



OFFICE OF THE
SECRETARY

2016 SEP 29 PM 2:38

MURIEL BOWSER
MAYOR

SEP 29 2016

The Honorable Phil Mendelson
Chairman
Council of the District of Columbia
1350 Pennsylvania Avenue, N.W.
Suite 504
Washington, DC 20001

Dear Chairman Mendelson:

Enclosed for consideration and approval by the Council of the District of Columbia is a resolution entitled the "Department of Consumer and Regulatory Affairs Civil Infractions Harmonization Approval Resolution of 2016."

The enclosed measure approves proposed regulations, which align Title 16 infractions rules to the current edition of the District of Columbia Construction Codes.

I urge prompt consideration and approval of this measure.


If you have any questions on this matter, please contact Melinda Bolling, Director, Department of Consumer and Regulatory Affairs, at (202) 442-8935.

Sincerely,

A handwritten signature in black ink that reads "Muriel Bowser".

Muriel Bowser




Chairman Phil Mendelson
at the request of the Mayor

A PROPOSED RESOLUTION

IN THE COUNCIL OF THE DISTRICT OF COLUMBIA

Chairman Phil Mendelson, at the request of the Mayor, introduced the following resolution, which was referred to the Committee on _____.

To approve the proposed rules to amend Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations.

RESOLVED, BY THE COUNCIL OF THE DISTRICT OF COLUMBIA, That this resolution may be cited as the "Department of Consumer and Regulatory Affairs Infractions Harmonization Approval Resolution of 2016."

Sec. 2. Pursuant to Section 104 and 105 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 §2-1801.04(a)(1), 2-1801.05 the Council approves the proposed rules, published at 63 DCR 1641, to amend Title 16 of the District of Columbia Municipal Regulations.

Sec. 3. The Council adopts the fiscal impact statement contained 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. The Secretary of the Council shall transmit a copy of this resolution, upon its adoption, to the Director of the Department of Consumer and Regulatory Affairs.

Sec. 5. This resolution shall take effect immediately.

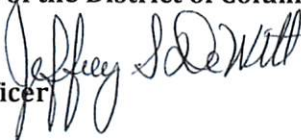
Government of the District of Columbia
Office of the Chief Financial Officer



Jeffrey S. DeWitt
Chief Financial Officer

MEMORANDUM

TO: The Honorable Phil Mendelson
Chairman, Council of the District of Columbia

FROM: Jeffrey S. DeWitt
Chief Financial Officer 

DATE: September 12, 2016

SUBJECT: Fiscal Impact Statement - "Department of Consumer and Regulatory Affairs Infractions Harmonization Approval Resolution of 2016"

REFERENCE: Draft resolution provided to the Office of Revenue Analysis on August 19, 2016

Conclusion

Funds are sufficient in the fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the resolution.

Background

The resolution approves rules allowing enforcement of construction and building code infractions based on the 2013 Construction Codes. The Department of Consumer and Regulatory Affairs already enforces violations of these codes under a series of emergency rulemakings first approved in January 2015. The resolution would make the rules permanent.

Financial Plan Impact

Funds are sufficient in the fiscal year 2017 through fiscal year 2020 budget and financial plan to implement the resolution. The Department of Consumer and Regulatory Affairs has been operating with the rules in effect on an emergency basis since January 2015, so no additional resources are required and no changes in fine revenue is expected.

GOVERNMENT OF THE DISTRICT OF COLUMBIA
Office of the Attorney General



Legal Counsel Division

MEMORANDUM


TO: Lolita Alston
Director
Office of Legislative Support

FROM: Janet M. Robins
Deputy Attorney General
Legal Counsel Division

DATE: August 12, 2016

SUBJECT: Legal Sufficiency Review of Proposed Resolution, the “Department of Consumer and Regulatory Affairs Infractions Harmonization Approval Resolution of 2016”
(AE-15-132 C)

This is to Certify that this Office has reviewed the above referenced legislation and found it to be legally sufficient. If you have any questions in this regard, please do not hesitate to call me at 724-5524.



Janet M. Robins

DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS

OFFICE OF THE
SECRETARY

2016 SEP 30 PM 1:48

NOTICE OF SECOND PROPOSED RULEMAKING

The Director of the Department of Consumer and Regulatory Affairs, pursuant to Sections 104 and 105 of the Department of Consumer and Regulatory Affairs Civil Infraction Act of 1985, effective October 5, 1985 (D.C. Law 6-42; D.C. Official Code §§ 2-1801.04 and 2-1801.05 (2012 Repl.)), and Mayor's Order 86-38, dated March 4, 1986, hereby gives notice of the intent to amend Chapters 33 (Department of Consumer and Regulatory Affairs (DCRA) Infractions) and 34 (Fire and Emergency Medical Services (EMS) Department Infractions) of Title 16 (Consumers, Commercial Practices, and Civil Infractions) of the District of Columbia Municipal Regulations (DCMR).

The rulemaking will conform Title 16 rules to the provisions of the 2013 District of Columbia Construction Codes, which became effective upon publication in the *D.C. Register* on March 28, 2014 at 61 DCR 3251-Part 2, and were subsequently amended on January 2, 2015 at 62 DCR 103.

This Notice of Second Proposed Rulemaking supersedes the Notice of Proposed Rulemaking published July 3, 2015 at 62 DCR 9270, and reflects changes made in response to comments submitted by the public.

Pursuant to Section 104 of the Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 (D.C. Law 6-42; D.C. Official Code § 2-1801.4 (2012 Repl.)), a proposed resolution approving the proposed rulemaking will be submitted to the Council of the District of Columbia for a forty-five (45) day period of review, 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.

Chapter 33, DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS (DCRA) INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES, AND CIVIL INFRACTIONS, is amended as follows:

Strike Section 3306, BUILDING INSPECTION DIVISION INFRACTIONS, in its entirety, and insert a new Section 3306 in its place to read as follows:

3306 CONSTRUCTION CODE INFRACTIONS

3306.1 CONSTRUCTION INFRACTIONS

The following abbreviations apply to this section:

IBC- International Building Code (2012 edition)

IPC- International Plumbing Code (2012 edition)

IPMC - International Property Maintenance Code (2012 edition)

3306.1.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-A DCMR §§ 105.1, 105.1.1 and 105.1.3 (failure to obtain required permit; working without a required permit);
- (b) 12-A DCMR § 105.1 (work or conditions exceeding scope of permit);
- (c) 12-A DCMR § 105.1.2 (working outside of permitted construction hours);
- (d) 12-A DCMR § 105.1.3 (working outside of permitted hours without a required after-hours permit);
- (e) 12-A DCMR § 105.1.8 (failure to submit timely permit application for emergency work)
- (f) 12-A DCMR § 109.2 (failure to notify code official when stages of construction are reached that require inspection);
- (g) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a Stop Work Order);
- (h) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order);
- (i) 12-A DCMR § 115.5 (failure to comply with terms of posted "Unsafe Notice");
- (j) 12-A DCMR § 1603.2 (exceeding load restrictions);
- (k) 12-A DCMR § 3307.1 (failure to protect adjoining property owner from damage);
- (l) 12-A DCMR § 3307.2 (failure to provide required notification to owner of adjoining premises);
- (m) 12-A DCMR § 3303.4 (failure to comply with site treatment requirements after demolition or raze);
- (n) 12-A DCMR § 105.1.6 (HVAC work performed by non-D.C. licensed mechanic);
- (o) 12-A DCMR § 105.1.6 (plumbing work performed by non-D.C. licensed plumber);

- (p) 12-A DCMR §115.1 (allowing/creating unsafe structures, conditions or equipment);
- (q) 12-A DCMR § 115.3 (failure to comply with notice of unsafe structure or equipment);
- (r) 12-F DCMR § 403.4 (improper signage for public plumbing facilities); or
- (s) 12-A DCMR § 105.1.6 (work performed by non-DC-licensed electrician).
- (t) 12-A DCMR § 105.1.6 (work performed by non-D.C. licensed elevator mechanic);

3306.1.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 12-A DCMR § 110.1 (use or occupancy of a premises, or change of load, without obtaining a certificate of occupancy);
- (b) 12-A DCMR § 109.3.14 (failure to obtain final inspection; use or occupancy of building or structure without final inspection);
- (c) IBC § 3301.2 (improper storage and placement of construction equipment and materials);
- (d) IBC § 3302 (failure to maintain construction safeguards);
- (e) IBC § 3306 (failure to protect pedestrian traffic during construction, remodeling or demolition activities);
- (f) 12-A DCMR § 3307.7 (failure to repair and restore flashing on adjoining property where damaged during construction);
- (g) 12-F DCMR § 1101.2 (failure to drain storm water into a separate storm sewer system, or a combined sewer system, or an approved place of disposal); or
- (h) IPC § 802.1.4 (swimming pool water discharge into public/park space).

3306.1.3 Violation of any of the following provisions shall be a Class 3

infraction:

- (a) 12-A DCMR § 105.1.7 (failure to post and maintain required raze notice);
- (b) 12-A DCMR § 105.1.9 (failure to post permit);
- (c) 12-A DCMR § 110.1.8 (failure to post certificate of occupancy);
- (d) 12-A DCMR § 117.1 (failure to post occupant load signs);
- (e) 12-A DCMR § 117.2 (failure to post design live loads; removal or defacement of design live load signs);
- (f) IPMC § 506.2 (Plumbing stack, vent, waste or sewer line are not properly maintained or kept free of obstructions, leaks and defects);
- (g) 12-F DCMR § 403.4 (improper signage for public plumbing facilities); or
- (h) Any provision of the District of Columbia Construction Codes adopted pursuant to the Construction Codes Approval and Amendment Act of 1986, effective March 21, 1987 (D.C. Law 6-216; D.C. Official Code §§ 6-1401 *et seq.*) which is not cited elsewhere in Title 16 of the DCMR shall be a Class 3 infraction.

3306.1.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) IPMC § 505.4 (water heating facilities improperly installed or maintained, or incapable of providing adequate amount of hot water at peak demand); or
- (b) IPC § 604.7 (failure to install water pressure booster system to provide required flow pressures at fixture outlets).

3306.2 BOILER INFRACTIONS

3306.2.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-E DCMR §§ 1004.7 and 1001.3; 12-A DCMR §§ 105.1 and 105.1.1 (installation, relocation, alteration or repair of a boiler or pressure vessel without a permit);

- (b) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a stop work order);
- (c) 12-A DCMR § 114.3 (unauthorized removal or obstruction of a posted stop work order);
- (d) 12-E DCMR §§ 1003.1 and 1003.3 (operation without a current Certificate of Inspection for a boiler or pressure vessel);
- (e) 12-A DCMR § 115.5; 12-E DCMR § 1003.17.1 (violation of conditions of posted Unsafe to Use notice);
- (f) 12-A DCMR § 108.5; 12-E DCMR § 1003.17; 12-G DCMR §108.4.1 (removal of Unsafe to Use placard without authorization);
- (g) 12-E DCMR § 1001.4 (operation of boiler or pressure vessel without proper D.C. engineer's license);
- (h) 12-E DCMR § 1003.2 (failure to obtain final inspection of work for which a permit is required);
- (i) 12-E DCMR §1003.5 (operation in excess of allowable pressure stated on certificate of inspection);
- (k) 12-E DCMR § 1003.6 (operation of equipment without safety appliances and piping; removal or tampering with safety appliances or piping);
- (l) 12-E DCMR § 1003.17.1 (operation of unsafe or condemned equipment); or
- (m) 12-A DCMR § 115.1 (failure to take down, remove or make safe defective or unsafe conditions or equipment).

3306.2.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 12-E DCMR § 1003.14 (failure to comply with insurance company reporting duties);
- (b) 12-E DCMR § 1003.12.3 (failure to file inspection reports with the code official);
- (c) 12-E DCMR §§ 1001.5; 1003.12; 1003.9 (failure to inspect annually); or

- (d) 12-E DCMR § 1018.1.5 (welder working without a valid D.C. authorization card).

3306.2.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 12-E DCMR § 1001.2 (improper boiler or pressure vessel operation);
- (b) 12-E DCMR §§ 1003.16 and 1003.16.1 (failure to make a repair, alteration, or cleaning, within the time specified in a notice or order, to a boiler or pressure vessel as specified in a notice);
- (c) 12-E DCMR § 1003.4 (failure to notify code official that equipment is not covered by current certificate of inspection); or
- (d) 12-E DCMR § 1003.17.2 (failure to notify code official of unsafe condition);

3306.2.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) 12-E DCMR § 1003.1 (certificate of inspection not properly posted); or
- (b) 12-E DCMR § 1005.3 (failure to provide unobstructed and accessible means of egress for power boiler rooms)

3306.3 ELEVATOR INFRACTIONS

The following abbreviations apply to this section:

IPMC - International Property Maintenance Code (2012 edition)

IFC - International Fire Code (2012 edition)

The following abbreviation applies to this section and identifies referenced standards adopted by the 2013 District of Columbia Construction Codes:

ASME- American Society of Mechanical Engineers

3306.3.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-A DCMR §§ 105.1 and 105.1.1 (installation, relocation or alteration of elevators, escalators, dumbwaiters, man lift(s), and other conveying systems without a permit);

(b) 12-A DCMR §§ 105.1 and 105.1.1 (failure to obtain required permit; working without a required or valid permit);

(c) 12-A DCMR § 105.1 (work or conditions exceeding scope of permit);

(d) 12-A DCMR § 105.1.8 (failure to submit timely permit application for emergency work);

(e) 12-A DCMR § 105.1.2 (working outside of permitted construction hours);

(f) 12-A DCMR § 105.1.3 (working outside of permitted hours without a required after-hours permit failure to obtain after hours permit);

(g) 12-A DCMR § 105.1.9 (failure to post permit);

(h) 12-A DCMR § 109.2 (failure to notify code official when stages of construction are reached that require inspection);

(i) 12-A DCMR § 3010.3 (failure to obtain a final inspection of work for which a permit is required);

(j) 12-A DCMR § 3010.3 (failure to obtain a valid certificate of inspection within thirty (30) working days after completion of final inspection);

(k) 12-A DCMR § 3010.1; 12-G DCMR § 606.1 (operation of an elevator or conveying system without a valid certificate of inspection or limited approval of use);

(l) 12-A DCMR § 3010.8; 12-G DCMR § 606.6 (failure to maintain at least one passenger elevator in operation in buildings equipped with passenger elevators);

(m) 12-A DCMR §§ 108.5, 3010.10.2; 12-G DCMR § 108.4.1, 606.8.2 (removal of unsafe to use placard or operation of placarded equipment without code official authorization);

(n) 12-A DCMR §§ 114.1, 114.1.1, 114.6, 114.7 and 114.9 (failure to comply with terms of a Stop Work Order);

(o) 12-A DCMR § 114.3 (unauthorized removal or obstruction of a posted stop work order);

- (p) 12-A DCMR § 115.5; 12-G DCMR § 108.5 (failure to comply with terms of unsafe notice);
- (q) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4 (failure to comply with referenced standards for maintenance, repair, replacement and testing):
 - (i) ASME A17.1 Rule 8.6.1.6.1 (making safety devices inoperative or ineffective);
 - (ii) ASME A17.1 Rule 8.6.1.6.3(c) (using or allowing to be used temporary wiring and insulators or blocks in the armatures or poles of magnetically operated switches, contactors, or relays);
 - (iii) ASME A17.1 Rule 8.6.1.6.3(d) (leaving jumpers installed or storing jumpers in machine rooms, control rooms, machine spaces, control spaces or other prohibited locations);
 - (iv) ASME A17.1 Rule 8.6.1.6.3(f) (substituting or allowing to be substituted a wire or other current carrying device for the correct fuse or circuit breaker in an elevator circuit);
 - (v) ASME A17.1 Rule 8.6.2.1 (repairing or allowing repairs to be made with parts not of equivalent material, strength, and/ or design);
 - (vi) ASME A17.1 Rule 8.6.4.19; Appendix N (failure to comply with Periodic Test Requirements - Category 1 (electric elevators));
 - (vii) ASME A17.1 Rule 8.6.4.20; Appendix N (failure to comply with Periodic Test Requirements - Category 5 (electric elevators));
 - (viii) ASME A17.1 Rule 8.6.5.14; Appendix N (failure to comply with Periodic Test Requirements - Category 1 (hydraulic elevators));
 - (ix) ASME A17.1 Rule 8.6.5.16; Appendix N (failure to comply with Periodic Test Requirements - Category 5 (hydraulic elevators));

- (x) ASME A17.1 Rules 8.6.4.19.6 and 8.6.1.1.1 (failure to maintain Firefighters' Emergency Operation and signaling devices in working order at all times);
 - (xi) ASME A17.1 Rule 8.6.8.1 (failure to repair or replace cracked or damaged handrails on escalators/ moving walks that present a pinching effect);
 - (xii) ASME A17.1 Rule 8.6.8.2 (failure to maintain and correct Step-to-Skirt Clearance on escalators/ moving walks);
 - (xiii) ASME A17.1 Rule 8.6.8.4.1 (failure to remove escalator from operation for combplates with two adjacent missing teeth);
 - (xiv) ASME A17.1 Rule 8.6.8.4.3 (failure to maintain adjustment of comb-step impact devices on escalator/moving walk); or
 - (xv) ASME A17.1 Rule 8.6.8.15; Appendix N (failure to comply with Periodic Test Requirement - Category 1 (escalators and moving walks)).
- (r) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4) (failure to comply with referenced standards for welding):
- (i) ASME A17.1 Rules 8.8.1(a) and 8.6.2.2 (welding of parts, except for tack welds later incorporated into finished welds, by unqualified welder);
 - (ii) ASME A17.1 Rules 8.8.2 and 8.6.2.2 (failure of welding to conform to applicable design and procedure requirements);
 - (iii) ASME A17.1 Rules 8.8.3 and 8.6.2.2 (failure to weld materials other than steel in accordance with requirements applicable to the specific materials used).
- (s) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1-606.3.4);12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards for periodic tests, inspections and maintenance of elevators, escalators, and other conveyances listed in ASME A17.1):
- (i) ASME A17.1 Rule 8.11.2.1; Appendix N (failure to perform periodic inspection (six (6) month) of electric elevator);

- (ii) ASME A17.1 Rule 8.11.2.1.5(a); Appendix N (failure to inspect pit access, lighting, stop switch and condition (electric elevator), or to correct violative condition within period of time specified in a notice or order);
- (iii) ASME A17.1 Rules 2.7.1.1, 2.7.1.1.2 and 2.7.3.4; (failure to comply with requirements for fire-resistant, self-closing and self-locking access doors for pits);
- (iv) ASME A17.1 Rule 8.11.3.1; Appendix N (failure to perform periodic inspection (six (6) month) of hydraulic elevator);
- (v) ASME A17.1 Rule 8.11.3.1.5(a); ASME 17.2 Item 5.1; Appendix N (failure to inspect pit access, lighting, and condition (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (vi) ASME A17.1 Rule 8.11.4.1; Appendix N (failure to perform periodic inspection (six (6) month) of escalator or moving walkway);
- (vii) ASME A17.1 Rule 8.11.4.1(c); ASME 17.2 Items 7.3 and 9.3 Appendix N (failure to inspect handrails (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order); or
- (viii) ASME A17.1 Rule 8.11.4.1(g); ASME 17.2 Items 7.7 and 9.7; Appendix N (failure to inspect combplates (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).
- (t) IFC § 901.6 (failure to inspect, test, or maintain fire detection, alarm, and extinguishing systems, mechanical smoke exhaust systems, and smoke and heat vents in an operative condition at all times; failure to replace or repair where defective);
- (u) 12-G DCMR § 108.1.2 (Unsafe or dangerous equipment on the premises or within a structure which is in such disrepair or condition, in whole or in part, that such equipment is a hazard to life, health, property or safety of the public or occupants of the premises or structure);

- (v) 12-A DCMR § 115.1 (Abandoned, deteriorated, unsafe, unsanitary, or deficient equipment, or equipment which constitutes a fire hazard, or is otherwise dangerous to human life or the public welfare, or that involves illegal or improper use, or occupancy or inadequate maintenance);
- (w) 12-G DCMR § 108.1.6 (unserviceable equipment on the premises or within a structure);
- (x) 12-G DCMR § 109.1; 12-A DCMR § 116.1 (operating defective or dangerous equipment that immediately endangers the health or safety of occupants of the premises or those in the proximity of the premises);
- (y) IFC § 607.1 (failure to provide emergency recall and in-car operation); or
- (z) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 and 606.3.2; 12-G DCMR §§ 107.1 and 107.2 (failure to comply with referenced standards for maintenance, repair, replacement and testing of platform lifts and stairway chair lifts):
 - (i) ASME A18.1 Rule 10.3.1 (failure to perform annual inspection and tests for platform lift or stairway chair lift);
 - (ii) ASME A18.1 Rule 10.3.3 (failure to perform 5 year full load inspection and tests for platform lift or stairway chair lift);
 - (iii) ASME A18.1 Rule 10.2.2.3(n) (failure to maintain in operation at all times, or failure to repair door and gate equipment including the interlocks for platform lift or stairway chair lift);
 - (iv) ASME A18.1 Rules 10.2.2.1, 10.2.2.2, 10.2.2.3, and 10.2.2.4 (failure to correct violative condition, relating to platform lift or stairway chair lift, within period of time specified in a notice or order);
- (aa) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 and 606.3.3; 12-G DCMR §§ 107.1 and 107.2 (failure to comply with referenced standards for maintenance, repair, replacement and testing of manlifts):
 - (i) ASME A90.1, Rule 8.1 (Failure to perform annual full load test of manlift);
 - (ii) ASME A90.1 Rule 8.1 Note (use of humans as test weights for manlift);

- (iii) ASME A90.1 Rule 4.5 (failure to maintain at all times protection of entrances and exits at all levels of manlift);
 - (iv) ASME A90.1 (failure to correct violative condition of manlift within period of time specified in a notice or order);
 - (v) ASME A90.1 Rule 7.1 and mandatory Appendix I (allowing users to ride the manlift without provision of the required safety training, instructions and procedures for operating the unit);
 - (vi) ASME A90.1 Rule 6, 6.1, 6.2, 6.3, and 6.4 (failure to provide or maintain safety signage for manlift);
 - (vii) ASME A90.1 (failure to have manlift comply with referenced standards within one year of adoption);
- (bb) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 and 606.3.4; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards for maintenance, repair, replacement and testing of conveyor and related equipment):
- (i) ASME B20.1 (failure to perform periodic and annual inspection and tests of conveyor and related equipment);
 - (ii) ASME B20.1 IPMC 606.3.4.1 and IPMC 606.3.1(failure to perform inspections and tests of conveyor and related equipment in accordance with the manufacturer's requirements);
 - (iii) ASME B20.1 Rule B20.1-6.17.2.1(b) (failure to maintain in operation at all times the means to detect personnel on or in unauthorized proximity to the conveyor inclusive of the entry and exit doors, with locking device at the top and bottom of the conveyor and related equipment unit);
 - (iv) ASME B20.1 Rule 6.17.2.1(d) (failure to maintain or replace the required warning signage at each point of access to the conveyor);
 - (v) ASME B20.1 (failure to correct violative condition of conveyor and related equipment within period of time specified in a notice or order);
 - (vi) ASME B20.1 Rule 6.21(c) (failure to provide warning signs that prohibit riding the conveyor unit by personnel);
 - (vii) ASME B20.1 6.21.1(a) (failure to repair the backstop device sufficient to stop and hold the carrier with load);
 - (viii) ASME B20.1 Rule 6.21.2(d) (failure to provide, maintain or replace snap chains or gates or standard railings (or equivalent)

when personnel are allowed to walk onto conveyor unit for loading and unloading);

- (ix) ASME B20.1 Rule 6.21.2(e) (failure to provide controls located or installed where they cannot be actuated by a person on the carrier);

3306.3.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 12-G DCMR § 606.4; 12-A DCMR § 3010.6 (failure to submit report of inspections and tests to the code official within thirty (30) days after completion of inspection and tests);
- (b) 12-A DCMR § 3010.4.1; 12-G DCMR § 606.2.1 (failure to display most current certificate of inspection);
- (c) 12-A DCMR §§ 3001.2 and 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4; 12-G DCMR §§107.1 and 107.2 failure to comply with referenced standards):
 - (i) ASME A17.1 Rule 8.6.1.2.1; 12-A DCMR § 3009.5 (failure to provide and/ or maintain a written Maintenance Control Program);
 - (ii) ASME A17.1 Rule 8.6.1.4.1 (failure to maintain elevator maintenance records);
 - (iii) ASME A17.1 Rule 8.6.4 (failure to maintain or test electric elevators in conformance with ASME A17.1, 8.6.1 through 8.6.4);
 - (iv) ASME A17.1 Rule 8.6.4.13.1(c) (failure to maintain door reopening devices (electric elevator));
 - (v) ASME A17.1 Rule 8.6.4.13.1(l) failure to maintain door restrictors (electric elevator);
 - (vi) ASME A17.1 Rule 8.6.4.15 (failure to maintain car emergency system including emergency operation of signaling devices, lighting, communication, and ventilation (electric elevator));
 - (vii) ASME A17.1 Rule 8.6.4.16 (failure to maintain/correct electric elevator to provide stopping accuracy at the landings during normal operation);

- (viii) ASME A17.1 Rule 8.6.4.19.7; 12-A DCMR § 3009.5 (failure to perform testing of Standby or Emergency Power Operation (electric elevator));
- (ix) ASME A17.1 Rule 8.6.8.4.1 (failure to repair or replace combplates with any broken teeth (escalator or moving walk));
- (x) ASME A17.1 Rule 8.6.8.13 (failure to clean the interiors of escalators or components to prevent accumulations of oil, grease, lint, dirt, and refuse);
- (xi) ASME A17.1 Rule 8.11.2.1.1(f); ASME 17.2 Item 1.6; Appendix N (failure to inspect Car Emergency Signal (phone and alarm bell) in electric elevator or to correct violative condition within period of time specified in a notice or order);
- (xii) ASME A17.1 Rule 8.11.2.1.2(b); ASME 17.2 Item 2.1; Appendix N (failure to inspect means of access to machine room/spaces, control room/spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xiii) ASME A17.1 Rules 2.7.1.1.2 and 2.7.3.4; ASME A17.2 Item 2.1 (failure to comply with requirements for fire-resistant, self-closing and self-locking access doors for machine rooms/spaces, or control rooms/spaces);
- (xiv) ASME A17.1 Rule 8.11.2.1.2(i); ASME 17.2 Item 2.6; Appendix N (failure to inspect machine room/spaces, control room/spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xv) ASME A17.1- Rule 8.11.2.1.3(q); ASME 17.2 Item 2.12; Appendix N (failure to inspect hoistway smoke control (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xvi) ASME A17.1- Rules 8.11.2.1.4(m) and 2.7.6.4; Appendix N (failure to inspect or to provide means necessary for tests (electric elevator));
- (xvii) ASME A17.1 Rule 8.11.3.1.1(f); ASME 17.2 Item 1.6; Appendix N (failure to inspect Car Emergency Signal

(phone and alarm bell) (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);

- (xviii) ASME A17.1 Rule 8.11.3.1.2(i); ASME 17.2 Item 2.6; Appendix N (failure to inspect ventilation for machine room/spaces, control room/spaces (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xix) ASME A17.1 Rule 8.11.3.1.3(l); ASME 17.2 Item 3.11; Appendix N (failure to inspect hoistway smoke control (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xx) ASME A17.1 Rules 8.11.3.1.4(l); 2.7.6.4, 3.7.1.8, 3.7.1.9, and 3.7.1.10; Appendix N (failure to inspect or to provide means necessary for tests (hydraulic elevator));
- (xxi) ASME A17.1 Rule 8.11.4.1(e); ASME 17.2 Items 7.5 and 9.5; Appendix N (failure to inspect lighting (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order; or
- (xxii) ASME A17.1 Rule 8.11.4.1(k); ASME 17.2 Item 7.11; Appendix N (failure to inspect skirt obstruction devices (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).
- (xxiii) ASME A18.1 Rule 10.1.1 and 10.2.1(failure to perform periodic inspection of platform lifts or stairway chair lifts);
- (xxiv) ASME A90.1, Rule 8.2. (Failure to perform periodic inspection of manlifts on a monthly basis);
- (xxv) ASME A90.1, Rule 8.2.4 (Failure to maintain a written inspection log for manlifts and/or failure to sign and date inspection records for manlifts);

3306.3.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3 606.3.1 through 606.3.4; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards):

- (i) ASME A17.1 Rule 8.6.1.6.5 (failure to provide a class “ABC” fire extinguisher);
- (ii) ASME A17.1 Rule 8.6.4.1.1 (failure to maintain suspension means sufficiently clean so they can be visually inspected (electric elevator));
- (iii) ASME A17.1 Rule 8.6.4.2.1 (failure to maintain governor ropes clean (electric elevator));
- (iv) ASME A17.1 Rule 8.6.4.13.1(h) (failure to maintain sills and bottom guides, fastenings, condition and engagement (electric elevator));
- (v) ASME A17.1 Rule 8.6.4.13.1(k) (failure to maintain door closers (electric elevator));
- (vi) ASME A17.1 Rule 8.6.8.4.2 (failure to maintain adjustment of combplates in mesh with the slots in the step surface so that the points of the teeth are always below the upper surface of the treads (escalator/moving walk));
- (vii) ASME A17.1 Rule 8.6.8.6.1 (failure to repair or replace steps with broken treads (escalator/moving walk));
- (viii) ASME A17.1 Rule 8.6.8.6.2 (failure to repair or replace steps with dented or damaged risers (escalator/moving walk));
- (ix) ASME A17.1 Rule 8.6.8.6.3 (failure to repair or replace steps that are worn damaged and that do not provide proper engagement with the combplates (escalator/moving walk));
- (x) ASME A17.1 § 8.1 (failure to provide required keys for access, operation, inspection, maintenance, repair, and emergency access);
- (xi) ASME A17.1 § 8.1 (failure to restrict key access to personnel in the assigned security level);
- (xii) ASME A17.1 § 8.9, Rule 8.6.1.5.1 (failure to provide Code Data Plate);
- (xiii) ASME A17.1 Rule 8.11.1.7 (failure to provide unique or product specific procedures or methods required to inspect or test equipment);

- (xiv) ASME A17.1 Rule 8.11.2.1.1(h); ASME A17.2 Item 1.8; Appendix N (failure to inspect correct door closing force (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xv) ASME A17.1 Rule 8.11.2.1.1(n); ASME 17.2 Item 1.14; Appendix N (failure to inspect ventilation (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xvi) ASME A17.1 Rule 8.11.2.1.2(f); ASME 17.2 Item 2.3; Appendix N (failure to inspect lighting and receptacles for machine room/spaces, control room/spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xvii) ASME A17.1 Rule 8.11.2.1.2(h); ASME 17.2 Item 2.5; Appendix N (failure to inspect housekeeping for machine room/spaces, control room/ spaces (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xviii) ASME A17.1 Rule 8.11.2.1.3(b); ASME 17.2 Item 3.2; Appendix N (failure to inspect car top light and outlet (electric elevator) or to correct violative condition within period of time specified in a notice or order);
- (xix) ASME A17.1 Rule 8.11.3.1.1(n); ASME 17.2 Item 1.14; Appendix N (failure to inspect ventilation (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xx) ASME A17.1- Rule 8.11.3.1.2(f); ASME 17.2-Item 2.3; Appendix N (failure to inspect lighting and receptacles for machine room/spaces, control room/spaces (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xxi) ASME A17.1 Rule 8.11.3.1.2(h); ASME 17.2 Item 2.5; Appendix N (failure to inspect housekeeping for machine room/spaces, control room/ spaces (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);

- (xxii) ASME A17.1 Rules 8.11.3.1.2(x) and 8.6.5.7; ASME 17.2 Item 2.36; Appendix N (failure to inspect hydraulic fluid loss record (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xxiii) ASME A17.1 Rule 8.11.3.1.3(b); ASME 17.2 Item 3.2; Appendix N (failure to inspect car top light and outlet (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
- (xxiv) ASME A17.1 Rule 8.11.4.1(d); ASME 17.2 Items 7.4 and 9.4; Appendix N (failure to inspect entrance and egress (escalator/moving walk));
- (xxv) ASME A17.1 Rule 8.11.4.1(i); ASME 17.2-Items 7.10 and 9.10; Appendix N (failure to inspect steps and treadway - per step (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order); or
- (xxvi) ASME A17.1 Rule 8.11.4.1(s); ASME 17.2 Items 2.1 and 4.1; Appendix N (failure to inspect machine space access, lighting, receptacle, and condition of remote machine rooms (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).

3306.3.4 Violation of the following provisions shall be a Class 4 infraction:

- (a) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4 (failure to comply with referenced standards for maintenance):
 - (i) ASME A17.1 Rule 8.6.1.4.2 (failure to have the maintenance records available to elevator personnel);
 - (ii) ASME A17.1 Rule 8.6.1.6.2 (allowing excess lubricant to accumulate and / or overflow from catch containers);
 - (iii) ASME A17.1 Rule 8.6.1.6.3(a) (failure to maintain up-to-date wiring diagrams); or
 - (iv) ASME A17.1 Rule 8.6.1.6.7 (failure to repair or replace damaged or missing signs or data plates).

- (b) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4 (failure to comply with referenced standards for maintenance, inspection and testing of electric elevators):
- (i) ASME A17.1 Rule 8.6.4.3.4 (failure to keep rails clean and free of lint and dirt accumulation and excessive lubricant. failure to provide a means to collect lubricant at the base of the rail);
 - (ii) ASME A17.1 Rule 8.6.4.7.1 (failure to maintain hoistways and pits free of dirt, rubbish, and stored materials);
 - (iii) ASME A17.1 Rule 8.6.4.7.4 (allowing water and oil to accumulate on floors);
 - (iv) ASME A17.1 Rule 8.6.4.8.1 (failure to keep floors and machinery and control spaces free of water, dirt, rubbish, oil, and grease);
 - (v) ASME A17.1 Rule 8.6.4.8.2 (Storing, or allowing to be stored, articles or materials not necessary for the maintenance or operation of the elevator in machine rooms, control rooms, machine spaces, or control spaces);
 - (vi) ASME A17.1 Rule 8.6.4.9 (failure to keep the tops of cars free of oil, water, dirt, rubbish, and stored lubricants, spare parts, tools, or other items); or
 - (vii) ASME A17.1 Rule 8.6.4.19.6 (failure to perform testing of Firefighters' Emergency Operation).
- (c) 12-A DCMR §§ 3001.2, 3010.5; 12-G DCMR §§ 606.3, 606.3.1 through 606.3.4; 12-G DCMR §§107.1 and 107.2 (failure to comply with referenced standards):
- (i) ASME A17.1 Rule 8.6.11.1 (failure to subject monthly, by authorized personnel, to Phase I recall by use of the key switch, and a minimum of one-floor operation on Phase II, or failure to make available to elevator personnel a record of findings (all elevators with firefighters' emergency operation));
 - (ii) ASME A17.1 Rule 8.11.2.1.1(o); ASME 17.2 Item 1.15; Appendix N (failure to inspect signs and operating device symbols (electric elevator) or to correct violative condition within period of time specified in a notice or order);

- (iii) ASME A17.1 Rule 8.11.3.1.1(o); ASME 17.2 Item 1.15; Appendix N (failure to inspect signs and operating device symbols (hydraulic elevator) or to correct violative condition within period of time specified in a notice or order);
 - (iv) ASME A17.1 Rule 8.11.3.1.2(d); Appendix N (failure to provide means necessary for tests in machine room/spaces, control room/spaces (hydraulic elevator));
 - (v) ASME A17.1 Rule 8.11.4.1(f); ASME 17.2 Items 7.6 and 9.6; Appendix N (failure to inspect caution signs (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order);
 - (vi) ASME A17.1 Rule 8.11.4.1(p); ASME 17.2 Items 7.16 and 9.16; Appendix N (failure to inspect ceiling intersection guards (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order); or
 - (vii) ASME A17.1 Rule 8.11.4.1(v); ASME 17.2 Items 8.14 and 10.14; Appendix N (failure to inspect code data plate (escalator/moving walk) or to correct violative condition within period of time specified in a notice or order).
- (d) 12-G DCMR § 606.9 (failure to provide required signage).

3306.4 DCRA FIRE AND SMOKE PROTECTION INFRACTIONS

The following abbreviations apply to this section:

IFC §- International Fire Code (2012 edition)
 IBC- International Building Code (2012 edition)
 IPMC §- International Property Maintenance Code (2012 edition)
 NEC- National Electrical Code (2011 edition)
 NFPA- National Fire Protection Association

3306.4.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-G DCMR § 108.1; 12-A DCMR § 115.5 (failure to remedy unsafe or dangerous structures, premises or equipment);
- (b) 12-A DCMR § 114.1 (failure to comply with terms of a stop work

- order);
- (c) 12-A DCMR § 114.3 (unauthorized removal of a posted stop work order);
 - (d) IPMC § 702.1 (failure to provide safe, continuous and unobstructed path of travel from any point in a building to the public way);
 - (e) IBC § 709.3 (failure to maintain all required fire resistance rated doors or smoke barriers);
 - (g) IFC § 901.4.1 (failure to maintain in an operative condition at all times fire protection and life safety systems, devices, units, or service equipment);
 - (h) 12-H DCMR § 906.1 (failure to provide fire extinguishers);
 - (i) IFC § 1003.1 (failure to maintain in a safe condition and free of all obstructions the means of egress from each part of the building);
 - (j) IPMC § 702.3 (means of egress doors not readily openable);
 - (k) IPMC § 702.4 (improper maintenance of emergency escape openings; required emergency escape and rescue openings not operational from inside of room without the use of keys or tools; devices placed over emergency escape and rescue openings not releasable or removable from the inside);
 - (l) IPMC § 703.2 (fire or smoke stop doors not maintained in operable condition; fire doors or smoke barrier doors blocked, obstructed or otherwise inoperable);
 - (m) IPMC § 704.2 (smoke alarms not properly installed or maintained);
 - (n) IBC § 1004.3 (overcrowding or admitting persons beyond the established posted occupant load for assembly occupancy);
 - (o) IFC § 507.5.4 (access to fire hydrants is obstructed);
 - (p) IBC § 912.3 (access to fire department connections obstructed by fences, bushes, trees, walls or other fixed or moveable object);
 - (q) IFC § 1006.1 (failure to provide adequate lighting for stairways, hallways, and other means of egress);

- (r) IBC § 1020.1 (exit used for a purpose that interferes with its function as a means of egress); or
- (s) IBC § 1027.1 (exits fail to discharge directly to the exterior of the building; the exit discharge fails to provide a direct and unobstructed access to a public way; exit discharge fails to meet the required discharge capacity).

3306.4.2 Violation of any of the following provisions shall be a Class 2 infraction:

- (a) IPMC § 308.1 (permitting the accumulation of rubbish or garbage, including combustible and noncombustible waste materials of any kind);
- (b) IFC § 904.11 (failure to install properly or maintain an automatic fire-extinguishing system for a commercial cooking system);
- (c) IFC § 904.11.1 (failure to install properly or maintain a manual actuation device for a commercial cooking system);
- (d) NEC (NFPA 70) § 110.32 (failure to provide the required clearance between all electrical service equipment and storage);
- (e) IFC § 904.11.5 (failure to provide a sufficient number of portable fire extinguishers);
- (f) IFC § 906.2; 12-G DCMR § 704.1.2 (failure to maintain, test, or recharge hand-operated portable fire extinguishing equipment);
- (g) IFC § 315.3. 2 (improper storage of combustible material in exits or enclosures for stairways or ramps);
- (h) IFC § 315.3.3 (improper storage of combustible material in boiler rooms, mechanical rooms or electrical equipment rooms);
- (i) IFC § 315.3 (failure to separate combustible material from heaters or heating devices);
- (j) IBC § 1005.3 (means of egress fails to meet the sizing requirements based upon occupant load);
- (k) IBC § 1008.1.9 (egress doors not readily openable from the egress side without the use of a key or special knowledge or effort);

- (l) IBC § 1008.1.10 (doors not equipped with approved panic hardware or fire exit hardware);
- (m) IBC § 1008.1.2 (exit doors swing in the wrong direction);
- (n) 12-E DCMR § 1003.6 (failure to equip boilers or unfired pressure vessels with required safety appliances and piping);
- (o) IBC § 1011.6.3 (failure to provide emergency lights, alarms, or power back-ups);
- (p) IBC § 1011.1 (impaired visibility of exit signs);
- (q) IBC § 716.5.9 (failure to maintain self- or automatic-closing fire doors);
- (r) IBC § 707.1 (failure to maintain fire barriers);
- (s) IBC § 709 (failure to maintain smoke barriers);
- (t) IBC § 1004.3 (failure to conspicuously post sign stating the number of occupants permitted within room or space for assembly occupancy);
- (u) IBC § 1011.1 (failure to mark exits or exit access doors with required exit signs);
- (v) IBC §§ 1011.3 and 1011.6.2 (failure to illuminate exit signs);
- (w) IBC § 806.1 (decorative materials are not non-combustible or flame resistant).

3306.4.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) IFC §§ 904.1 and 904.4 (alternative automatic fire-extinguishing systems are not properly inspected and tested); or
- (b) IBC § 1006.1 (failure to illuminate means of egress at all times when the building is occupied).

3306.5 ENERGY INSPECTION INFRACTIONS

The following abbreviation applies to this section and refers to referenced standards adopted by the 2013 District of Columbia Energy Conservation Code:

ASHRAE- American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

3306.5.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-I DCMR § R402.4.1.2 (failure to test and verify air leakage);
- (b) 12-I DCMR § R403.2.2 (failure to verify duct tightness); or
- (c) 12-I DCMR § C303.1.3, C401.2, C402.3, C407, ASHRAE 90.1 (failure to comply with fenestration requirements for applicable pathway)

Strike Section 3309, DCRA FIRE PROTECTION DIVISION INFRACTIONS, in its entirety, and insert a new Section 3309 in its place to read as follows:

3309 PROPERTY MAINTENANCE INFRACTIONS

The following abbreviations apply to this section:

IPMC §- International Property Maintenance Code (2012 edition)

3309.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-G DCMR § 102.2 (failure to maintain utility, service, facility, equipment, system, device or safeguards in good working order);
- (b) 12-G DCMR §§ 108.1 and 108.1.1 (unsafe Structures);
- (c) 12-G DCMR §§ 108.1 and 108.1.2 (unsafe equipment);
- (d) 12-G DCMR §§ 108.1 and 108.1.3 (structure is unfit for human occupancy);
- (e) 12-G DCMR §§ 108.1 and 108.1.4 (unlawful Structure);
- (f) 12-G DCMR §§ 108.1 and 108.1.5 (dangerous structure or premises);
- (g) 12-G DCMR §§ 108.1 and 108.1.6 (unserviceable equipment);
- (h) 12-G DCMR § 108.4.1 (removal of placard by an unauthorized person);
- (i) 12-G DCMR § 108.5 (occupying a placarded premises or operating

placarded equipment);

- (j) 12-G DCMR § 109.1 (building poses imminent danger to building occupants);
- (k) 12-G DCMR § 308.2.2 (permitting to exist on the premises discarded or abandoned refrigerators or similar equipment without first removing the doors);
- (l) 12-G DCMR § 310.1 (failure to install required carbon monoxide detector);
- (m) 12-G DCMR § 310.1.1 (failure to install required single station carbon monoxide detector properly);
- (n) 12-G DCMR § 310.1.2 (failure to install required combination smoke/ carbon monoxide detector properly);
- (o) 12-G DCMR § 310.2 (failure to maintain required carbon monoxide detection system);
- (p) 12-G DCMR § 310.2.1 (failure to replace or repair required carbon monoxide detectors within fifteen (15) days of receipt of notification from occupant or tenant that replacement or repairs are needed);
- (q) 12-G DCMR § 603.1.1 (improperly located gas meter or fuel-fired appliances);
- (r) IPMC § 603.2 (failure to connect fuel-burning equipment to an approved chimney or vent);
- (s) IPMC § 603.3 (failure to maintain required clearances to combustible materials);
- (t) IPMC § 603.4 (failure to maintain safety controls for fuel-burning equipment);
- (u) IPMC § 603.5 (failure to provide supply of air for fuel-burning equipment);
- (v) IPMC § 701.2 (failure to provide and maintain required fire safety facilities and equipment);
- (w) 12-G DCMR § 701.3 (failure to properly store hazardous, combustible, flammable, explosive or other hazardous materials);

- (x) IPMC § 702.1 (failure to provide clear path of travel to the public way);
- (y) IPMC § 702.2 (failure to maintain aisles unobstructed);
- (z) IPMC § 702.3 (failure to make means of egress doors readily openable);
- (aa) 12-G DCMR § 702.4 (failure to maintain required emergency escape openings and egress facilities);
- (bb) IPMC § 703.1 (failure to maintain required fire-resistance rating);
- (cc) IPMC § 703.2 (failure to maintain required opening protective, fire or smoke stop doors);
- (dd) IPMC § 704.1 (failure to maintain required systems, devices and equipment to detect a fire, actuate an alarm, or suppress or control a fire);
- (ee) IPMC § 704.1.1 (failure to inspect and maintain automatic sprinkler system);
- (ff) 12-G DCMR § 704.1.2 (failure to provide and maintain fire extinguisher);
- (gg) 12-G DCMR § 704.2 (failure to install required smoke alarms);
- (hh) IPMC § 704.3 (failure to hardwire smoke alarm);
- (ii) IPMC § 704.4 (failure to interconnect smoke alarms as required);
- (jj) 12-G DCMR § 704.5 (failure to maintain fire alarm system);
- (kk) 12-G DCMR § 704.5.1 (failure to maintain manual fire alarm box);
or
- (ll) IPMC § 704.5.4.4 (tampering with smoke alarm).

3309.2

Violation of any of the following provisions shall be a Class 2 infraction:

- (a) 12-G DCMR § 102.5 (failure to make repairs or installations in a workmanlike manner);
- (b) 12-G DCMR § 104.3 (failure to allow code official entry to

structure or premises);

- (c) 12-G DCMR § 104.3.3 (tenant refusal to permit inspection);
- (d) 12-G DCMR § 104.3.4 (owner or operator refusal to permit inspection);
- (e) 12-G DCMR § 105.4 (failure to follow provisions of 12-A DCMR § 104.9.1 with respect to the use of used materials and equipment);
- (f) IPMC § 301.2 (failure to maintain premises in safe and sanitary condition);
- (g) IPMC § 301.3 (failure to maintain vacant structures and land in a clean, safe, secure and sanitary condition to prevent causing a blighting problem or adversely affecting the public health and safety);
- (h) IPMC § 302.6 (failure to correct condition where pipes, ducts, conductors, fans or blowers discharging gases, steam, vapor, hot air, grease, smoke, odors or other gaseous or particulate wastes directly upon abutting or adjacent public or private property or that of another tenant);
- (i) IPMC § 303.2 (failure to provide proper enclosure of swimming pool, hot tub and/or spa);
- (j) IPMC § 304.1 (failure to maintain exterior of structure in good repair, structurally sound and sanitary);
- (k) IPMC § 304.1.1 (permitting an unsafe exterior structural condition to exist on premises);
- (l) 12-G DCMR § 304.2.1 (failure to properly eliminate peeling, flaking, chipping and defective paint on a pre-1978 structure);
- (m) IPMC § 304.4 (failure to maintain a structural member to provide a safe, firm and substantial base and support for the structure at all points);
- (n) IPMC § 304.10 (failure to maintain exterior stairway, deck, porch and balcony structurally sound, in good repair, with proper anchorage and capable of supporting the imposed loads);
- (o) 12-G DCMR § 304.11 (failure to maintain chimneys, cooling towers, smoke stacks, and similar appurtenances structurally safe

and sound, and in good repair);

- (p) IPMC § 304.12 (failure to maintain handrails and guards);
- (q) IPMC § 304.18 (failure to provide building security);
- (r) IPMC § 304.18.1 (failure to provide proper deadbolt lock);
- (s) IPMC § 304.18.2 (failure to provide proper window lock);
- (t) IPMC § 305.1 (failure to maintain interior of structure and equipment therein in good repair, structurally sound and sanitary);
- (u) IPMC § 305.1.1 (permitting to exist on premises an unsafe interior structural condition);
- (v) IPMC § 305.2 (failure to maintain structural members structurally sound, and capable of supporting the imposed loads);
- (w) 12-G DCMR § 305.3 (failure to maintain interior surfaces in good repair);
- (x) 12-G DCMR § 305.3.1 (failure to properly eliminate peeling, flaking, chipping and defective paint in a pre-1978 structure);
- (y) 12-G DCMR § 305.4 (failure to maintain walking surface in sound condition and good repair);
- (z) IPMC § 305.5 (failure to maintain handrails and guards in sound condition and good repair);
- (aa) IPMC § 306.1.1 (failure to correct unsafe condition);
- (bb) 12-G DCMR § 307.1 (failure to provide proper handrails and/or guardrails in good repair);
- (cc) IPMC § 401.2 (occupying or allowing the occupancy of premises not in compliance with light, ventilation or space conditions);
- (dd) IPMC § 403.4 (failure to provide proper exhaust system to remove injurious, toxic, irritating or noxious fumes, gases, dusts or mists);
- (ee) IPMC § 403.5 (failure to properly exhaust clothes dryer);
- (ff) 12-G DCMR § 404.1 (failure to arrange units to provide privacy);

- (gg) IPMC § 404.2 (habitable room has less than minimum room width);
- (hh) IPMC § 404.3 (space has less than minimum ceiling height);
- (ii) IPMC § 404.4.1(insufficient room area);
- (jj) 12-G DCMR § 404.4.1.1 (failure to comply with special provisions for existing high-density transient uses);
- (kk) IPMC § 404.4.2 (improper access through bedroom);
- (ll) 12-G DCMR § 404.4.3 (failure to provide properly accessible water closet);
- (mm) 12-G DCMR § 404.4.3 (failure to provide properly accessible lavatory);
- (nn) IPMC § 404.4.4 (kitchen or nonhabitable space used for sleeping purposes);
- (oo) IPMC § 404.4.5 (bedroom does not comply with applicable provisions of the property maintenance code including but not limited to requirements of Chapters 4, 5, 6 and 7);
- (pp) 12-G DCMR § 404.4.6 (subdivided room does not comply with the requirements for a habitable space);
- (qq) IPMC § 404.5 (dwelling unit is overcrowded);
- (rr) IPMC § 404.6 (failure to provide the minimum requirements for space and occupancy for an efficiency unit);
- (ss) IPMC § 501.2 (failure to provide and maintain required plumbing facilities and plumbing fixtures);
- (tt) IPMC § 504.3 (failure to correct plumbing system hazard);
- (uu) IPMC § 505.1 (failure to provide proper water supply to plumbing fixtures);
- (vv) IPMC § 505.2 (failure to protect water supply from contamination);
- (ww) IPMC § 505.3 (failure to provide adequate water supply system);

- (xx) IPMC § 505.4 (failure to comply with requirements regarding water heaters);
- (yy) IPMC § 506.1 (failure to connect plumbing fixture to an approved sewer system);
- (zz) IPMC § 506.2 (failure to maintain plumbing stack, vent, waste and sewer lines);
- (aaa) IPMC § 601.2 (failure to provide and maintain required mechanical and electrical facilities);
- (bbb) IPMC § 602.2 (failure to provide proper heating facilities for residential occupancies capable of maintaining a room temperature of 68°F (20°C) in all habitable rooms, bathrooms and toilet rooms);
- (ccc) 12-G DCMR § 602.3 (failure to supply heat during a period starting no later than October 1 and ending no earlier than May 1);
- (ddd) 12-G DCMR § 602.4 (failure to provide sufficient heat in indoor occupiable work spaces);
- (eee) IPMC § 603.1; 12-G DCMR § 603.1.1 (failure to properly install and maintain mechanical appliances, fireplaces, solid fuel-burning appliances, cooking appliances and water heating appliances);
- (fff) IPMC § 604.1 (failure to provide electrical system);
- (ggg) 12-G DCMR § 604.2 (failure to provide sufficient electrical service for a dwelling unit);
- (hhh) IPMC § 604.3 (failure to correct electrical system hazard);
- (iii) IPMC § 604.3.1 (failure to repair or replace electrical equipment that has been exposed to water);
- (jjj) IPMC § 604.3.2 (failure to repair or replace electrical equipment that has been exposed to fire);
- (kkk) 12-G DCMR § 702.5 (failure to arrange exits properly);
- (lll) 12-G DCMR § 702.6 (failure to provide and maintain required exit signs);
- (mmm) 12-G DCMR § 702.7 (failure to provide signage for stairway

doors);

- (nnn) 12-G DCMR § 704.5.2 (failure to install required fire alarm signage adjacent to each manual fire alarm box);
- (ooo) 12-G DCMR § 704.5.3 (failure to post and distribute written notice that provides information about fire alarm systems in the building);
or
- (ppp) 12-G DCMR § 704.6 (failure to have a fire safety and evacuation plan in high-rise building and hold fire drills as required).

3309.2.1 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) 12-G DCMR § 302.1 (failure to maintain exterior property and premises in clean, safe and sanitary condition);
- (b) IPMC § 302.3 (failure to maintain sidewalk, walkway, driveway, stairs or other walking surface safe for walking purposes);
- (c) 12-G DCMR § 302.4 (excessive vegetative growth or weeds exceeding eight (8) inches in height is unattended or creates a dense area of shrubbery that is a detriment to the health, safety and welfare of the public);
- (d) IPMC § 302.5 (failure to maintain structures and exterior property free from rodent harborage and infestation);
- (e) IPMC § 302.7 (failure to maintain all accessory structures, including detached garages, fences and walls structurally sound and in good repair);
- (f) IPMC § 302.8 (failure to comply with a requirement concerning parked, kept or storing of unlicensed or inoperative motor vehicles, painting of vehicles and vehicles in a state of major disassembly, disrepair or in the process of being stripped or dismantled);
- (g) IPMC § 302.9 (failure to remove markings, carvings or graffiti and restore exterior surface to approved state of maintenance and repair);
- (h) IPMC § 302.9 (willfully or wantonly damaging, mutilating or defacing the exterior surface of any property with markings, carvings or graffiti);

- (i) IPMC § 303.1 (failure to maintain swimming pool);
- (j) IPMC § 304.2 (failure to maintain required protective treatment on exterior surfaces);
- (k) IPMC § 304.5 (failure to maintain foundation wall);
- (l) IPMC § 304.6 (failure to maintain exterior walls in a structurally sound condition);
- (m) 12-G DCMR § 304.7 (failure to comply with a requirement concerning gutters or drainage);
- (n) 12-G DCMR § 304.7.1 (failure to drain storm water to approved place of disposal);
- (o) IPMC § 304.8 (failure to maintain decorative feature in good repair with proper anchorage and in a safe condition);
- (p) IPMC § 304.9 (failure to maintain overhang extensions in good repair with proper anchorage and in a safe condition);
- (q) 12-G DCMR § 304.11.2 (failure to provide a flue opening with a flue crock, or with a metal or masonry thimble);
- (r) IPMC § 304.13 (failure to maintain windows, skylights and door frames);
- (s) IPMC § 304.15 (failure to maintain exterior doors);
- (t) IPMC § 304.16 (failure to maintain basement hatchway);
- (u) 12-G DCMR § 304.18.3 (failure to provide proper basement hatchway lock);
- (v) 12-G DCMR § 305.3 (failure to maintain interior surfaces in good repair);
- (w) 12-G DCMR § 308.1 (failure to maintain premises free from any accumulation of rubbish and garbage);
- (x) 12-G DCMR § 308.2 (failure to dispose of rubbish in approved containers);
- (y) 12-G DCMR § 308.2.1 (failure to maintain proper rubbish storage facilities);

- (z) 12-G DCMR § 308.2.3 (operator of a housing business permitting the accumulation of rags, waste paper, broken furniture or any combustible junk);
- (aa) 12-G DCMR § 308.3 (Occupant of a structure not disposing of garbage in a clean and sanitary manner by placing such garbage in an approved garbage disposal facility or approved garbage containers);
- (bb) 12-G DCMR § 308.3.1 (Owner of the dwelling failed to supply either an approved mechanical food waste grinder in each dwelling unit or an approved leak-proof, covered, outside garbage container);
- (cc) 12-G DCMR § 308.3.2 (failure to provide and cause to be utilized approved leak-proof containers provided with close-fitting covers for the storage of garbage until removed from the premises for disposal);
- (dd) 12-G DCMR § 308.4 (failure to maintain storage receptacles in clean condition);
- (ee) 12-G DCMR § 309.1 (failure to maintain structure free from insect and rodent infestation);
- (ff) 12-G DCMR § 309.2 (Failed to exterminate prior to renting or leasing the structure);
- (ii) 12-G DCMR § 309.3 (Failed to exterminate one-family dwelling or single-tenant nonresidential structure);
- (jj) 12-G DCMR § 309.4 (failure to maintain non-residential structure containing multiple occupants free from insects, rodents and rodent harborages);
- (kk) 12-G DCMR § 309.4.1(failure to correct condition that cause infestation of non-residential structure);
- (ll) 12-G DCMR § 309.5 (failure to maintain multiple occupancy residential structures and exterior property free from insects, rodents and rodent harborages);
- (mm) 12-G DCMR § 309.5.1 (failure of owner to provide required extermination services);

- (nn) 12-G DCMR §§ 402.1 through 402.1.2 (failure to provide adequate lighting in space intended for human occupancy);
- (oo) 12-G DCMR § 402.2 (failure to provide common areas, stairways and means of egress with sufficient illumination);
- (pp) IPMC § 402.3 (failure to provide sufficient illumination);
- (qq) 12-G DCMR § 402.3.1 (failure to provide bathroom, toilet room and other similar rooms sufficient illumination);
- (rr) 12-G DCMR § 403.1 (failure to provide proper natural or artificial ventilation);
- (ss) IPMC § 403.2 (failure to provide proper ventilation for bathroom or toilet room);
- (tt) IPMC § 403.3 (allowing cooking, cooking facility, or cooking appliance in rooming unit or dormitory unit);
- (uu) IPMC § 404.7 (spaces occupied for food preparation purposes do not contain suitable space and equipment to store, prepare and serve foods in a sanitary manner including adequate facilities for the sanitary disposal of food wastes and refuse);
- (vv) 12-G DCMR § 404.7.1 (failure of owner who furnishes facilities for cooking, storage or refrigeration of food that are not within a sleeping unit or dwelling unit to maintain those facilities in a safe and sanitary condition and in good working order);
- (ww) IPMC § 502.1 (failure to provide and maintain required plumbing facilities and plumbing fixtures in dwelling units);
- (xx) IPMC § 502.2 (failure to provide and maintain required plumbing facilities and plumbing fixtures in rooming house);
- (yy) IPMC § 502.3 (failure to provide and maintain required plumbing facilities and plumbing fixtures in hotel);
- (zz) IPMC § 502.4 (failure to provide required plumbing facilities for employees);
- (aaa) IPMC § 502.4.1 (failure to provide proper drinking facilities for employees);
- (bbb) IPMC § 502.5 (failure to maintain public toilet facilities in safe,

sanitary and working condition);

- (ccc) IPMC § 503.1 (failure to provide privacy for bathrooms and toilet rooms);
- (ddd) IPMC § 503.2 (failure to provide convenient access to toilet rooms and bathrooms serving hotel units, rooming units or dormitory units or housekeeping units);
- (eee) IPMC § 503.3 (failure to provide convenient access to employee toilet facilities);
- (fff) 12-G DCMR § 503.4 (failure to provide proper floor and wall base in toilet room);
- (ggg) IPMC § 504.1 (failure to properly install and maintain plumbing fixture);
- (hhh) IPMC § 504.2 (failure to provide adequate clearances for usage and cleaning of plumbing fixtures);
- (iii) 12-G DCMR § 505.4.1(failure to have water heating facility inspected annually and maintain the inspection and service reports available onsite);
- (jjj) IPMC § 506.3 (failure to maintain grease interceptor);
- (kkk) IPMC § 507.1 (allowing drainage to discharge in a manner that creates a public nuisance);
- (lll) 12-G DCMR § 602.6 (failure to have heating facility inspected annually and to make inspection and service reports available onsite in the office of the building operator or in another permitted manner if no on-site office);
- (mmm)IPMC § 603.6 (failure to remove unapproved energy conservation devices);
- (nnn) IPMC § 605.1(failure to properly install and maintain electrical equipment, wiring and appliances in a safe manner);
- (ooo) IPMC § 605.2 (failure to provide and maintain proper electrical receptacles);
- (ppp) IPMC § 605.3 (failure to provide and maintain proper electric luminaire);

- (qqq) 12-G DCMR § 605.4 (failure to perform preventative maintenance on switchboards having a capacity of 1000 amperes or larger);
- (rrr) IPMC § 607.1 (failure to maintain duct system free of obstructions and capable of performing the required function);
- (sss) 12-G DCMR § 608.1 (failure to maintain air conditioning system);
or
- (ttt) 12-G DCMR § 608.2 (failure to have air conditioning system inspected annually and maintain the inspection and service reports available onsite).

3309.2.2 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) IPMC § 302.2 (failure to maintain grading of premises to prevent erosion or the accumulation of stagnant water);
- (b) 12-G DCMR § 304.3 (failure to properly display premises address);
- (c) 12-G DCMR § 304.7.2 (failure to grade premises so that storm drainage flows away from buildings and to an approved place of disposal);
- (d) 12-G DCMR § 304.7.3 (failure to grade premises so avoid accumulation of water);
- (e) 12-G DCMR § 304.11.1 (failure to close a chimney opening which is unused);
- (f) IPMC § 304.13.1 (failure to maintain glazing materials free from cracks and holes);
- (g) IPMC § 304.13.2 (failure to maintain openable windows);
- (h) 12-G DCMR § 304.14 (failure to maintain insect screens);
- (i) IPMC § 304.17 (failure to provide basement windows with protection from entry by rodents);
- (j) IPMC § 304.19 (failure to maintain exterior gate in good condition); or
- (k) IPMC § 305.6 (failure to maintain interior doors).

Insert a new Section 3314 to read as follows:

3314 GREEN BUILDING CODE AND ALTERNATIVE COMPLIANCE PATH INFRACTIONS

The following abbreviations apply to this section and refer to referenced standards adopted by the 2013 District of Columbia Green Construction Code:

ASHRAE- American Society of Heating, Refrigerating and Air-Conditioning Engineers, Inc.

LEED-Leadership in Energy & Environmental Design

3314.1 GREEN BUILDING CODE INFRACTIONS

- (a) 12-K DCMR § 405.3 (failure to comply with fifty percent (50%) native planting requirement). Fine Amount: \$20.00 per square foot of unplanted native planting area as specified in construction documents.
- (b) 12-K DCMR § 406.1 (failure to comply with seventy-five percent (75%) diversion requirement for land-clearing debris). Fine Amount:
 - (1) \$60.00 per ton of land-clearing debris [based on waste hauling receipts and documentation]; or
 - (2) \$16.00 per cubic yard of land-clearing debris [based on waste hauling receipts and documentation].
- (c) 12-K DCMR § 406.3 (failure to provide verification of compliance with seventy-five percent (75%) diversion requirement for land-clearing debris). Fine Amount: \$1.00 per square foot of land area disturbed as submitted at permit.
- (d) 12-K DCMR § 503.1 (failure to comply with requirement to recycle or salvage at least fifty percent (50%) of nonhazardous construction waste). Fine Amount:
 - (1) \$60.00 per ton of land-clearing debris [based on waste hauling receipts and documentation]; or
 - (2) \$16.00 per cubic yard of land-clearing debris [based on waste hauling receipts and documentation].
- (e) 12-K DCMR § 503.2 (failure to provide verification of compliance with requirement to recycle or salvage at least fifty percent (50%) of nonhazardous construction waste). Fine Amount: \$1.00 per square foot of

building submitted at permit.

- (f) 12-K DCMR § 505.1 (failure to comply with material selection requirements); fine amount \$0.05 per dollar below the minimum forty percent (40%) based on cost required by code.
- (g) 12-K DCMR § 505.3 (failure to provide documentation verifying compliance with material selection or whole building life cycle). Fine Amount: two percent (2%) of “Estimated Cost of Work” in permit application.
- (h) 12-K DCMR § 903.2 (failure to provide preliminary commissioning report to code official upon request). Fine Amount: \$1.00 per square foot of *gross floor area* of the *project* as submitted at permit.
- (i) 12-K DCMR § 903.3 (failure to provide final commissioning report to code official upon request). Fine Amount: \$2.00 per square foot of *gross floor area* of the *project* as submitted at permit.
- (j) 12-K DCMR Appendix A § A104.9.4 (failure to complete vegetated roof elective). Fine Amount: \$20.00 per square foot of unplanted vegetated roof area based on submitted and approved construction documents.
- (k) 12-K DCMR Appendix A § A104.10 (failure to complete native planting elective). Fine Amount: \$20.00 per square foot of unplanted native planting area based on submitted and approved construction documents.
- (l) 12-K DCMR Appendix A § A105.1 and 12-K DCMR §503.2 (failure to provide documentation of compliance with waste management project elective). Fine Amount: \$1.00 per square foot of gross floor area of project as submitted at permit.
- (m) 12-K DCMR Appendix A § A105.1 and 12-K DCMR §503.1 (failure to comply with elective to recycle or salvage at least seventy percent (70%) of nonhazardous construction waste). Fine Amount: \$60.00 per ton, or \$16.00 per cubic yard, of nonhazardous waste material [based on waste hauling receipts and documentation].
- (n) 12-K DCMR Appendix A § A105.2 and 12-K DCMR §503.2 (failure to provide documentation of compliance with construction waste landfill maximum project elective). Fine Amount: \$1.00 per square foot of gross floor area of project as submitted at permit.
- (o) 12-K DCMR Appendix A § A105.2 and 12-K DCMR §503.1 (failure to comply with construction waste landfill elective of maximum of 4lbs/sqft). Fine Amount: \$60.00 per ton of nonhazardous waste material [based on

waste hauling receipts and documentation].

- (p) 12-K DCMR Appendix A § A105.3, option 1, and 12-K DCMR §505.2 (failure to comply with fifty percent (50%) material selection elective) fine amount \$0.05 per dollar below the minimum fifty percent (50%) based on cost required by code.
- (q) 12-K DCMR Appendix A § A105.3, option 1, and 12-K DCMR §505.3 (failure to provide documentation of compliance with fifty percent (50%) material selection elective). Fine Amount: 2.5% of “Estimated Cost of Work” in permit application.
- (r) 12-K DCMR Appendix A § A105.3, option 2, and 12-K DCMR §505.2 (failure to comply with seventy-five percent (75%) material selection elective). Fine amount \$0.05 per dollar below the minimum seventy-five percent (75%) based on cost required by code.
- (s) 12-K DCMR Appendix A § A105.3, option 2, and 12-K DCMR §505.3 (failure to provide documentation of compliance with seventy-five percent (75%) material selection elective). Fine Amount: 3.75% of “Estimated Cost of Work” in permit application.

3314.2

ASHRAE 189.1 INFRACTIONS

- (a) 12-K DCMR § 303.1, ASHRAE 189.1 § 5.4.1.1.a Greenfield sites (failure to retain twenty percent (20%) of native site vegetation). Fine Amount: \$20.00 per square foot of vegetated area based on approved area in construction documents.
- (b) 12-K DCMR § 303.1, ASHRAE 189.1 § 5.4.1.1.b Greenfield sites (failure to develop or retain twenty percent (20%) of site as vegetated area). Fine Amount: \$20.00 per square foot of vegetated area based on approved area in construction documents.
- (c) 12-K DCMR § 303.1, ASHRAE 189.1 § 5.4.1.1.b Greenfield sites (failure to develop or retain minimum sixty percent (60%) of site vegetated area as native and/or adaptive plants). Fine Amount: \$20.00 per square foot of vegetated area based on approved area in construction documents.
- (d) 12-K DCMR § 303.1, ASHRAE 189.1 § 6.3.1.1 Landscape Design (failure to provide a minimum of sixty percent (60%) of improved landscape as native and/or adaptive plants). Fine Amount: \$20.00 per square foot of planting area based on approved area in construction documents.
- (e) 12-K DCMR § 303.1; ASHRAE 189.1 § 9.3.1.1 Construction Waste

Management Diversion (failure to recycle or salvage at least fifty percent (50%) of nonhazardous construction waste). Fine Amount: \$60.00 per ton or \$16.00 per cubic yard of nonhazardous waste material not recycled below the minimum fifty percent (50%) required by code.

- (f) 12-K DCMR § 303.1; ASHRAE 189.1 § 9.3.1.1 Construction Waste Management Diversion (failure to provide verification of compliance at code official request). Fine Amount: \$1.00 per square foot of building submitted at permit.
- (g) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.3.1.2 Construction Waste Management Total Waste (failure to meet construction waste maximum of 1.2 lbs/sqft). Fine Amount: \$60.00 per ton of construction waste material generated above the maximum 1.2 lbs/sqft required by code.
- (h) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.3.1.2 Construction Waste Management Total Waste (failure to provide verification of compliance at code official request). Fine Amount: \$1.00 per square foot of building submitted at permit.
- (i) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.1 Reduced Impact materials, Recycled Content (failure to meet ten percent (10%) based on cost of recycled content materials). Fine Amount: \$0.05 per dollar below the minimum ten percent (10 %) required by code.
- (j) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.1 Reduced Impact materials, Recycled Content (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of ten percent (10%) of the “Estimated Cost of Work” in permit application.
- (k) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.2 Reduced Impact materials, Regional Materials (failure to comply with regional materials requirements). Fine amount: \$0.05 per dollar below the minimum fifteen percent (15%) required by code.
- (l) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.2 Reduced Impact materials, Regional Materials (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of fifteen percent (15%) of the “Estimated Cost of Work” in permit application.
- (m) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.3 Reduced Impact materials, Biobased products (failure to comply with biobased product requirements). Fine amount \$0.05 per dollar below the minimum five percent (5%) required by code.

- (n) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4.1.3 Reduced Impact materials, Biobased products (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of five percent (5%) of the “Estimated Cost of Work” in permit application.
- (o) 12-K DCMR § 303.1, ASHRAE 189.1 § 9.4 (failure to provide verification of compliance at code official request). Fine Amount: \$0.05 per dollar of forty-five percent (45%) of the reported “Estimated Cost of Work” in permit application.
- (p) 12-K DCMR § 303.1, ASHRAE 189.1 § 10.3.3 Final Commissioning Report (failure to provide final commissioning report to code official upon request). Fine Amount: \$2.00 per square foot of *gross floor area* of the *project* as submitted at permit application.

3314.3

LEED INFRACTIONS

- 3314.3.1 12-A DCMR § 101.4.9.4.2.2 (failure to submit evidence of LEED certification within twelve (12)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:
 - (a) \$7.50 per square foot of *gross floor area* of construction if the *project* is less than 100,000 square feet (9290 m²) of *gross floor area*.
 - (b) \$10.00 per square foot of *gross floor area* of construction if the *project* is equal to or greater than 100,000 square feet (9290 m²) of *gross floor area*.
 - (c) The amount of a fine for non-compliance under this sub-section shall not exceed \$3,000,000.
- 3314.3.2 12-A DCMR § 101.4.9.4.2.2 (failure to submit evidence of LEED certification within forty-eight (48) calendar months after receipt of the first certificate of occupancy for occupiable space in a *story above grade plane*). Fine Amount:
 - (a) \$0.02 per square foot of *gross floor area* of the *project* to the District of Columbia.
 - (b) The fine shall be assessed for each month that the violation remains uncorrected.
 - (c) The fine shall be in addition to any fines issued under Section 3314.3.1 and shall not be subject to the \$3,000,000 limit under

Section 3314.3.1.

3314.4 GREEN COMMUNITIES INFRACTIONS

3314.4.1 12-A DCMR § 101.4.9.4.2.3 (failure to submit evidence of compliance with Enterprise Green Community Partners standard within twelve (12)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$7.50 per square foot of *gross floor area* of construction if the *project* is less than 100,000 square feet (9290 m²) of *gross floor area*.
- (b) \$10.00 per square foot of *gross floor area* of construction if the *project* is equal to or greater than 100,000 square feet (9290 m²) of *gross floor area*.
- (c) The amount of a fine for non-compliance under this subsection shall not exceed \$3,000,000.

3314.4.2 12-A DCMR § 101.4.9.4.2.3 (failure to submit evidence of compliance with Enterprise Green Community Partners standard within forty-eight (48)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$0.02 per square foot of *gross floor area* of the *project*.
- (b) The fine shall be assessed for each month that the violation remains uncorrected.
- (c) The fine shall be in addition to any fines issued under Section 3314.4.1 and shall not be subject to the \$3,000,000 limit under Section 3314.4.1.

3314.5 NATIONAL GREEN BUILDING STANDARD (ICC 700) INFRACTIONS

3314.5.1 12-A DCMR § 101.4.9.4.2.4 (failure to submit evidence of compliance with the National Green Building Standard, ICC 700, and the EPA's Energy Star New Homes program or Multifamily High Rise Program within twelve (12)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$7.50 per square foot of *gross floor area* of construction if the

project is less than 100,000 square feet (9290 m²) of *gross floor area*.

- (b) \$10.00 per square foot of *gross floor area* of construction if the *project* is equal to or greater than 100,000 square feet (9290 m²) of *gross floor area*.
- (c) The amount of a fine for non-compliance under this subsection shall not exceed \$3,000,000.

3314.5.2 12-A DCMR § 101.4.9.4.2.4 (failure to submit evidence of compliance with the National Green Building Standard, ICC 700, and the EPA's Energy Star New Homes program or Multifamily High Rise Program within forty-eight (48)-month period following date of issuance of first certificate of occupancy for occupiable space in a story above grade plane). Fine Amount:

- (a) \$0.02 per square foot of *gross floor area* of the *project* to the District of Columbia.
- (b) The fine shall be assessed for each month that the violation remains uncorrected.
- (c) The fine shall be in addition to any fines issued under Section 3314.5.1 and shall not be subject to the \$3,000,000 limit under Section 3314.5.1.

Chapter 34, FIRE AND EMERGENCY MEDICAL SERVICES (EMS) DEPARTMENT INFRACTIONS, of Title 16 DCMR, CONSUMERS, COMMERCIAL PRACTICES AND CIVIL INFRACTIONS, is amended as follows:

Section 3401, FIRE PREVENTION CODE INFRACTIONS, is amended to read as follows:

3401 FIRE CODE INFRACTIONS

The following abbreviations apply to this section:

IFC §- International Fire Code (2012 edition)
NFPA- National Fire Protection Association

3401.1 Violation of any of the following provisions shall be a Class 1 infraction:

- (a) 12-H DCMR § 102.2 (change in occupancy that will subject the structure to special provisions of the Fire Code or Building Code without the approval of the code official);

- (b) 12-H DCMR § 105.1.1 (failure to obtain and maintain required permits on the premises, including operational or installation permits as described by 12-H DCMR §§ 105.1.2 and 105.6);
- (c) 12-H DCMR § 104.11.6.2 (obstructing operations of the Fire Department in connection with extinguishment or control of any fire, or action relating to other emergencies);
- (d) 12-H DCMR § 109.2.5 (failure to remedy dangerous condition or remove hazardous materials);
- (e) 12-H DCMR § 110.1.1 (failure to remedy hazardous conditions liable to cause or contribute to the spread of fire in, or on, the premises, building or structure, or endangering life or property);
- (f) IFC § 5003.3.1.4 (failure to remedy hazardous conditions arising from defective or improperly installed equipment for handling or using combustible, explosive or otherwise hazardous materials);
- (g) 12-H DCMR § 110.5 (failure to maintain, on a structure, premises, or lot, the fire protection equipment, systems or devices, means of egress or safeguards required by the Fire Code);
- (h) 12-H DCMR § 109.2.4 (failure to remedy unsafe conditions in an existing structure or vacant structure, or a deficiency in a means of egress);
- (i) 12-H DCMR § 110.2 (refusal to leave, or interference with the evacuation of other occupants or continuance of any operation after receiving an evacuation order);
- (j) 12-H DCMR § 109.2.4 (failure to comply with a notice of violation issued by the code official);
- (k) IFC § 311.2.1 (failure to secure exterior and interior openings of vacant premises);
- (l) IFC § 603.4 (failure to prohibit the use of portable unvented heaters or fuel fired heating equipment in use groups A, E, I, R-1, R-2, R-3 and R-4);
- (m) IFC § 604.1 (failure to maintain and inspect emergency and standby systems in accordance with the Fire Code, NFPA110 and NFPA111);
- (n) IFC § 904.1 (failure to inspect, test and maintain automatic fire-extinguishing systems (except sprinkler systems) in accordance with the Fire Code and the applicable referenced standards);

- (o) IFC § 1004.3 (failure to post occupant load);
- (p) 12-H DCMR § 107.5 (permitting overcrowding or admitting persons beyond the established occupant load); or
- (q) 12-H DCMR § 5609.1.1 (engaging in the manufacturing, possession, storage or display, sale, setting off, or discharge of prohibited fireworks).

3401.2 Violations of any of the following provisions shall be a Class 2 infraction:

- (a) 12-H DCMR § 308.1.4 (operating charcoal burners and other open-flame cooking devices on a balcony or within ten (10) feet of combustible construction);
- (b) IFC § 308.2 (failure to obtain a permit for open flame use in an educational or assembly occupancy);
- (c) IFC § 404.2 (failure to prepare and maintain a fire safety and evacuation plan in accordance with this section);
- (d) IFC § 405.5 (failure to maintain emergency evacuation drill records);
- (e) IFC § 406.3 (failure to ensure employees are provided with fire prevention, evacuation and fire safety training);
- (f) IFC § 505.1 (failure to provide approved legible and visible building address identification);
- (g) IFC § 507.5.4 (obstructing fire hydrants, department connections or other fire protection system control valves);
- (h) IFC § 907.2.11 (failure to install approved single or multi-station smoke alarms in existing dwellings, congregate residences, and hotel and lodging house guestrooms); or
- (i) IFC § 1029.1 (failure to maintain emergency escape windows operational).

3401.3 Violation of any of the following provisions shall be a Class 3 infraction:

- (a) IFC § 605.3 (failure to provide and maintain required clearance in front of electrical service equipment);
- (b) IFC § 807.4.1 (obstruction of egress or exit access visibility by placement of furnishing or other objects in educational, assembly and in institutional group 4 occupancies);

- (c) IFC § 906.1 (failure to provide fire extinguishers in required occupancies and locations); or
- (d) IFC § 1029.4 (failure to ensure security bars, grilles and screens over emergency escape windows are releasable or removable from the inside without the use of a key or tool).

3401.4 Violation of any of the following provisions shall be a Class 4 infraction:

- (a) IFC § 304.1 (failure to prohibit accumulation of prohibited waste);
- (b) IFC § 310.4 (removing, obscuring, defacing, mutilating or destroying “No Smoking” signs);
- (c) IFC § 807.4.3.2 (failure to limit artwork and teaching material to not more than twenty percent (20%) on walls of corridors in educational occupancies);
- (d) FC § 806.1.1 (failure to prohibit display of natural cut trees in certain occupancies); or
- (e) IFC § 1022.9 (failure to provide stair identification of interior and exterior doors connecting more than three stories).

3401.5 Violation of any provisions of the District of Columbia Fire Code not otherwise listed in Section 3401 shall be a Class 5 infraction.

All persons desiring to comment on these proposed regulations should submit comments in writing to Matthew Orlins, Legislative Affairs Director, Department of Consumer and Regulatory Affairs, 1100 Fourth Street, SW, Room 5164, Washington, D.C. 20024, or via e-mail at matt.orlins@dc.gov, not later than thirty (30) days after publication of this notice in the *D.C. Register*. 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 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”.