

**DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS
CONSTRUCTION CODES COORDINATING BOARD**

NOTICE OF PROPOSED RULEMAKING

The Chairperson of the Construction Codes Coordinating Board (Chairperson), pursuant to the authority set forth in section 10 of the Construction Codes Approval and Amendments Act of 1986 (Act), effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code § 6-1409 (2008 Repl.)) and Mayor's Order 2009-22, dated February 25, 2009, as amended, hereby gives notice of the intent to adopt the following amendments to Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations, as well as to rename Title 12.

This proposed rulemaking would adopt the following codes published by the International Code Council (ICC), as amended by this rulemaking in a new District of Columbia Construction Codes Supplement of 2013, as the District of Columbia Construction Codes: the 2012 edition of the International Building Code; the 2012 edition of the International Residential Code; the 2012 edition of the International Fuel Gas Code; the 2012 edition of the International Mechanical Code; the 2012 edition of the International Plumbing Code; the 2012 edition of the International Property Maintenance Code; the 2012 edition of the International Fire Code; the 2012 edition of the International Energy Conservation Code; the 2012 edition of the International Existing Building Code; the 2012 edition of the International Green Construction Code; the 2012 edition of the International Swimming Pool and Spa Code; and the 2011 edition of the National Electrical Code (NFPA 70) published by the National Fire Protection Association.

This proposed rulemaking would repeal the D.C. Construction Codes Supplement of 2008, adopted December 26, 2008 (55 DCR 13094), consisting of the following: the 2006 edition of the ICC International Building Code; the 2006 edition of the ICC International Residential Code; the 2006 edition of the ICC International Fuel Gas Code; the 2006 edition of the ICC International Mechanical Code; the 2006 edition of the ICC International Plumbing Code; the 2006 edition of the ICC International Property Maintenance Code; the 2006 edition of the ICC International Fire Code; the 2006 edition of the ICC International Energy Conservation Code; the 2006 edition of the ICC International Existing Building Code; and the 2005 edition of the National Fire Protection Association (NFPA 70) National Electrical Code.

Comments on this proposed rulemaking must be submitted by 5 p.m. on Friday, January 25, 2013. The process for submitting comments is detailed on the final page of this proposed rulemaking.

The Chairperson also hereby gives notice of the intent to take final rulemaking action to adopt this amendment. Pursuant to section 10(a) of the Act, the proposed amendment will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review,

The *District of Columbia Swimming Pool and Spa Code* (2013), referred to as the "*Swimming Pool and Spa Code*," consists of the 2012 edition of the *International Swimming Pool and Spa Code*,) as amended by the *District of Columbia Swimming Pool and Spa Code Supplement* (2013)(12 DCMR L). The *International Swimming Pool and Spa Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ispsc/2012/index.htm?bu=IC-P-2012-000024&bu2=IC-P-2012-000019>.

and final rulemaking action will not be taken until the later of thirty (30) days after the date of publication of this notice in the *D.C. Register* or Council approval of the amendment.

Title 12 (D.C. Construction Codes Supplement of 2008) of the District of Columbia Municipal Regulations is amended as follows:

The title of title 12 is renamed as the District of Columbia Construction Codes Supplement of 2013.

Subtitle 12 A (Building Code Supplement of 2008) is repealed in its entirety and replaced with a new Building Code Supplement of 2013.

Subtitle 12 B (Residential Code Supplement of 2008) is repealed in its entirety and replaced with a new Residential Code Supplement of 2013.

Subtitle 12 C (Electrical Code Supplement of 2008) is repealed in its entirety and replaced with a new Electrical Code Supplement of 2013.

Subtitle 12 D (Fuel Gas Code Supplement of 2008) is repealed in its entirety and replaced with a new Fuel Gas Code Supplement of 2013.

Subtitle 12 E (Mechanical Code Supplement of 2008) is repealed in its entirety and replaced with a new Mechanical Code Supplement of 2013.

Subtitle 12 F (Plumbing Code Supplement of 2008) is repealed in its entirety and replaced with a new Plumbing Code Supplement of 2013.

Subtitle 12 G (Property Maintenance Code Supplement of 2008) is repealed in its entirety and replaced with a new Property Maintenance Code Supplement of 2013.

Subtitle 12 H (Fire Code Supplement of 2008) is repealed in its entirety and replaced with a new Fire Code Supplement of 2013.

Subtitle 12 I (Energy Conservation Code Supplement of 2008) is repealed in its entirety and replaced with a new Energy Conservation Code Supplement of 2013.

Subtitle 12 J (Existing Building Supplement of 2008) is repealed in its entirety and replaced with a new Existing Building Code Supplement of 2013.

Subtitle 12 K (Fees) is redesignated as Subtitle M (Fees).

A new Subtitle 12 K (Green Construction Code Supplement of 2013) is added.

The *District of Columbia Swimming Pool and Spa Code* (2013), referred to as the “*Swimming Pool and Spa Code*,” consists of the 2012 edition of the *International Swimming Pool and Spa Code*,) as amended by the *District of Columbia Swimming Pool and Spa Code Supplement* (2013)(12 DCMR L). The *International Swimming Pool and Spa Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ispssc/2012/index.htm?bu=IC-P-2012-000024&bu2=IC-P-2012-000019>.

A new Subtitle 12 L (Swimming Pool and Spa Code Supplement of 2013) is added.

For purposes of clarity, the following table lists each chapter of the ICC and NFPA 70 codes amended by the District of Columbia Construction Codes Supplement of 2013:

SUBTITLE A – BUILDING CODE SUPPLEMENT

Chapter 1	Administration and Enforcement
Chapter 2	Definitions
Chapter 3	Use Group and Classification
Chapter 4	Special Detailed Requirements Based on Use and Occupancy
Chapter 5	General Building Heights and Areas
Chapter 7	Fire-Resistance-Related Construction
Chapter 9	Fire Protection Systems
Chapter 10	Means of Egress
Chapter 12	Interior Environment
Chapter 14	Exterior Walls
Chapter 15	Roof Assemblies and Rooftop Structures
Chapter 16	Structural Design
Chapter 18	Soils and Foundations
Chapter 26	Plastic
Chapter 30	Elevators and Conveying Systems
Chapter 31	Special Construction
Chapter 32	Encroachments into the Public Right-of-Way
Chapter 33	Safeguards During Construction
Chapter 34	Existing Structures
Chapter 35	Referenced Standards
Appendix E	Supplementary Accessibility Requirements

SUBTITLE B – RESIDENTIAL CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 3	Building Planning
Chapter 9	Roof Assemblies
Chapter 11	Energy Efficiency
Chapter 12	Mechanical Administration
Chapter 15	Exhaust Systems
Chapter 16	Duct Systems
Chapter 24	Fuel Gas
Chapter 25	Plumbing Administration

The *District of Columbia Swimming Pool and Spa Code* (2013), referred to as the “*Swimming Pool and Spa Code*,” consists of the 2012 edition of the *International Swimming Pool and Spa Code*,) as amended by the *District of Columbia Swimming Pool and Spa Code Supplement* (2013)(12 DCMR L). The *International Swimming Pool and Spa Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ispsc/2012/index.htm?bu=IC-P-2012-000024&bu2=IC-P-2012-000019>.

Chapter 29	Water Supply and Distribution
Chapter 30	Sanitary Drainage
Chapter 44	Referenced Standards
Appendix H	Patio Covers
Appendix J	Existing Buildings and Structures
Appendix K	Sound Transmission
Appendix M	Home Day Care – R-3 Occupancies

SUBTITLE C – ELECTRICAL CODE SUPPLEMENT

Article 90	Introduction
Article 408	Switchboards and Panelboards

SUBTITLE D – FUEL GAS CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 5	Chimneys and Vents
Chapter 8	Referenced Standards

SUBTITLE E – MECHANICAL CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 4	Ventilation
Chapter 5	Exhaust Systems
Chapter 6	Duct Systems
Chapter 8	Chimneys and Vents
Chapter 9	Specific Appliances, Fireplaces and Solid Fuel-Burning Equipment
Chapter 10	Boilers, Water Heaters and Pressure Vessels
Chapter 11	Refrigeration
Chapter 15	Referenced Standards

SUBTITLE F – PLUMBING CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 3	General Regulations
Chapter 4	Fixtures, Faucets and Fixture Fittings
Chapter 6	Water Supply and Distribution
Chapter 8	Indirect/Special Waste
Chapter 11	Storm Drainage
Chapter 13	Nonliquid Saturated Treatment Systems

The *District of Columbia Swimming Pool and Spa Code* (2013), referred to as the “*Swimming Pool and Spa Code*,” consists of the 2012 edition of the *International Swimming Pool and Spa Code*,) as amended by the *District of Columbia Swimming Pool and Spa Code Supplement* (2013)(12 DCMR L). The *International Swimming Pool and Spa Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/isp/c/2012/index.htm?bu=IC-P-2012-000024&bu2=IC-P-2012-000019>.

SUBTITLE G – PROPERTY MAINTENANCE CODE SUPPLEMENT

Chapter 1	Administration and Enforcement
Chapter 2	Definitions
Chapter 3	Requirements
Chapter 4	Light, Ventilation and Occupancy Limitations
Chapter 5	Plumbing Facilities and Fixture Requirements
Chapter 6	Mechanical and Electrical Requirements
Chapter 7	Fire Safety Requirements
Chapter 8	Referenced Standards

SUBTITLE H – FIRE CODE SUPPLEMENT

Chapter 1	Administration and Enforcement
Chapter 2	Definitions
Chapter 3	General Requirements
Chapter 5	Fire Service Features
Chapter 6	Building Services and Systems
Chapter 9	Fire Protection Systems
Chapter 10	Means of Egress
Chapter 11	Construction Requirements for Existing Buildings
Chapter 56	Explosives and Fireworks
Appendix B	Fire-Flow Requirements for Buildings
Appendix C	Fire Hydrant Locations and Distribution
Appendix D	Fire Apparatus Access Roads
Appendix H	Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions

SUBTITLE I – ENERGY CONSERVATION CODE SUPPLEMENT

Chapter 1[CE]	Administration
Chapter 4[CE]	Commercial Energy Efficiency
Chapter 1[RE]	Scope and Administration

SUBTITLE J – EXISTING BUILDING CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 4	Prescriptive Compliance Method
Chapter 6	Repairs
Chapter 7	Alterations-Level 1

The *District of Columbia Swimming Pool and Spa Code* (2013), referred to as the “*Swimming Pool and Spa Code*,” consists of the 2012 edition of the *International Swimming Pool and Spa Code*,) as amended by the *District of Columbia Swimming Pool and Spa Code Supplement* (2013)(12 DCMR L). The *International Swimming Pool and Spa Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ispsc/2012/index.htm?bu=IC-P-2012-000024&bu2=IC-P-2012-000019>.

Chapter 8	Alterations-Level 2
Chapter 9	Alterations-Level 3
Chapter 10	Change of Occupancy
Chapter 15	Construction Safeguards

SUBTITLE K – GREEN CONSTRUCTION CODE

Chapter 1	Scope and Administration
Chapter 2	Definitions
Chapter 3	Green Building Act and ASHRAE 189.1
Chapter 4	Site Development and Land Use
Chapter 5	Material Resource Conservation and Efficiency
Chapter 6	Energy Conservation, Efficiency, and CO ₂ ^e
Chapter 7	Water Resource Conservation, Quality and Efficiency
Chapter 8	Indoor Environmental Quality and Comfort
Chapter 9	Commissioning
Chapter 10	Existing Buildings
Chapter 11	Existing Building Site Development
Chapter 12	Referenced Standards
Appendix A	Project Electives

SUBTITLE L – SWIMMING POOL AND SPA CODE SUPPLEMENT

Chapter 1	Scope and Administration
Chapter 2	Definitions

The *District of Columbia Swimming Pool and Spa Code* (2013), referred to as the “*Swimming Pool and Spa Code*,” consists of the 2012 edition of the *International Swimming Pool and Spa Code*,) as amended by the *District of Columbia Swimming Pool and Spa Code Supplement* (2013)(12 DCMR L). The *International Swimming Pool and Spa Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ispsc/2012/index.htm?bu=IC-P-2012-000024&bu2=IC-P-2012-000019>.

**DISTRICT OF COLUMBIA
CONSTRUCTION CODES SUPPLEMENT OF 2013
12 DCMR L SWIMMING POOL AND SPA CODE SUPPLEMENT**

The District of Columbia has adopted the 2012 edition of the *International Swimming Pool and Spa Code* (ISPSC), as amended by this Supplement.

ISPSC CHAPTERS AMENDED BY THIS SUPPLEMENT:

CHAPTER 1 SCOPE AND ADMINISTRATION
CHAPTER 2 DEFINITIONS

The *District of Columbia Swimming Pool and Spa Code* (2013), referred to as the “*Swimming Pool and Spa Code*,” consists of the 2012 edition of the *International Swimming Pool and Spa Code*,) as amended by the *District of Columbia Swimming Pool and Spa Code Supplement* (2013)(12 DCMR L). The *International Swimming Pool and Spa Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/isp/2012/index.htm?bu=IC-P-2012-000024&bu2=IC-P-2012-000019>.

CHAPTER 1 SCOPE AND ADMINISTRATION

101 General

Strike Chapter 1 of the International Swimming Pool and Spa Code in its entirety and insert a new Chapter 1 in the Swimming Pool and Spa Code in its place to read as follows:

101 GENERAL

101.1 Administration and enforcement of the *Swimming Pool and Spa Code* shall be governed by Chapter 1 of the *Building Code*, 12 DCMR A.

The *District of Columbia Swimming Pool and Spa Code* (2013), referred to as the "*Swimming Pool and Spa Code*," consists of the 2012 edition of the *International Swimming Pool and Spa Code*,) as amended by the *District of Columbia Swimming Pool and Spa Code Supplement* (2013)(12 DCMR L). The *International Swimming Pool and Spa Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ispsc/2012/index.htm?bu=IC-P-2012-000024&bu2=IC-P-2012-000019>.

CHAPTER 2 DEFINITIONS

202 Definitions

202 DEFINITIONS

Strike the definition of Aquatic Vessel in Section 202 of the International Swimming Pool and Spa Code in its entirety and insert a new definition of Aquatic Vessel in Section 202 of the Swimming Pool and Spa Code in its place to read as follows:

AQUATIC VESSEL. A vessel, permanent or temporary, intended for swimming, bathing, or wading and that is designed and manufactured to be connected to a *circulation system*. For purposes of this code, the term is used to identify all the types of vessels governed by this code, including: swimming pools, aquatic facilities, *spas* and hot tubs, and related equipment. Such vessels are either used in a *residential* application or in a public application. This definition does not include: prefabricated pools accessory to a Group R-3 occupancy, or accessory to buildings under the jurisdiction of the *Residential Code*, which are less than 24 inches (610 mm) deep, do not exceed 1000 gallons (3785.41 L), are installed entirely above ground, and are not designed or manufactured to be connected to a *circulation system*.

All persons desiring to comment on these proposed regulations should submit comments in writing to Helder Gil, Legislative Affairs Specialist, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at ConstructionCodes@dc.gov, not later than 5 p.m. on Friday, January 25, 2013.

Comments should clearly specify which Subtitle, Chapter, and Section of the proposed District of Columbia Construction Codes they are related to.

Persons with questions concerning this Notice of Proposed Rulemaking should call (202) 442-4400. Copies of the proposed rules can be obtained from the address listed above. A copy fee of one dollar (\$1.00) will be charged for each copy of the proposed rulemaking requested.

Free copies of these proposed regulations are available on the DCRA website at <http://dcra.dc.gov> by going to the “About DCRA” tab, clicking on “News Room”, and then clicking on “Rulemaking”. Additionally, the DCRA website will list links to each of the ICC and NFPA 70 codes.

The *District of Columbia Swimming Pool and Spa Code* (2013), referred to as the “*Swimming Pool and Spa Code*,” consists of the 2012 edition of the *International Swimming Pool and Spa Code*,) as amended by the *District of Columbia Swimming Pool and Spa Code Supplement* (2013)(12 DCMR L). The *International Swimming Pool and Spa Code* is copyrighted by the International Code Council and therefore is not republished here. However, a copy of the text may be obtained at: <http://publicecodes.cyberregs.com/icod/ispsc/2012/index.htm?bu=IC-P-2012-000024&bu2=IC-P-2012-000019>.