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 Section105.6.3. 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 Section116.2 or Section116.4, 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 C*onstruction 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 of infractions are begun before or after said date.

SECTION 124A ADDRESS PROTOCOL

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

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

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

124.4 Definitions.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

ZIP CODE- shall be the five numeral code assigned by the US Postal Service to the area in which the address is located.

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

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.

Raze Permit Community Notification Amendment Act of 2009

Raze Permit Community Notification Amendment Act of 2009

AN ACT
IN THE COUNCIL OF THE DISTRICT OF COLUMBIA
_____

To amend Chapter 12A of the District of Columbia Municipal Regulations to require an applicant for a raze permit to post and maintain a notice, sign, or placard on the premises that shall remain in place for at least 30 days before the Department of Consumer and Regulatory Affairs approves and issues the raze permit.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Raze Permit Community Notification Amendment Act of 2009" Sec. 2. Subsection 105.7.1 of Chapter 12A of the District of Columbia Municipal Regulations (12A DCMR § 105.7.1), is amended by adding a new subsection 105.1.7.3 to read as follows:

“105.1.7.3 Posting of Raze Permit Application Notice. Before a raze permit is issued, the owner or agent of the building or structure to be razed shall post and maintain a notice furnished by the Code Official on the facade fronting on the public street of the building premises, or on such other place on the building premises as designated by the Code Official, so as to be visible from the public way. The permit shall not be issued by the Code Official until at least 30 days from the date the notice is posted on the building premises. This subsection shall not apply to any emergency raze ordered by the Code Official. Violations of this subsection shall be deemed a Class 3 infraction. The Code Official shall establish a fee for the furnishing of the notice.”.

Sec. 3. Fiscal impact statement.
The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.
This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

_____
Chairman
Council of the District of Columbia

Mayor
District of Columbia

12A DCMR Section 3107A

SIGNS

12 DCMR 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.

107.3.1 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 m^2) in area, and when each of such signs is located more than 20 feet (6096 mm) back of the building line or of the building restriction line. Such signs shall be allowed in addition to those for which a permit is required under this Section.

3107.3.5.6 Real estate signs. Real estate signs not exceeding 6 square feet (0.557 m^2) in area.

3107.3.5.7 Vacated property. One sign not to exceed 6 square feet (0.557 m^2) in area, giving the name, business, and new address of the former occupant, is permitted to be displayed for not more than 60 days.

3107.3a Notwithstanding the limitations and exemptions stated in Section 3107.1 and 3107.3.5, a permit is required for the erection, painting, repainting, placement, replacement, hanging, rehanging, alteration, repair, or change of a sign larger than one (1) square foot in size on the outside of a building on historic property or located within the first eighteen (18) inches inside a glazed opening of a building on historic property.

3107.3a.1 Permits shall be issued or denied for signs on historic property bearing non-commercial statements of fact, belief, or personal or political opinion that would otherwise be excluded from regulation under this section pursuant to Section 3107.1, and for signs on historic property that would otherwise be exempt from the permit requirement pursuant to Section 3103.5, based solely on their compliance with the requirements of 10A DCMR, Chapter 25.

3107.3b Notwithstanding the limitations stated in Section 3107.1 a permit is required for the erection, painting, repainting, placement, replacement, hanging, rehanging, alteration, repair, or change of a sign bearing a non-commercial statement of fact, belief, or personal or political opinion that would otherwise be excluded from regulation under this section pursuant to Section 3107.1, if the sign is subject to review by the Commission of Fine Arts under Section 3107.4. Permits shall be issued or denied for these signs based solely on their compliance with Section 3107.4 and applicable Commission of Fine Arts requirements.

3107.4 Commission of Fine Arts submission. The provisions of 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 m^2) per street frontage.

3107.4.1.5 Sign copy. Copy on signs shall be limited to the address or name of the establishment, or both, and the type of business conducted, as indicated by the Certificate of Occupancy issued for the premises involved.

3107.4.1.6 Number of colors on sign. No more than two colors, nor more than one color in addition to black or white, shall be used for any sign, including the illumination of such sign.

3107.4.1.7 Signs on awnings. Signs on awnings shall be limited to the valance and shall otherwise comply with other applicable requirements of this Section.

3107.4.1.8 Show window lettering. Lettering of signs limited to a show window, or any other window, abutting on or overlooking a street or public way, shall cover an aggregate area of not more than 25 square feet (2.322 m^2), 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 m^2) per street frontage.

3107.4.2.5 Sign copy. Copy on signs shall be limited to the address or name of the establishment, or both, and the type of business conducted, as indicated by the Certificate of Occupancy issued for the premises involved.

3107.4.2.6 Number of colors on sign. No more than two colors, nor more than one color in addition to black or white, shall be used for any sign, including the illumination of such sign.

3107.4.2.7 Signs on awnings. Signs on awnings shall be limited to the valance and shall otherwise comply with other applicable requirements of this Section.

3107.4.2.8 Show window lettering. Lettering of signs limited to a show window, or any other window, abutting on or overlooking a street or public way, shall cover an aggregate area or not more than 25 square feet (2.322 m^2), per business, nor more than 20 percent of the area of the window, whichever is less.

3107.4.2.9 Nonconforming signs. Despite the limitations imposed by the requirements above, when the Commission of Fine Arts finds that the sign or the conditions surrounding it justify granting a variance from or exception to any of the requirements of 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 m^2) in area giving the name, business, and new address of the former occupant is permitted to be displayed for not more than 60 days 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 m^2) in area indicating the location of parking facilities for patrons shall be allowed under permit.

3107.6.6 Special permits. The code official is authorized to issue a permit to erect and maintain a sign not conforming with this Section if the code official finds that such sign or conditions surrounding such sign are unusual in character, of a type infrequently encountered, and that approval of the permit will provide an equitable application of this Section basically in keeping with its purpose and intent. The code official in each such special permit is authorized to impose such terms and conditions as he or she may deem necessary. Any sign erected under a special permit shall be removed at or prior to the time specified in the permit for the removal of such sign. If no time is specified, then such sign shall be removed not later than ten (10) days after notice from the code official to do so.

3107.6.6.1 Temporary decorations for buildings. The code official is authorized to approve permits for temporary decorations on the fronts of buildings or on legal projections from buildings in the spirit of a holiday period, inauguration, or similar occasion. Temporary decorations are permitted to include greetings, symbols, pictures, and other markings appropriate to the occasion. Any structures, framework, and fastenings shall be subject to the usual requirements. Authority is not granted in this Section to approve applications for decorations on, over, along, or across any street or highway, except as provided for in 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 m^2) for each sign face. For the purpose of this Section, net area shall be considered exclusive of any border, trim, ornamental base, apron supports or other structural members.
13. The billboard shall be designed and installed so as to maintain a minimum clearance of 8 feet (2438 mm) from the ground, as measured from the adjacent grade.
14. The billboard shall not exceed 25 feet (7620 mm) in overall height as measured from grade at the center line of the billboard to the level of the highest point of the billboard.
15. The billboard shall conform to 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 m^2) per face, and the maximum dimension shall not exceed 3 feet (914 mm).

3107.7.11.6 Clearance and height. Revolving signs shall have not less than 8 feet (2438 mm) clearance above the adjacent ground level, and the total height of the sign above grade shall not exceed 20 feet (6096 mm).**3107.7.11.7 Illumination.** Exposed lights or tubing shall be prohibited on revolving signs, and illumination shall be from indirect or internal sources.

3107.7.11.8 Vehicular Traffic Safety. No revolving sign may be installed or maintained if the Department of Transportation has determined that the sign location, size, or height above grade is objectionable with regard to vehicular traffic safety.

3107.7.12 Commercial Advertising on Taxicabs. Despite the provisions of 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 m^2) for each foot of street frontage of the lot, with a maximum sign area of 40 square feet (3.72 m^2) for residentially zoned property, and 200 square feet (18.58 m^2) for commercially zoned property. An additional 5 square feet (0.465 m^2) of sign area shall be permitted on barricades to identify each adjoining premises or business.

3107.9 Residential or Special Purpose District limitations. This 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 m^2) 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 m^2) 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 m^2), 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 m^2) 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 m^2).

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 m^2) 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.

12A DCMR, Subtitle K

FEE SCHEDULE

Special Sign Amendment Act of 2001

AN ACT IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

To amend Title 12 of the District of Columbia Municipal Regulations to impose a permanent moratorium upon the issuance of any permits for the erection or construction of a Special Sign and to place restrictions on the transferability of locations for Special Signs.

BE IT ENACTED BY THE COUNCIL OF THE DISTRICT OF COLUMBIA,

That this act may be cited as the "Special Signs Amendment Act of 2001". Sec. 2. Title 12 of the District of Columbia Municipal Regulations is amended as follows:

(a) Subsection 3115.4.2.7 is amended to read as follows:

"3115.4.2.7 Transferability of Special Sign Locations: A special sign permit shall be transferable to a new location only under the following conditions:

"(a) Except for transfers from locations presently lying outside the area defined in Paragraph (b) of this subsection, 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.

"(b) 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.

"(c) The new Special Sign location is approved by the Department in accordance with the provisions of Subsection 3115.4.2. through 3115.4.2.10.

"(d) 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.

"(e) 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.

"(f) If a current Special Sign permit for a location that is not in the zone of transferability, as defined in paragraph (b) of this subsection, is transferred to another location under this subsection, 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.

"(g) No Special Sign shall be installed so as to go beyond the lowest portion of the roofline of an existing building's dimensions.".

(b) Subsection 3115.4.2.9 is amended as follows:

(1) The lead-in text is amended to read as follows:

"3115.4.2.9. Limitations on Special Sign Permits: The Department shall not issue any new permits, whether the initial permit, changes to artwork pursuant to Subsection 3115.4.2.5, or a transfer to a new location pursuant to Subsection 3115.4.2.7, for any Special Sign to be displayed upon buildings or land located in any of the following areas:".

(2) Paragraph (1) is amended to read as follows:

"(1) In or within one hundred feet (100 ft) of a Residential District, as defined in the District of Columbia Zoning Regulations, or within one hundred feet (100 ft) of a school or church with a valid certificate of occupancy for such use, or within one hundred feet (100 ft) of a federal or District of Columbia park or monument.".

(c) A new subsection 3115.4.2.11 is added to read as follows:

"3115.4.2.11. Moratorium on Issuance of Special Signs: Notwithstanding the provisions of Subsections 3115.4.2 through 3115.4.2.10, a Special Sign permit shall not be issued after November 9, 2000. No more than 32 Special Sign permits shall be allowed to exist after November 9, 2000 in the District.".

Sec. 3. Fiscal impact statement.

The Council adopts the fiscal impact statement in the committee report as the fiscal impact statement required by section 602(c)(3) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(3)).

Sec. 4. Effective date.

This act shall take effect following approval by the Mayor (or in the event of veto by the Mayor, action by the Council to override the veto), a 30-day period of Congressional review as provided in section 602(c)(1) of the District of Columbia Home Rule Act, approved December 24, 1973 (87 Stat. 813; D.C. Official Code § 1-206.02(c)(1)), and publication in the District of Columbia Register.

Chairman

Council of the District of Columbia

Mayor

District of Columbia

12A DCMR, Subtitle K

FEE SCHEDULE

12A DCMR, Subtitle K - Fee Schedule

(a) Building structures and equipment:				
Description	Fee Description	Fee Amount	Enhanced Fee	Total
New construction and alterations	Filing deposit	50% of the assessed permit fee based on the estimated cost of construction not to exceed $20,000.	10% additional	Calculate
New construction and additions	Permit fee	$0.03 per cubic foot of construction	10% additional	Calculate
	Green Building Fee - New construction	$0.002 per square foot of construction	10% additional	Calculate
Alteration and repair	Permit Fee: construction valued less than $500	$33	10% additional	$36.30
	Permit Fee: construction valued between $501-$1,000	$65	10% additional	$71.50
	Permit Fee: construction valued between $1,001-$1 million	$30 + 2% of construction value $1001-$1 million	10% additional	Calculate
	Permit Fee: construction valued over $1 million	$10,030 + 1% of total construction cost	10% additional	Calculate
	Green Building Fee: construction valued between $1,001-$1 million	0.13% of construction value	10% additional	Calculate
	Green Building Fee: construction valued over $1 million	$1,300 + 0.0065% of construction value over $1 million	10% additional	Calculate
Asbestos removal		Same as alteration/repair	10% additional	Calculate
Awning		$65 each	10% additional	$71.50
Capacity placard review		$20/hour	10% additional	$22.00/hour
Contamination testing		$33	10% additional	$36.30
Demolition		$30 + 2% of construction cost	10% additional	Calculate
Excavation only	Less than 50,000 cubic feet	$130	10% additional	$143.00
	50,000 cubic feet or more	$650	10% additional	$715.00
Fire retardant painting	Less than 200 square feet	$26	10% additional	$28.60
	200 square feet or more	$46	10% additional	$50.60
Fence on private property (installation or repair)		$33	10% additional	$36.30
Foundation only	Less than 50,000 cubic feet	$130	10% additional	$143.00
	50,000 cubic feet or more	$650	10% additional	$715.00
Garage (new) or shed (new)		$65	10% additional	$71.50
Grandstand	100 or fewer seats	$33	10% additional	$36.30
	101-500 seats	$65	10% additional	$71.50
	501-1,000 seats	$100	10% additional	$110.00
	Each additional 1,000 seats	$33	10% additional	$36.30
Projection into public space	Residential	$65 each	10% additional	$71.50/each

	Commercial	$130 each	10% additional	$143.00/each
	Modification (variance)	$130 each	10% additional	$143.00/each
Raze		$0.02/cubic foot	10% additional	Calculate
Retaining wall, tank, tower		$46/$1000 of construction cost	10% additional	Calculate
Sheeting & shoring	Less than 50,000 cubic feet	$130	10% additional	$143.00
	50,000 cubic feet or more	$650	10% additional	$715.00
Sign	New up to 25 square feet	$65	10% additional	$71.50
	New between 25-100 square feet	$130	10% additional	$143.00
	More than 100 sq. ft.	$130 + $2 for each square foot over 100 square feet	10% additional	Calculate
	Billboard repair	$33 each	10% additional	$36.30
	Special Sign artwork change	$500 each	10% additional	$550.00
Swimming Pool	Up to 15,000 gallons	$260	10% additional	$286.00
	More than 15,000 gallons	$260 + $33/1000 gallon	10% additional	Calculate
Test boring for gas/soil/water		$7/bore	10% additional	Calculate
Miscellaneous (antenna, kiosk, pole, satellite dish, temporary		$33 each	10% additional	$36.30
Permit renewal or change of permit ownership		$33 each	10% additional	$36.30
Postcard Permit		$33 each	10% additional	$36.30

(b) Special permits and reviews:

Description		Fee Amount		
Commission for Fine Arts review filing (first time, non-refundable)		$33	10% additional	$36.30
Covenant	Processing	$325	10% additional	$357.50
	Requiring Mayor's signature	$130 additional	10% additional	$143.00
Preliminary	Single family	$65	10% additional	$71.50
Design Review Meeting	Commercial: less than 10,000 sq. ft. (1 hour maximum)	$130	10% additional	$143.00
	Commercial: between 10,000-100,000 sq. ft. (2 hour maximum)	$390	10% additional	$429.00
	Commercial: 100,001 square feet and greater (3 hour maximum)	$650	10% additional	$715.00
	Additional: per full or fraction of hour	$150	10% additional	$165.00
Repeat Technical Review	Single family	$65	10% additional	$71.50
(rejected, revised, re-reviewed plans)	Commercial: less than 10,000 square feet	$130/discipline	10% additional	$143.00/discipline

	Commercial: between 10,000-100,000 square feet	$390/discipline	10% additional	$429.00/discipline
	Commercial: 100,001 square feet and greater	$650/discipline	10% additional	$715.00/discipline
Tenant layout		$20/hour	10% additional	$22.00/hour
Home Occupation	Non-refundable permit filing fee	$33	10% additional	$36.30
	Permit issuance fee	$33	10% additional	$36.30
Certificate of Occupancy	Copy	$7 for regular copy; $20 for certified copy/affidavit	10% additional	Calculate
	5,000 square feet or less	$42 + $33 filing fee	10% additional	Calculate
	5,001-50,000 square feet	$42 + $0.004/square foot + $33 filing fee	10% additional	Calculate
	50,001-100,000 square feet	$276 + $0.003/square foot + $33 filing fee	10% additional	Calculate
	100,001 sq. ft. or more	$471 + $0.0013/square foot. + $33 filing fee	10% additional	Calculate
Certificate of Use	Enclosed sidewalk café	$260 + $0.03/cubic foot	10% additional	Calculate
	Unenclosed	$260	10% additional	$286.00
	Certificate of use	$260 per year	10% additional	$286.00/year
(c) Supplemental permits:				
Description		Fee	10% additional	
Annual inspection certification-BBPV		$33 each	10% additional	$36.30/each
Boiler furnace change or rebuilding		$52 each	10% additional	$57.20/each
Boiler – MB		$46 each	10% additional	$50.60/each
Fired object (misc.)		$46 each	10% additional	$50.60/each
Incinerator & trash chutes	0-100 lbs/hour or domestic incinerator	$33 each	10% additional	$36.30/each
	101-300 lbs/hour	$52	10% additional	$57.20
	301-500 lbs/hour	$65	10% additional	$71.50
	Over 500 lbs/hour	$100	10% additional	$110.00
H/W boiler	0-500 gals/hour	$46 each	10% additional	$50.60/each
	Over 500 gals/hour	$52 each	10% additional	$57.20/each
Incinerator	0-300 lbs	$33 each	10% additional	$36.30/each
alterations	Over 300 lbs	$52 each	10% additional	$57.20/each
Heating boiler	0-1200 MBH	$33 each	10% additional	$36.30/each
	1201-6000 MBH	$52 each	10% additional	$57.20/each
	Over 6000 MBH	$65 each	10% additional	$71.50/each
	0-8,500 sq. ft.	$52 each	10% additional	$57.20/each
	Over 8,500 sq. ft.	$100 each	10% additional	$110/each
Miniature boiler	Up to 500 gallons/hour	$46 each	10% additional	$50.60/each

	500 gallons/hour and over	$52 each	10% additional	$57.20/each
Oil-fired furnace	0-100 MBH	$26 each	10% additional	$28.60/each
	Over 100 MBH	$33 each	10% additional	$36.30/each
Power boiler	Q-10 HP; or 1675-8369 MBH	$52 each	10% additional	$57.20/each
	11-50 HP; or 8370-16,739 MBH	$65 each	10% additional	$71.50/each
	51-150 HP	$100 each	10% additional	$110/each
	Over 150 HP; over 33,479 MBH	$195 each	10% additional	$214.50/each
	0-1674 MBH	$33 each	10% additional	$36.30/each
	16,740-33,479 MBH	$111 each	10% additional	$122.10/each
Trash chute: No incinerator installation or misc.		$46 each	10% additional	$50.60/each
Unfired pressure vessel		$33 each	10% additional	$36.30/each

(d) Additional supplemental permits:			
Description	Fee Amount	Enhanced Fee	Total
Group 1. Outlet (receptacle, switch, or fixture) wiring only			
Outlets(receptacles, switches, fixtures)	$20 for each 10, or fraction of 10	10% additional	Calculate
Group 2. Fixture & Lamp Holder			
Lights fixtures and lamp holders	$8 for each 10, or fraction of 10	10% additional	Calculate
Group 3. Electrical Discharge Sign			
Up to 500 VA	$26	10% additional	$28.60
Each additional whole or fraction of 500 VA	$20	10% additional	$22.00
Group 4. Heating Equipment			
Baseboard or space heater	$10/KW up to 10 KW; $6 for each additional KW	10% additional	Calculate
Furnace or unit heater	$36 for first one; $16, each additional	10% additional	Calculate
Furnace controls wiring/replacement only	$24 each	10% additional	$26.40
Group 5. Commercial Heating and Cooking			
Appliance, 1-8 kW range	$26 for first one; $16, each additional		Calculate
Appliance, over 8 kW range	$36 for first one; $16, each additional		Calculate
Group 6. Motors & Generators			
Less than ¼ HP range	$20 for each 10 or fraction of 10	10% additional	Calculate
¼-1 HP range	$33 for first motor; $16 for each additional	10% additional	Calculate
1-5 HP range	$46 for first motor; $16 for each additional	10% additional	Calculate
Over 5-10 HP range	$60 for first motor; $20 for each additional	10% additional	Calculate
Over 10-20 HP range	$72 for first motor; $26 for each additional	10% additional	Calculate
Over 20-30 HP range	$91 for first motor; $39 for each additional	10% additional	Calculate
Over 30-50 HP range	$117 for first motor; $47 for each additional	10% additional	Calculate
Over 50-75 HP range	$130 for first motor; $52 for each additional	10% additional	Calculate
Over 75 HP range	$143 for first motor; $65 for each additional	10% additional	Calculate
Group 7. Service			
Service conductor - conductors and poles	$26 for first service/pole; $8 each additional service/pole	10% additional	Calculate
Service conductor - overhead/underground	$20 each	10% additional	$22.00
Group 8. Service & Meter Equipment			
Up to 20 Amp range	$39 for first; $16 for each additional	10% additional	Calculate
201-400 Amp range	$52 for first; $24 for each additional	10% additional	Calculate

401-800 Amp range	$78 for first; $39 for each additional	10% additional	Calculate
Over 800 Amp range	$124 for first; $52 for each additional	10% additional	Calculate
Group 9. Transformers			
1-10 kVA range	$33 for first; $16 for each additional	10% additional	Calculate
11-75 kVA range	$46 for first; $20 for each additional	10% additional	Calculate
76-200 kVA range	$55 for first; $23 for each additional	10% additional	Calculate
Over 200 kVA range (vault)	$117 for first; $52 for each additional	10% additional	Calculate
Group 10. Theater or Other Places of Public Assembly Equipment			
Spotlight	$33 for first arc; $16 each additional	10% additional	Calculate
	$26 for first portable/temporary arc; $16 each additional	10% additional	Calculate
	$20 for first portable/incandescent; $8 each additional	10% additional	Calculate
Motion picture machine	$65 for first permanent; $33 for each additional	10% additional	Calculate
	$39 for first portable; $20 for each additional	10% additional	Calculate
Slide projector	$36 for first; $20 each additional	10% additional	Calculate
Amplifier or portable switchboard	$33 for first; $16 each additional	10% additional	Calculate
Switchboard or dimmer over 1kW	$26 for first; $16 each additional	10% additional	Calculate
Portable TV installation	$26 for first receiver; $13 each additional	10% additional	Calculate
Portable or temporary incandescent light (no spotlights)	$26 for 1-25 lights;	10% additional	Calculate
	$33 for 26-50 lights; $39 for 51-100 lights	10% additional	Calculate
	$13 for each additional 100 lights or fraction of 100	10% additional	Calculate
Group 11. Temporary Installations, Decorations, Lawn Fetes, etc			
1-25 lights	$33 for the first 90 days; $16 for each additional 90 days or more	10% additional	Calculate
26-50 lights	$39 for the first 90 days; $20 for each additional 90 days or more	10% additional	Calculate
51-100 lights	$55 for the first 90 days; $28 for each additional 90 days or more	10% additional	Calculate
Each additional 100 lights	$20 for the first 90 days; $8 for each additional 90 days or more	10% additional	Calculate
Use of current on wiring, apparatus, and fixtures, for use pending installation completion	$55 for the first 90 days; $28 for each additional 90 days	10% additional	Calculate
Circus/carnival	$125 for up to 50 kW; $125 for each additional 100 kW	10% additional	Calculate

Exhibition		$60 for up to 3000 square feet; $33 for each additional 1000 square feet	10% additional	Calculate
Group 12. Radio and Television				
Centralized receiver amplifier		$33 for the first amplifier; $25 for each additional	10% additional	Calculate
Centralized speaker station		$20 for the first station; $20 for each 10 or fraction of 10	10% additional	Calculate
Closed circuit television camera		$26 for the first camera; $20 for each additional	10% additional	Calculate
Receiving station (including antenna/ground connection device for receivers)		$20 for the first station; $15 for each additional	10% additional	Calculate
Transmitting station		$65 for the first station; $33 for each additional	10% additional	Calculate
Group 13. Miscellaneous (R=Residential)				
ARC vapor lamp		$26 for the first; $16 for each additional	10% additional	Calculate
Battery charger		$33 for the first; $16 for each additional	10% additional	Calculate
Crane, electric, for construction work		$125	10% additional	$137.50
Central air conditioning system, up to 5 T (R)		$65 for the first; $26 each for 2-25 systems; and $16 each for more than 25	10% additional	Calculate
Clothes dryer (R) or range (R)		$20 for the first; $7 for each additional	10% additional	Calculate
Conduits-empty		$20 per floor	10% additional	$22.00 per floor
Electric furnace (R)		$39 for the first; $29 each for 2-25 systems; and $16 each for more than 25	10% additional	Calculate
Electric sign-incandescent		$8 for each 10 or fraction of 10	10% additional	Calculate
Fire alarm system devices		$20 for each 10 or fraction of 10	10% additional	Calculate
Panel board replacement/feeder conductor replacement		$20 for the first panel board/feeder; $8 for each additional	10% additional	Calculate
Preventive maintenance		$130 per switchboard	10% additional	$143 per switchboard
Rectifier or welder		$39 for the first; $16 for each additional	10% additional	Calculate
X-ray machine		$33 for the first; $16 for each additional	10% additional	Calculate
Postcard Permit: Electrical General		$20 each	10% additional	$22.00 each
Postcard Permit: Electrical Heavy-Up		$59 each	10% additional	$64.90 each
Fire alarm/smoke/heat detectors; or LV telephone/data/voice outlets; or LV security alarm devices/data/voice		$20 each 10 or fraction of 10	10% additional	Calculate
Minimum permit fee		$20	10% additional	$22.00
Appliances installation each type		$26 for the first; $20 for each additional	10% additional	Calculate
Gas conversion burner installation		$46 each	10% additional	$50.60 each
Postcard Permit		$26 per fixture or appliance	10% additional	$28.60 per fixture or appliance
Gas appliances include boilers, cookers, ranges, furnaces, heaters, ironers (commercial or residential), kettles, mangles, radiators, refrigerators, stills, water				
Refrigeration	Class E - 0-120,000 BTU/h	$46 each	10% additional	$50.60 each

Air Conditioning	Class D - 120,000-600,000 BTU/h	$78 each	10% additional	$85.60 each
	Class C - 600,001-1,200,000 BTU/h	$195 each	10% additional	$214.50 each
	Class B - 1,200,001-2,400,000 BTU/h	$260 each	10% additional	$286.00 each
	Class A - over 2,400,000 BTU/h	$390 each	10% additional	$439.00 each
Postcard Permit (up to 10 Ton)		$46 each	10% additional	$50.60 each
Line cap (includes sewer, water); line cut (includes gas, sewer, soil waste, vent, and water lines); line test (gas		$26 each	10% additional	$28.60 each
Plumbing fixture		$26 for the first; $20 for each additional	10% additional	Calculate
Postcard Permit		$26 per fixture or appliance	10% additional	$28.60 per fixture or appliance
Sprinkler system	NFPA 13 system, up to 50 heads	$4 per head	10% additional	$4.40 per head
(alter, install, repair, & check valve)	Each additional head over 50	$2 per head	10% additional	$2.20 per head
	NFPA 13R or 13D system, up to 20 heads	$3 per head	10% additional	$3.30 per head
Plumbing fixtures including backflow preventers, basins, bath tubs, bidets, dishwashers, down spouts, drains (area/floor/roof), drinking fountains, garbage				
Other Fees:	Fire Suppression Systems: Hoods and Ducts			
	1-50 nozzles	$6 each	10% additional	$6.60 each
	Each nozzle thereafter	$3 each	10% additional	$3.30 each
	Minimum project review fee	$33	10% additional	$36.30
	Shop Drawing Review			
	Shop drawing review fees	$20/hour	10% additional	$22.00/hour
	Elevator			
	Elevator repair fee	1% of construction cost	10% additional	Calculate
	New elevator fee	$85	10% additional	$93.50
	Designation of a New Address			
	New address	$25 each	10% additional	$27.50
	Modification and Variance Requests			
	Modification and variance requests	$175	10% additional	$192.50

APPENDIX B

11 DCMR CHAPTERS 2 AND 32

Appendix B - 11 DCMR, Chapters 2 (Home Occupation) and 32 (Certificate of Occupancy)

11 DCMR, Section 203 - Home Occupation

203.1 The purpose of the home occupation provisions shall be to allow home occupations as accessory uses to residential uses; provided, that they are compatible with the residential neighborhood in which they are located. The intent is to protect residential areas from adverse effects of activities associated with home occupations, while permitting residents of the community the opportunity to use the home as a workplace and source of livelihood under specific regulatory conditions.

203.2 For purposes of this section, a home occupation is a business, profession, or other economic activity conducted full-time or part-time in a dwelling unit that serves as the principal residence of the practitioner of the home occupation.

203.3 Home occupations shall meet the following requirements:

(a) No person shall practice a home occupation without a Home Occupation Permit;

(b) A Home Occupation Permit may be issued without a public hearing if the requirements of this subsection are met, or may be granted by the Board of Zoning Adjustment pursuant to § 203.10;

(c) A Home Occupation Permit may be granted only to a designated person or group of persons who reside at a residential address; and

(d) No Home Occupation Permit may be transferred from one person to another, or from one address to another.

203.4 A practitioner of a home occupation, and any owner of a dwelling unit in which a home occupation is practiced, shall comply with the requirements of §§ 203.5 and 203.6, and with the following conditions and requirements:

(a) A home occupation shall be clearly secondary to the use of a dwelling unit for residential purposes;

(b) Except as provided in §§ 203.7(c) and 203.8(d), no more than the larger of two hundred fifty square feet (250 ft.2) or twenty-five percent (25%) of the floor area of the dwelling, excluding basement or any accessory structure, shall be utilized in the home occupation;

(c) The practitioner shall store all materials or finished products within the floor area that is designated in paragraph (b) of this subsection, or in a basement or accessory structure;

(d) No more than one (1) person who is not a resident of the dwelling unit shall be engaged or employed in the home occupation;

(e) The dwelling unit owner and the practitioner shall maintain the residential character and appearance of the dwelling unit and lot;

(f) No interior structural alteration shall be permitted if it would make it difficult to return the premises to use that is exclusively residential;

(g) Neither the practitioner nor any other person shall conduct or allow any operations outside a structure, nor maintain or allow any storage or other unsightly condition outside a structure;

(h) Neither the practitioner nor any other person shall use any equipment or process that creates visual or audible electrical interference in television or radio receivers outside the subject home, or that causes fluctuations in line voltage outside the subject home;

(i) The use shall produce no noxious odors, vibrations, glare, or fumes that are detectable to normal sensory perception outside the subject home;

(j) The use shall not produce a level of noise that exceeds the level normally associated with the category of dwelling or the immediate neighborhood;

(k) No more than two (2) vehicles may be used in the practice of the home occupation;

(l) Vehicular trips to the premises by visitors, customers, and delivery persons shall not exceed eight (8) trips daily on a regular and continuing basis;

(m) The practitioner shall have no more than eight (8) clients or customers on the premises in any one (1) hour period; and

(n) If more than one (1) home occupation is practiced in a dwelling unit, the cumulative impact of all such home occupations, considered as a whole, shall not exceed any of the standards set forth in paragraphs (a) through (m) of this subsection.

203.5 A sign on a dwelling or building in which a home occupation is practiced shall be permitted, subject to the following conditions:

(a) A person may display one (1) exterior sign on a dwelling or other building in which a home occupation is practiced;

(b) The sign shall not exceed one hundred forty-four square inches (144 in.2) in area;

(c) The sign shall be flush-mounted;

(d) The sign shall not be illuminated;

(e) The sign may state only the name of the practitioner and the type of home occupation;

(f) The practitioner shall not display more than one (1) sign outside a dwelling or building; and

(g) The practitioner shall not display any sign that does not meet the requirements of paragraphs (b) through (e) of this subsection.

203.6 Sales shall be permitted, subject to the following conditions:

(a) A practitioner may make sales by telephone;

(b) A practitioner may perform and be paid for a service, even if the service results in the creation of a product;

(c) During a twelve-month (12-month) period, as many as five (5) sales in the nature of yard sales, garage sales, or home sales parties may be held at a dwelling; and

(d) During a twelve-month (12-month) period, a person with a home occupation permit may hold six (6) or more sales in the nature of yard sales, garage sales, or home sale parties at a dwelling, if approved by the Board of Zoning Adjustment pursuant to § 203.10.

203.7 The following uses shall be allowed as home occupations; provided, that the conditions specified in §§ 203.4 through 203.6 are met at the time of the establishment of the home occupation, and maintained on a continuing basis. The uses listed under this subsection shall include similar uses in each category:

(a) Computer programming;

(b) Cosmetologist, hair stylist, or barber;

(c) Dressmaking, sewing, and tailoring;

(d) Home crafts, such as model-making, rug weaving, and lapidary work;

(e) Home office of a businessperson, sales person, or manufacturer's representative; provided, that the dwelling is not used as a gathering point for workers who are on the way to another work site;

(f) Home office of a physician or dentist; provided, that the physician or dentist may not also establish an accessory use pursuant to § 202;

(g) Home office of a scientist, clergyman, inventor, academician, licensed health care professional other than one provided for in paragraph (k) of this subsection, or other professional person;

(h) Mail order business;

(i) Painting, sculpturing, writing, composing, photography, or other fine arts occupations practiced by an individual in a home studio; provided, that no more than sixty percent (60%) of the floor area of the dwelling unit may be devoted to the studio;

(j) Telephone answering service and sales by telephone;

(k) Tutoring of not more than five (5) students at any one time; and

(l) Typing or word processing service.

203.8 An owner of a dwelling may operate a Bed and Breakfast facility, offering rooms and breakfast to guests on a daily basis; provided:

(a) The use shall not be permitted in a multiple dwelling;

(b) Breakfast is the only meal served, and is served only to overnight guests;

(c) The maximum number of sleeping rooms shall be two (2), except:

(1) Pursuant to § 203.10(b), the maximum number of sleeping rooms may be increased to four (4); or, in a dwelling that is an historic landmark, or that is located in a historic district and certified by the State Historic Preservation Officer as contributing to the character of that historic district, the number of sleeping rooms may be increased to six (6); and

(2) The number of sleeping rooms permitted as a matter of right or by special exception as set forth in this paragraph shall be reduced by one (1) for each person who rooms or boards in the dwelling pursuant to § 202.5;

(d) The floor area limitations set forth in § 203.4(b) shall not apply to this use;

(e) In addition to the required parking for the dwelling unit, one (1) parking space shall be provided for each two (2) sleeping rooms devoted to guest use;

(f) No cooking facilities shall be permitted in any of the rented rooms;

(g) The dwelling shall be owned and occupied as the principal residence of the operator(s); and

(h) Except as provided in paragraph (d), the Bed and Breakfast facility shall comply with §§ 203.4 through 203.6.

203.9 Except as explicitly permitted by §§ 203.6 through 203.8, the following uses are prohibited as home occupations:

(a) Any retail service or other use specified in §§ 701.1, 701.4, 721.2, 721.3, 741.2, 741.3, 751.2(b), and 801.7; and

(b) Any use prohibited in § 902.1.

203.10 A home occupation that is not permitted or prohibited in this section may be permitted as a special exception by the Board of Zoning Adjustment under § 3104; provided:

(a) The proposed use and related conditions shall be consistent with the purposes set forth in § 203.1 and shall generally comply with the requirements of §§ 203.4 through 203.8, subject to specific findings and conditions of the Board in each case;

(b) An applicant for a home occupation that is permitted by §§ 203.6 through 203.8 may request the Board to modify no more than two (2) of the conditions enumerated in §§ 203.4 through 203.8; provided that the general purposes and intent of this section are complied with;

(c) In no case shall more than two (2) persons who are not residents of the subject home be permitted as employees of the home occupation, and those persons shall not be co-practitioners of the profession;

(d) Any request to modify more than two (2) of the requirements found in §§ 203.4 through 203.8 shall be deemed a request for a variance. However, a person with a demonstrated physical handicap may be permitted special consideration by the Board, and a request for more than two (2) modifications of the Home Occupation requirements shall be considered in this instance as a special exception governed by this subsection; and

(e) In considering any request for approval under this subsection, the Board may impose conditions relating to operating conditions of the home occupation, parking, screening, or other requirements as it deems necessary to protect adjacent and nearby properties consistent with the general purpose and intent of this section.

203.11 If the Zoning Administrator determines that an application for a Home Occupation Permit appears to meet the conditions of §§ 203.4 through 203.8, but to be inconsistent with the general purpose and intent of this section, the Zoning Administrator may certify the application to be decided as an appeal by the applicant to the Board of Zoning Adjustment.

203.12 In making the determination pursuant to § 203.11, the Zoning Administrator may consider, but not be limited to, the cumulative impact of one (1) or more home occupations.

SOURCE: Final Rulemaking published at 35 DCR 6916, 6918 (September 16, 1988); as amended by Final Rulemaking published at 47 DCR 9741 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8347-48 (October 20, 2000).

11 DCMR, Section 3203 - Certificates of Occupancy

3203.1 Except as provided in §§ 3203.7, 3203.8, 3203.9, or the second sentence of this subsection, no person shall use any structure, land, or part of any structure or land for any purpose until a certificate of occupancy has been issued to that person stating that the use complies with the provisions of this title and the D.C. Construction Code, Title 12 DCMR. The requirements of this subsection shall not apply to:

(a) A one-family dwelling; or

(b) A community based residential facility to be occupied by six or fewer persons with a handicap plus resident supervisors, as permitted by right in residence and commercial districts pursuant 11 DCMR §§ 201.1 (f) and 330.5 (d).

3203.2 Certificates of occupancy shall not be required for separate apartments or bachelor apartments in an apartment house, tenements or apartments in a tenement house, or offices in an office building, if a certificate of occupancy is issued for the entire structure.

3203.3 Except in the case of a church, all certificates of occupancy shall be conspicuously posted in or upon the premises to which they apply so that they may be seen readily by anyone entering the premises.

3203.4 If the erection or alteration of a structure is contemplated, a certificate of occupancy for that structure shall not be issued until the erection or alteration is completed to the point of availability of occupancy for use, except as provided in § 3203.5.

3203.5 Where an alteration to a structure is required by law in order to effect compliance with regulations adopted pursuant to the Means of Egress Law, approved December 24, 1942 (56 Stat. 1083, as amended; D.C. Official Code §§ 6-703.03 to 6-703.09 (2001)(formerly codified at D.C. Code §§ 5-518 to 5-524 (1994 Repl.))), a certificate of occupancy for that structure may be issued prior to the alteration; Provided, that the use of the structure for which a certificate of occupancy is desired, if a new use, is not one that would require a greater amount of egress or fire protection facilities under the Means of Egress Law than is required for the use existing prior to the alteration.

3203.6 Any certificate of occupancy issued under the terms of §§ 3203.4 or 3203.5 shall be subject to compliance with regulations adopted pursuant to the Means of Egress Law.

3203.7 If an application for a certificate of occupancy is filed when the Zoning Commission has pending before it a proceeding to consider an amendment of the zone district classification of the site of the proposed use, the processing of the application, and the establishment of the occupancy, shall be governed as follows:

(a) If the application is filed on or before the date on which the Zoning Commission makes a decision to hold a hearing on the amendment, the processing of the application and completion of the work shall be governed by § 3203.8;

(b) Except as otherwise provided in § 3203.11, if the application is filed after the date on which the Zoning Commission has made a decision to hold a hearing on the amendment, the application may be processed, and any use authorized by the certificate of occupancy may be established and maintained only in accordance with the most restrictive provision of the zone district classifications being considered for the site or in accordance with the zone district classifications of the site pursuant to the final decision of the Zoning Commission in the proceeding;

(c) For purposes of paragraph (b) of this subsection, the phrase "zone district classifications being considered for the site" shall include any zone district classification that the Zoning Commission has decided to notice for adoption and the zone district classification that is in effect on the date the application is filed;

(d) The limitation in paragraph (b) of this subsection shall not apply to a decision to hold a hearing on an application to amend the Zoning Regulations or Zoning Maps filed by an owner of property pursuant to § 102.2(a) of this title; and

(e) The limitation in paragraph (b) of this subsection shall not apply to an application for a certificate of occupancy that only changes the identity of the owner or occupant and that does not change a use authorized by a certificate of occupancy that was issued either before the decision to hold a hearing on the amendment or pursuant to paragraph (a) of this subsection.

3203.8 Any use that is authorized by a certificate of occupancy may be established and continued pursuant to the terms of the certificate and the provisions of this title in effect on the date that the certificate is issued, subject to the following conditions:

(a) The use shall be designated on the certificate of occupancy in terms of a use classification that is established by this title;

(b) The use shall be established within six (6) months of the date on which the certificate is issued; and

(c) Any amendment of the use authorized by the certificate shall comply with the provisions of this title in effect on the date that the certificate is amended.

3203.9 Applications for certificates of occupancy authorized by orders of the Board of Zoning Adjustment may be processed in accordance with the Zoning Regulations in effect on

the date the orders were promulgated; provided, that all applications for certificates of occupancy shall be accompanied by information sufficiently complete to permit processing without substantial change or deviation.

3203.10 Certificates of occupancy issued in accordance with §§ 3203.7, 3203.8, or 3203.9 shall not be renewable if permitted to lapse unless processed in accordance with all provisions of this title.

3203.11 This subsection shall govern 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; provided:

(a) The use authorized shall be designated as a proposed use at the time of application for the building permit on which the use depends;

(b) A building permit shall be issued in compliance with § 3202;

(c) At the time of issuance of the building permit that is required by this subsection, the proposed use shall be designated in a provisional certificate of occupancy; and

(d) The use designated in the provisional certificate of occupancy shall comply with all provisions of this title in effect on the date on which the building permit required by this subsection is issued.

3203.12 An Electronic Equipment Facility (EEF) that occupied at least fifty percent (50%) of the gross floor area of the space owned or leased within a building by the EEF for EEF use on October 16, 2000, pursuant to a valid certificate of occupancy, but for which a building permit or certificate of occupancy has not yet been issued for the entire owned or leased space, shall be permitted to complete construction and occupancy within the entire owned or leased space as a matter-of-right, provided that the use is registered with the Zoning Administrator within ninety (90) days after the effective date of this section.

SOURCE: §§ 8104.1 through 8104.10 of the Zoning Regulations, effective May 12, 1958; as amended by: Final Rulemaking published at 34 DCR 433 (January 16, 1987); Final Rulemaking published at 36 DCR 653, 654 (January 20, 1989); Final Rulemaking published at 36 DCR 7827 (November 10, 1989); Final Rulemaking published at 47 DCR 9741-43 (December 8, 2000), incorporating by reference the text of Proposed Rulemaking published at 47 DCR 8335, 8575-76 (October 20, 2000); and Final Rulemaking published at 48 DCR 9830, 9841 (October 26, 2001); as amended by Final Rulemaking published at 55 DCR 761(January 25, 2008); as amended by Final Rulemaking and Order No. 09-16 published at 57 DCR 2961 (April 2, 2010).

APPENDIX C

20 DCMR – CHAPTERS 27 & 28, NOISE PROVISIONS

Appendix C - 20 DCMR, Chapters 27 & 28 (Noise Provisions)

2700 GENERAL PROVISIONS

2700.1 It is the declared public policy of the District that every person is entitled to ambient noise levels that are not detrimental to life to life, health, and enjoyment of his or her property. It is hereby declared that excessive or unnecessary noises within the District are a menace to the welfare and prosperity of the residents and businesses of the District. It is the declared public policy of the District to reduce the ambient noise level in the District to promote public health, safety, welfare, and the peace and quiet of the inhabitants of the District, and to facilitate the enjoyment of the natural attraction of the District.

2700.2 It is the intent of the Council of the District of Columbia that D.C. Law 2-53 (the "Act") be liberally construed to carry out its general purpose.

2700.3 Certain noise-producing activities are subject to limitations other than the general decibel limitations pursuant to § 2701. The activities set forth in §§ 2702 through 2704, and §§ 2800 through 2807 are subject to the noise disturbance standard or other specific limitations and include, among others, the use of musical instruments, loud speakers, amplifiers, or unamplified speech, construction (which is subject to specific decibel limitations), and use of vehicle-mounted loud speakers or amplifiers (which are subject to the noise disturbance standard during permitted hours). All other noise-producing activities are subject to the general decibel limitations set forth in §§ 2701 and 2810.

2700.4 The agency that administers the noise control program shall conduct programs of public education regarding the following:

(a) The causes, effects, and general methods of abatement and control of noise and vibration;

(b) The actions prohibited by the Act; and

(c) The procedures for reporting violations.

2700.5 The agency that administers the noise control program shall encourage the participation of public interest groups in related public information efforts.

2700.6 The agency that administers the noise control program shall request any other department or agency responsible for any proposed or final standard, regulation, or similar action to consult with it on the advisability of revising the action, if there is reason to believe that the action is not consistent with Chapters 27 and 28 of this subtitle.

2700.7 The agency that administers the noise control program shall establish and publish on or before November 15, 1978, the test procedures to be used for measuring sound levels to determine compliance with Chapters 27 and 28 of this subtitle.

2700.8 The test procedures for measuring sound levels, as required by § 2700.7, shall be revised periodically, as necessary.

2700.9 The public shall be given thirty (30) days to comment on all proposed test procedures before they are made final.

2700.10 On or before May 15, 1979, the agency that administers the noise control program shall establish noise assessment guidelines for the evaluation of proposed projects for the capital improvements budget and program.

2700.11 The guidelines required by § 2700.10 may be used in the determination of the relative priority of each project in terms of noise impact.

2700.12 The agency that administers the noise control program shall evaluate and report to the Council of the District of Columbia every year on the effectiveness of the noise control program, and shall make recommendations for any legislative or budgetary changes necessary to improve the program.

2700.13 Noise of safety signals, emergency pressure relief valves, and warning or alarm devices shall be exempt (including horns when necessary as a danger warning); Provided, that no person shall knowingly permit the noise to be made or to continue beyond that necessary for the emergency safety purpose, or necessary testing.

2700.14 Unless specifically provided otherwise by the Act, a sound that constitutes a noise disturbance shall be considered a violation of the Act.

2700.15 The Mayor shall consult with the Administrator of the Federal Aviation Administration to recommend changes in airport operations to minimize noise disturbances resulting from the landing and the taking off of planes at the Washington National Airport.

2700.16 The Mayor shall require all departments responsible for a capital improvements budget and program to prepare an analysis of the noise impact of any proposed capital projects in accordance with noise assessment guidelines established by the administering agency pursuant to §§2700.3 through 2700.12 of this chapter.

2700.17 For the purposes of this section, the term "proposed capital projects" includes land acquisition, building construction, highway improvements, and fixed equipment installation.

2700.18 All contracts signed by the District for capital projects shall contain provisions requiring compliance with the Act.

2700.19 The Mayor shall ensure that any written contract, agreement, purchase order, or other instrument by which the District is committed to the expenditure of monies in return for goods or services shall contain provisions requiring compliance with the Act.

2700.20 Noise levels under the Act may be measured by any official designated by the Mayor or by any person who is a qualified acoustical engineer who holds a certificate of registration as a professional engineer issued by the District. The measurements shall be admissible as evidence in any civil, criminal, or administrative proceeding relating to the enforcement of any provision of the Act.

2700.21 Nothing in this act shall be construed as repealing or limiting the effectiveness of noise limiting provisions contained in the D.C. Harbor Regulations (DCMR Title 19).

2700.22 Each separate provision of Chapters 28 and 29 of this subtitle shall be considered independent of any other provision of those chapters and, if all or part of any provision, sentence, clause, or section is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, the illegality, invalidity, unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, sentences, clauses, sections, or parts of those chapters or their application to other parts or circumstances.

2700.23 It is the legislative intent that the Act would have been enacted if an illegal, invalid, or unconstitutional provision, sentence, clause, section, or part had not been included in the Act, and if the person or circumstances to which all or part of the Act is inapplicable had been specifically exempted from the Act.

2701 MAXIMUM SOUND LEVELS

2701.1 Except for person engaged in the noise-producing activities that are subject §§ 2702 through 2704, and §§ 2800 through 2807 of this subtitle, no person shall cause, suffer, or permit any sound that emanates from an operation, activity, or noise source under his or her control to exceed the maximum permissible sound level established in the following table as applicable for the time of day or night and the zoning location where the noise originates. For the purposes of this subsection, the source level shall be measured at the property line of the property on which the noise source is located or as close as is practicable if there is an obstruction. Sound levels shall be measured according to the test procedures prescribed by the administering agency established under § 2700:

ZONE	MAXIMUM NOISE LEVEL	
	Daytime	Nighttime
Commercial or light-manufacturing zone	65 dB(A)	60 dB(A)
Industrial zone	70 dB(A)	65 dB(A)
Residential, special purpose, or waterfront zone	60 db(A)	55 db(A)

2701.2 For the purposes of this section, the sound level shall be measured at the property line of the property on which the noise source is located, or as close as is practicable if there is an obstruction.

2701.3 Sound levels shall be measured according to the test procedures prescribed by the administering agency established under § 2700.3 of this subtitle.

2701.4 If a sound can be measured in a contiguous noise zone that has a more restrictive noise limitation than that from which the noise emanates, the sound level measurement at the zone line shall not exceed that established for the more restrictive zone.

2701.5 If the sound emanates from a source within an area for which the maximum permissible sound level has not been established, the maximum level shall be sixty (60) dB (A).

2701.6 Unless restricted by another section of Chapters 27 and 28 of this subtitle, sounds emanating from a street or highway shall not exceed the most restrictive sound level established for the property bordering the street or highway.

2701.7 Noise emanating from inside a motor vehicle shall be measured at a distance of not less than fifty feet (50 ft.) from the vehicle.

2702 EXEMPTIONS: PRE-EXISTING SOURCES

2702.1 Sounds emanating from pre-existing sources shall, to the extent indicated, be exempt from the specific noise limitations contained in § 2701 of this chapter; Provided, that the exemption shall not preclude enforcement under any other section of Chapters 27 and 28 of this subtitle.

2702.2 Pre-existing sources shall be exempt for one hundred and twenty (120) days after May 15, 1978.

2702.3 Any owner or person in control of a pre-existing source that exceeds the maximum permissible sound levels as prescribed in §2701 of this chapter shall, within one hundred and twenty (120) days after May 15, 1978, file with the Mayor a written plan for the Mayor's approval for the reduction of those sound levels to the maximum permissible levels.

2702.4 Each plan submitted pursuant to § 2702.3 shall include a time schedule for the accomplishment of the reduction of noise levels, and shall provide for periodic increments of progress. The Mayor shall treat the plan as a request for a variance as provided in § 2706 of this chapter.

2703 EXEMPTIONS: VEHICLES USING ONLY RAILS AND TRACKS

2703.1 Sounds emanating from vehicles using only rails and tracks shall, to the extent indicated, be exempt from the specific noise limitations contained in § 2701 of this chapter; Provided, that the exemption shall not preclude enforcement under any other section of Chapters 27 and 28 of this subtitle.

2703.2 Vehicles propelled only upon rails and tracks shall be exempt at all times.

2703.3 Railroad cars operated by the Washington Metropolitan Area Transit Authority shall be operated in a manner so as not to emit maximum noise levels in excess of those established in the following table when measured at a distance of one hundred feet (100 ft.) from the center line of the track, or at the nearest property line, whichever is the greater distance from the center line of track.

ZONE	MAXIMUM NOISE LEVEL
Residential, special purpose, or waterfront zone	75 dB(A)
Commercial or light-manufacturing zone	80 dB(A)
Industrial zone	90 dB(A)

2703.4 In taking a measurement pursuant to § 2703.3, the slow meter response of the sound level meter shall be used, and the measurement shall be taken approximately five feet (5 ft.) above grade.

2705 VARIANCES AND TEMPORARY EXEMPTIONS

2705.1 The Mayor, upon application by a person, may grant a variance or a temporary exemption from the maximum permissible noise levels or time limitations established in the Act when strict compliance with these provisions would impose an undue hardship on the applicant, on the community, or on other persons. The decision of the Mayor shall be in writing and shall include a statement of the reasons for the action taken.

2705.2 In determining whether or not strict compliance with these provisions would impose an undue hardship, the Mayor shall balance the degree of hardship against the harm that would be caused by the granting of a variance or a temporary exemption. In making this determination, the Mayor shall consider the following:

(a) The location;

(b) The time of day when the noise will occur;

(c) The duration of the noise, its magnitude relative to the maximum permissible noise levels permitted under the Act;

(d) The possible obstruction or interference with vehicular or pedestrian traffic;

(e) The feasibility of bringing the noise into conformity with this act, including economic factors related to the age and useful life of the equipment;

(f) The number of people that would be affected by the granting of a variance or temporary exemption;

(g) The degree of hardship involved if the variance of temporary exemption is not granted; and

(h) Any other factors as are reasonably related to the impact of the noise on the health, safety, welfare, peace, and quiet of the community.

2705.3 A variance or temporary exemption shall be granted only to the extent necessary to ameliorate the undue hardship, consistent with the purpose and intent of this Act.

2705.4 Nothing in this section shall be construed to permit any operation in violation of the Act during the pendency of a request for a variance or a temporary exemption.

2705.5 Nothing in this section and no variance or temporary exemption shall be construed to prevent or limit the application of the emergency procedures established under §2711 of this chapter.

2706 VARIANCE PROCEDURES

2706.1 Any person seeking a variance shall do so by filing with the Mayor a petition for a variance which shall be accompanied by plans, specifications, and other pertinent data as the Mayor may require, sufficient in scope to allow determination of the noise pollution impact that may result from granting the variance and the hardship involved if it is not granted.

2706.2 If the applicant is required to obtain a building permit (or some other type of permit) from the District government, he or she may include the request for a variance with the application for that permit.

2706.3 The Mayor may, at any time after an applicant files an original application, and before its expiration, require further statements in order to determine the disposition of the petition.

2706.4 Within three (3) months of May 15, 1978, the Mayor shall make available a list of the information to be required under this section.

2706.5 Notice of the variance application shall be given at least thirty (30) days before the Mayor rules on the request, unless a lesser time is justified for good cause.

2706.6 Notice of the variance application shall be given as follows:

(a) The Mayor shall publish the notice in the D.C. Register;

(b) The applicant shall mail the notice to the owners of all property abutting the property involved in the application; and

(c) The applicant shall mail the notice to the occupants of property situated within two hundred feet (200 ft.) of the property involved in the application.

2706.7 The notice of the variance application shall show the nature of the variance requested and the location for filing an appeal.

2706.8 Within five (5) days after the notice appears in the *D.C. Register,* the applicant shall file with the Mayor a sworn affidavit demonstrating compliance with this section.

2706.9 Any person may submit comments on the application for a variance within twenty-five (25) days of the published notice, or within the time specified in the notice.

2706.10 The Mayor shall adopt and publish in the *D.C. Register* any additional procedures with regard to requests for variances.

2706.11 The Mayor may, in his or her discretion, hold a hearing; Provided, that a hearing shall be held if any person who may be adversely affected by the grant or denial

of a variance, including the applicant, files a written request for a hearing within ten (10) days, of the notice appearing in the *D.C. Register.*

2706.12 The hearing held pursuant to § 2706.11 shall be held in accordance with the contested case provisions of the D.C. Administrative Procedure Act, approved October 21, 1968 (82 *Stat.* 1208; D.C. Code § 1-1509 (1991 Repl. Vol.)).

2706.13 In granting or denying a variance, the Mayor shall file a written opinion stating the facts and reasons for the final decision.

2706.14 The Mayor may condition the variance and the terms of the variance on factors that he or she deems appropriate, including a schedule of compliance specifying a definite time period within which full compliance with Chapters 27 and 28 of this subtitle and the rules and regulations adopted under the Act shall be achieved.

2706.15 In issuing a variance for construction work, the Mayor may prescribe the conditions, working times, types of construction equipment to be used, and permissible noise emissions as the Mayor considers to be required in the public interest.

2706.16 No variance issued pursuant to this section shall be adopted for a period to exceed one (1) year; Provided, that a renewal may be obtained for additional periods not to exceed two (2) years if the Mayor finds that the variance is justifiable and that the intent and purpose of the Act is not impaired.

2706.17 No renewal shall be granted except pursuant to the filing of an application.

2706.18 An application for the renewal of a variance shall be made at least sixty (60) days prior to the expiration of the variance.

2706.19 Notice and hearing requirements for the renewal of variances shall be the same as those applying to initial requests for variances.

2707 TEMPORARY EXEMPTION PROCEDURES

2707.1 A person may apply to the Mayor for a temporary exemption from the maximum permissible noise levels or the time limits established by the Act.

2707.2 If the applicant is required to obtain a building permit from the District government, he or she may include the request for a temporary exemption with the application for that permit.

2707.3 The decision of the Mayor shall be in writing and shall include a statement of the reasons for the action taken.

2707.4 If a temporary exemption is granted, the decision shall include the following information:

(a) The name of the applicant;

(b) The noise level to be permitted;

(c) The period of time during which the exemption shall be in effect; and

(d) Any other conditions or qualifications necessary for the protection of the public under the standards applicable to the granting of a temporary exemption.

2707.5 A temporary exemption shall be granted for as long as is necessary, but shall not exceed forty-five (45) days.

2707.6 A notice of the issuance of a temporary exemption shall be published in the *D.C. Register* and shall be posted by the applicant in a conspicuous sport at the location involved for a period of our (4) consecutive days following the date of issuance.

2707.7 Any person adversely affected by the issuance or denial of a temporary exemption may, within ten (10 days of the decision, request a hearing on the matter.

2707.8 If the Mayor finds that a sufficient *bona fide* controversy exists regarding the issuance or denial of a temporary exemption, the Mayor may, in his or her discretion, hold a hearing on the matter.

2707.9 The hearing shall be held as soon as practicable.

2707.10 A decision by the Mayor after a hearing shall be final, subject to a *de novo* review by a court of competent jurisdiction.

2707.11 Unless the Mayor orders otherwise, the filing of a request for a hearing shall not affect the issuance of a temporary exemption.

2710 NOTICE OF VIOLATIONS

2710.1 Whenever the Mayor has reason to believe that a violation of any provision of the Act has occurred, he or she may, in lieu of or in addition to any other enforcement procedure, give notice of the alleged violation to the person or persons responsible, and order the persons to take corrective measures as are deemed necessary.

2710.2 The notice of an alleged violation shall meet the following requirements:

(a) It shall be in writing;

(b) It shall indicate the section or subsections of Chapters 27 and 28 of this subtitle that have been violated; and

(c) It shall state the nature of the violation (including, if applicable, any dB(A) readings, the date, and the approximate time and place of their recording).

2710.3 The notice of an alleged violation may allow reasonable time for the performance of any act required by the notice.

2710.4 The notice of an alleged violation shall be deemed properly served upon the alleged violator when it is served by one (1) of the following methods:

(a) A copy of the notice is served personally upon the alleged violator, or is left either at the alleged violator's usual place of business or at his or her usual residence with a person over the age of sixteen (16) years who is employed or who resides at that place;

(b) A copy of the notice is left with any agent of the person to be notified, or is left at the office of the agent or with any person employed at the office, if the alleged violator's residence or place of business cannot be found in the District by reasonable search;

(c) A copy is mailed postage prepaid to the last known address of the person to be notified and is not returned by the Postal Service authorities; or

(d) The notice is published on three (3) consecutive days in a daily newspaper published in the District, when one (1) of the following circumstances exists:

(1) No address of the person to be served is known or can, with reasonable diligence, be ascertained; or

(2) Any notice mailed in accordance with § 2710.4(c) is returned undelivered by the Postal Service authorities.

2710.5 A notice issued pursuant to this section shall be final unless the person adversely affected requests a hearing within the period specified in the notice of

violation, or within fifteen (15) days after the date of service of the notice, whichever is less.

2710.6 Upon receipt of a request for a hearing, the Mayor shall provide the petitioner with an opportunity for a hearing in accordance with the contested case provisions of the D.C. Administrative Procedure Act, approved October 21, 1968 (82 *Stat.* 1208; D.C. Code § 1-1509 (1981)).

2710.7 A decision sustaining, modifying, or vacating a notice shall be final.

2710.8 If any person fails to comply with a final notice issued pursuant to this section, the Mayor shall institute action as may be necessary to terminate the violation.

2710.9 Any person's failure to comply with a final notice issued pursuant to this section shall constitute a separate violation of the Act.

2710.10 Nothing in this section shall be construed to preclude enforcement of the provisions of the Act by recovery of a penalty pursuant to § 2713 of this chapter, injunctive relief, or other appropriate remedy.

2711 EMERGENCY PROCEDURES

2711.1 If the Mayor finds that any person is acting in a manner that constitutes a violation of the Act, the Mayor may order the person to cease and desist.

2711.2 Failure to comply with the order shall be a violation of the Act; Provided, that failure to comply with a cease and desist order shall not be an independent violation if a court of competent jurisdiction finds that no violation of the Act had occurred.

2711.3 Any person aggrieved by an emergency order of the Mayor may, within forty-eight (48) hours of the order, request a hearing by the Mayor.

2711.4 Upon receiving a request for a hearing from any person aggrieved by an emergency order, the Mayor shall hold the hearing as soon as is reasonably practical.

2711.5 The hearing regarding an emergency order shall be conducted in accordance with the contested case provisions of the D.C. Administrative Procedure Act (D.C. Code § 1-1509 (1991 Repl. Vol.)).

2711.6 A request for a hearing on an emergency order shall not be grounds for noncompliance with any order issued pursuant to this section.

2711.7 After the conclusion of the hearing held pursuant to §§ 2711.4 and 2711.5, the person shall be notified by the Mayor of the Mayor's decision. This action shall be final; Provided, that an appeal from the action shall not be grounds for noncompliance with any order issued pursuant to this section.

2711.8 Nothing contained in this section shall preclude the Mayor from initiating appropriate action for the recovery of a penalty as is provided in Chapters 27 and 28 of this subtitle, nor shall it preclude the Mayor from seeking any other relief or remedy as is provided by law.

2712 INTERFERENCE WITH MEASUREMENT

2712.1 It shall be unlawful for any person to refuse, prevent, or interfere with any lawful physical determination or measurement authorized by the Act; Provided, that the provisions of § 2712.2 are complied with.

2712.2 No District government officer or employee shall enter any privately owned premise for the purpose of making a lawful, physical determination or measurement authorized by the Act without permission of the resident or a person in the premise, or without a valid search warrant.

2713 ENFORCEMENT: PENALTIES

2713.1 Any person who is aggrieved by a violation of any provision of the Act may complain to the Metropolitan Police Department which shall enforce the provisions of this Act.

2713.2 Prior to issuing a citation or notice of infraction, the Metropolitan Police Officer or other District government official may give a verbal warning to the violator and allow the violator a reasonable time to cease violating the Act.

2713.3 Any person who violates any provision of the Act shall be punished by a fine not to exceed one thousand dollars ($1000) or imprisonment not to exceed ten (10) days, or both. In the event of any violation of or failure to comply with the Act or any section of the Act, each and every day of such violation or failure shall constitute a separate offense, and the penalties described in the Act shall be applicable to each such separate offense.

2713.4 Officers of the Metropolitan Police Department are authorized to enforce the provisions of the Act by issuing a notice of civil infraction for a violation of the Act that constitutes a noise distrurbance, or a noise-producing activity, during days or hours when prohibited, or beyond it authorized duration pursuant to the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985, effective October 5, 1985 (D.C. Law 6-42, D.C. Code §6-2701 *et seq.).*

2713.5 Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of Chapter 27 or 28, pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985. Adjudication of any infraction of Chapter 27 or 28 shall be pursuant to titles I-III of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985.

2714 CIVIL ENFORCEMENT

2714.1 Any person may commence a civil action in a court of competent jurisdiction on his or her own behalf for injunctive relief, to enforce a requirement, or to order the Mayor to perform a non-discretionary act against any person (including the District government to the extent permitted by the Eleventh Amendment of the U.S. Constitution) who is alleged to be the following:

(a) In violation of any requirement of the Act;

(b) In violation of any order issued by the Mayor with respect to any requirement of the Act; or

(c) Engaged in any act prohibited by the Act.

2714.2 No action shall be taken under the provisions of this section prior to ten (10) days after the plaintiff has given notice of the violation to the Mayor, and to any alleged violator of the requirements.

2714.3 No action shall be taken under the provisions of this section if the Mayor has commenced and is diligently prosecuting a civil action in a court of competent jurisdiction in the District of Columbia to require compliance with the Act.

2799 DEFINITIONS

2799.1 When used in Chapters 27 through 29 of this subtitle, the following words or abbreviations shall have the meaning ascribed unless the context indicates a different meaning. Where technical words are not defined, or where questions of interpretation arise regarding acoustical terminology, the American National Standard Institute (ANSI) definitions shall be used as a guide.

ANSI - the American National Standard Institute or its successor bodies.

Construction - any site preparation, excavation, assembly, erection, substantial repair, alteration, or similar action (excluding demolition) of public or private rights-of-way, structures, utilities, or similar property.

Daytime - the hours from 7:00 a.m. to 9:00 p.m.

dB(A) - (A-weighted sound level) - a measure of sound pressure level, in decibels, obtained from a sound-level meter using the A-weighting network or filter as specified in ANSI S1.4-1971 or the latest approved revision of that standard.

Decibel - (1/10 of a bel) - a unit (abbreviated "dB") for measuring the magnitude of sound equal to twenty (20) times the logarithm, to the base ten (10), of the ratio of the sound pressure being measured to a reference sound pressure of twenty (20) micropascals.

Emergency Generator Equipment – Generators that supply back-up power to buildings such as hospitals, hotels, and office buildings.

Emergency work - the work necessary to restore property to a safe condition following a public calamity or act of God, or the work required to protect the health and safety of persons.

Leafblowers - any portable device or machine that is gasoline or electric powered and which is designed or intended, by generating a concentrated stream of air to blow, dispel, or make airborne, leaves, grass cuttings, paper, trash, or any other type of unattached debris or material. The term includes those devices or machines that accept vacuum attachments. (D.C. Law 9-135)

Leg - (Equivalent A-Weighted Sound Level) - the constant sound level that, in a given time period, would convey the same sound energy as the actual, time varying, A-weighted sound. The number in parenthesis immediately following the term "Leg" shall denote the time period in hours.

Maximum sound level - the highest level observed on a sound level meter.

Mayor - the Mayor of the District of Columbia or his or her designated agent.

Motorcycle - any motor vehicle other than a motorized bicycle having either a tandem arrangement of two (2) wheels or a tricycle arrangement of three (3) wheels, and having a seat or saddle for the use of the operator.

Motor vehicle - any vehicle propelled either by an internal combustion engine or by electricity or steam. This term does not include motor boats and traction engines used exclusively for drawing vehicles in fields, road rollers, and vehicles propelled only upon rails and tracks.

Motorized bicycle - any motor vehicle having the following:

(a) Either a tandem arrangement of two (2) wheels equipped with tires that are sixteen inches (16 in.) or more in diameter, or having a tricycle arrangement of three (3) wheels equipped with tires that are sixteen inches (16 in.) or more in diameter, weighing not more than one hundred and twenty (120) pounds;

(b) An automatic transmission; and

(c) A motor or engine that produces not more than one and five-tenths (1.5) brake horsepower (as rated by the Society of Automatic Engineers), with a piston displacement of not more than fifty (50) cubic centimeters, and that is capable of moving the vehicle at a speed of no more than twenty-five miles per hour (25 mph) on level ground when propelled exclusively by the motor or engine.

Nighttime - the hours from 9:00 p.m. to 7:00 a.m.

Noise - this term shall have the same definition as "sound," in the Act.

Noise disturbance - any sound which is loud and raucous or loud and unseemly and unreasonably disturbs the peace and quiet of a reasonable person of ordinary sensibilities in the vicinity thereof, unless the making and continuing of the noise is necessary for the protection or preservation of the health, safety, life, or limb of some person. In making a determination of a noise disturbance, the Mayor shall consider the location, the time of day when the noise is occurring or will occur, the duration of the noise. In addition, the Mayor may consider the magnitude of the noise relative to the maximum sound levels permitted under this act, the possible obstruction or interference with vehicular or pedestrian traffic, the number of people that are or would be affected, and such other factors as are reasonably related to the impact of the noise on the health, safety, welfare, peace, and quiet of the community. A noise shall not be considered a noise disturbance if it is made during noncommercial public speaking during the daytime and does not exceed 80 decibels inside the nearest occupied residence in districts zoned R-1A, R-1B, R-2, R-3, or R-4. Except as it may otherwise conflict with provisions of this act, all measurements of noise levels shall be performed and verified by qualified inspectors of the Department of Consumer and Regulatory Affairs in accordance with the requirements specified in Chapter 29 of Title 20 of the District of Columbia Municipal Regulations. If the noise is made at night or does not

involve noncommercial public speaking, the Mayor shall not be required to measure the decibel level of the noise to find a noise disturbance.

Noise level - this term shall have the same definition as "sound level."

Noise zones - shall be defined according to the following three (3) categories, as shown, defined, and bounded on the zoning map:

(a) Residential, special purpose, or waterfront zone - any district listed under chapters 4, 5, and 9 of the D.C. Zoning Regulations, effective May 12, 1958, as amended;

(b) Commercial or commercial-light manufacturing zone - any district listed under chapter 7 of the D.C. Zoning Regulations, effective May 12, 1958, or classified as a "C-M Commercial-light manufacturing" district under Chapter 8 of the Zoning Regulations; and

(c) General industrial zone - any district classified under Chapter 8 of the Zoning Regulations, effective May 12, 1958, but not classified as a "C-M Commercial-light manufacturing" district.

Person - an individual, partnership, corporation, trust, association, firm, organization, government, or other entity.

Pre-existing source - any noise source either established and in operation or under construction prior to May 15, 1978.

Real property boundary - an imaginary line along the ground surface and its vertical extension, which separates the real property owned by one (1) person from that owned by another.

Sound - an oscillation in pressure, particle displacement, particle velocity, or other physical parameter, in a medium with internal forces that causes compression and rarefaction of that medium. The description of sound may include any characteristic of the sound, including duration, intensity, and frequency.

Sound level - the weighted sound pressure level obtained by the use of a sound level meter and frequency weighing network, such as A, B, or C as specified in the ANSI specifications for sound level meters (ANSI S1.4-1971, or the latest approved revision of ANSI S1.4 standard). If the frequency weighing employed is not indicated, the A-weighing shall apply.

Sound-level meter - an instrument to measure the sound pressure level meeting at least either the Type II requirements of the ANSI S1.4-1971 standard or the latest approved version of the ANSI S1.4 standard.

Street or highway - any road, street, alley, or way in the District of Columbia, open to the use of the public, as a matter of right, for the purposes of vehicular traffic.

Weekday - any day except Sunday or a legal holiday.

Zoning regulations - the D.C. Zoning Regulations, effective May 12, 1958, as amended (DCMR Title 11).

SOURCE: Section 2 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5295 (December 30, 1977); as amended by § 2 of the District of Columbia Noise Control Amendment Act of 1977, D.C. Law 9-135, 39 DCR 4079 (June 12, 1992); by § 2 of the Noise Amendment Act of 1996, D.C. Law 11-161, 43 DCR 3727 (July 19, 1996); by § 2 of the Georgetown Project and Noise Control Amendment Act of 2004, D.C. Law 15-214, 51 DCR 8825 (September 10, 2004); and by § 2 of the Noise Control Protection Amendment Act of 2008, D.C. Law 17-208, 55 DCR 6977 (June 27, 2008).

2801 MECHANICAL EQUIPMENT

2801.1 Noise resulting from mechanical equipment shall not exceed the maximum noise levels contained in this section.

2801.2 Noise resulting from the use or operation of any air-conditioning, refrigerator, heat pump, fan, swimming pool equipment, or other mechanical equipment, regardless of location, shall be prohibited in excess of sixty (60) dB(A) when measured at the property line or as close to the property line as practical if there is an obstruction.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5309 (December 30, 1977).

2802 CONSTRUCTION

2802.1 From 7:00 a.m. to 7:00 p.m. on any weekday, noise levels resulting from construction or demolition (excluding pile driver devices) shall not exceed a L_{eg}(1.) of eighty (80) dB(A) unless granted a variance under § 2705 of Chapter 27 of this subtitle.

2802.2 From 7:00 p.m. to 7:00 a.m. the maximum noise levels prescribed in § 2701 of Chapter 27 of this title shall apply.

2802.3 In cases involving noise from construction or demolition, measurements shall be made twenty-five feet (25 ft.) from the outermost limits of the construction site; provided, that when construction work is performed inside an occupied multi-unit apartment building, hospital, nursing home, community-based residential facility, or other similar facility which serves as a temporary or permanent dweling for its residents, measurement of noise from the construction or demolition shall be made twenty-five (25) feet from the source of the noise. This provision shall be subject to the exemption for emergency work.

2802.4 No permit for building construction or demolition shall be issued until the permit applicant has assured in writing that the noise emanating from the planned construction will comply with the limitations established by this section.

SOURCE: Section 5 of the District of Columbia Noise Control Act 011977, D.C. Law 2-53, 24 DCR 5293, 5308 (December 30, 1977).

2803 CONSTRUCTION IN RESIDENTIAL ZONES

2803.1 Noise emanating from construction in residential zones shall be prohibited during the hours specified in this section irrespective of its compliance with § 2701 of Chapter 27 of this subtitle.

2803.2 No noise from construction, excluding minor home repairs, shall be permitted within a residential, special purpose, or waterfront zone on any Sunday or legal holiday, or after 7:00 p.m. and before 7:00 a.m. on any weekday.

2803.3 The limitation of § 2803.2 shall not apply to the following:

(a) Portable power tools used for minor improvement of real and personal residential property otherwise allowable under this section;

(b) Work performed by public utilities as defined in the Act approved March 4, 1913 (37 Stat. 974; D.C. Code § 43-103 (1990 Repl. Vol.));

(c) Work performed by the Washington Metropolitan Area Transit Authority as defined in D.C. Code §§ 1-1410 et seq. (1992 Repl. Vol.); or

(d) Work performed by the subcontractors of public utilities and the Washington Metropolitan Area Transit Authority as provided in §§ 2803.3(b) and 2803.3(c).

2803.4 Noise emanating from the sources exempted in § 2803.3 shall comply with the maximum noise levels prescribed in § 2701 of Chapter 27 of this subtitle.

SOURCE: Section 5 of the District of Columbia Noise Control Act of 1977, D.C. Law 2-53, 24 DCR 5293, 5209 (December 30, 1977).

2899 DEFINITIONS

2899.1 The meanings ascribed to the definitions appearing in § 2799.1 of Chapter 27 of this subtitle shall apply to the terms in this chapter.

APPENDIX D

24 DCMR – SECTION 306, CERTIFICATE OF USE

Appendix D - 24 DCMR, Section 306 (Certificate of Use)

306 CERTIFICATE OF USE

306.1 Except as provided in §306.2, within six (6) months of the issuance of a Sidewalk Cafe Permit, the applicant shall apply to the Director of Consumer and Regulatory Affairs for a Certificate of Use.

306.2 A person granted a sidewalk cafe permit prior to the effective date of these rules shall apply, within fifteen (15) months of the effective date of these rules, to the Director of Consumer and Regulatory Affairs for a Certificate of Use.

306.3 An applicant may request that the Director of Consumer and Regulatory Affairs and the Director approve a delay in the application for a Certificate of Use. The request shall be in writing and shall provide sufficient reasons for the delay.

306.4 Upon the recommendation of the Director, the Director of Consumer and Regulatory Affairs may approve any justifiable delay in the issuance of a Certificate of Use. This delay shall not exceed three (3) months.

306.5 The Director of Consumer and Regulatory Affairs shall issue a Certificate of Use when the following conditions have been satisfied:

(a) The sidewalk cafe has been inspected and the issuance of a Certificate of Use has been approved by the Director and the Director of Consumer and Regulatory Affairs;

(b) The sidewalk cafe complies with the requirements of this chapter, with the terms and conditions of the Sidewalk Cafe Permit and, where applicable, the Building Permit;

(c) The sidewalk cafe has been inspected by the Fire Chief to ensure that it complies with §313, §§316.10 and 316.11 and with any variance or waiver granted pursuant to §318; and

(d) All applicable fees, including, but not limited to, all present and past sidewalk cafe rental fees have been paid.

306.6 If the sidewalk cafe does not comply with the requirements of §306.5, the request for a Certificate of Use shall be denied.

306.7 Where applicable, the applicant shall be informed by the Director of Consumer and Regulatory Affairs of the reasons why the Certificate of Use has been denied.

306.8 The applicant shall have sixty (60) days to correct any deficiencies and to reapply for a Certificate of Use pursuant to § 306.1.

306.9 A Certificate of Use shall be valid for twelve (12) months and shall be renewed annually on the date specified on the certificate.

306.10 An applicant shall apply for a renewal of the Certificate of Use in accordance with §306.5.

SOURCE: Final Rulemaking published at 30 DCR 4346, 4354 (August 26, 1983).