings. Where an entire building over one story in height is occupied by one business, store or occupant, the total area of all signs on each street frontage shall not exceed the limits set forth in Table 3107.10.4.

**TABLE 3107.10.4
SIGNS ON SINGLE-OCCUPANT MULTI-STORY BUILDINGS**

AREA OF WALL ON STREET FRONTAGE (square feet)^a	MAXIMUM ALLOWABLE AREA OF SIGNS ON STREET FRONTAGE
Up to 4000	100 ft ²
Over 4000	1/40 of area of wall, of which not more than 100 ft ² above the roof

Note a. 1 square foot = 0.093 square meters

3107.10.5 Unimproved lots or lots with a small office. Where a business is conducted on an unimproved lot or a lot with a small office, 2 square feet (0.19 m²) of sign area for each foot of street frontage shall be allowed, but not more than 150 square feet (13.95 m²) per frontage under consideration. The area of the signs of such buildings shall not exceed that permitted under Section 3107.10.1.

3107.10.6 Parking rate signs. Where Section 612 of DCMR 24, "Public Space and Safety" requires that a schedule of auto parking charge rated be posted, a sign setting forth such schedule, not more than 20 square feet (1.86 m²) in area shall be allowed in addition to the areas otherwise permitted in Sections 3107.10.1 through 3107.10.5.

3107.10.7 Exemptions. Signs exempted from permit pursuant to Sections 3107.3.5 through 3107.3.5.8 and signs not subject to the provisions of Section 3107 shall not be counted towards the total sign area permitted under Sections 3107.10.1 through 3107.10.5.

3107.11 Structural and materials requirements. All signs subject to the provisions of Section 3107 and their supports, including signs exempted from permit, shall comply with all structural and materials requirements of this Section and other applicable Sections of this code.

3107.11.1 Wind load. Signs shall be designed and constructed to withstand wind pressure as provided for in Chapter 16.

3107.11.2 Seismic load. Signs designed to withstand wind pressures shall be considered

capable of withstanding earthquake loads, except as provided for in Chapter 16.

3107.11.3 Working stresses. The allowable working stresses shall conform with the requirements of Chapter 16. The working stresses of wire rope and its fastenings shall not exceed 25 percent of the ultimate strength of the rope or fasteners.

Exceptions:

1. The allowable working stresses for steel and wood shall be in accordance with the provisions of Chapter 22 and Chapter 23.
2. The working strength of chains, cables, guys or steel rods shall not exceed one-fifth of the ultimate strength of such chains, cables, guys or steel.

3107.11.4 Attachment. Signs attached to all structures shall be safely and securely fastened by means of metal anchors, bolts or approved expansion screws of sufficient size and anchorage to safely support the loads applied. Structure to which signs are attached shall be designed to support the loads applied. Signs shall not be attached to or supported by unbraced parapet walls.

3107.11.5 Lateral bracing assumptions. For design of lateral bracing in the direction of the length of the sign, the wind shall be assumed at an angle of 45 degrees with the front or back of the sign, and the bracing designed for the force on the projected area perpendicular to the wind.

3107.11.6 Ground supports. Ground supports for signs shall comply with Sections 3107.11.6.1 through 3107.11.6.2.

3107.11.6.1 Wood materials. Where wood is embedded in the soil, the wood shall be pressure treated with an approved preservative.

3107.11.6.2 Metal materials. Metal materials shall be protected from corrosion.

3107.11.7 Combustible materials. Plastic materials shall burn at a rate no faster than 2.5 inches per minute (64 mm/min) when tested in accordance with ASTM D 635.

3107.11.8 Incombustible materials. Signs as specified in Sections 3107.11.8.1 through 3107.11.8.5 shall be of incombustible material except that sign cappings, decorations, lettering, and moldings may be of combustible materials.

3107.11.8.1 Wall signs. Wall signs exceeding 40 square feet (3.72 m²) in area, flat against, or supported not more than 15 inches (381 mm) away from the wall.

3107.11.8.2 Projecting signs. Projecting signs exceeding 2.5 square feet (0.23 m²) in area.

3107.11.8.3 Ground-supported signs. Ground-supported signs over 15 feet (4572 mm) in height or located 6 feet (1828 mm) or less from any building.

3107.11.8.4 Roof signs. Roof signs, irrespective of height or area.

3107.11.8.5 Electrical signs. Signs using electricity.

3107.11.9 Use of glass. Glass in signs shall be double-strength plain glass, plate glass, or wired glass. Glass shall be designed per Table 3107.11.9, except that no panel of more than 10 square feet (0.93 m²) of glass other than wired glass shall be used in signs projecting over public space.

**TABLE 3107.11.9
SIZE, THICKNESS AND TYPE OF GLASS PANELS IN SIGNS**

MAXIMUM SIZE OF EXPOSED PANEL (square feet)		MINIMUM THICKNESS OF GLASS	TYPE OF GLASS
Any dimension (inches)	Area (square inches)	(inches)	
30	500	1/8	Plain, plate or wired
45	700	3/16	Plain, plate or wired
144	3,600	1/4	Plain, plate or wired
>144	>3,600	1/4	Wired glass

For SI: 1 inch = 25.4 mm, 1 square inch = 645 mm²

3107.12 Alteration or relocation of signs. No sign erected before the adoption of these regulations shall be altered structurally or relocated, unless it is brought into compliance with the requirements of all applicable regulations for new signs.

3107.13 Dangerous signs. When any sign, including signs bearing non-commercial statements of fact, belief, or personal or political opinion posted on private property, now or hereafter erected, hung, attached, or maintained becomes structurally unsafe or otherwise dangerous to the safety of any building or premises, or to the public, the code official shall order the same to be taken down, removed, or made safe, and such order shall be complied with by the owner, occupant, agent, or person having the beneficial use of any building or premises upon which said

dangerous sign may be erected, hung, attached, or maintained. Any such person failing to comply with the orders issued pursuant to this Section shall, upon conviction or adjudication, be subject to the fines provided for in the Act of March 3, 1931, 46 Stat. 1486, as amended, D.C. Code Section 1-303.23 (2001 ed.), or to civil fines, penalties, and fees pursuant to titles I-III of the Department of Consumer and Regulatory Affairs, Civil Infractions Act of 1985, D.C. Law 6-42, Section 457.

3107.14 Obstructive signs. No sign, including signs bearing non-commercial statements of fact, belief, or personal or political opinion posted on private property, shall be so erected, hung, or attached as to obstruct any window, door, fire escape, balcony, platform, stairway, ladder, stack, vent pipe, or egress from any building.

3107.14.1 Removal of obstructive signs. Signs in violation of Section 3107.14 shall be removed or relocated to conform with this code.

3107.15 Display of license or permit. The provisions of this Section shall govern licenses, permits and penalties for sign work.

3107.15.1 Display of license. Any person, persons, firm, or corporation engaged in the business of painting, repainting, placing, replacing, hanging, erecting, or maintaining signs within the meaning of this Section shall have at his, her, their, or its principal place of business within the District of Columbia the license issued by the Department, available for inspection by the code official or by any member of the Metropolitan Police Department, at all appropriate times.

3107.15.2 Display of permit. A permit for the erection, repair, painting, repainting, or as otherwise provided in this Section, of a sign shall be kept on the premises where such sign is being erected repaired, painted, repainted, or as otherwise provided in this Section, and shall be displayed by the permittee when ordered to do so by the code official or by any member of the Metropolitan Police Department, at all appropriate times.

3107.15.3 Penalties. Any person failing to comply with these regulations shall, upon conviction or adjudication, be subject to the fines provided for in the Act of March 3, 1931, 46 Stat. 1486, as amended, D.C. Code Section 1-303.23 (2001 ed.), or to civil fines, penalties, and fees pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Law 6-42, Section 457.

3107.16 Real estate signs. The provisions of this Section shall govern real estate signs.

3107.16.1 Public space restrictions. No sign or advertisement relating to the sale, rent, or lease of land or premises shall be located on the sidewalk or parking of any street, avenue, or road in the District of Columbia.

3107.16.2 Number, location and size of sign. One (1) painted or printed sign or advertisement for the sale, rent, or lease of land or premises shall be allowed with the written consent of the owner or the owner's agent to be placed, by any one of not more

than three (3) real estate agents, on any lot, piece, or parcel of land abutting on a street, avenue, or road in the District of Columbia, or attached to the exterior of any building fronting on them, provided permits are secured for such sign in accordance with Section 3107.16.4. The area of any such sign shall not exceed 40 square feet (3.716 m²) if located within a Residential district, or 60 square feet (5.58 m²) if located within an unsubdivided outlying Section of the District of Columbia. This Section shall not apply to the temporary placement of directional signs relating to the sale or lease of real estate which indicate the holding of an open house, or a sign attached to the one painted or printed sign allowed by Section 3107.3.5.6 which indicates that the premises have been sold, leased, or placed under contract.

3107.16.3 Additional restrictions. Real estate signs shall be located on the premises advertised. Directional signs shall not be permitted.

3107.16.4 Permit for real estate signs. Under the provisions of the Act of March 4, 1913, 37 Stat. 974, a permit shall be issued to erect, hang, place, paint, or display any sign advertising the sale, rent or lease of real estate, or which in any manner pertains to land or buildings, unless exempted by Section 3107.3.5.6. No permit shall be required for the temporary placement of directional signs which indicate the holding of an open house at a particular property.

3107.16.5 Penalties. The code official is authorized to require the removal of any sign or advertisement in violation of this Section and to institute proceedings against persons violating this Section, and upon, conviction or adjudication, such persons shall be subject to the fines provided for in D.C. Official Code §1-303.23 (2001 ed.), or to civil fines, penalties, and fees pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, D.C. Official Code §§ 2-1801 *et seq.* (2001 ed.).

3107.17 Rules for Special Signs. The code official is authorized to issue a permit for a “Special Sign,” as defined in Section 3107.17.1. Special Signs shall be subject to the rules of this Section and not to the rules in this chapter pertaining to billboards, poster panels, wall signs, and other specific types of signs. The rules of this Section shall apply only to Special Signs.

3107.17.1 Definitions. As used in this Section, the following definitions apply:

Special Sign: A sign which meets the standards listed in Section 3107.17.5, that is erected, hung, placed, posted, painted, displayed or maintained on an outdoor or exterior wall or surface of a building pursuant to a Special Sign Permit issued by the Director of the Department. A Special Sign shall only include signs that are erected, hung, placed, painted, displayed or maintained on an outdoor or exterior wall or surface that is not self-standing, except as provided in this Section. A Special Sign shall be one of the thirty-two special signs approved by the Director pursuant to the Rules for Special Signs adopted September 22, 2000 (47 D.C. Register 7695 – 7700).

Exception: The twelve (12) self-standing special signs approvals, existing as of

January 1, 2004, shall be allowed to remain and/or be transferred within the area specified in Section 3107.17.7(b); provided that transfers of existing self-standing signs to a new self-standing location are subject to the following additional conditions: (i) that transferred self-standing signs are permitted only as temporary signs for a two (2) year time period beginning on the latter of the dates of issuance of the transfer permit or the date of issuance of the associated building permit for the special sign structure; and (ii) that the location to which the self-standing sign is transferred is a future construction site to be developed in the foreseeable future, as demonstrated by development plans, marketing materials, or ongoing administrative processes to develop the site. Sign support structures that are either attached to an adjacent building wall or within twelve (12) inches of an adjacent building wall (to ensure that the wall is not damaged) are not considered “self-standing” for the purposes of the special sign regulations.

Call to Action: An explicit, specific or blatant message to consumers from the sponsor that asks consumers to take action by purchasing, using, utilizing or considering the use of a sponsor’s product and/or service, including without limitation providing price or value information (*e.g.*, “affordable” or “5% interest rate available”) and inducements to act (*e.g.*, “one month’s free service when you buy”).

Logo: The symbol, emblem, typeface, or other visual device used by the sponsor to identify itself and to distinguish itself from others in the marketplace.

Permit Holder: The individual or entity who or which holds a Special Sign Permit validly issued and in good standing in accordance with the requirements of this Section and with all other applicable terms and conditions of Chapter 31, and who or which makes such Special Sign available for sponsorship or community service as provided herein.

Sponsor: The entity that contracts with the Permit Holder for the use of a Special Sign to display the Sponsor’s artwork that meets the visual and text standards of Section 3115.4.2.5.

3107.17.2 Special Sign Permit. No Special Sign may be erected, hung, placed, posted, painted, displayed, or maintained in the District of Columbia without the owner of such Special Sign first obtaining a Special Sign Permit from the Department in accordance with Section 3107.17.3 and approval of the artwork in accordance with Section 3107.17.5. A Special Sign Permit authorizes the sign’s location and particular artwork.

3107.17.3 Special Sign Permit Application. An application for a Special Sign Permit shall be submitted by the owner to the Director of the Department, or his designee, on a form provided by the Department, and shall include the following:

1. Identification of: (1) the applicant; (2) the proposed location of the Special Sign, by the street address of the building or premises and the face direction of the wall or surface (*e.g.*, “northern-facing”); (3) the proposed linear dimensions of the

Special Sign; and (4) a list of all existing Special Signs, identified by the address of the premises, located within a radius of one thousand feet (1000 ft) of the center of the proposed Special Sign;

2. An affidavit signed by the applicant or his duly authorized representative, certifying that the applicant is in compliance with the Clean Hands Before Receiving A License or Permit Act of 1996 (“Clean Hands Act”), effective May 11, 1996, D.C. Law 11-118 (D.C. Official Code § 47-2861 et seq).
3. A permit fee in the amount of one dollar (\$1.00) per square foot of the Special Sign. The permit fee may be paid by check made payable to the order of the “D.C. Treasurer.” The permit fee may be refunded to the applicant if the permit is not issued, in accordance with the provisions of Chapter 1 for the refund of unused permit fees.

3107.17.3.1 Applicant Qualifications. The applicant who or which submits an application for a Special Permit shall be licensed to do business in the District of Columbia as a business engaged in outdoor advertising, shall be a business in good standing at the time the application is submitted and for the duration of the permit, as evidenced in the Department’s records. The applicant shall not owe more than one hundred dollars (\$100) in taxes or delinquent fines to the District of Columbia at the time the application is submitted, as evidenced in the records of the District of Columbia Office of Tax and Revenue, and shall be in compliance with the Clean Hands Act.

3107.17.4 Review, Approval and Denial of Permit Applications. The Director of the Department, or his or her designee, shall review and approve or deny a Special Sign Permit application within twenty (20) days of its submission. Special Sign Permits shall be issued in the name of the applicant and shall pertain solely to the Special Sign location identified on the permit, subject to the transferability provisions of Section 3107.17.7.

3107.17.4.1 Denial of Application. If the Director denies a Special Sign Permit, the denial shall be in writing to the applicant and shall state the statutory or regulatory basis for the denial. The applicant shall have ten (10) business days from receipt of the denial to correct any defect in the application.

3107.17.5 Approval of Special Sign Artwork. Prior to the erection, hanging, placement, posting, painting, or displaying of any Special Sign artwork, the applicant shall obtain approval of such Special Sign artwork from the Department. The applicant shall submit the Special Sign artwork for approval with the original permit application or obtain approval for the Special Sign artwork subsequent to the issuance of the Special Sign Permit. Special Sign artwork shall be submitted to the Director of the Department or his or her designee, who shall review and act on the Special Sign artwork submission within ten (10) days of the submission. No Special Sign artwork shall be accepted by the Department which violates the D.C. Official Code or any other District of Columbia law or municipal regulation, or federal law. No Special Sign artwork shall be approved by the Department unless:

1. Identification of the Sponsor of the Special Sign, when provided, is limited to the bottom center, bottom right or bottom left corner of the Special Sign artwork, and shall be limited to the words “Sponsored by [Name and/or Logo of Sponsor]”. This Sponsor identification shall be no higher than one-tenth (1/10) of the maximum vertical dimension of the face of the sign, and no wider than one-third (1/3) of the maximum horizontal width of the face of the sign.
2. The copy of the Special Sign shall be predominantly pictorial and non-verbal, with textual matter on no more than 25% of the display area of the sign. The space occupied by any sponsor identification shall not be counted against the 25% limitation. Any textual matter or words contained in the pictures of products on the signs, such as the labeling on soft drink cans, etc., shall be considered pictorial and shall not count in the calculation of the percentage of textual matter.
3. Any words included in the body of the Special Sign artwork shall not directly or indirectly identify the Sponsor or any of the Sponsor’s recognizable campaign slogans, or serve as a direct “Call to Action” on behalf of the Sponsor.
4. The Department of Transportation determines that the sign location, size, and height above grade is not objectionable with regard to vehicular traffic safety.
5. The Department determines that the sign location is compatible with any existing park or building under the control of either the District of Columbia or the Federal government, pursuant to applicable laws and regulations.
6. The distance between horizontal projection of the center of the new proposed sign and the horizontal projection of the center of any other existing Special Sign within a one thousand feet (1000 ft) radius is at least five (5) times the sum of the diagonals of the two signs. This provision shall not affect existing Special Signs but shall apply to all new Special Signs and to the proposed relocation of any existing Special Sign.
7. Subject to the limitations placed on the permitted transfer of self-standing signs in Section 3107.17.1, the height of special signs installed as self-standing signs shall not exceed thirty (30) feet and shall provide eight (8) feet of clearance from the ground, as measured from the adjacent grade.

3107.17.5.1 Submission of Color Copies. Color copies of the proposed Special Sign artwork shall be submitted to the Department for approval, in duplicate. The color copies shall be legible. Once Special Sign artwork is approved, the two (2) copies shall be stamped “approved” by the Department; one copy shall be placed in the applicant’s permit file with the Department and be made available for inspection by the Department, for as long as the sign shall remain on display, and one copy shall be returned to the applicant reflecting the approval of the Department.

3107.17.6 Changing Special Sign Copy. A Special Sign permit holder may change the Special Sign artwork at the permit location by submitting the new artwork for approval in

accordance with the provisions of Section 3107.17.5. A “change copy” fee in the amount of five hundred dollars (\$500) must be paid before each new Special Sign artwork can be approved and changed. The \$500 change copy fee in this Section is refundable if the request to change the Special Sign artwork by the permit holder is not approved by the Director. Changing the copy of a permitted Special Sign shall not entail an increase of any of the linear dimensions of the sign.

3107.17.7 Transferability of Special Sign Locations. A Special Sign Permit shall be transferable to a new location only under the following conditions:

1. Except for transfers from locations presently lying outside the area defined in paragraph (b) of this Section, the transfer is for cause, which only means that: (1) the lease for the location of the Special Sign is cancelled, terminated, or otherwise invalid; (2) the Special Sign is partially or totally obstructed; or (3) the location of the Special Sign is or would be no longer feasible because of construction or development.
2. The new location is within the Central Business District (C-4), as defined by Title 11 of the District of Columbia Municipal Regulations; the commercial or industrial portions of the New York Avenue corridor, areas zoned industrial (M, C-M), as defined in Chapter 8 of Title 11 of the District of Columbia Municipal Regulations (11 DCMR §800 *et seq.*); facilities within the jurisdiction of the District of Columbia Sports Commission as of November 1, 2001; or the following areas within the Central Employment Area which are bounded as follows:
 1. Beginning at the corner of F Street, N.W. and 17th Street, N.W., west along F Street, N.W. to 20th Street, N.W., north along 20th Street, N.W. to Pennsylvania Avenue, N.W., west along Pennsylvania Avenue, N.W. to 21st Street, N.W., north along 21st Street, N.W. to M Street, N.W., east along M Street, N.W. to 20th Street, N.W., north along 20th Street, N.W. to N Street, N.W., east along N Street, N.W. to 19th Street, N.W., south along 19th Street, N.W. to G Street, N.W., east along G Street, N.W. to 17th Street, N.W., south along 17th Street, N.W. to F Street, N.W.;
 2. Beginning at the corner of Rhode Island Avenue, N.W. and M Street, N.W., northeast along Rhode Island Avenue, N.W. to Massachusetts Avenue, N.W., east along Massachusetts Avenue, N.W. to 15th Street, N.W., south along 15th Street, N.W. to M Street, N.W., west along M Street, N.W. to 16th Street, N.W., south along the east side of 16th Street, N.W. to Eye Street, N.W., north along the west side of 16th Street, N.W. to M Street, N.W., west along M Street, N.W. to Rhode Island Avenue, N.W.;
 3. Beginning at the intersection of Massachusetts Avenue, N.W. and 14th Street, N.W., east along Massachusetts Avenue, N.W. to 9th Street, N.W., north along 9th Street, N.W. to N Street, N.W., east along N Street, N.W. to 7th Street, N.W., south along 7th Street, N.W. to K Street, N.W., east

along K Street, N.W. to 3rd Street, N.W., south along 3rd Street, N.W. to Massachusetts Avenue, N.W., west along Massachusetts Avenue, N.W. to Eye Street, N.W., west along Eye Street, N.W. to 9th Street, N.W., south along 9th Street, N.W. to H Street, N.W., west along H Street, N.W. to 11th Street, N.W., north along H Street, N.W. to Eye Street, N.W., west along Eye Street, N.W. to 12th Street, N.W., north along 12th Street, N.W. to L Street, N.W., west along L Street, N.W. to 14th Street, N.W., north along 14th Street, N.W. to Massachusetts Avenue, N.W.;

4. Beginning at the intersection of Massachusetts Avenue, N.W. and H Street, N.W., east along H Street, N.W. to the closed alley (formerly Smith Court) in the mid-block between 1st Street, N.W. and North Capitol Street, south along that closed alley line to G Street, N.W., east along G Street, N.W., to North Capitol Street, south along North Capitol Street, N.W. to Massachusetts Avenue, N.W., northwest on Massachusetts Avenue, N.W. to H Street, N.W.;
 5. Beginning at the intersection of Florida Avenue, N.E. and North Capitol Street, southeast along Florida Avenue, N.E. to 4th Street, N.E., south along 4th Street, N.E. to M Street, N.E., west along M Street, N.E. to 3rd Street, N.E., south along 3rd Street, N.E. to K Street, N.E., west along K Street, N.E. to 1st Street, N.E., south along 1st Street, N.E. to G Place, N.E., west along G Place, N.E. to North Capitol Street, north along North Capitol Street to Florida Avenue, N.E.;
 6. Beginning at the corner of M Street, S.E. and South Capitol Street, east along M Street, S.E., to 1st Street, S.E., south along 1st Street, S.E., to Potomac Avenue, S.E., west along Potomac Avenue, S.E., to South Capitol Street, north along South Capitol Street to M Street, S.E.; and
 7. Beginning at the intersection of Maryland Avenue, S.W. and Maine Avenue, S.W., east along Maryland Avenue, S.W. to 9th Street, S.W., south along 9th Street, S.W. to Interstate 395, west along Interstate 395 to Maine Avenue, S.W.
3. The Special Sign in its new location is approved by the Department in accordance with all other applicable provisions of Section 3107.17.
 4. The permit holder pays a “change location” fee in the amount of \$ 500. The \$ 500 change location fee shall be refundable if the transfer of the Special Sign permit to a new location is not approved. If the relocation of the Special Sign is made at the request of the Department, a change location fee shall not be required.
 5. If the Special Sign is painted or drawn onto an existing structure, the method of removal shall be that the existing structure where the Special Sign has been placed shall be made neutral prior to the relocation.

6. If a current Special Sign permit for a location that is not in the zone of transferability, as defined in paragraph (b) of this Section, is transferred to another location under this Section, the Department shall ensure that the current Special Sign has been removed prior to the relocation and no subsequent Special Sign shall be permitted to be erected in the former location or area outside the zone of transferability.
7. No Special Sign shall be installed so as to extend above the lowest portion of the roofline of an existing building's dimensions.

3107.17.8 Installation of Special Signs. The installation of a Special Sign shall be done in a workmanlike manner and in accordance with the standards of the industry. Special Signs shall be subject to the structural provisions of Section 3107.11. Special signs shall not be installed upon building walls so as to cover any existing windows. A Special Sign shall only be installed upon a building and no part of either it or its supporting structure may protrude above the wall upon which it is installed. The topmost point of a Special Sign or of its supporting structure shall not be higher than the allowable height for a new building at the premises, under the *Zoning Regulations*.

3107.17.9 Illumination of Special Signs. Special Signs within five hundred feet (500 ft) of a residential zone, as established in the *Zoning Regulations*, shall not be illuminated. Other Special Signs may be indirectly illuminated by projecting artificial light on the surface of the sign, but shall not be internally illuminated nor be constructed of or incorporate neon, or any other type of gas or vapor lights. Special Signs shall not contain movable parts, or highly reflective or fluorescent materials, nor shall they contain 3-D, moving, animated, or periodically-changing images or text.

3107.17.10 Limitations on Special Sign Permits. The Department shall not issue any new permit, whether as an initial permit, for changes to artwork pursuant to Section 3107.17.5, or for transfer to a new location pursuant to Section 3107.17.7, for any Special Sign to be displayed upon buildings or land located in any of the following areas:

- 1 In or within one hundred feet (100 ft) of a Residential District, as defined in the *Zoning Regulations*, or within one hundred feet (100 ft) of a school or church with a valid certificate of occupancy for such use, or within one hundred feet (100 ft) of a federal or District of Columbia park or monument.
- 2 Between one hundred and two hundred feet (100 ft - 200 ft) of a Residential District, as defined in the *Zoning Regulations*, unless the sign faces away from the residential district and is placed at an angle of forty-five degrees (45°) or less with the closest residential zoning district boundary line.
- 3 In or within sixty feet (60 ft) of any Historic District or Historic Landmark or site listed on the most current edition of the "District of Columbia Inventory of Historic Sites" as amended from time to time, unless the Special Sign is located

outside a Residential District, on a side-wall or back-wall of the building or site and historic preservation approval is granted if necessary. Special signs in any Historic District or on a Historic Landmark or site shall be removed within six months of its erection, hanging, placement or display.

- 4 In or within one hundred feet (100 ft) of premises within the area controlled by the Shipstead-Luce Act (D.C. Official Code § 6-1201.01 (2001 ed.).
- 5 In or within one hundred feet (100 ft) of premises within the area controlled by the Old Georgetown Act (D.C. Official Code § 6-1201 et seq (1 ed.2006).
- 6 In a waterfront district (W) and pursuant to specific prohibitions as may be contained in the *Zoning Regulations*, as amended from time to time.

3107.17.11 Enforcement of Regulations and Removal of Special Signs. Any unauthorized Special Sign (including a Special Sign without a permit, or a permitted Special Sign with unauthorized artwork) shall be taken down, removed, or obliterated within ten (10) days after receipt of written notification of violation from the Department. The code official is authorized to bring enforcement actions on behalf of the Department, which may include the authorization to use the police or other governmental authority to order removal of, or to remove, the unauthorized Special Sign and the imposition of civil fines of no more than three dollars (\$3) per square foot of sign, per day that the unauthorized Special Sign fails to be taken down, removed or obliterated. Both the owner of the premises upon which the Special Sign is displayed and the permit holder are responsible for taking down, removing or obliterating the sign upon notification by the Department to do so, and both may be held responsible for any penalties or fines imposed for the violation. Additional enforcement measures may be taken pursuant to, and consistent with, the provisions of Section 113, "Violations and Infractions."

3107.17.12 Moratorium on Issuance of Special Signs. Other than for changes in artwork pursuant to Section 3107.17.5, or for transfers of location pursuant to Section 3107.17.7, no new Special Sign Permits shall be issued after November 9, 2000.

3107.18 Rules for Gallery Place Project Graphics. The code official is authorized to issue a permit for Gallery Place Project Graphics, as defined in Section 3107.18.1. Gallery Place Project Graphics shall be subject to the rules of this Section and not to the rules in this chapter pertaining to billboards, poster panels, wall signs, Special Signs, and other specific types of signs, except those specific types of signs indicated below. Gallery Place Project Graphics shall not be subject to Section 3107.10 or other similar provisions of this chapter that limit the maximum size or height of signs, other than the limitations stated or incorporated into this Section. All other provisions of this chapter shall apply, including, but not limited to, Sections 3107.3.4 (permits for electrical signs), 3107.7.1 (projecting signs), 3107.7.2 (roof signs), 3107.7.3 (signs supported by projecting construction), 3107.7.4 (signs on awnings or similar projections), 3107.7.8 (signs on public space), 3107.11 (structural and materials requirements), 3107.13 (dangerous signs), and 3107.14 (obstructive signs).

3107.18.1 Definitions. As used in this Section, the following definitions apply:

GALLERY PLACE PROJECT: (a) The project described in D.C. Official Code § 47-2005(30)(B), except that the lots comprising the project have been combined and are now known as Lot 50 in Square 454; (b) the private alley located between the project and the property known as the Verizon Center, Square 455, Lot 47, and (c) the northern facade of the Verizon Center.

GALLERY PLACE PROJECT GRAPHICS: The outdoor graphics and visuals for the Gallery Place Project, including, but not limited to, banners, digital screens, digital video monitors, theater marquees, fixed and animated signs for commercial establishments located within the project, projectors for projecting static and moving images onto the Gallery Place Project, interactive kiosks, and images projected onto the facade of the Gallery Place Project.

3107.18.2 Additional Requirements and Restrictions. In addition to all other applicable provisions of this chapter not exempted by this Section 3107.18, Gallery Place Project Graphics and those graphics and visuals located in the public space immediately adjacent to the Gallery Place Project shall be designed, located, erected, hung, placed, posted, painted, displayed, and maintained in compliance with the specifications, drawings, limitations, and requirements set forth in Illustrations 1 through 6 (“Illustrations”), which are incorporated by reference into this Section and are available in the office of the code official.

3107.18.2.1 Flexibility on Character of Advertisement. Notwithstanding Section 3107.6, Gallery Place Project Graphics located in those areas identified in the Illustrations as the "Corner Heroic Sign Area" or the "Additional Signage Area" may advertise businesses not located on the premises, including the goods and services sold at such business, provided that the businesses so advertised are located within the Gallery Place Project.

3107.18.2.2 Displays of Video, Flashing, or Animation. Only that portion of a graphic or visual which is permitted by Section 3107.6.1 to advertise products or commodities may display video, flashing, or animation.

3107.18.2.3 Intensity or brilliance of signs. No Gallery Place Project Graphic shall have such intensity or brilliance as to cause glare or impair the vision of any driver, otherwise interfere with the driver's operation of a motor vehicle, or adversely impact an owner's enjoyment of residential property located within the Gallery Place Project.

3107.18.2.4 Projection at certain locations. Notwithstanding Section 3107.7.1.1, the following specific rules apply to projecting Gallery Place Project Graphics:

3107.18.2.4.1 No Gallery Place Project Graphic located in any area shown as crosshatched in the Illustrations shall project more than 8 inches (203.2

mm) beyond the facade of the structure.

3107.18.2.4.2 Gallery Place Project Graphics located in the "Storefront Signage Areas" depicted on the Illustrations may project no more than 48 inches (1219.20 mm) beyond the building line or building restriction line, on the street frontage of a building.

3107.18.2.5 Revolving Signs. Notwithstanding Section 3107.7.11, revolving signs shall be permitted in the private alley located between the project and the property known as the Verizon Center, Square 455, Lot 47, subject to the conditions of Sections 3107.7.11.1 through 3107.7.11.7.

3107.18.3 Gallery Place Project Graphics Permit. No Gallery Place Project Graphics may be erected, hung, placed, posted, painted, displayed, or maintained without the owner of such Gallery Place Project Graphic first obtaining a Gallery Place Project Graphics Permit from the Department in accordance with Section 3107.18.4. A Gallery Place Project Graphics Permit authorizes the location, size, and design of the graphic or visual.

3107.18.4 Gallery Place Project Graphics Permit Application. An application for a Gallery Place Project Graphics Permit shall be submitted by the owner to the Director of the Department, or his or her designee, on a form provided by the Department, and shall include the following:

1. Identification of:
 1. The applicant;
 2. The proposed location of the Gallery Place Project Graphics by the street address of the building or premises and the face direction of the wall or surface (e.g., northern-facing);
 3. The proposed linear dimensions of the Gallery Place Project Graphics; and
 4. Such other information as the Director may require.
2. An affidavit signed by the applicant or his or her duly authorized representative, certifying that the applicant is in compliance with subchapter II of Chapter 28 of Title 47 of the District of Columbia Official Code.
3. A permit fee in the amount of one dollar (\$ 1.00) per square foot of the Gallery Place Project Graphics. The permit fee may be paid by check made payable to the order of the "D.C. Treasurer." The permit fee may be refunded to the applicant if the permit is not issued, in accordance with the

provisions of Chapter 1 for the refund of unused permit fees.

3107.18.5 Permit Applications Referrals. The Director of the Department, or his or her designee, shall refer all permit applications to the District Department of Transportation and the Office of Planning. The agencies shall have sixty (60) days from the referral date to submit a written report to the Director of the Department, except that the Director may allow for an extension of this period of up to thirty (30) days for good cause.

3107.18.6 Effect of Adverse Report. No permit shall be granted if, within the time period provided in Section 3107.18.5:

1. The Director of the Department of Transportation reports in writing that the location, size, or height above grade of the visual or graphic is objectionable with regard to vehicular traffic safety; or
2. The Director of the Office of Planning reports in writing that the proposed graphic or visual:
 1. Does not comply with the specifications, drawings, limitations and requirements of the Illustrations; or
 2. Would adversely impact the character and integrity of the Gallery Place Project.

3107.18.7 Review, Approval, and Denial of Permit Applications. The Director of the Department, or his or her designee, shall review and approve or deny a Gallery Place Project Graphics Permit application within twenty (20) days of after the expiration of the time period provided in Section 3107.18.5. Gallery Place Project Graphics Permits shall be issued in the name of the applicant and shall pertain solely to the Gallery Place Project Graphics location identified on the permit.

3107.18.7.1 Denial of Application. If the Director denies a Gallery Place Project Graphics Permit, the denial shall be in writing to the applicant and shall state the statutory or regulatory basis for the denial. The applicant shall have ten (10) business days from receipt of the denial to correct any defect in the application.

3107.18.8 Applicability of Other Laws and Regulations Unaffected. Other than the exempted provisions of this chapter, the Gallery Place Project shall continue to be subject to all applicable rules and regulations, including, but not limited to, Chapter 24 of Title 10 (Chinatown Design Review Procedures).

3107.18.9 Enforcement of Regulations and Removal of Gallery Place Project Graphics. Any unauthorized Gallery Place Project Graphic (including Gallery Place Project Graphics without a permit) shall be taken down or removed within ten (10) days after receipt of written notification of violation from the Department. Following the expiration of this time period, the code official is authorized, through personnel of the

Department or the Metropolitan Police Department, to remove or take down the unauthorized Gallery Place Project Graphic and to impose civil fines of no more than three dollars (\$3) per square foot of sign, per day that the unauthorized Gallery Place Project Graphic fails to be taken down or removed. Both the owner of the premises upon which the Gallery Place Project Graphic is displayed and the permit holder are responsible for taking down or removing the graphic or visual upon notification by the Department to do so, and both may be held responsible for any penalties or fines imposed for the violation. Additional enforcement measures may be taken pursuant to, and consistent with, the provisions of Section 113, "Violations and Infractions."

3107.18.10 Maintenance and repair. Whenever the code official finds that any Gallery Place Project Graphic is not maintained in good repair and has not deteriorated more than 50 percent of its replacement value, the code official shall notify the owner thereof and order him to repair the Gallery Place Project Graphic within a specified time, but not less than 10 calendar days. If the code official finds that the Gallery Place Project Graphic has deteriorated more than 50 percent of its replacement value, or is not repaired within the time specified in the repair notice, the code official shall notify the owner of the Gallery Place Project Graphic and the owner of the real property on which said Gallery Place Project Graphic is located to remove the Gallery Place Project Graphic from the property within a specified time. Failure to comply shall subject said owners, upon conviction or adjudication, to the fines provided for in Section 4 of An Act to regulate the erection, hanging, placing, painting, display, and maintenance of outdoor signs and other forms of exterior advertising within the District of Columbia, approved March 31, 1931 (46 Stat. 1486; D.C. Official Code § 1-303.23), or to civil fines, penalties, and fees pursuant to Titles I through III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.01 et seq.). The code official may extend the time periods stated in this Section upon the owner's written showing of good cause.

3107.18.11 Rulemaking Authority. Notwithstanding Section 10 of the Construction Codes Approval and Amendments Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409), the Director may amend the provisions of this Section and the specifications, drawings, limitations, and requirements of the Illustrations by rulemaking pursuant to Section 6 of the District of Columbia Administrative Procedure Act, approved October 21, 1968 (82 Stat. 1206; D.C. Official Code § 2-505), without submission of the proposed rules to the Council for its prior review and approval.

Add new Section 3110A Fences to read as follows:

SECTION 3110A FENCES

3110.1 General. Fences shall comply with the requirements of this Section, other applicable Sections of this code and other municipal regulations. This Section applies to fences back of the building line. All barbed wire and similar fences shall comply with the requirement of Sections 3110.4 and 3110.4.1. Fences on privately owned land beyond a building restriction line shall

comply with the requirements for fences on public property and permits for such fences shall be obtained from the code official.

3110.1.1 Fence walls. Fence walls shall conform to the requirements for fences.

3110.1.2 Screens or trellises. Screens or trellises shall conform to the requirements for fences.

3110.1.3 Height measurement. The measurement of the height of a fence shall be made from the top of the fence to grade, on the side of the fence where grade level is higher.

3110.1.4 Permit applications. Applications for permits to erect a fence shall be accompanied by an official building plat upon which the proposed fence location is indicated. Approval by the Zoning Division of the Department shall be required before a permit shall be issued.

3110.2 Party fences. Only those portions of the length of a fence, including footings, which are partly on each side of a party line shall be considered as party fences. Permit applications for party fences shall be signed by the owners of the properties on which the fence is to be located.

3110.2.1 Fence materials. A party fence shall be a wood, woven wire, or iron fence of open pattern unless otherwise agreed upon by the adjoining owners.

3110.2.2 Height agreements. Where owners propose to erect a party fence over 7 feet (2134 mm) in height in Residential Districts or 10 feet (3048 mm) in S-P, C, C-M, or M Districts, written agreement to the height by the owners of the properties on which the fence is to be located shall be filed with the code official before issuance of a permit.

3110.3 Other fences. Fences other than party fences shall comply with Sections 3110.3.1 through 3110.3.5.

3110.3.1 Fences abutting streets. Fences abutting a street shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in height in S-P, C, C-M, or M Districts.

Exception: Wing walls attached to a building or forming part of the fences may exceed the above heights for that portion removed from party lines the distance of a side yard for a building, as required by the *Zoning Regulations*.

3110.3.2 Fences abutting alleys. Fences abutting alleys shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in S-P, C, C-M, or M Districts.

Exception. The code official is authorized to approve a greater height where the alley is 15 feet (4572 mm) wide or more.

3110.3.3 Fences near party lines. Fences within a strip 10 feet (3048 mm) wide and parallel to the party line shall not exceed 7 feet (2134 mm) in height in Residential Districts nor 10 feet (3048 mm) in S-P, C, C-M, or M Districts. Fences shall not obstruct light or ventilation for any required window.

Exception: Where the written consent of the adjoining owners is filed with the code official, the code official is authorized to approve a greater height, not to exceed 10 feet.

3110.3.4 Fences distant from party line. Fences more than 10 feet (3048 mm) from a party line, alley, building or building restriction line shall not be limited as to height, provided such fences do not encroach on a required yard or court, nor obstruct the light or ventilation for any required window.

3110.3.5 Gate height. Gates shall not exceed the height of the fence.

3110.4 Barbed wire and similar fences. No barbed wire or similar fence, barrier, or obstruction, made thus in whole or in part, shall be erected, constructed, or maintained, along the building restriction line, or in or upon any street, alley, road, or other public walk, driveway, or public or private parking in the District of Columbia.

3110.4.1 Barbed wire and similar fence on private property. A barbed wire or similar fence, barrier or obstruction may be erected wholly on private property when located in back of the lot line or building restriction line if one exists. The minimum height of the lowest strand of barbed wire shall be 6 feet (1829 mm) above adjacent ground and the wire shall not project beyond the lot line or building restriction line.

CHAPTER 32A ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY

Delete Sections 3202.1 through 3202.4 of the Building Code in their entirety and add new Sections 3202.1 through 3202.13.2.5 to read as follows:

3202.1 Character of encroachments. Encroachments (hereinafter referred to in this Section as “projections”) are a privilege. They cannot be claimed as a right, and require a permit issued by the code official. The provisions of Section 3202 establish limitations on the projections that the code official is authorized to grant. The code official is authorized to further restrict or refuse proposed projections if the code official considers such action best for the public interest.

3202.2 Removal of projections. All permits for projections shall be issued with the understanding and agreement by the applicant that any and all such projections shall be promptly removed upon notice by the code official.

3202.3 Projections not requiring individual approval. The following projections shall not require projection approval:

1. Footing projections approved in connection with building permits;
2. Bases, sills, water tables, cornices, belt courses, and roof overhangs conforming with requirements hereafter defined.

3202.4 Modification of projection requirements. The code official is authorized to grant modifications of requirements on projections when the modification is deemed in the general public interest, as defined in Section 3202.4.1 or in case of foregone construction, as set forth in Section 3202.4.2 and following:

3202.4.1 Modifications in the general public interest. Modifications in the general public interest are those requested to embellish the building, provided that:

1. The primary object of the modification is not the occupation of additional public space;
2. The primary object of the modification is not changing of interior arrangements;
3. In the opinion of the code official such modification will not interfere with adjacent buildings; and
4. In the opinion of the code official such modification will not interfere with the general public interest.

3202.4.2 Foregone construction. Foregone construction is deemed to occur when, in conformity with a plan previously approved by the National Capital Planning Commission for improvement of any street or thoroughfare, the owner will permanently forego construction on, or the use of a portion of his or her lot. In such cases, the code

official is authorized to grant a projection modification to authorize projections which shall equitably compensate such owner, if the code official determines that the public interest will thereby be better served. Such projections and arrangements shall comply with the limitations and conditions of Sections 3202.4.2.1 through 3202.4.2.5.

3202.4.2.1 Width. The width of projections allowed under Section 3202.4.2 shall be limited as follows:

1. The proposed projection shall be authorized to be constructed to the lot line extended, on the side of any adjoining structure that contains projections, facing the same public right-of-way, that project into public space at least as much as the proposed projection.
2. The proposed projection shall not extend to within 10 feet (3048 mm) of the lot line extended, on the side of any adjoining structure that does not project or that only contains projections, facing the same public right-of-way, that project into public space less than the proposed projection.

Exception. A portion of the proposed projection shall be allowed to encroach into this 10 feet restriction zone if the angle formed by the building line and the face of that portion of the projection does not exceed 45 degrees.

3. Projections at the corner of two streets shall be allowed to continue around the corner if similar projections are approved for both streets.

3202.4.2.2 Height. The height above grade of projections approved under Section 3202.4.2 shall be limited to the height of the building. A clearance of not less than 20 feet (6096 mm) above the sidewalk or parking grade shall be maintained under any portion of such projections or supports thereof. When approved, balconies or other projections which in the judgment of the code official will embellish the area, shall be allowed to be constructed with lower clearances above grade but not less than 8 feet (2438 mm) above walkways, nor less than 15 feet (4572 mm) above driveways.

3202.4.2.3 Projecting distance. The footprint of projections approved under Section 3202.4.2 shall be entirely located between the building line and the curb line and shall be at least 4 feet (1219 mm) from the curb line. In addition, the projecting distance of the projection shall be limited as specified in Table 3202.4.2.

**TABLE 3202.4.2
MAXIMUM PROJECTIONS
UNDER FOREGONE CONSTRUCTION MODIFICATIONS**

TYPE OF STREET	WIDTH OF STREET (feet) ^a	MAXIMUM PROJECTING DISTANCE (feet) ^a
Unparked	40 to 45	4
Unparked	45 to 70	6
Unparked	70 to 80	8
Unparked	80 or over	14
Parked	Any width	14

Note a. 1 foot = 304.8 mm

3202.4.2.4 Required covenant. The owner who applies for a projection modification under Section 3202.4 shall record a covenant, complying with Section 106.6.4, with the Recorder of Deeds.

3202.4.2.5 Referrals. The code official shall refer to the Public Space Committee, for consideration and recommendation, all applications for projections proposed under Section 3202.4.2.

3202.5 Projections on streets to be widened. No new projections shall be allowed on the parts of streets to be widened in conformity with adopted and recorded highway extension plans until such parts of streets are so widened.

3202.5.1 Existing buildings. Where existing streets or avenues are widened, or new streets or avenues are laid out and opened, in conformity with the adopted and recorded highway extension plans, in subdivisions existing at the time of record of such plans, and such widening or opening shall leave buildings or parts of buildings on such streets or avenues, such buildings or parts of buildings will be allowed to remain as projections beyond the new building line. Such grandfathered projections of such existing buildings shall be limited in projection distance to that allowed for porches by Section 3202.11.2.3 but no limitations shall be placed upon the kind of projection unless the facade is structurally altered. Such buildings are permitted to be moved under permit to another location on the same lot, upon compliance with applicable regulations.

3202.5.1.1 Structurally altered facades of existing buildings. In case the facade of an existing building covered by Section 3202.5.1 is structurally altered, the projections resulting from such alterations shall conform in all respects to the requirements of these regulations for new projections.

3202.6 Streets on which projections are prohibited. Projections shall not be permitted beyond the building line of the streets listed below.

Exception. Projecting cornices, bases, sills, belt courses, pilasters and water tables are not restricted by this section.

1. North side of Good Hope Road between Martin Luther King Jr. Avenue and Eighteenth Street, S.E.;
2. Florida Avenue, N.W., from Seventh Street to Ninth Street;
3. Maine Avenue, S.W., from Seventh Street to Fourteenth Street;
4. M Street, N.W., from Twenty-ninth Street to Thirty-sixth Street;
5. K Street, N.W., from Rock Creek westward to Wisconsin Avenue;
6. Water Street, N.W., from Wisconsin Avenue westward to the termination of said street;
7. Wisconsin Avenue, N.W., from the angle south of N Street to the north roadway of Q Street;
8. Twelfth Street, N.W., from Monroe Street to the angle north of Otis Street;
9. Martin Luther King Jr. Avenue, S.E. from Good Hope Road to the northern boundary of the grounds of St. Elizabeth's Hospital.

3202.7 General restrictions. All projections shall comply with the provisions of Sections 3202.7.1 through 3202.7.6.

3202.7.1 Limitations based on street width. Projections shall not be allowed on any street less than 60 feet (18 288 mm) in width.

Exception. Projecting cornices, bases, water tables, pilasters or uncovered steps.

3202.7.1.1 Minimum clearance to curb line. A minimum clear space from the outer edge of the curb to the outer face of all projections and steps shall be preserved, as follows:

1. Six (6) feet (1829 mm) on streets 40 feet (12 192 mm) but less than 50 feet (15 250 mm) wide;
2. Eight (8) feet (2438 mm) on streets 50 feet (15 240 mm) but less than 60 feet (18 288 mm) wide;
3. Ten (10) feet (3048 mm) on streets 60 feet (18 288 mm) to and including 80 feet (24 384 mm) wide;
4. Twelve (12) feet (3658 mm) on streets over 80 feet (24 384 mm) to and including 90 feet (27 432 mm) wide;
5. Fifteen (15) feet (4572 mm) on streets more than 90 feet (27 432 mm) wide.

3202.7.2 Clearance to lot lines extended. A clear space of at least eight (8) inches (203 mm) shall be preserved between party lines or alley lines extended and the outer walls or sides of projections.

Exception. Cornices, belt courses, pilasters, bases, water tables, and walls of areas, are permitted to extend to but not over party lines or alley lines extended. Such projections shall be constructed so that the removal of one structure or its

projections will not affect or damage the adjoining structure or projections and will not interfere with the construction or reconstruction of projections or buildings on the adjoining property.

3202.7.2.1 Definition of property lines extended. The term "party lines extended" means lines through the corners of the property, at interior lot lines, and perpendicular to the street. The term "alley line extended" means a line through the corner of the property, at the intersection of an alley with the street, and perpendicular to the street.

3202.7.3 Chimneys. Chimneys shall not project beyond the building line or building restriction line.

3202.7.4 Plumbing fixtures. Plumbing fixtures shall not be located in projections.

Exception. Area drains and roof drains.

3202.7.5 Overhead projections. The footprint of any projecting sign, fixture, marquee, or other overhead projection of a building shall not extend over public space beyond a line 18 inches (457 mm) behind the curb line.

Exception. Market sheds, as provided for in Sections 3202.12.4 through 3202.12.4.3.

3202.7.6 Construction of projections. Projections shall be constructed of any materials permitted by this code for the type of construction of the building.

Exceptions:

1. Roofing, skylights and roof domes in projecting structures are permitted to be of the same materials allowed for similar non-projecting structures.
2. Where noncombustible materials are specifically required elsewhere in this chapter for specific projections.
3. Where combustible materials are specifically allowed elsewhere in these regulations for specific projections.

3202.8 Projections requiring special approval. Projections regulated under Sections 3202.8.1 and 3202.8.2 shall require approval by the Director of the Department of Transportation.

3202.8.1 Pedestrian walkways and tunnels. Pedestrian walkways and tunnels shall meet the requirements of Section 3104. In addition, the vertical clearance from the public right-of-way to the lowest part of an elevated pedestrian walkway shall be 15 feet (4572 mm) minimum.

3202.8.2 Porte-cocheres. Porte-cocheres shall be permitted one story in height. All driveways and approaches that serve a porte-cochere and cross sidewalks or parking lots shall be paved and otherwise improved to the satisfaction of the Director of the Department of Transportation.

3202.9 Subsurface projections. Areaway and vault projections shall comply with the requirements of Sections 3202.9.1, 3202.9.2 and 3202.9.3, respectively.

3202.9.1 Areaways. Areaway projections shall comply with the requirements of Sections 3202.9.1.1 through 3202.9.1.5.

3202.9.1.1 Width. The width of areaways, measured from outside to outside of area enclosing walls, shall not be limited if located between property lines extended.

3202.9.1.2 Enclosure height. The height of areaway enclosures shall be limited to the highest point of the surface of the adjoining pavement or grade.

Exception. Copings not over 8 inches (203 mm) high, and railings or guardrails.

3202.9.1.3 Projection. The extent of areaway projection shall be measured from the building line to the inside face of the areaway wall. Projection beyond the building line shall be limited based on zoning districts, as defined in the *Zoning Regulations*, as follows:

1. Four (4) feet (1219 mm) on streets in C, C-M, and M Districts.
2. Four (4) feet (1219 mm) on unparked streets in Residential Districts and SP Districts, more than 60 feet (18 288 mm) wide.
3. Six (6) feet (1829 mm) on parked streets in Residential Districts and SP Districts, 60 to 70 feet (18 288 mm to 21 336 mm) wide.
4. Six and a half (6 ½) feet (1981 mm) on parked streets in Residential Districts and SP Districts, more than 70 feet (21 336 mm) wide.
5. Seven (7) feet (2134 mm) on parked streets in Residential Districts and SP Districts where parking is 20 feet (6096 mm) or more in width.

3202.9.1.4 Other requirements. Areaways shall be protected by substantial metal guardrails not less than 42 inches (1067 mm) nor more than 48 inches (1219 mm) high. Proper protection by metal railings that meet the guardrail requirements of Section 1013 of the *Building Code* shall be provided where steps or platforms are built over areas. Basement or cellar steps in areaways shall be protected in the same way and shall have gates at top of the steps unless otherwise protected.

Exception. Areaways located in unpaved parking that cannot lawfully be paved are permitted to be protected by substantial metal gratings.

3202.9.1.5 Alley location prohibited. Areaways shall not be located in an alley.

3202.9.2 Vaults. Vaults shall comply with the requirements of Sections 3202.9.2.1 through 3202.9.2.5.

3202.9.2.1 Permits. Applications for vault permits shall be submitted to the code official, accompanied by the following documentation:

1. Plans showing the location and dimensions of the vault, vault openings, the vault depth below the surface of the pavement or grade, and the proposed method of construction.
2. A certified copy showing the recordation with the Recorder of Deeds, District of Columbia, of a written vault agreement upon the official form for the purpose, signed by the owner of the abutting property. The agreement shall be in a format and contents deemed acceptable to the Office of the Attorney General of the District of Columbia, and in said agreement the owner of the abutting property shall agree to release and relinquish the vault space, and to remove, free of expense to the District of Columbia, all structural parts of the vault when so ordered by the code official, as required by these regulations.

3202.9.2.2 Size and openings. Vault design shall comply with the following:

1. Approval of the size and extent of vaults, and of the number and size of vault openings, shall be a matter of special determination in each case by the code official.
2. Vaults extending under alleys shall have no openings in the alley pavement, and shall not extend within 2.5 feet (762 mm) of the center of the alley.

3202.9.2.3 Use of vault space. The use of the vault space shall be subject to the following conditions:

1. The code official is authorized to approve transformer vaults exclusively to house utility equipment. Storage in such vaults shall be prohibited.

2. Vaults in business districts shall not be used for the following purposes: public entrances to basements; means of egress corridors; housing of boilers; housing of plumbing fixtures; housing of storage tanks for propane or other flammable gas; or the housing of mechanical appliances or any equipment not removable within 24 hours.
3. Vaults shall be allowed to be used for the following purposes: access to open areaway stairs; storage of readily movable personal property and equipment; sales or office space; housing of fuel oil storage tanks; parking of motor vehicles; installation of ducts, pipes or wiring; location of ducted air shafts; housing of fans; and housing of similar items which can be removed or relocated if vault space is removed.
4. Fuel oil filling pipes, in vaults in business districts, shall be extended to within 18 inches (457 mm) of the curb line when physically possible. Such pipes shall terminate in filling boxes of approved design. A separate permit shall be required for such filling pipes and filling boxes.
5. If openings in the roofs of vaults are used for sidewalk elevators or for runways, they shall be located as near to the curb as possible and shall be equipped with heavy metal safety doors and frames.
6. The code official is authorized to approve other uses not forbidden by law, code, or regulation.

3202.9.2.4 Vault cover. Cover over vaults shall comply with the following:

1. The paving over vaults shall be laid according to specifications of the District Department of Transportation for surface paving and shall conform to established grades. All such coverings shall be so constructed as to be flush with pavement, and have a roughened surface to provide security to persons passing over them.
2. Pavements over vaults shall be laid at the expense and risk of the owner of abutting property, under a special public space permit or pursuant to an order issued by the District Department of Transportation.
3. The roof of a vault, between the curb and building lines, shall at no place be less than 4 inches (102 mm) below the approved sidewalk grade at that point.
4. Vaults shall be roofed over within a reasonable time or within the time fixed by the public space permit.
5. Whenever the grade over the vault is changed, the vault shall be changed

and re-paved at the expense of the owner of abutting property, to comply with the new grade.

3202.9.2.5 Interference with utilities. Construction of vaults shall be subject to the following conditions:

1. Vaults shall be constructed so as not to interfere with sewers, water mains, gas mains, electric or telephone conduits, signal conduits, manholes, lamp posts, trees, or any other public or public utility works or improvements.
2. If construction or alteration of a vault requires the removal or relocation of utilities, and if by agreement a public utility or District utility arranges to alter its facilities, the owner of abutting property shall notify the appropriate company or office concerned as to when a permit has been issued and construction or alteration work is ready to commence.

3202.10 Balconies, windows, towers and structural trim. Balconies, windows, towers and structural trim shall conform to the provisions of Sections 3202.10.1 through 3202.10.9.

3202.10.1 General restrictions. The restrictions of Sections 3202.10.1.1 and 3202.10.1.2 shall apply to projections as specified therein.

3202.10.1.1 Prohibition on alley location. Balconies, bay oriel or show windows, or towers shall not project over alley spaces.

3202.10.1.2 Restrictions based on zoning districts. Bay or oriel windows, or towers projecting over public space shall not be allowed on buildings to be built in C, C-M, or M Districts, as defined in the *Zoning Regulations*. Show windows projecting over public space shall not be allowed on buildings to be built in Residential or SP Districts, as defined in the *Zoning Regulations*. Where such projections are on existing buildings in such districts, and the portion of the building containing those projections is structurally altered, the projections shall be removed. Bay or oriel windows, or towers are permitted on buildings in Residential or SP Districts, including one or more street fronts of such buildings.

3202.10.2 Balconies. Balconies shall comply with the width and projection requirements of Sections 3202.10.2.1 and 3202.10.2.2.

3202.10.2.1 Width. Balconies shall maintain an 8-inch separation from property lines extended. Aggregate balcony width is otherwise unlimited. Where balconies are structurally connected to bay windows, the width of the balconies shall be included in the width of the bay windows and the combined width shall comply with the requirements for bay windows.

3202.10.2.2 Projection. Balcony projection from the building line shall be limited as follows:

1. Three (3) feet (914 mm) on streets more than 60 feet (18 288 mm) and less than 70 feet (21 336 mm) wide.
2. Four (4) feet (1219 mm) on streets 70 feet (21 336 mm) or more in width.

3202.10.3 Bay windows. Bay window projections shall comply with the requirements of Sections 3202.10.3.1 through 3202.10.3.4.

3202.10.3.1 Width. The width of bay windows at each building line shall be limited as follows:

- 1.a. A bay window projection shall not be allowed on buildings less than 16 feet (4877 mm) wide at the building line;
- 1.b. A single projection of 9 feet (2743 mm) in width shall be allowed for all buildings having a width of 16 feet (4877 mm) or more at the building line;
- 1.c. The allowable width of a single projection shall increase 6 inches (152 mm) for every foot (305 mm) of increase in the width of the building between 16 feet (4877 mm) and 24 feet (7315 mm) wide at the building line;
- 1.d. For buildings over 24 feet (7315 mm) in width the allowable width of a single projection shall increase 2 inches (51 mm) for every foot (305 mm) of increase in width of the building over 24 feet (7315 mm).
- 2.a. Multiple projections (two or more separate projections) shall not be allowed on buildings less than 24 feet (7315 mm) wide at the building line;

- 2.b. On buildings 24 feet (7315 mm) wide a double projection shall be allowed, the total width of both projections not to exceed 13 feet (3962 mm).
- 2.c. The allowable aggregate width of double or multiple projections on buildings exceeding 24 feet (7315 mm) in width at the building line shall be increased 6 inches (152 mm) for each foot (305 mm) of increased building width over 24 feet (7315 mm).
3. The width of bay window projections shall be measured at a distance of one foot from the building line.
4. Bay window projections of buildings on interior lots shall not extend beyond party lines extended.
5. A bay window at the corner of two streets is permitted to be continued around the corner. The portion of such a continued bay window that is located beyond building lines extended shall not be counted in the width of projections on either front.

3202.10.3.2 Height. The height of bay windows is not limited.

3202.10.3.3 Projection. The projection of bay windows shall be limited as follows:

1. Three (3) feet (914 mm) on streets 60 feet (18 288 mm) to 70 feet (21 336 mm) wide.
2. Four (4) feet (1219 mm) on streets more than 70 feet (21 336 mm) wide.

3202.10.3.4 Other restrictions. Stairways shall not be permitted in bay window projections. Doors in bay windows that do not swing beyond the projection shall be permitted.

3202.10.4 Oriel and show windows. Oriel and show windows shall comply with the requirements of Sections 3202.10.4.1 and 3202.10.4.2, respectively.

3202.10.4.1 Oriel windows. Oriel windows shall conform to all the requirements governing bay windows.

3202.10.4.2 Show windows. Show windows shall conform to the width, projection and restrictions requirements of Sections 3202.10.3.1, 3202.10.3.3 and 3202.10.3.4 governing bay windows.

3202.10.5 Towers. Tower projections shall conform to all the requirements governing bay windows.

3202.10.6 Colonnades. Colonnades shall comply with the width, height and projection

requirements of Sections 3202.10.6.1 through 3202.10.6.3.

3202.10.6.1 Width. Colonnades are subject to the minimum clearance of eight (8) inches (203 mm) from party and alley lines extended, required under Section 3202.7.2.

3202.10.6.2 Height. The height of colonnades is limited to two stories above grade.

3202.10.6.3 Projection. Colonnade projection is limited to 6 feet (1829 mm) where parking is 17 feet (5182 mm) or more wide. Projecting colonnades shall not be permitted on streets where parking is less than 17 feet (5182 mm) wide.

3202.10.7 Pilasters. Pilasters not more than 5 feet (1524 mm) wide are permitted to project 4 inches (102 mm) beyond the building line. Pilaster bases are permitted to project 8 inches (203 mm) beyond the building line.

3202.10.8 Bases, water tables and sills. Projecting bases and water tables shall not be more than 4 feet (1219 mm) above grade at the building wall nor above window sill level of the main story. Their length is not limited. The projection beyond the building line of bases, water tables, and window and other sills, is limited to 8 inches (203 mm).

3202.10.9 Belt courses, cornices and roof overhangs. The length and height of belt courses, cornices, and roof overhangs are not limited. The projection beyond the building line is limited to 8 inches (203 mm) for belt courses and 60 inches (1524 mm) for cornices and roof overhangs.

3202.11 Porches, steps, ramps and doors. Projecting porches, steps, ramps and doors shall conform to the provisions of Sections 3202.11.1 through 3202.11.5.

3202.11.1 Restrictions by zoning districts. Porch and step projections shall be allowed only in Residential and SP Districts, as established by the *Zoning Regulations*.

3202.11.2 Porches. Porches shall have open balustrades or guardrails and shall be open to the roof. The floor of the porch shall be not more than 5 feet (1524 mm) above the terrace, parking, adjacent grade or pavement.

3202.11.2.1 Width. Where there are no bay window, oriel window or tower projections, one-story high porches shall not be limited in width. Where there are bay windows, oriel window or tower projections in the same story, the aggregate width of porch and bay window, oriel window, or tower projections shall not exceed the limits specified for multiple bay window projections in Section 3202.10.3.1. The width of porches of more than one story in height shall conform to the provisions for bay windows in Section 3202.10.3.1.

3202.11.2.2 Height. Porches of wood frame construction shall be limited to one

story. Porches of more than one story in height shall be of noncombustible construction throughout.

3202.11.2.3 Projection. Projection of one-story high porches shall be limited as follows:

1. Three (3) feet (914 mm) on unparked streets, 60 feet (18 288 mm) to 70 feet (21 336 mm) wide.
2. Four (4) feet (1219 mm) on unparked streets more than 70 feet (21 336 mm) wide.
3. Five (5) feet (1524 mm) on all parked streets. Porches more than one story in height shall conform to the provisions for bay windows in Section 3202.10.3.3 as to the extent of projection beyond the building line.

3202.11.2.4 Rear porches. Porches on rear of dwellings shall not project over the building line or building restriction line.

3202.11.3 Steps and ramps. Projecting steps and ramps are not limited in width but shall comply with the following height and projection requirements.

3202.11.3.1 Height. Step and ramp projections shall not extend above the level of the main floor.

3202.11.3.2 Projection. Step and ramp projections shall be limited as follows:

1. Three (3) feet (914 mm) on unparked streets 40 feet (12 192 mm) but less than 45 feet (13 716 mm) wide.
2. Four (4) feet (12 192 mm) on unparked streets 45 feet (13 716 mm) but less than 70 feet (21 336 mm) wide.
3. Five (5) feet (1524 mm) on unparked streets 70 feet (21 336 mm) but less than 80 feet (24 384 mm) wide.
4. Six (6) feet (1829 mm) on unparked streets 80 feet (24 384 mm) or more in width.
5. Ten (10) feet (3048 mm) on parked streets.

3202.11.4 Projecting doors and windows. Projecting doors and windows shall conform to the provisions of Sections 3202.11.4.1 through 3202.11.5.

3202.11.4.1 Permanent doors or windows. Permanent doors or windows shall not open outward on public spaces when less than 12 feet (3658 mm) above the sidewalk grade.

Exception. Where the line of travel is protected by an adjoining porch, terrace, bay window, areaway, or similar construction, projecting not less than the outward swing of the door, permanent doors or windows are permitted to open outward.

3202.11.4.2 Residential or SP districts. Permanent doors and windows in Residential or SP Districts shall be allowed to open on public parking, provided they do not encroach on any sidewalk or driveway.

3202.12 Awnings, canopies, marquees, market sheds, platforms, and scales. Awnings, canopies, marquees, market sheds, platforms, and scales shall conform to the provisions of this Section and other applicable Sections of the *Construction Codes*.

3202.12.1 Awnings. Awnings shall conform to the provisions of this Section, Section 3105 and other applicable Sections of the *Construction Codes*.

3202.12.1.1 Projecting awnings beyond the building line. Folding, hinged or fixed type awnings attached only to the structure are permitted to be erected over windows, show windows and doors, and shall comply with the provisions of Sections 3202.12.1.1 through 3202.12.1.6.

Exception: The openings of projecting porches in Residential Districts are permitted to be covered with an awning.

3202.12.1.2 Clearance. Projecting awnings shall have a minimum clear height of 8 feet (2438 mm) above the sidewalk or any other space used by the public.

3202.12.1.3 Width. The width of projecting awnings shall be limited to the width of the window, show window; door or opening and a reasonable distance each side thereof.

3202.12.1.4 Projection. Projecting awnings shall not extend over 5 feet (1524 mm) beyond the vertical plane of the point of attachment.

3202.12.2 Canopies. Canopies shall conform to the provisions of this Section, Section 3105 and other applicable Sections of the *Construction Codes*. Canopies are permitted to be erected over doors, windows, show windows or other display openings and loading platforms, subject to the limitations of Sections 3202.12.2.1 through 3202.12.2.5.3.

3202.12.2.1 Restrictions based on zoning districts. Canopies projecting over public space are permitted to be erected in the C, C-M, and M Districts, as defined in the *Zoning Regulations*. Canopies approved pursuant to Sections 3202.12.2.5 through 3202.2.12.5.3 shall not be restricted based on zoning district.

3202.12.2.2 Width. Canopies are permitted to extend laterally on a building so as to cover the display window or space and a reasonable distance on each side thereof.

3202.12.2.3 Clearance. Projecting canopies shall have a minimum clear height of 8 feet (2438 mm) above the sidewalk or any other space used by the public.

3202.12.2.4 Projection. Canopy projections shall not exceed 5 feet (1524 mm) into public space unless the plans are submitted to and approved by the code official.

3202.12.2.5 Canopies over parking and sidewalks. The code official is authorized to approve permits for canopies with fixed iron posts and frames to be erected beyond the building line to the inner line of the sidewalk where such canopies will be used in conjunction with any of the following:

1. A place of assembly having an occupant capacity greater than 100 persons.
2. A residential building having more than 50 dwelling units.
3. A mercantile establishment or business building with a frontage of 100 feet (30 480 mm) or more on the street on which the canopy is proposed.
4. A mercantile establishment or business building that contains more than 15,000 square feet (1395 square meters) in area per floor.

3202.12.2.5.1. Special merit cases. In specific cases where the code official determines that such an installation would be of merit without being detrimental to the public, the code official is authorized to grant approval of canopies over sidewalks that extend as close as 18 inches (457 mm) from the curb, when the code official determines that (a) pedestrian traffic flow will not be impeded, (b) the presence of such an awning will not detract from the appearance of the neighborhood, and (c) such an awning will be of convenience to the patrons of the establishment served by the awning, especially in the loading and unloading of vehicular traffic in inclement weather.

3202.12.2.5.2 Canopy width. The width of canopies over parking or sidewalks typically shall be limited to the width of the door or opening and a reasonable distance each side thereof. Canopies shall be of approved fire-retardant material, preserving a minimum clearance of 8 inches (203 mm) from the party lines extended. Permit applications for these canopies shall be accompanied by drawings showing the spacing of all posts and method of anchoring. The frames shall be structurally stable and posts shall be so located as not to impede the principal flow of pedestrian traffic.

Posts shall be rigidly secured at the base in sockets or by other approved means.

3202.12.2.5.3 Temporary canopies. Permits for sockets in the sidewalk for temporary covered ways across sidewalks or parking, as provided in Section 105 of DCMR Title 24 shall be issued upon approval of the District Department of Transportation. Permits for sockets confer no authority to erect temporary covered ways across sidewalks or any other space used by the public. Where sockets have been regularly installed, the Police Department will thereafter issue temporary permits authorizing the use of the temporary covered way in inclement weather.

3202.12.3 Marquees. Marquees shall conform to the provisions of this Section, Section 3106 and other applicable Sections of the *Construction Codes*. Marquees shall meet the width, clearance, and projection requirements of Sections 3202.13.1 through 3202.13.3.

3202.12.3.1 Width. Projecting marquees supported directly from the building, shall not be permitted to extend laterally on a building more than a sufficient length to cover the entrance and a reasonable distance on each side thereof.

3202.12.4 Market sheds. A market shed shall be permitted only on a site occupied by a market or produce house, when such site has been specifically designated as a market area.

3202.12.4.1 Design. The design of market sheds shall be approved by the code official, a permit shall be required, and all market sheds shall comply with the following provisions:

1. The shed roof is permitted over the public parking and public sidewalk of a building or buildings used for market purposes, extending from the building line to the curb.
2. The line of supports for the shed roof shall be at the inner edge of the sidewalk, the overhang being supported as a cantilever, unless the location of supports is otherwise approved by the District Department of Transportation. The shed is permitted to be supported by hanging from the wall of the building when approved by the code official.
3. Gutters shall be provided throughout the length of all shed roofs, with downspouts equivalent to a 2 ½-inch pipe per 200 square feet of surface drains, the pitch of the roof to be at least ½ inch per foot.
4. Shed roofs shall be furnished with electric lights that provide levels of illumination in compliance with Section 1205.3.
5. Shed roofs shall comply with all structural requirements of Chapter 16 and

other applicable Sections of the *Construction Codes*.

3202.12.4.2 Use of space. No public space beneath a shed constructed pursuant to Sections 3202.12.4 and following shall be used for the display, sale or storage of produce or containers. This restriction shall not apply to the temporary storage of materials incident to loading and unloading.

Exception. An area specifically designated as a market area for the retail or wholesale sale of produce on the premises is permitted to be used for the display, sale or storage of produce or containers.

3202.12.4.3 Special conditions. The foregoing rules shall be observed by the code official as a guide in issuing permits for market sheds except where the conditions are so obviously at variance with these general rules as to require special consideration. Cases requiring special consideration shall be reviewed as modifications pursuant to Chapter 1.

3202.12.5 Loading platforms. The code official is authorized to approve loading platforms projecting more than 5 feet (1524 mm) beyond the building line, in CM and M Districts. Canopies over such platforms shall be permitted. Special approval by the code official shall be required for such platforms and canopies.

3202.12.6 Platform scales. Platform scales projecting on public space are permitted in C-M and M Districts. Plans for such platform scales shall be submitted to and approved by the Director of the District Department of Transportation.

3202.13 Enclosed sidewalk cafés. Enclosed sidewalk cafés shall comply with Sections 3202.13.1 through 3202.13.5 and all other applicable Sections of this code.

3202.13.1 Permits. Permits for enclosed sidewalk cafés shall be issued by the code official and shall comply with all applicable laws and regulations. Each application shall be accompanied by drawings of the structure, prepared and signed by a structural engineer registered in the District of Columbia. Other enforceable laws and regulations governing sidewalk cafés include: The Enclosed Sidewalk Café Act of 1982, effective September 16, 1982, (D.C. Law 4-148; D.C. Official Code § 10-1102.02); Chapters 2 and 3 of DCMR Title 24; Mayor's Order No. 77-150, effective August 31, 1977; and regulations of the Department of Public Works, 30 D.C.R. 4346, August 26, 1983, now applicable to the District Department of Transportation.

3202.13.2 Design. Enclosed sidewalk cafés shall comply with Sections 3202.13.2.1 through 3202.13.2.5.

3202.13.2.1 Walls and roofs. Enclosed sidewalk cafés shall have walls and roofs constructed of noncombustible materials.

3202.13.2.2 Flooring. Flooring shall comply with Section 804.

3202.13.2.3 Enclosure materials. Any enclosure materials, and the contents enclosed therein, must be capable of being removed within 24 hours.

3202.13.2.4 Structural requirements. Enclosed sidewalk cafés shall be constructed in accordance with Chapter 16, Chapter 24 and other applicable sections of the *Building Code*.

3202.13.2.5 Means of egress. When the combined occupant loads of the sidewalk café and the adjacent restaurant exceed 75 persons, two means of egress shall be provided from the sidewalk café, one of which shall open directly to the sidewalk, public alley, or public space abutting the café. The second means of egress is allowed through the abutting restaurant. If two means of egress are required for the adjacent restaurant, two means of egress shall be required for the sidewalk café. If one of the means of egress of the café serves the interior of the restaurant, the width of the respective egress aisle across the café shall meet the requirement for a corridor serving the combined occupant load of the sidewalk café and the restaurant.

CHAPTER 33A SAFEGUARDS DURING CONSTRUCTION

Add new Sections 3303.1.1 through 3303.1.2 to the Building Code to read as follows:

3303.1.1 Required safeguards. Props, posts, braces, stages, platforms and scaffolding necessary to provide sufficient strength and rigidity to the portions of the structure being demolished or removed shall be provided.

3303.1.2 Special approval. No structure, or portion thereof, being demolished shall be pulled or blasted, unless specific approval is given by the code official.

Delete Section 3303.4 of the Building Code in its entirety and add new Section 3303.4 to read as follows:

3303.4 Site treatment. Where a structure or a portion of the structure has been razed, the vacant lot shall be filled to the existing grade and maintained in accordance with applicable regulations of this code and jurisdiction.

3303.4.1 Grade level of walls. All walls being demolished, including foundation and interior basement walls (but not including party walls on property lines), shall be reduced to a level below that of final grade.

3303.4.2 Vaults. All vaults (including the walls of vaults) projecting into public space which are to be abandoned as a part of a demolition or removal project, shall be removed in their entirety and the depression filled in accordance with the requirements of the District Department of Transportation

3303.4.3 Driveways. All driveways in public space shall be removed in their entirety and new curbs and pavement constructed in accordance with the specifications of the District Department of Transportation. The cost of the removal of the driveways and replacement of the curbs and pavement shall be the responsibility of the person executing the demolition.

3303.4.4 Fill. Excavations, holes, and depressions shall be filled and leveled to a final grade which will provide good drainage.

3303.4.5 Fill materials. No materials other than Class 1, Class 2 or Class 3 fill material shall be used in filling depressions and grading the site. All depressions shall be filled; all excess earth, all building materials, and all debris shall be removed from the site; and the premises shall be left in a safe, clean and sanitary condition. All work shall be done in accordance with the Standards and Specifications of the District Department of the Environment and, where applicable, the District Department of Transportation.

3303.4.6 Timing. Deferral, for a period of not more than six (6) months, of the provisions for site treatment after removal of an existing building, shall be permitted if a new building is to be constructed thereon and the new construction started at the site within

six (6) months of completion of demolition. If site treatment is deferred, the site shall be completely fenced and maintained so as to exclude the public from access to the site during the period between demolition and new construction.

SECTION 3307A PROTECTION OF ADJOINING PROPERTY

Delete Section 3307.1 of the Building Code in its entirety and add new Section 3307.1 to read as follows:

3307.1 Protection required. Adjoining public and private property shall be protected from damage during construction, remodeling or demolition work. Protection must be provided for footings, foundations, party walls, chimneys, skylights, and roofs. Provisions shall be made to control water run-off and erosion during construction or demolition activities.

Add new Sections 3307.2 through 3307.4 to the Building Code to read as follows:

3307.2 Notification required. The person causing construction, excavation, remodeling or demolition work to be made that will affect adjoining property, including a lot, building or structure, shall at all times, and at his or her own expense, preserve and protect the adjoining lot, building or structure from damage or injury, provided, however, that the person shall not undertake any protective work that requires access to the adjoining property unless the owner of the adjoining property grants written permission or unless other provisions of this Section 3307A allow for entry without written permission. The person causing the work shall provide written notice, and a copy of the proposed work plan, to the owner of the adjoining property advising said owner of the intended work and the need for protection for the adjoining property. Upon receipt of notification, it shall be the duty of the owner of the adjoining property to make safe said owner's property, unless the owner provides the person causing the work with written permission (conditional or unconditional) to enter the owner's adjoining property.

1. If the work is non-structural, notification shall be delivered to the adjoining property owner, with a copy to the code official, not less than ten (10) business days prior to the scheduled starting date of the work.
2. If the work involves excavation requiring underpinning or other structural support of the adjoining building or structure, the person causing the work shall notify the adjoining property owner by personal delivery, courier or express mail service, with a copy to the code official, not less than thirty (30) days prior to the proposed starting date. This notification shall include a copy of all documents filed for necessary permits which are relevant to the adjoining property. The adjoining property owner shall have thirty (30) days from the date that the notification was delivered to respond in writing.
3. If the adjoining property owner does not respond within the ten business day or thirty day period set forth in 1 and 2, respectively, then the adjoining property owner shall be deemed to have elected to make safe his or her own property, and the adjoining owner shall be granted the necessary written permission by the person causing the work to enter the premises of the construction, excavation, remodeling or demolition site for the

protection of the adjoining owner's property. The adjoining property owner shall execute such measures to make safe said owner's property without delay so as not to impede the original construction.

4. If the adjoining owner affirmatively denies permission, the adjoining owner shall provide justification to the code official indicating the reason for the denial. Upon granting permission, conditional or unconditional, the adjoining owner shall notify the code official and the person causing the work in writing.

3307.2.1 Underpinning party walls. In the case of existing adjoining or party walls which require underpinning, proper underpinning shall be provided in accordance with applicable sections of this code whether or not written permission to enter the adjoining lot is granted.

3307.2.1.1 Party walls. In case of party walls erected in the original city of Washington (Squares 1–1170), or party walls erected with written consent of the adjoining owners, or both, the person causing the work shall notify the adjoining property owner, with a copy to the code official, not less than thirty (30) days prior to the proposed starting date. This notification shall include a copy of all documents filed for necessary permits. The person causing such excavation need not obtain the written permission from the adjacent property owner to provide underpinning for the adjoining structure.

3307.2.2 Party wall maintenance. In case an existing party wall is intended to remain or be used by the person who causes a construction operation to be made, and such party wall is in good condition and sufficient for the use of both the existing and proposed building, such person shall preserve the party wall from injury and shall support the party wall by proper foundations at said person's own expense, so that the wall is and remains as is and useful as the party wall was before the work was commenced. During any construction operation, the party wall shall be maintained weatherproof and structurally safe by adequate bracing until such time as the permanent structural supports have been provided.

3307.2.2.1 Temporary protection. If the party wall is to remain exposed for less than sixty (60) days, the exposed portions of the wall shall be protected from weather damage by tarpaulins, waterproof paper, or other temporary means approved for use by the code official. Such temporary protection shall be maintained in a weatherproof condition.

3307.2.2.2 Intermediate protection. If the party wall is to remain exposed for more than sixty (60) days, but less than eighteen (18) months, the exposed wall shall be restored and weatherproofed in accordance with the requirements for the particular type of construction involved. All plaster and other material not commonly used for exterior construction shall be removed; all holes shall be properly filled; and masonry party walls shall be repointed.

3307.2.2.3 Permanent protection. If the party wall is to remain exposed for eighteen (18) months or longer, the party walls shall be permanently restored and weatherproofed in accordance with the requirements for the particular type of construction involved. Party walls shall be faced with material commonly used for exterior finish, or restored as closely as practicable with the facing material and construction of the other exterior walls of the building left standing, and shall be painted or otherwise finished in a manner similar to other parts of the building.

3307.2.3 Party wall beam holes. Where a structure involving a party wall is being demolished, the owner of the demolished structure shall, at his or her own expense, bend over all wall anchors at the beam ends of the standing wall and shall brick up all open beam holes and otherwise maintain the safety and usefulness of the wall.

3307.2.4 Unsafe party walls. If any party wall or portion thereof which is left standing and exposed after a building is demolished or partially removed is deemed unsafe or dangerous by the code official, then the owner of the building that is being removed or demolished shall either remove and reconstruct, or anchor, brace, or buttress all of those portions of the party wall deemed unsafe or dangerous, and shall do all other work necessary to enclose properly the building or structure left standing.

3307.3 Chimneys, soil stacks, vent stacks, and windows. Wherever a new building or structure is erected to greater or lesser heights than an adjoining building, the construction and extension of new or existing chimneys, soil stacks, vent stacks, and the location of window openings shall comply with applicable sections of this code.

3307.4 Adjoining roofs and flashing. The owner shall repair and restore all flashing on any adjoining property, which has been broken or damaged during any construction operations. The owner shall also install such new flashing as may be required to protect any joints exposed by such operations. Where a new building or demolition of an existing building is being conducted at a greater height, the roof, roof outlets and roof structures of adjoining buildings shall be protected against damage with adequate safeguards by the person doing the work.

CHAPTER 34A EXISTING STRUCTURES

Delete Chapter 34 of the Building Code in its entirety without substitution.

CHAPTER 35A REFERENCED STANDARDS

Add the following Reference Standards to the Building Code to read as follows:

OSHA

Department of Labor
Occupational Safety and Health Administration

Standard Reference Number	Title	Referenced in code section number
29 CFR - Part 1910	Occupational Safety and Health Standards	1607.14

SOUTH FACE

Southface Energy Institute
241 Pine Street NE
Atlanta, Georgia 30308

Standard Reference Number	Title	Referenced in code section number
EarthCraft House Guidelines	Sustainable Design	Chapter 13
EarthCraft House Renovation		

US EPA

US Environmental Protection Agency
Ariel Rios Building
1200 Pennsylvania Avenue, N.W.
Washington, DC 20460

Standard Reference Number	Title	Referenced in code section number
Energy Star Portfolio Manager	Sustainable Design	Chapter 13
Energy Star Target Finder		

**Enterprise
Community
Partners**

Enterprise Community Partners
10227 Wincopin Circle
American City Building
Columbia, MD 21044

Standard Reference Number	Title	Referenced in code section number
Green Communities	Sustainable Design	Chapter 13

USGBC

U.S. Green Building Council
1800 Massachusetts Avenue, NW, Suite 300,
Washington, DC 20036

Standard Reference number	Title	Referenced in code section number
LEED CI LEED CS LEED H LEED NC LEED for Schools	Sustainable Design	Chapter 13

NAHB

National Association of Home Builders
1201 15th Street, NW
Washington, DC 20005

Standard Reference number	Title	Referenced in code section number
Green Home Building Guidelines	Sustainable Design	Chapter 13

APPENDIX E SUPPLEMENTARY ACCESSIBILITY REQUIREMENTS

SECTION E102A DEFINITIONS

Add the following definition:

TTY. An abbreviation for teletypewriter. Machinery that employs interactive text-based communication through the transmission of coded signals across the telephone network. TTYs may include, for example, devices known as TDDs (telecommunication display devices or telecommunication devices for deaf persons) or computers with special modems. TTYs are also called text telephones.

SECTION E104A DEFINITIONS

Add the following definition:

E104.1 General. Transient lodging facilities shall be provided with accessible features in accordance with Sections E104.2, E104.3 and E104.5. Group I-3 occupancies shall be provided with accessible features in accordance with Sections E104.3 and E104.4.

E104.5 Vanity countertop space. In transient lodging facilities, if vanity countertop space is provided in toilet or bathing rooms serving sleeping units that are not required to be accessible, accessible vanity countertop space, comparable in terms of size and proximity to the lavatory, shall also be provided in toilet or bathing rooms serving Accessible units. Accessible vanity countertop space shall comply with ICC A117.1 Sections 308 and 309.

APPENDIX R NUMBERING OF BUILDINGS

Add new Appendix R to the Building Code read as follows:

- A. The Act of the Board of Aldermen and the Board of Common Council, approved November 29, 1869, has been recognized as in force in so far as it relates to the system of numbering buildings, and it is adopted as a regulation, so far as the same is now applicable.

Be it enacted by the Board of Aldermen and the Board of Common Council of the City of Washington, that all dwelling houses, stores, and places of business of any kind fronting on any street or avenue of this city, shall be numbered in the manner as provided in this Act.

Section 2. And be it further enacted, that upon all streets designated by letters the buildings shall be numbered as follows: Commencing at North and South Capitol Streets the buildings on the first square east and west respectively, shall be numbered from 1 to a number not exceeding 100; the second square from 100 to a number not exceeding 200; and to each and every subsequent square in addition not exceeding 100: Provided, that in all squares broken by fractional streets the numbers shall correspond with the fractional increase or decrease of the dimensions of said squares; that all streets designated by numerals shall be numbered in the same manner, commencing at East Capitol Street and a continuation of the line of said street west to the Potomac. And the buildings on all avenues running to and from the Capitol shall be numbered in like manner. And on all other avenues the numbering shall commence at the terminus nearest one of the cardinal streets commences, the numbering on the first square of each avenue to correspond with the number or letters of the streets bordering said square and with the numbering of the buildings upon the streets bordering on said square.

Section 3. And be it further enacted, That each street or avenue shall be numbered by itself, and on each side of the same alternatively, commencing on the right-hand side, thus placing the odd numbers on the right side and at the even numbers on the left, allowing a number for every 20 feet front in all cases of open spaces of unimproved public or private ground or Government reservations, and for every fractional remainder of ten feet or more after the division of each space of said distance: Provided, That on all squares that have been divided and laid out into building lots the front feet for each number shall correspond with the width of said lots, respectively, and in all cases of churches, schoolhouses, permanent or temporary, a number for every 20 feet of frontage shall be assigned.

Section 4. And be it further enacted, that the numbered of houses shall be in figures sufficiently large to be easily read from the opposite side of the street. Said numbers shall not to be less than 3 inches long, and in proportionate width, and be placed upon or immediately over the front door within sixty (60) days after notification of the

number of the premises shall have been given to the owner or occupant of the same; and in case the owner or occupant of the premises shall refuse or neglect to affix the number required within sixty (60) days after the said notification has been served, the Mayor may cause said house or building to be numbered, and the expenses thereof shall be chargeable against the property and collected as other taxes are collected.

B. When the street, upon which it is proposed to number the building, is a direct or nearly straight prolongation or extension of the streets of the city, the inspector of the buildings shall apply, as far as practical, the system of numbers provided for in the foregoing Act. And on streets or proposed streets not parallel to the cardinal streets regulating the house numbers, the method shall be as for numbering houses on avenues in the city. When a street or avenue makes an angle of less than forty-five (45) with East Capitol Street, or extension thereof, the buildings shall be numbered as on streets running east and west. When a street or avenue makes an angle of less than forty-five (45) with North Capitol Street, or extension thereof, the buildings shall be numbered as on streets running north and south. The buildings on curved streets and streets which change their direction to such a degree as to require the number on a part of such street to go from north to south and on another part from east to west shall not be numbered by the general system, but shall be numbered independently beginning at the measure point on such street to the Capitol and running to the end of the road or street, keeping the odd numbers on one side of the street and the even numbers on the other side of the street.

C. The inspector of buildings shall designate and direct the numbering of all buildings and other changes to be made in numbering any building already numbered when needful; and on any person refusing to number or renumber or place proper number on a building as directed by the inspector, within sixty (60) days, shall be liable for the penalty provided for in these regulations.

NOTE: A title as referred to in the above act is obsolete. The old and new designations for purpose of readily identifying this title are as follows:

Old Designation	New designation
Inspector of Buildings	Code Official, Department of Consumer and Regulatory Affairs