Office of the Registrar of Regulations
Legislative Council
State of Delaware

DELAWARE STATE FIRE PREVENTION COMMISSION

Statutory Authority: 16 Delaware Code, Section 6604(1) (16 **Del.C.** §6604(1))
1 **DE Admin. Code** 701

PROPOSED

PUBLIC NOTICE

701 Administration and Enforcement

The Delaware State Fire Prevention Commission, pursuant to 16 **Del.C.** §6604(1), proposes to revise regulation 701 by removing the limitation that the regulations apply only to buildings modified by 50% or more following the enactment of the regulations. The revision also removes Annexes A and B and reorganizes the content into a newly created Chapter 7. Finally, the revision removes references to Appendixes that are no longer part of the regulations.

The Board will hold a public hearing on the proposed regulation change on September 15, 2015 at 10:00 a.m., in the Commission Chamber, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments should be sent to Sherry Lambertson, Executive Specialist for the Delaware Fire Prevention Commission, Delaware Fire Service Center, 1463 Chestnut Grove Road, Dover, DE 19904. Written comments will be accepted until August 31, 2015 pursuant to 29 **Del.C.** §10118(a).

701 Administration and Enforcement

Chapter 1 Adoption and Administration of Regulations

1.0 Adoption.

1.1 Pursuant to 16 **Del.C.** §6603, the State Fire Prevention Commission hereby promulgates these Regulations which shall have the force and effect of law in the counties, cities, and political sub-divisions of this State.

1.2 Whenever the provisions of any county, city, or local regulation or ordinance are more stringent or impose higher standards than are required by these Regulations, the provisions of such county, city, or local regulation or ordinance shall govern, provided they are not inconsistent with these Regulations and are not contrary to recognized standards and good engineering practices.

2.0 Effective Date.

These Regulations shall become effective on November 11, 2009.

3.0 Application, Validity, Retroactivity, Limitations, Liability, and Adopted References.

3.1 Application.

3.1.1 These Regulations shall apply to all buildings, structures, marine vessels, premises, and conditions which are erected or modified ~~by more than 50% after the effective date of these Regulations~~.

~~3.1.1.1 For the purpose of this Section, the 50% figure referenced in §3.1.1 shall be calculated, utilizing the gross square footage of the building, structure, marine vessel, premises and conditions as to arrive at the correct application for §3.1.1.~~

~~3.1.1.2 For the purpose of this Section, any proposal that is presented to the Office of the State Fire Marshal for review and approval for any building alteration, modification, repair, or renovation for less than 50% of the gross square footage of the building, structure, marine vessel, premises or conditions, may not have another such project for the same building, structure, marine vessel, premises or condition submitted for review and approval, any sooner than three (3) years after the date of the final inspection of any previous, alteration, modification, repair, or renovation.~~

~~**Note:** It is the intent of this subsection to prevent a submission for review and approval of a project, in such stages, that would have the effect of being less than the 50% of the square footage, in order to avoid having to have the building, etc., meet current standards.~~

3.1.2 These Regulations may also apply to existing installations, plants, or equipment, if determined by the Delaware State Fire Prevention Commission to constitute a hazard so inimicable to the public welfare and safety as to require correction in accordance with 16 **Del.C.** §6603.

3.1.3 The provisions of these Regulations do not apply to one- and two-family dwellings in the normal use or maintenance thereof, except to the extent that specific sections require application of these Regulations to one- and two-family dwellings.

Exception No. 1: Where pursuant to the authority vested in the State Fire Marshal in* 16 **Del.C.** *with respect to the investigation as to the origin or circumstances of any fire or explosion, the State Fire Marshal may utilize the provisions of these Regulations to obtain correction of a violation of these Regulations, or a deficiency identified in the origin or circumstances determination of any fire or explosion.*

Exception No. 2: Where pursuant to the authority vested in the State Fire Marshal in* 16 **Del.C.** *with respect to the prevention of fires; the storage, sale, and use of any explosive, combustible or other dangerous article in solid, liquid or gas form; the installation and maintenance of equipment of all sorts intended for fire control, detection and extinguishment; the means and adequacy of exits, in case of fire from all buildings; the enforcement of the Regulations promulgated by the State Fire Prevention Commission, the State Fire Marshal may utilize the provisions of these Regulations to obtain correction of a violation of these Regulations, that if not corrected would have a negative impact on life safety or property conservation.*

Note: Exceptions No. 1 and 2: The main body of the sub-section precludes the application of the Regulations to one- and two-family dwellings in the normal maintenance and use thereof. There are occasions in the investigation of fires and explosions, and in the enforcement of life safety or property conservation, that conditions are found that are violations of the Regulations and have led to a fire incident. The exceptions provide a mechanism for the State Fire Marshal to obtain corrective action for such violations of the Regulations that have been identified in the investigative process as being a cause or circumstance in the origin of a fire incident; or that if the violation identified were left uncorrected, a negative impact on life safety or property may come about.

3.1.4 Qualified Historic Buildings. The provisions of these Regulations relating to the construction, repair, alteration, enlargement, restoration and moving of buildings or structures shall not be mandatory of existing buildings or structures that are listed in or qualified to be listed in the National Register of Historic Places or in a building that is designated as historic by state or federal law, where such buildings are, in the judgment of the Authority Having Jurisdiction, deemed to be safe and not constitute a serious threat to life safety. Each type of occupancy will be evaluated on its own merits for a total life safety systems approach.

Note: It is the intent of this subsection that buildings such as Buena Vista, Belmont Hall, and Woodburn need not have requirements imposed on their conversion or modification, so as to destroy their nature or character.

3.1.5 Nothing in these Regulations is intended to prevent the use of systems, methods or devices of equivalent or superior quality, strength, fire resistance, effectiveness, durability, and safety to those prescribed by these Regulations, provided technical documentation is submitted to the authority having jurisdiction to demonstrate equivalency and the system, method, or device is approved for the intended purpose.

3.2 Existing Law Continued.

3.2.1 The provisions of these Regulations, as far as they are substantially the same as existing provisions of law relating to the same subject matter, shall be construed as restatements and continuations thereof and not as new enactments.

3.2.2 The adoption of these Regulations shall not be construed to alter any time limit imposed by any prior existing law, regulation, or order of the State Fire Prevention Commission or State Fire Marshal except to the extent that it imposes an obligation directly contrary to or irreconcilably inconsistent with the obligations imposed by these Regulations.

3.3 Severability.

3.3.1 If any provision of these Regulations is for any reason held to be invalid or unconstitutional by a court of competent jurisdiction, such holding shall not affect the validity of the remaining provisions of these Regulations.

3.4 Other Laws.

3.4.1 These Regulations are intended to be used in conjunction with existing laws and nothing in these Regulations shall be construed as rendering other applicable laws invalid.

3.5 Codes And Standards Adopted.

3.5.1 Technical details regarding processes, methods, specifications, equipment testing and maintenance, design standards, performance, installation, or other pertinent criteria as contained in those standards and codes published by the National Fire Protection Association, and listed in Annex A of these Regulations and with any changes, additions, or deletions listed in Annex B of these Regulations shall be considered a part of these Regulations.

3.5.2 Applicable provisions of standards, laws, manuals, guides and recommended practices ~~as listed in Appendix D are not required, but~~ may be used by the State Fire Marshal as appropriate criteria for meeting the intent of these Regulations when specific provisions do not exist within these Regulations or other nationally recognized codes, standards, or laws.

3.5.3 Copies of the adopted codes and standards shall be kept on file at each of the offices of the State Fire Marshal and shall be available for public reference.

3.5.4 Updated Standards. Nothing in these Regulations shall restrict or prohibit the State Fire Marshal from accepting, when voluntarily submitted as "state of the art" technology, standards and specifications from an updated standard or practice published by the National Fire Protection Association if that particular standard or practice has been promulgated by the State Fire Prevention Commission, as an earlier edition and is part of the current Fire Prevention Regulations, in effect; and that the updated standard or practice will most probably become a part of the next revision of these Regulations.

Note: It is the intent of this subsection that the State Fire Marshal may utilize the standards, specifications, and Tentative Interim Amendments from the National Fire Protection Association subsequent to a promulgation of the Fire Prevention Regulations.

3.5.5 Tentative Interim Amendments. Nothing in these Regulations shall restrict or prohibit the State Fire Marshal from utilizing a Tentative Interim Amendment, when voluntarily submitted as "state of the art" technology, published by the National Fire Protection Association in the application of these Regulations.

Note: It is the intent of this subsection that the State Fire Marshal may utilize the standards, specifications, and Tentative Interim Amendments from the National Fire Protection Association subsequent to a promulgation of the Fire Prevention Regulations.

3.5.6 Conflicting Provisions. When any provision of these Regulations is found to be in conflict with any other provisions of these Regulations, the provision which establishes the higher standard for the promotion and protection of the safety and welfare of the public shall prevail.

3.5.7 Conflict With Codes and Standards Listed In Annex A and any regulations promulgated by the State Fire Prevention Commission. When there is a conflict with the Codes and Standards of the National Fire Protection Association, as listed in Annex A of these Regulations, and any regulation promulgated specifically by the State Fire Prevention Commission, and such conflict has not been identified in Annex B of these Regulations as an addition, deletion, or change to those Codes and Standards, then the regulation, as promulgated by the State Fire Prevention Commission, shall be the applicable standard.

Note: Notwithstanding the adopted codes and standards, when the Fire Prevention Commission promulgates a regulation, it is the intent that the regulation be applied to the full extent of the scope and application of the regulation. For example, the Fire Prevention Commission has promulgated a regulation that requires all buildings in excess of 10,000 sq. ft. to be protected throughout by an approved automatic sprinkler system (unless one of the exceptions, as specified in the regulation, can be met). It is not the intent of the Fire Prevention Commission to identify and modify each and every conflict in the adopted codes and standards.

4.0 Review and Updating of Regulations.

4.1 It shall be the duty of the State Fire Marshal to review these Regulations on an annual basis and report his findings to the State Fire Prevention Commission at its October meeting.

4.2 It shall be the duty of the State Fire Marshal to make any recommended changes to these Regulations every three years to the State Fire Prevention Commission at the October meeting. The three year revision schedule shall begin in 1997.

5.0 Authority.

5.1 Administration and Enforcement.

5.1.1 These Regulations shall be administered and enforced by the State Fire Marshal throughout the State of Delaware pursuant to 16 **Del.C.**

5.1.2 Notwithstanding any other provisions of these Regulations, the State Fire Marshal in the enforcement of these Regulations may:

5.1.2.1 Establish a priority for inspections of selected occupancies on a schedule commensurate, in his opinion, with the resources available to conduct such inspections.

5.1.2.2 Establish a response program to any and all complaints, inquiries, etc. regarding the remaining occupancies, operations, etc. not covered in §5.1.2.1 above. This response program shall be commensurate, in his opinion, with the resources available to handle such complaints, inquiries, etc.

Note: It is the intent of this §5.1.2 to provide the State Fire Marshal with a methodology for enforcement of these Regulations to separate proactive inspections of a priority nature from responses to complaints or inquires made, with the resources available to carry out the enforcement aspects of these Regulations

5.2 Alternatives.

5.2.1 The State Fire Marshal may accept alternatives to specific systems, conditions, arrangements, materials, or equipment required by these Regulations. Such alternatives shall afford an equivalent level of fire safety, in the opinion of the State Fire Marshal. An alternative provided for by this Section does not constitute a variance, waiver, or special exception to these Regulations. (See §7.0.).

Note: This change merely adds the word "Fire" before safety for emphasis.

5.2.2 Application for Alternatives. Each request for an alternative shall be filed with the State Fire Marshal and shall be accompanied by such evidence, letters, statements, results of tests, or other supporting information as may be required to justify the request. The State Fire Marshal shall keep a record of his actions on such applications and a signed copy of his decision shall be provided to the State Fire Prevention Commission and the applicant.

5.3 Right of Entry.

5.3.1 To the full extent permitted by law, the State Fire Marshal is authorized at all reasonable times to enter and examine any building, marine vessel, vehicle, or premises for the purposes of making fire safety inspections. Before entering a private building or dwelling, the State Fire Marshal shall obtain the consent of the occupant thereof or obtain a search warrant authorizing his entry for the purpose of inspection except in those instances where an emergency exists. As used in this section, "emergency" means circumstances which the State Fire Marshal knows, or has reason to believe exist, and which reasonably may constitute immediate and grave danger to life or property.

5.3.2 It shall be unlawful for any person to interfere with the State Fire Marshal while he is carrying out any duties or functions prescribed by these Regulations.

5.3.3 It shall be unlawful for any unauthorized person to use an official badge, uniform, or other credentials so as to impersonate the State Fire Marshal.

5.4 Implied Consent.

5.4.1 Any application for, or acceptance of, any license or permit requested or issued pursuant to these Regulations constitutes agreement and consent by the person making the application or accepting the license or permit to allow the State Fire Marshal to enter the premises at any reasonable time to conduct such inspections as required by these Regulations or deemed necessary by the State Fire Marshal to determine compliance with the requirements for such license or permit.

5.5 Authority to Investigate Fires and Explosions.

5.5.1 The State Fire Marshal shall have the authority to investigate the cause, origin, and circumstances of any fire or explosion occurring within the State of Delaware. The State Fire Marshal shall have the authority to

take custody of all physical evidence relating to the cause of the fire or explosion and to continue the investigation to conclusion. Proprietary information, which may relate to trade secrets or processes, shall not be made part of the public record except as may be directed by a court of law.

6.0 Enforcement Provisions.

6.1 Responsibility for Enforcement.

6.1.1 Administration and Enforcement. The State Fire Marshal shall be responsible for the administration and enforcement of these Regulations pursuant to 16 **Del.C.**

6.2 Issuance of Code Related Documents.

6.2.1 The State Fire Marshal shall be responsible for the issuance of licenses, permits, certificates, notices and approvals or orders pertaining to fire control and fire hazards, as provided for in these Regulations.

6.3 Hazard Abatement Procedures.

6.3.1 Summary Abatement. The State Fire Marshal shall have the authority to summarily abate any condition which is in violation of any provision of these Regulations, and which presents immediate danger to life.

6.3.2 Written Notice. Except as provided in §6.3.1 of these Regulations, whenever the State Fire Marshal shall find any violation of these Regulations he shall report and discuss such violations with the owner, operator, occupant, or other responsible person to determine a schedule and procedure for corrective action. He shall also issue written notices to confirm such findings and discussions as may be necessary to secure compliance with these Regulations. Every notice shall set forth a time limit for compliance at the State Fire Marshal's discretion. Such time limit may be correlated to the degree of hazard created by the violation and availability of means of abatement.

6.4 Serving of Notices.

6.4.1 Any order or notice issued pursuant to these Regulations shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, or by delivering the same to, and leaving it with, a person of responsibility upon the premises. For unattended or abandoned locations a copy of such order or notice shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the order or notice shall be mailed by registered or certified mail, with return receipt requested, to the last known address of the owner, occupant, or both.

6.5 Revocation, Suspension or Denial of Licenses, Permits, Approvals, or Certificates.

6.5.1 The State Fire Marshal shall have the authority to revoke, suspend, or deny any license, permit, approval, or certificate required by these Regulations for noncompliance with the provisions of such a license, permit, approval, certificate, or failure to meet the provisions of these Regulations for the issuance of such license, permit, certificate, or approval.

7.0 Procedures of Appeal.

7.1 Filing of Appeals.

7.1.1 All appeals shall be made in such form as is designated by the State Fire Prevention Commission. Forms for appeal are available at the Office of the State Fire Marshal.

7.1.2 An appeal shall not be considered filed until it has been received by the State Fire Prevention Commission.

7.1.3 All appeals that originate from enforcement action by one of the Assistant State Fire Marshals, from the jurisdictions as defined 16 **Del.C.** §6606(c), shall be reviewed by the State Fire Marshal with the jurisdictional Assistant State Fire Marshal, to determine if, in fact, the State Fire Prevention Regulations appear to have been appropriately interpreted and applied to the case in question.

7.1.3.1 It shall be the responsibility of the jurisdictional Assistant State Fire Marshal, who initiated the enforcement action resulting in the filing of the appeal, to contact the State Fire Marshal and arrange for this review.

7.1.3.2 The State Fire Marshal shall make a report to the State Fire Prevention Commission of his findings with respect to his review of the enforcement action. The report shall be limited to an opinion from the State Fire Marshal that the State Fire Prevention Regulations appear to have been interpreted and applied correctly by the jurisdictional Assistant State Fire Marshal; this information may be considered as part of their deliberation by the State Fire Prevention Commission as to the validity of the need for an appeal hearing.

7.1.3.3 If the State Fire Prevention Commission finds that the State Fire Prevention Regulations have not been correctly interpreted or applied by the jurisdictional Assistant State Fire Marshal, then the Commission may remand the issue back to the jurisdictional Assistant State Fire Marshal for appropriate application of the State Fire Prevention Regulations.

7.2 Time within which appeals may be made.

7.2.1 Any person alleging that there is error in an order or decision of the State Fire Marshal may appeal to the State Fire Prevention Commission within 45 days after such order or decision is made.

7.2.2 Any person seeking a variance, special exception, interpretation, or decision upon some other special question may appeal to the State Fire Prevention Commission at any time.

7.3 Operation of Appeal as a Stay.

7.3.1 The filing of an appeal shall not automatically stay the operation of the order or decision of the State Fire Marshal on which the appeal is made.

7.3.2 The State Fire Prevention Commission may, however, upon petition, grant a stay pending the outcome of an appeal where it is found that a stay will not cause immediate detriment to the public safety. The burden of proof shall be upon the party requesting the stay.

7.4 Time of Hearing; Notice.

7.4.1 All appeals, unless dismissed by the State Fire Prevention Commission as unfounded, shall, if reasonably possible, be heard by the Commission within three (3) months after they are filed. The time and place of the hearing shall be fixed by the State Fire Prevention Commission.

7.4.2 Notice of the time and place of the hearing shall be personally served, or sent by registered mail to the address provided on the appeal or request, with return receipt requested, to the appellant at least twenty (20) days prior to the date fixed for the hearing.

7.4.3 Prior to any hearing, the Chairman may designate a member of the State Fire Prevention Commission to serve as the hearing officer.

7.5 Request for Continuance; Failure to Appear.

7.5.1 Requests for continuances must be made in writing to the Chairman of the State Fire Prevention Commission at least one week prior to the date of the hearing. Such requests may be granted upon the showing of good cause thereof.

7.5.2 Requests made less than one week prior to the hearing will not be granted except upon a showing of dire emergency.

7.5.3 In the event a party fails to request a continuance in a timely manner, and fails to appear, the Commission may, at its discretion, after twenty (20) minutes consider that the appeal has been withdrawn and summarily affirm the decision of the State Fire Marshal.

7.6 Hearing Procedure.

7.6.1 All testimony shall be recorded by an electronic recording device and such record shall be preserved for at least sixty (60) days following the hearing. The party initiating the appeal or the party seeking the variance, special exception, interpretation, or other decision upon some other specific question may elect to have the proceedings transcribed by a court reporter and shall be responsible for the following:

7.6.1.1 Making the necessary arrangements to have the court reporter in attendance for the proceedings; and

7.6.1.2 Assuming all costs associated with the court reporter being in attendance and all costs for all transcripts and any copies thereof; and

7.6.1.3 Providing the State Fire Prevention Commission with one original copy and one copy of the transcript.

7.6.2 The State Fire Prevention Commission shall keep a permanent written record of all hearings in the form of official minutes.

7.6.3 Appearances shall be noted in the official minutes.

7.6.4 All testimony shall be taken under oath.

7.6.5

7.6.5.1 All evidence which the State Fire Prevention Commission determines to be relevant, reliable, and not unduly repetitious shall be admissible.

7.6.5.2 Objections to the admission or exclusion of evidence shall be brief and shall state the grounds for objection.

7.6.5.3 Any offer of proof made in connection with an objection taken to any admission or exclusion of evidence shall consist of a statement of that which the offerer contends would be adduced by such testimony or document. Where the offer concerns a document, a copy of same shall be marked for identification.

7.6.6 Appellant shall appear personally and may be represented by counsel. If appellant is a corporation, it shall be represented by counsel.

7.6.7 The State Fire Prevention Commission shall open the hearing with a brief statement of the purpose of the hearing.

7.6.8 Appellant shall then testify in his behalf and shall be subject to examination by the State Fire Prevention Commission.

7.6.9 Appellant may follow his testimony with the production of additional evidence in support of his position.

7.6.10 Following appellant's presentation, opposing evidence may be presented by the State Fire Marshal.

7.6.11 Any documentary evidence, which the appellant may elect to present at the hearing, may be returned to him, upon receipt of written request for the return of such documents, within sixty (60) days of the date of the hearing. Otherwise, the State Fire Prevention Commission may dispose of such evidence at its discretion.

8.0 Requests for a Variance or Special Exception to the State Fire Prevention Regulations.

8.1 When a request for a variance or a special exception to the State Fire Prevention Regulations is put before the State Fire Prevention Commission, and the State Fire Marshal is in agreement with the granting of the variance or special exception, then the following procedure will take place:

8.1.1 The State Fire Marshal will submit a statement of support for the variance or the special exception to the State Fire Prevention Commission, providing the basis of the opinion of the State Fire Marshal for such support.

8.1.2 The State Fire Prevention Commission may accept the recommendation of the State Fire Marshal and grant the variance or special exception without the requesting party having to appear before the Commission.

8.2 If the State Fire Prevention Commission decides that additional information or testimony is required in order to render a decision, then the provisions of Chapter 1, §7.0, Procedures of Appeal, shall be applied.

Chapter 2 Definitions

1.0 Definitions.

Words and phrases defined in this Chapter are intended for use with all sections of these Regulations. Definitions set forth in any document referenced by these Regulations shall be the acceptable definition for use in that document as well as any other document or Chapter referenced. Words and phrases not specifically defined in these Regulations or other referenced documents, shall be read with their context and shall be construed according to the common and approved usage of the English language. Technical words and phrases not defined herein which have acquired a particular and appropriate meaning in the industry shall be construed and understood according to the appropriate meaning.

"**Accepted Engineering Practice**". That which conforms to accepted principles, tests, or standards of nationally recognized technical or scientific authorities.

"**Addition**" Any extension or increase in floor area or height of a building or structure.

"**Alterations**" As applied to a building or structure, means any change or rearrangement in the structural parts or in the means of egress; or an enlargement, whether by extending on a side or by increasing in height; or the moving from one location or position to another. Also, as applied to systems, means any change or rearrangement of any wiring, piping, part or other component, whether by extending the system; or the moving from one location or position to another.

"**Alternative**" A system, condition, arrangement, material, or equipment submitted to the State Fire Marshal as a substitute for a requirement of these Regulations.

"**Approved**" Acceptable to the State Fire Marshal. In determining the acceptability of installations or procedures, equipment or materials, the State Fire Marshal may base acceptance on compliance with NFPA or other appropriate standards. In the absence of such standards, he may require evidence of proper installation, procedure, or use. The State Fire Marshal may also refer to the listings or labeling practices of nationally recognized testing laboratories, inspection agencies, or other organizations concerned with product evaluations which are in a position to determine compliance with appropriate standards for the current production of listed items, and the satisfactory performance of such equipment or materials in actual usage.

"**Approved Wasteburner**" A noncombustible container in which a fire is built with no openings greater than 1/4 inch.

"**Authority Having Jurisdiction (AHJ)**" "The authority having jurisdiction" is the organization, office, or individual responsible for "approving" equipment, an installation, or a procedure. In this context, it shall mean the State Fire Marshal.

"**Automatic"** As applied to fire protection devices, is a device or system providing an emergency function without the necessity of human intervention and activated as a result of a predetermined temperature rise, rate of rise of temperature, or increase in the level of combustion products.

"**Automatic Fixed Fire Protection System**" Any system which is designed and installed to detect a fire and to subsequently discharge an extinguishing agent without human activation or direction. (Excluding automatic sprinkler systems).

"**Automatic Sprinkler System**" For fire protection purposes, an integrated system of underground and overhead piping designed in accordance with fire protection engineering standards. The installation includes one or more automatic water supplies. The portion of the sprinkler system aboveground is a network of specially sized or hydraulically designed piping installed in a building, structure, or area, generally overhead, and to which sprinklers are attached in a systematic pattern. The valve controlling each system riser is located in the system riser or its supply piping. Each sprinkler system riser includes a device for actuating an alarm when the system is in operation. The system is usually activated by heat from a fire and discharges water over the fire area.

"**Basement**" Any area that is more than 50% below the highest grade level.

"**Building**" Any structure used or intended for supporting or sheltering any use or occupancy. The term "building" shall be construed as if followed by the words "or portions thereof".

"**Business Occupancy**" All buildings used for the transaction of business (other than that covered under mercantile) for the keeping of accounts and records and similar purposes.

"**Capable Of Self Preservation**" As defined for use within these Regulations and in conjunction with the Life Safety Code, NFPA 101, three items must be met in order to meet this definition:

1. Individuals must be capable of recognizing a fire or other life threatening emergency; and
2. Individuals must be capable of activating an alarm to alert others to the emergency; and
3. Individuals must be capable of exiting a building under normal conditions without any assistance from others using approved fire exits only (not elevators).

"**Certificate**" A written document issued by authority of the State Fire Marshal to any person to engage in any operation or act for which certification is required.

"**Chairman**" The presiding officer of the Commission, selected from among its members, pursuant to 16 **Del.C.** §6602(a).

"**Code**" Shall mean these Regulations.

"**Combustible**" Capable of undergoing combustion. A material which cannot be classified as noncombustible in accordance with that definition.

"**Combustible Fiber**" Any material in fibrous or shredded form which will readily ignite when heat sources are present.

"**Combustible Liquids**" Any liquid having a flash point at or above 100 degrees Fahrenheit shall be known as Class II or III liquids. Combustible liquids shall be divided into the following classifications:

"**Class II**" Liquids having flash points at or above 100 degrees Fahrenheit and below 140 degrees Fahrenheit.

"**Class IIIA**" Liquids having flash points at or above 140 degrees Fahrenheit and below 200 degrees Fahrenheit.

"**Class IIIB**" Liquids having flash points at or above 200 degrees Fahrenheit.

"**Combustible Refuse**" All combustible or flammable loose rubbish, litter, or waste materials generated by an occupancy which are refused, rejected, or considered worthless and are disposed of by incineration on the premises where generated or periodically transported from the premises.

"**Combustible Waste**" Combustible or flammable loose waste materials which are generated by an establishment or process, and being salvageable, are retained for scrap for reprocessing on the premises where generated or transported to a plant for processing, including but not limited to, all combustible fibers, hay, straw, hair, feathers, down, wood shavings, turnings, all types of paper products, soiled cloth trimmings and cuttings, rubber trimmings and buffings, metal fines, and any mixture of the above items, or any other salvageable combustible or flammable waste material.

"**Combustion**" A chemical process that involves oxidation sufficient to produce light or heat.

"**Commission**" The State Fire Prevention Commission as duly appointed and authorized 16 **Del.C.**

"**Condominium**" An apartment building or housing area in which the living units are individually owned.

"**Design Professional**" An Architect, Engineer, or Land Surveyor as defined by the statutory requirements of the Professional Registration Laws of the State of Delaware and registered to practice in the State of Delaware.

"**Detention and Correctional Occupancies**" Those used to house occupants under some degree of restraint or security. Detention and correctional occupancies are occupied by persons who are mostly incapable of self preservation because of security measures not under the occupants' control.

"**Duration**" That period of time during which the required fire flow shall be maintained.

"**Dwelling**" A single unit providing complete and independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking, and sanitation.

"**Educational Occupancy**" All buildings used for the gathering of groups of six (6) or more persons for purposes of instruction up to and including the twelfth grade.

"**Elevator**" A hoisting and lowering mechanism, equipped with a car or platform, which moves in guide rails and serves two or more landings and is classified by the following types:

"**Construction Elevator**" An elevator being used temporarily, only for construction purposes.

"**Freight Elevator**" An elevator used primarily for carrying freight and on which only the operator and the persons necessary for unloading and loading the freight are permitted to ride.

"**Observation Elevator**" An elevator designed to permit exterior viewing by passengers while the car is traveling.

"**One- and Two-Family Elevator**" A passenger elevator which is limited in size, capacity, rise, and speed, and is installed in a one- and two-family dwelling as a means of access.

"**Passenger Elevator**" An elevator used primarily to carry persons other than the operator and persons necessary for loading and unloading.

"**Emergency Access**" That portion of accessibility to a building or parcel of land which is necessary for emergency vehicles to gain access to exits, standpipe connections, and perimeter of a building during an emergency condition.

"**Existing Condition**" Any situation, circumstances, or physical make-up of any structure, premise, or process which was ongoing or in effect prior to the effective date of these Regulations as amended.

"**Explosive**" A chemical compound or mechanical mixture that is commonly used or intended for the purpose of producing an explosion; that contains any oxidizing and combustible units, or other ingredients, in such proportions, quantities, or packing, that an ignition by fire, by friction, by concussion, by percussion, or by detonator, of any part of the compound or mixture may cause such a sudden generation of highly heated gases that the resultant gaseous pressures are capable of producing destructive effects on contiguous objects or destroying life and limb.

"**Explosive Materials**" Explosives, blasting agents, water gels (slurries), and detonators (see Explosive Materials Code, NFPA 495, for a full set of definitions).

"**Exposure Hazard**" The condition in which a property or structure is endangered by a fire in another property or structure.

"**Features of Fire Protection**" Reference the Life Safety Code, NFPA 101, Chapter 6.

"**Fire Alarm Signaling System**" Any system which is designed to detect the existence of fire, and any system which is either automatically or manually activated to either audibly or visually notify anyone either on or off the property or within or without the structure of a fire condition. It shall not include systems or devices which are primarily designed to suppress or extinguish a fire.

"**Fire Barrier**" A continuous membrane, either vertical or horizontal, such as a wall or floor assembly, that is designed and constructed with a specific fire resistance rating to limit the spread of fire and which will also restrict the movement of smoke.

"**Fire Department Connection**" A connection for pumping into an automatic sprinkler system or standpipe to provide additional water supply and suitable pressure.

"**Fire Door**" A tested, listed, or approved door and door assembly constructed and installed for the purpose of preventing the spread of fire through openings in walls, partitions, or other horizontal or vertical construction. (See Standard for Fire Doors and Fire Windows, NFPA 80).

"**Fire Hazard**" Those buildings which have been damaged by fire, wind, explosion, or other causes so as to increase the risk of personal injury or property damage; or those buildings having inadequate facilities for egress in case of fire or panic, or those having insufficient features of fire protection. Also, any thing or act which increases or may cause an increase of the risk or menace of fire to a greater degree than that customarily recognized by persons regularly engaged in preventing, suppressing, or extinguishing fire; or which may obstruct, delay, hinder, or interfere with the operations of the fire department or the egress of occupants in the event of fire.

"**Fire Hydrant**" A valved connection on a water supply system having one or more outlets and which is used to supply hose and fire department pumpers with water.

"**Fire Marshal**" Shall include the Delaware State Fire Marshal, his Deputies and duly authorized representatives, as well as any Assistant State Fire Marshals appointed pursuant 16 **Del.C.** §6606 (c).

"**Fire Protection System**" Any fire alarm device or system or fire extinguishing device or system, or their combination, which is designed and installed for detecting, controlling, or extinguishing a fire, or otherwise alerting occupants or the fire department, that a fire has occurred.

"**Fire Resistance Rating**" The time in hours or fractions thereof that materials or their assemblies will resist fire exposure as determined by the fire test specified in these Regulations.

"**Fire Retardants**" Liquids, solids, or gases which tend to inhibit combustion when applied on, mixed in, or combined with combustible materials.

"**Fire Suppression System**" Consists of an automatic or manual system designed to protect the interior or exterior of a building or structure from fire. Such systems include, but are not limited to, water systems, water spray systems, foam-water systems, foam-water spray systems, CO2 systems, foam extinguishing systems, dry chemical systems, halon and other chemical systems used for fire protection. Such systems also include the overhead and fire mains, standpipes and hose connections to systems, tank heaters, air lines, thermal systems used in connection with sprinklers, tanks, and pumps connected thereto.

"**Fireworks Display**" The use of fireworks in a manner to provide audio and visual entertainment.

"**Flamespread Rating**" The comparative performance of fire travel over the surface of a material when tested in accordance with the provisions of Standard Method of Test of Surface Burning Characteristics of Building Materials, NFPA 255.

"**Flammable Liquids**" Any liquid having a flash point below 100 degrees Fahrenheit, and having a vapor pressure not exceeding 40 psi at one hundred degrees Fahrenheit. Flammable liquids shall be known as Class 1 liquids and be divided into the following classifications:

"**Class IA**" Liquids having flash points below 73 degrees Fahrenheit and having a boiling point below 100 degrees Fahrenheit.

"**Class IB**" Liquids having flash points below 73 degrees Fahrenheit and having a boiling point at or above 100 degrees Fahrenheit.

"**Class IC**" Liquids having flash points at or above 73 degrees and below 100 degrees Fahrenheit.

"**Floor Area, Gross**" Gross floor area shall be the floor area within the inside perimeter of the outside walls of the building under consideration with no deduction for hallways, stairs, closets, thickness of interior walls, columns, or other features.

"**Floor Area, Net**" Net floor area shall be the actual occupied area, not including accessory unoccupied areas or thickness of walls.

"**GPM**" The abbreviation for gallons per minute, a unit of measurement.

"**Garage**" A building or a portion of a building in which one or more self-propelled vehicles carrying volatile flammable liquid for fuel or power are kept for use, sale, storage, rental, repair, exhibition, or demonstrating purposes, and all that portion of a building that is on or below the floor or floors in which such vehicles are kept and that is not separated as required elsewhere by the Regulation.

"**Grade**" The reference plane representing the elevation of finished ground level adjoining the building at all exterior walls.

"**Ground Kettle**" A container which may or may not be mounted on wheels and is used for heating tar, asphalt or similar substances.

"**Hazard Of Contents"** For determining classification of hazard as it pertains to occupancy as referenced in the Life Safety Code, NFPA 101.

"**High Hazard"** High hazard contents shall be classified as those that are likely to burn with extreme rapidity or from which explosions are likely.

"**Low Hazard**" Low hazard contents shall be classified as those of such low combustibility that no self-propagating fire therein can occur.

"**Ordinary Hazard**" Ordinary hazard contents shall be classified as those that are likely to burn with moderate rapidity or to give off a considerable volume of smoke.

"Hazard of Contents" For determining classification of sprinkler systems as referenced in Standard for the Installation of Sprinkler Systems, NFPA 13.

"**Light Hazard**" Occupancies or portions of other occupancies where the quantity and/or combustibility of contents is low, and fires with relatively low rates of heat release are expected.

"**Ordinary Hazard, Group 1**" Occupancies or portions of other occupancies where combustibility is low, quantity of combustibles is moderate, stockpiles of combustibles do not exceed eight feet (8'), and fires with moderate rates of heat release are expected.

"**Ordinary Hazard, Group 2**" Occupancies or portions of other occupancies where quantity and combustibility of contents is moderate to high, stockpiles do not exceed twelve feet (12'), and fires with moderate to high rates of heat release are expected.

"**Extra Hazard**" Occupancies or portions of other occupancies where quantity and combustibility of contents is very high and flammable and combustible liquids, dust, lint, or other materials are present, introducing the probability of rapidly developing fires with high rates of heat release.

"**Height**" For purposes of determining building height, measurements shall be measured from the lowest level of fire department vehicle access to the floor of the highest occupiable story.

"**High Rise Building**" Any building that exceeds 75 feet in height.

"**High Hazard Occupancy**" Any building or area classified as high hazard within the Life Safety Code, NFPA 101, or as extra hazard within the Standard for the Installation of Sprinkler Systems, NFPA 13.

"**HVAC**" Systems or components which provide heating, ventilation, and air conditioning to a building or structure.

"**Incidental Use**" Where the use is supplemental to the main use of the building and the area devoted to such use does not occupy more than ten percent of the area of any floor, the building shall be classified according to the main use. Additionally, where the incidental use is a higher hazard than the main use, it shall be constructed and separated by fire resistance rated construction as required in this code.

"**Inclined Wheel Chair Lift**" A powered hoisting and lowering mechanism to transport mobility-impaired persons on a guided platform that travels on an incline.

"**Industrial Occupancy**" All buildings used for making products of all kinds and properties devoted to operations such as processing, assembly, mixing, packaging, finishing or decorating, and repairing.

"**Inimicable Hazard**" A condition or practice in an occupancy or structure that poses a danger that could reasonably be expected to cause death, serious physical harm, or serious property loss.

"**Institutional Occupancy**" All buildings used for purposes such as medical or other treatment or care of persons suffering from physical or mental illness, disease or infirmity; for the care of infants, convalescents or aged persons; and for penal or corrective purposes. Institutional buildings provide sleeping facilities for the occupants and are occupied by persons who are mostly incapable of self preservation because of age, physical or mental disability, or because of security measures not under the occupants' control.

"**Internal Fire Separation**" A wall, floor or wall/floor assembly constructed to meet specific standards for resisting the spread of fire and smoke.

"**Large Area Building**" Any building that exceeds one-hundred thousand (100,000) square feet gross floor area on any one floor.

"**License**" An official document issued by the State Fire Marshal for the purpose of authorizing performance of an activity on an annual basis.

"**Listed**" Equipment or materials included in a list published by an organization acceptable to the State Fire Marshal and concerned with product evaluation, that maintains periodic inspection of production of listed equipment or materials and whose listing states either that the equipment or material meets appropriate standards or has been tested and found suitable for use in a specified manner.

"**Loose House**" A separate detached building in which unbaled combustible fibers are stored.

"**Marine Vessel**" Every description of water craft or other artificial contrivance used as a means of transportation in or on the water.

"**Mercantile Occupancy**" All buildings used as shopping centers, stores, markets and rooms for the display and sale of merchandise. Mercantile occupancies are broken down into three (3) classes as noted below.

"**Class A**" All stores having aggregate gross area of 30,000 square feet or more, or utilizing more than three floor levels.

"**Class B**" All stores of less than 30,000 square feet aggregate gross area, but over 3,000 square feet or utilizing any floors above or below street floor level.

"**Class C**" All stores of 3,000 square feet or less aggregate gross area and limited to street floor only.

"**Mid Rise Building**" Any building within the following occupancy classification that exceeds 50 feet in height and up to 75 feet in height.

Health Care Occupancies

Ambulatory Health Care

Detention and Correction Occupancies

Residential to include Hotels, Dormitories, Lodging and Rooming Houses,

Apartments/Condominiums, Residential Board and Care

"**Mixed Occupancies**" Two or more classes of occupancy occurring in the same building.

"**Mini-Storage Building**" A storage occupancy partitioned into areas that are rented or leased for the purposes of storing personal or business items where all of the following apply: (1) the storage areas are separated from each other by less than a 1-hour fire resistance rated barrier, (2) the owner of the facility does not have unrestricted access, and (3) the items being stored are concealed from view from outside the unit.

"**Notice**" A written statement which gives an order, information, or warning.

"**Occupancy**" The purpose for which a building or portion thereof is used or intended to be used.

"**Occupancy Change**" An alteration by change of use (as defined and determined under the Life Safety Code, NFPA 101, Chapter 4) in an existing building to a new occupancy classification which imposes other provisions of law governing building construction, features of fire protection, and means of egress.

"**Occupancy Classification**" The various classes of occupancy as listed and defined under the Life Safety Code, NFPA 101, Chapter 4 and reprinted under these definitions.

"**Occupied**" A building is occupied at any time it is open or accessible to the public or at any time it is occupied by more than ten (10) persons.

"**Owner**" Any person who alone, or jointly or severally with others, shall have legal title to any building, structure, or premise with or without accompanying actual possession thereof and shall include the duly authorized agent or attorney, a purchaser devisee, fiduciary, and any person having a vested or contingent interest in the property in question.

"**Patch Kettle**" Any pot or container with a capacity of less than six (6) gallons, used for preheating tar, asphalt, pitch, or similar substances for the repair of roofs, streets, floors, pipes, or similar objects.

"**Perimeter Accessibility**" The building's perimeter which normally constitutes the building's exterior walls and shall be measured at and along the uppermost portion of the building's exterior walls.

"**Permit**" An official document issued by the State Fire Marshal for the purpose of authorizing performance of a specified activity.

"**Person**" Includes an individual, a corporation, firm, partnership, association, organization and any other group acting as a unit. It shall also include an executor, administrator, trustee, receiver, or other legal representative appointed according to law. Whenever the word "person" is used in any section of these Regulations prescribing a penalty or fine as to partnerships or associations, the word shall include the partners or members thereof named in the violation notice, and as to corporations, shall include the officer, agents or members thereof named in the violation notice.

"**Place of Assembly (Assembly Occupancy)**" All buildings or portions of buildings used for gathering together fifty (50) or more persons. Places of assembly shall include, but not be limited to, those facilities used for such purposes as deliberation, worship, entertainment, amusement, or awaiting transportation. Places of assembly are broken down into three (3) classes as defined below:

"**Class A**" Capacity of greater than 1,000 persons.

"**Class B**" Capacity of greater than 300 persons but not greater than 1,000 persons.

"**Class C**" Capacity of 50 or more but not greater than 300 persons.

Occupancy of any room or space for assembly purposes by less than fifty (50) persons in a building of other occupancy shall be classified as part of the other occupancy for purposes of review under these Regulations.

"**Primary Exits**" The principle entrance/exit to a building and/or developed parcel of land.

"**Primary Fire Lanes**" That portion of the emergency access which shall serve the primary exits and typical store front portions of a building or developed parcel of land.

"**Private Dwelling**" The same as one-and two-family dwelling.

"**Process**" The manufacturing, handling, blending, conversion, purification, recovery, separation, synthesis or use, or any combination of any commodity or material regulated by these Regulations.

"**Property Line**" A line separating land or structures which defines the boundaries of ownership or responsibility.

"**PSI**" The abbreviation for pounds per square inch. A unit of measurement used to measure the amount of force exerted on a 1 inch square area.

"**Public Accommodations**" Include all occupancies available to the public for lease, hire or rental, in which there are provided sleeping accommodations, for four (4) or more persons and known as hotels; motels; rooming, lodging or boarding houses; Bed and Breakfasts, country inns, guest houses; residential board and care facilities; or such occupancies known by any other name.

"**Residential Occupancy**" Includes all buildings as listed below:

"**Apartment Building**" Includes buildings containing three (3) or more living units with independent cooking and bathroom facilities, whether designated as apartment house, tenement, garden apartment, condominium, or by any other name.

"**Dormitories**" Includes buildings where group sleeping accommodations are provided for persons not members of the same family group in one room or in a series of closely associated rooms under joint occupancy and single management, as in college dormitories, fraternity houses, military barracks, ski lodges; with or without meals.

"**Hotels**" Includes buildings or groups of buildings under the same management in which there are more than fifteen (15) sleeping accommodations for hire, primarily used by transients who are lodged with or without meals, whether designated as a hotel, inn, club, motel, or by any other name. So called "apartment hotels" shall be classified as hotels because they are potentially subject to transient occupancy like that of hotels.

"**Lodging or Rooming Houses**" Includes buildings in which separate sleeping rooms are rented providing sleeping accommodations for a total of fifteen (15) or less persons, on either a transient or permanent basis; with or without meals, but without separate cooking facilities for individual occupants, except as provided in One- and Two-Family Dwellings.

"**One-And Two-Family Dwellings**" Includes buildings containing not more than two dwelling units in which each dwelling unit is occupied by members of a single family with not more than three outsiders, if any, accommodated in rented rooms.

For the purposes of these Regulations, a one-and two family dwelling or a single family dwelling is defined as:

1. An individual, detached, stand alone dwelling unit, or;
2. Attached units of not more than two, commonly referred to as a DUPLEX and separated by walls between units constructed as a Two Hour Rated (Class C) Fire Barrier Wall, or shall have a one hour rated floor/ceiling assembly, completely separating the two units. Additionally each unit of a DUPLEX shall be served by an exit directly to the exterior at grade level, or;
3. A TOWNHOUSE, as defined in these Regulations.

"**Townhouse**" A single-family unit in a row of attached units (3 or more) separated by walls, between units, constructed as a Two Hour Rated (Class C) Fire Barrier Walls, separated by property lines, and with open space on at least two sides. Additionally, each unit of a townhouse shall be served by an exit directly to the exterior at grade level. When the specifications for fire rated assemblies as called for in the classification of TOWNHOUSE, ROWHOUSE, etc. are not met, then the occupancy shall be classified as a MULTI-FAMILY RESIDENTIAL or APARTMENT occupancy and shall meet all the specifications for that occupancy.

"**Residual Pressure**" For fire flow purposes, is that portion of normal operating pressure that is remaining in the water system while water is flowing for normal consumption demands and for either test purposes or for fire fighting.

"**Restaurant**" Shall include those facilities which, at all times, are primarily engaged in the serving of meals with or without entertainment. NOTE: The primary intent of this definition is to exclude as restaurants those facilities devoted entirely or in part to the serving of alcoholic beverages and providing of entertainment such as a lounge.

"**Required Flow**" As used in this Regulation, shall mean the necessary and/or required rate of water flow which shall be delivered to the area of need at a rate and pressure as prescribed herein. Normally expressed in gpm.

"**Roofing Kettle**" Any container in excess of fifteen (15) gallons capacity used for preheating tar, asphalt, pitch or similar substances for waterproofing.

"**Rubbish**" Shall include any solids which are highly flammable, combustible or explosive, including but not limited to rags, clothes, excelsior, leather, rubber, carpets, paper, ashes, furniture, tree clippings, grasses, leaves, vegetation, tires, and any other materials which freely burn and which have been discarded.

"**Secondary Exits**" The required exits from either the sides or rear of a building which are not customarily used for public entrance/access.

"**Secondary Fire Lane**" That portion of an emergency access which shall provide accessibility to secondary exits, fire department connections, and like features of fire protection which are not normally considered as part of the store front portions of a building or parcel of land and do not normally have customary access by the public.

"**SFPR**" Delaware State Fire Prevention Regulations.

"**Site Plan**" A drawing illustrating a proposed development, change, and/or revision of a property or properties. When required by the Fire Marshal, or other sections of this Regulation, the site plan shall be prepared in accordance with the specifications of Chapter 4, §4 of this Regulation.

"**Smoking**" Lighting, igniting, holding, or possessing any lighted cigar, cigarette, or pipe; or carrying, throwing, or depositing any lighted or smoldering cigar, cigarette or pipe.

"**Smoking Area**" A designated area where smoking is permitted within premises where smoking is generally prohibited.

"**Standpipe**" A wet or dry fire pipe line equipped with valves, hose outlets and possibly hose extending from the lowest to the topmost story of a building or structure and designed for the specific purpose of conveying water to various parts of a building for fire fighting purposes.

"**State Fire Marshal**" The State Fire Marshal, his deputies and duly authorized representatives, as well as Assistant State Fire Marshals, appointed pursuant to 16 **Del.C.** §6606 (c).

"**State Fire Prevention Commission**" The legal body duly appointed and authorized to act pursuant 16 **Del.C.**, Chapter 66.

"**Storage Occupancy**." Includes all buildings or structures utilized primarily for the storage or sheltering of goods, merchandise, products, vehicles, or animals.

"**Story**" That portion of a building included between the upper surface of a floor and lower surface of the floor or roof next above.

"**Street**" A public thoroughfare (street, avenue, or boulevard) which has been dedicated for vehicular use by the public and can be used for access by fire department vehicles.

"**Strip Shopping and/or Office Centers**" Includes one-story buildings in which several tenants occupy portions of the building. All tenants have their own separate entrances from the outside, with all outside entrances on one or more "front" sides. Occupancies include, but are not limited to Business and Mercantile.

"**Subdivision**" The division or re-division of a lot, tract or parcel of land by any means including by means of a plan or plot or a description by metes and bounds, into two or more lots, tracts, parcels or other divisions of land, for the purpose, whether immediate or future, of lease, of the transfer of ownership or building development; provided, however, that the division of land for agricultural purposes into parcels of ten acres or more and not involving any new streets or easements of access, divisions of property by testamentary or interstate provisions, or divisions of property upon court order, shall be exempt.

"**Major**" A residential or industrial subdivision plan depicting the subdivision of land into two or more parcels or lots, and involving a proposed street; a plan of a materials excavation pit, multi-family subdivision, mobile dwelling park subdivision; or of a commercial subdivision containing more than three thousand five hundred square feet of gross leasable floor area and involving the development of one or more parcels or lots.

"**Minor**" A residential development depicting the subdivision of land into two or more parcels or lots, but not involving a new street; a plan of a commercial subdivision involving the development of one or more parcels or lots, but not containing more than three thousand five hundred nor less than one thousand square feet of gross leasable floor area; a plan of an industrial subdivision involving the development of more than one parcel or lot, but not involving a new street; a plan of an industrial or institutional subdivision involving the development of not more than one parcel or lot, but not containing less than five thousand square feet of gross floor area.

"**Summarily Abate**" To immediately judge a condition to be a life hazard and to order immediate correction of such condition.

"**System**" Several items of equipment assembled, grouped or otherwise interconnected for the accomplishment of a purpose or function.

"**These Regulations**" The currently adopted edition of the Delaware State Fire Prevention Regulations and National Fire Protection Association Codes and Standards as incorporated by reference as identified under Regulation 701, Annex A.

"**Vertical Platform Lift**" A powered hoisting and lowering mechanism designed to transport mobility-impaired persons on a guided platform that travels vertically.

"**Water Capacity**". The volumetric measure of the amount of water a container can hold.

"**Water Distribution Systems**" Shall include all water mains and associated equipment, both public and private, serving fire hydrants or fire protection water distribution systems.

"**Water Supplier**" Shall include but not be limited to all persons or companies, both public and private, owning, operating, maintaining and/or having control over fire protection water distribution systems.

"**Written Notice**" A notification in writing delivered in person to the individual or parties intended, or delivered at, or sent by, certified or registered mail to the last known residential or business address.

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Chapter 3 Licenses and Permits Required

1.0 General.

1.1 It shall be unlawful to maintain, store, use or handle materials or to conduct processes which could produce conditions hazardous to life or property or to install equipment used in connection with such activities without first obtaining a license or permit to conduct said processes or install such equipment.

1.2 For the purposes of this Regulation, a Registered Delaware Professional Engineer shall be recognized as a license or permit holder without further qualification, with respect to the preparation and submission of technical documents relating to fire suppression and fire alarm signaling systems.

1.3 The State Fire Marshal shall issue a license or permit upon satisfactory proof of compliance with the requirements of this Regulation. No license or permit issued under this Regulation shall take the place of any other license or permit required by other codes or laws of the State of Delaware.

1.4 A license or permit issued under this Regulation shall continue until revoked, suspended, or for the period of time designated therein at the time of the issuance of the license. The license or permit shall be issued to one person or business only and for the location or purpose described in the license or permit. Any change which affects any of the conditions of the license or permit shall require a new license or permit.

1.5 Before issuance of a license or permit the State Fire Marshal may inspect the building, hazard, occupancy, premises, process, structure, system or vehicle to be utilized.

1.6 All applications for a license or permit required by this Regulation shall be made to the State Fire Marshal in such form and detail as he shall prescribe. Applications for licenses or permits shall be accompanied by such plans as required by the Office of the State Fire Marshal.

1.7 Licenses and permits shall at all times be kept on the premises designated therein, and shall at all times be subject to inspection by any representative of the Office of the State Fire Marshal.

1.8 One license or permit only shall be required by establishments dealing in, or using, two or more flammable, combustible, or explosive materials to be kept in the establishment at any one time, but each of the materials shall be listed in the license or permit.

~~1.9 The fee for each license shall be as contained in Appendix E of these Regulations.~~

~~1.10 The fee for each permit shall be as contained in Appendix E of these Regulations.~~

1.1~~1~~9 The State Fire Marshal may revoke, suspend, or deny any license or permit issued under these Regulations, for any violation of these regulations that is not corrected; or for a false statement or misrepresentation as to a material fact in the application or plans on which the license or permit was issued.

2.0 License Required.

2.1 An annual license shall be obtained from the State Fire Marshal to engage in any of the following businesses, operations or services:

2.1.1 Automatic Fire Suppression Systems (Sprinklers & Special Hazards). Prepare Technical Documents; Install; Service; Maintain; Test

2.1.2 LP-Gas. Retail Dispensing (any size storage tank), and/or Tank Installations (at consumer sites, tanks with an aggregate water capacity of 1000 gallons or more).

2.1.3 Explosives. Transport; Sale; Storage; and/or Blaster's (Individual).

2.1.4 Fireworks Shooters.

2.1.5 Flammable/Combustible Liquids. Service Stations; and/or Tank Installations/Fuel Dispensing.

2.1.6 Fire Extinguishers. Service; Repair; and/or Test.

2.1.7 Fixed Fire Suppression Systems (Hood Systems). Prepare Technical Documents; Install; Service; Maintain; and/or Test.

2.1.8 Automatic Fire Suppression Systems (Sprinklers). Prepare Technical Documents; Install; Service; Maintain; and/or Test.

2.1.9 Fire Alarm Signaling Systems. Prepare Technical Documents; Install; Service; Maintain; and/or Test.

2.1.10 Public Accommodations.

2.1.10.1 Hotels/Motels, except individually owned tenant spaces, such as condominiums that may be rented.

2.1.10.2 Bed and Breakfasts, Country Inns, Guest Houses or such occupancies by any other name.

2.1.10.3 Rooming, Lodging and Boarding Houses with four persons or more as residents.

2.1.11 Places of Assembly. License issued for specific use pursuant to the Life Safety Code, NFPA 101; State Fire Marshal review and approval process.

2.1.12 Covered Malls. License in addition to permit for each show, display, sidewalk sale, etc.

2.1.13 Fun Houses. Permanent.

3.0 Permit Required.

3.1 A permit shall be obtained from the State Fire Marshal to engage in any of the following businesses, operations or services when limited to a specific date(s) or event:

3.1.1 Burning. Pursuant to the authority vested in the State Fire Marshal in Regulation 705, Chapter 1, §1.5, permit is required for special burning when all outdoor fires are prohibited.

3.1.2 Explosives. Use permit each job site.

3.1.3 Special Amusement Attractions. Haunted Houses.

3.1.4 Fireworks. Transportation, and/or Public Displays

3.1.5 Places of Assembly. Circuses, carnivals, festivals or any other activities where more than 50 persons may congregate within one tent, canopy or other structure as defined in the Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, NFPA 102.

3.1.6 Places of Assembly, Class A and Class B *

Special Events - any single event that increases the occupant load or creates a higher level fuel load for a building that is beyond the scope of the building's intended use.

Note: Places of Assembly, Class A and Class B - Any specific building, room or area that is designated as a Class A or B Place of Assembly. An example would be a gymnasium that is used by the school for spectator school athletics. But some promoter wants to use the gymnasium for a boxing event or a wrestling event with paying customers. This changes the nature of a gymnasium and will allow more people. This is a typical "special event".

3.1.7 Fumigation. Reserved.

3.1.8 Amusement Rides.

3.1.9 Impairment Fire Protection.

3.1.10 Bowling Lanes. Refinishing of lanes or pins.

3.1.11 Exhibit, Craft, Trade Shows, Etc. Permit for each exhibit, craft shows, sidewalk sale, etc., in covered malls.

3.1.12 Outdoor Tire Storage And Disposal Sites.

4.0 Compliance Required.

4.1 In the issuing of a license, the State Fire Marshal may issue such license, setting forth specific and individual requirements under which the license or permit is issued.

4.1.1 Such license or permit issued under these Regulations shall be posted in a place within the occupancy that is readily visible to the public.

4.2 In the event that the specific or individual requirements under which such license or permit is issued, are not complied with, then the State Fire Marshal will institute such action to suspend, revoke or deny such license or permit, as will be found in **Chapter 3, §1.0** of this Regulation.

Note: It is the intent of this Section to authorize the State Fire Marshal, when issuing a license or permit to a specific occupancy, to set such specifications and requirements that would limit the specific use of that occupancy.

Chapter 4 Submittal of Plans

1.0 Requirement to Submit Plans.

1.1 Building Plans.

1.1.1 Site plans and building plans providing all information outlined under §4.0 and §5.0 of this Chapter shall be submitted to the Office of the State Fire Marshal for review and approval prior to actual construction with respect to the following:

1.1.1.1 For all new buildings and additions, and;

1.1.1.2 For any building undergoing a change in occupancy, and;

1.1.1.3 For any part of a building suffering damage from fire, explosion or any other cause.

1.1.1.4 For all dwelling units when attached in units of three or more, to verify the fire rated design of the required separation wall between units.

Exception to 1.1.1.4: One- and two-family dwellings classified in Chapter 2 of this Regulation as, (1) individual, detached stand alone dwelling unit, or (2) when attached in units of not more than two, commonly referred to as a DUPLEX.

Exception to 1.1.1: Individual, detached, stand alone single family dwelling units and buildings used wholly for farming purposes.

1.1.2 Plans must be submitted for any building undergoing alteration, renovation, or remodeling which does not meet the above criteria. In this case plans will be reviewed for maintaining proper means of egress and features of fire protection only.

1.2 Subdivision Plans.

1.2.1 Any subdivision plan defined as a major or minor subdivision by any political subdivision's rule or regulations shall be submitted to the Office of the State Fire Marshal for approval.

1.2.2 Subdivision plans shall provide all information outlined under §4.0 of this Chapter.

1.3 Installations Requiring Plan Submittal.

1.3.1 Plans, specifications, and any other construction documents requested by the State Fire Marshal shall be submitted to the Office of the State Fire Marshal for review and approval prior to any construction taking place for the following:

1.3.1.1 protective signaling systems;

1.3.1.2 all fire suppression and extinguishing systems;

1.3.1.3 standpipe systems;

1.3.1.4 fire pumps;

1.3.1.5 water supplies and distribution systems for fire fighting purposes;

1.3.1.6 emergency and exit lighting systems;

1.3.1.7 egress/exiting systems (including but not limited to elevators and escalators);

1.3.1.8 smoke removal and smoke control systems;

1.3.1.9 fire lanes;

1.3.1.10 flammable and combustible liquid installations;

1.3.1.11 flammable gas installations; and

1.3.1.12 other miscellaneous installations falling under the provisions of these Regulations.

1.3.2 Information provided on these plans shall contain all the administrative data as required under §2.0 and §3.0 of this Chapter as well as scale drawings and specific technical details as required under the applicable NFPA Code or Standard as specified in Annex A of this Chapter.

1.3.3 Any non-required partial or complete installations of protective signaling systems, fire suppression and extinguishing systems, standpipe systems, fire pumps, and water supplies and distribution systems for fire fighting purposes are also required to be submitted for review by the Office of the State Fire Marshal as specified by these Regulations and are required to meet these Regulations and the applicable NFPA Code or Standard as adopted and/or modified by these Regulations.

Note: It is the intent of the Office of the State Fire Marshal to ensure that even non-required systems meet the same minimum level of compliance as required systems. However, an "Alternative", as set forth in Chapter 1, §5.2 of this Regulation, may be requested so that non-required, partial systems may be considered on a case by case basis.

2.0 Requirement for Sealed or Signed Plans.

2.1 All site plans, building plans, building systems plans and miscellaneous plans that are submitted for review and approval by the Office of the State Fire Marshal, must comply with the following:

2.1.1 All site plans shall have the appropriate Design Professional's seal and signature affixed to each page thereof.

2.1.2 All building plans, building systems plans and miscellaneous plans shall have the appropriate Design Professional's seal and signature affixed to each page thereof.

Exception: The State Fire Marshal may accept plans that are not sealed or signed, when in his opinion:

(1) The scope of the project being submitted for review does not warrant the need for sealed or signed plans or

(2) The project being submitted for review appears to have the specifications and design in accordance with the Design Professional's specifications and contract documents and the requirements of the Delaware State Fire Prevention Regulations, the National Fire Protection Association's National Fire Codes, or other nationally recognized codes or standards.

2.2 All plans accepted for review and approval by the Office of the State Fire Marshal under the exception provided in §2.1 of this Chapter, shall have the signature of the building owner, the building systems' owner, or the owner of the occupancy, operation or process, affixed to each page of the plan being submitted.

2.3 Plans submitted for review and approval by the Office of the State Fire Marshal for fire alarm signaling systems, fire suppression systems and sprinkler systems shall be submitted in accordance with the provisions of these Regulations.

2.3.1 These documents and/or plans shall show on each page thereof the name, address, telephone number, and license number of the company and the name, signature and certificate number of the Certificate Holder responsible for the submission, as well as such other information and data as the Office of the State Fire Marshal may require. For technical documents submitted by a Delaware Registered Professional Engineer, each page shall bear the Registered Professional Engineer's Seal and signature.

3.0 Application And Fee Required.

3.1 Application.

3.1.1 All plans and other documents submitted under the provisions of this Chapter shall be accompanied with a completed application as prescribed by the State Fire Marshal.

3.2 Plan Review Fees.

3.2.1 All plans and other documents submitted under the provisions of this Chapter shall be accompanied with a check or money order made payable to The State of Delaware in accordance with 16 **Del.C.** §6607.

3.2.2 The amount of the fee shall be computed in accordance with the current plan review fee schedule as established by the State Fire Marshal ~~and contained in Appendix E of these Regulations~~.

4.0 Required Site Plan Information.

4.1 Information on Plan.

4.1.1 Information required to accompany site plans shall include, but not be limited to, the following:

4.1.1.1 Scale drawing showing all new and existing structures to include but not be limited to:

- Name of the building or subdivision;
- Plan date;
- Full address;
- Specific county's planning department reference number;
- Owner's name and address;
- Design Professional's name and address;
- Applicant's name and address;
- Intended use of building or buildings;
- Name of water supplier;
- Location of all fire hydrants;
- Location and diameter of all water mains supplying fire protection water;
- Maximum height of the building;
- Proposed building construction;
- Whether or not proposed building(s) will be protected by automatic sprinklers;
- Location of any fire lanes and their widths; and
- A plan note stating, "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the State Fire Prevention Regulations."

4.1.1.2 When the plans so submitted include single family homes arranged in a townhouse or rowhouse configuration, the following additional information shall be included:

4.1.1.2.1 A plan note stating how these townhouse or rowhouse units are to separated, and;

4.1.1.2.2 A cross section plan of a fire barrier wall indicating it's construction and hourly fire rating, and;

4.1.1.2.3 The above required fire barrier wall shall be listed by a testing laboratory meeting the requirements of Chapter 5 of this Regulation, and such information shall be included on the plan.

4.2 Other Information.

4.2.1 When sprinkler systems or fire hydrants are proposed, or at the request of the State Fire Marshal, water flow test results shall be submitted.

4.2.2 The water flow test shall have been conducted within 12 months of the time of submittal and shall be taken from the hydrant closest to the point where the building or subdivision water main is to be connected.

5.0 Required Building Plan Information.

5.1 Information required to accompany building plans shall include but not be limited to:

5.1.1 Name and address of building;

5.1.2 Owner of the building;

5.1.3 Name and address of applicant submitting plans;

5.1.4 Design Professional's name and address;

5.1.5 Detailed construction information;

5.1.6 Narrative description of building occupancy and operations;

5.1.7 Full height cross section plan of building including all vertical openings, shafts, enclosures, etc.;

5.1.8 Note whether building is to be sprinklered and, if so, what areas;

5.1.9 Detailed HVAC information;

5.1.10 Specific information on all means of egress components including clear widths, fire resistance rating, direction swing of doors and locking mechanisms on exit doors;

5.1.11 Location of all "hazardous" or "high hazard areas" as defined in the Life Safety Code, NFPA 101;

5.1.12 Floor plan of seats, tables, displays, decorations, etc. in all places of assembly which do not have permanent seating or displays;

5.1.13 Electrical plan including location of exit signs and emergency lighting when required;

5.1.14 Detailed information pertaining to any detection or alarm systems to be installed including but not limited to the make, type and location of all associated equipment; and

5.1.15 Narrative description of proposed method for sealing penetrations of fire rated assemblies.

6.0 Authority to Require Exposure or Stop Work Order.

6.1 Exposure of Work.

6.1.1 Whenever any building or installation that is subject to inspection, based upon a specific plan review requirement, is covered or concealed without first having been inspected, the State Fire Marshal may require by written notice that such work be exposed for inspection. The State Fire Marshal shall be notified when the installation is ready for inspection and the State Fire Marshal shall conduct the inspection within a period of 3 working days.

6.2 Stop Work Order.

6.2.1 When any construction or installation work is being performed in a manner which does not conform to the plans and specifications as approved by the State Fire Marshal, a written notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.

6.3 Authority to Inspect.

6.3.1 The State Fire Marshal shall have the authority to inspect any job site during normal construction hours for determining compliance with the respective plan review and any other applicable Delaware Fire Prevention Rules and Regulations.

7.0 Final Inspection Prior To Occupancy.

7.1 No building shall be occupied until the State Fire Marshal has conducted a final inspection and has determined the provisions of these Regulations have been met.

Exception: The State Fire Marshal may waive the requirement of a final inspection when the building is classified to be of a low life and low fuel loading hazard occupancy.

7.2 At the time of the Final Inspection conducted by the Office of the State Fire Marshal, for any building or structure, the individual or firm responsible for the original submission of plans shall provide an Architectural/ Engineering grade plan of the building footprint, on an 8 1/2" x 11" sheet that will detail the following:

7.2.1 Name, address, location of the building;

7.2.2 The location of all fire suppression system control valves;

7.2.3 The location of all fire department connections for all fire suppression systems and standpipes;

7.2.4 The location of all fire alarm signaling systems control and annunciation panels;

7.2.5 The locations of all on site fire hydrants,

7.2.6 Main Entrances; and

7.2.7 Name and phone number of personnel responsible (owner and/or manager) for responding during emergencies.

7.3 The footprint drawing as specified in §7.2 of this Chapter shall be transmitted to the Fire Chief of the local fire department, by the State Fire Marshal, along with the Final Inspection report.

8.0 Limitation of Plan Approval.

8.1 Plans submitted for review, other than Site plans, are valid for two years from the date of issue. If no construction has started by the end of this period, the plan review approval, non-approval, and permit issued shall be null and void.

8.2 Prior to issuing a new permit, submittal of new plans and the payment of another fee shall be required.

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9.0 Engineering Analysis Required.

9.1 When in the opinion of the State Fire Marshal, that any plan that is submitted for review, constitutes or is in need of such a level of advanced design or engineering criteria to ensure minimum compliance with the State Fire Prevention Regulations, the State Fire Marshal may require a Fire Protection Engineering Analysis to be provided by the owner, developer, architect, engineer, or submitting person.

9.2 The cost of such a Fire Protection Engineering Analysis shall be the responsibility of the owner, developer, architect, engineer, or submitting person.

9.3 The required Fire Protection Engineering Analysis shall provide a complete and documented report as to the compliance of the proposal with the required features and measures of fire protection.

9.4 The required Fire Protection Engineering Analysis shall be prepared by and shall bear the seal of a State of Delaware Registered Professional Engineer, with expertise in the field of Fire Protection Engineering as demonstrated by the passing of the National Council of Examiners for Engineers and Surveyors - "Principals and Practice Examination" in the discipline of Fire Protection Engineering.

9.5 The Fire Protection Engineering Analysis, as required in this section, shall be submitted to the Office of the State Fire Marshal prior to any plan review approval being issued by the Office of the State Fire Marshal.

9.6 When such specifications and design standards from the Fire Protection Engineering Analysis have been incorporated into and made a part of the plan review approval by the Office of the State Fire Marshal, the Registered Professional Engineer, as defined in §9.4 of this Chapter, shall, at the completion of the project, provide such certification as required by the Office of the State Fire Marshal that the standards and specifications that were incorporated into the plan review approval are in fact in conformance and in place as part of the project. This certification shall be provided prior to a final approval being granted by the Office of the State Fire Marshal.

9.7 The submittal of a Fire Protection Engineering Analysis by a State of Delaware Register Fire Protection Engineer, as specified in this Chapter, does not exclude the preparation of an Engineering Design Analysis by a Registered Professional Engineer with expertise in a special field of engineering applicable to the specific Fire Protection Engineering Analysis required, provided that:

9.7.1 The Registered Professional Engineer can provide documentation to the State Fire Marshal that the Registered Professional Engineer is qualified by education, training, and experience in the specific field applicable to the issues of the Fire Protection Engineering Analysis; and

9.7.2 The Fire Protection Engineering Analysis is submitted by and is the responsibility of the State of Delaware Registered Professional Engineer, as defined in §9.4 of this Chapter.

Note: It is the intent of this requirement to authorize the State Fire Marshal to require a much greater detailed Fire Protection Engineering Analysis of a plan submittal and to require that the Fire Protection Engineering Analysis be prepared by and sealed by a Registered Fire Protection Engineer. This Regulation addresses the larger more complex occupancies and operations, such as refineries, bulk LP gas plants, tank farms for flammable/combustible liquids, or occupancies that present unique fire protection problems, where the Office of the State Fire Marshal may require an additional technical analysis, where the fire protection requirements are such that an individual with special expertise in the particular area in question, such as a Registered Fire Protection Engineer, would have the expertise in the occupancy or operation under review. This Regulation would not apply to Fire Alarm Signaling Systems versus a standard. This request is usually made by the Office of the State Fire Marshal at a pre-submission meeting or at a preliminary review stage.

10.0 Submission of As-Built Drawings and Specifications for Government Buildings.

10.1 A complete set of as-built drawings and specifications for all new construction, renovations, alterations or additions for all government buildings shall be provided to the Office of the State Fire Marshal or to the Bureau of Archives and Records Management for the State of Delaware.

10.2 The set of as-built drawings and specifications for all government buildings as identified in §10.1 of this Chapter shall be so submitted no later than six (6) months after the final inspection of the building or structure by the Fire Marshal's Office having jurisdiction.

10.3 Government buildings as identified in this Regulation shall mean:

10.3.1 State Buildings;

10.3.2 Buildings on State owned property;

10.3.3 Buildings or structures of all county, municipal or town governments, and;

10.3.4 Buildings funded by any grants, moneys, or appropriations of State government, either in part or whole.

10.4 It is the responsibility of the Bureau of Archives and Records Management for the State of Delaware to advise the Office of the State Fire Marshal of the list of plans received every six months.

11.0 Submission of Fire Protection System Plans.

~~11.1~~ Fire protection system technical documents, specifications and design drawings (plans) shall be unique and exclusive of all others including electrical, mechanical and plumbing documents.

Chapter 5 Listing and Approval of Testing Laboratories

1.0 Intent.

The intent of this Chapter is to ensure that the listing or testing of a product, appliance, or treatment reflects the intended application of the product and its use.

2.0 Purpose.

The purpose of this Chapter is to establish necessary procedures for the Office of the State Fire Marshal to provide a list of testing laboratories which have been investigated and found to have the necessary equipment and personnel to perform testing in accordance with the applicable State regulations.

3.0 Listing, Approval, and Accreditation.

Under this Chapter listing, approval, and laboratory accreditation can be achieved as follows:

3.1 Listing

3.1.1 Listing refers to equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose.

3.1.2 Underwriters Laboratory, Inc., Factory Mutual, Inc., and Canadian Standards Association are accepted under this regulation as nationally recognized testing laboratories.

3.2 Accreditation

3.2.1 Accreditation through the American Association for Laboratory Accreditation

Note: It is the express intent of this proposed change to provide for the expertise and necessary criteria for any testing laboratory to achieve an approved status within the State of Delaware. Accreditation through the American Association for Laboratory Accreditation provides that mechanism and removes the Office of the State Fire Marshal from the practice of accreditation that raises more concerns than it resolves.

The list of laboratories accredited by American Association for Laboratory Accreditation can be found through their website at www.a2la.org

3.2.2 Accreditation through approval as a Nationally Recognized Testing Laboratory by the Federal Occupational Safety and Health Administration pursuant to criteria prescribed at 29 C.F.R. 1910.7 or any amendment to or substitution for these criteria.

3.3 Approval

3.3.1 Approved shall denote, "Acceptable to the State Fire Marshal"

3.3.2 It shall be unlawful for any person, directly or indirectly through an agent or otherwise to sell or offer for sale in the State of Delaware any electrical equipment, device, or component or any fire protection or fire safety equipment or product, either new or used, unless listed and labeled or marked by a nationally recognized, third party, independent testing laboratory, such as, but not limited to Underwriters Laboratories or some other testing agency approved by the State Fire Marshal.

Chapter 6 Sale of Fire Protection Systems and Equipment

1.0 Manufacturer's Instructions.

~~1.1~~ No seller of fire protection or suppression systems, devices equipment, appliances, material, product or service shall, directly or through a sales agent, represent verbally or in writing, that any fire protection or suppression systems, devices, equipment, appliance, material, product or service may be used other than in accordance with the manufacturer's instructions.

2.0 Laboratory Listing, Labeling, Or Approval.

~~2.1~~ No seller of fire protection or suppression systems, devices, equipment, appliances, material, product or service shall, directly or through a sales agent, represent verbally or in writing, that any fire protection or suppression systems, devices, equipment, appliance, material, product or service may be used other than in accordance with nationally recognized testing laboratory's listing, label or approval.

3.0 Altering of Labels.

~~3.1~~ No seller of fire protection or suppression systems, devices, equipment, appliances, material, product, or services shall in any way alter the manufacturer's warning or instruction labels.

Chapter 7 Adopted Codes and Standards

1.0 NFPA Codes and Standards

1.1 Each of the following Codes and Standards, published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, are hereby adopted in their entirety with the exception of any changes, additions or deletions as listed in these Regulations as a supplement and addition to the Delaware State Fire Prevention Regulations. The text of these adopted Codes and Standards shall be fully enforceable as provisions of these Regulations as if the same were incorporated and set forth at length herein. If a newer Code or Standard has been adopted and issued by the National Fire Protection Association, the State Fire Marshal may accept the newer Code or Standard as an alternative, provided that such Code or Standard affords an equivalent level of safety in the opinion of the State Fire Marshal. Where the Codes or Standards as listed herein are updated versions of adopted Codes or Standards, the updated versions will replace the existing versions in these Regulations.

NFPA 1, NFPA 1, Fire Code, 2015

NFPA 10, Portable Fire Extinguishers, 2013

NFPA 11, Low-, Medium-, and High-Expansion Foam, 2010
NFPA 12, Carbon Dioxide Extinguishing Systems, 2011
NFPA 12A, Halon 1301 Fire Extinguishing Systems, 2015
NFPA 13, Installation of Sprinkler Systems, 2013
NFPA 13D, Installation of Sprinkler Systems in 1 & 2 Family Dwellings and Manufactured Homes, 2013
NFPA 13R, Sprinkler Systems in Residential Occupancies Up To & Including 4 Stories in Height, 2013
NFPA 14, Installation of Standpipe and Hose Systems, 2013
NFPA 15, Water Spray Fixed Systems for Fire Protection, 2012
NFPA 16, Installation of Foam-Water Sprinkler and Foam-Water Spray Systems, 2011
NFPA 17, Dry Chemical Extinguishing Systems, 2013
NFPA 17A, Wet Chemical Extinguishing Systems, 2013
NFPA 18, Wetting Agents, 2011
NFPA 20, Installation of Stationary Pumps for Fire Protection, 2013
NFPA 22, Water Tanks for Private Fire Protection, 2013
NFPA 24, Installation of Private Fire Service Mains and Their Appurtenances, 2013
NFPA 25, Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems, 2014
NFPA 30, Flammable and Combustible Liquids Code, 2015
NFPA 30A[1,3], Motor Fuel Dispensing Facilities and Repair Garages, 2015
NFPA 30B, Manufacture and Storage of Aerosol Products, 2015
NFPA 31, Installation of Oil-Burning Equipment, 2011
NFPA 32, Drycleaning Plants, 2011
NFPA 33, Spray Application Using Flammable and Combustible Materials, 2011
NFPA 34, Dipping and Coating Processes Using Flammable or Combustible Liquids, 2015
NFPA 35, Manufacture of Organic Coatings, 2011
NFPA 36, Solvent Extraction Plants, 2013
NFPA 37, Installation and Use of Stationary Combustion Engines and Gas Turbines, 2015
NFPA 40, Storage and Handling of Cellulose Nitrate Film , 2011
NFPA 42, Storage of Pyroxylin Plastic, 2002
NFPA 45, Fire Protection for Laboratories Using Chemicals, 2011
NFPA 51, Design & Installation of Oxygen-Fuel Systems for Welding, Cutting, & Allied Processes, 2013
NFPA 51A, Acetylene Cylinder Charging Plants, 2012
NFPA 51B, Fire Prevention During Welding, Cutting, and other Hot Work, 2014
NFPA 52, Vehicular Fuel Systems, 2013
NFPA 54, National Fuel Gas, 2014
NFPA 55, Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids, 2013
NFPA 58, Liquefied Petroleum Gas Code, 2014
NFPA 59, Utility LP-Gas Plant, 2015
NFPA 59A, Production, Storage and Handling of Liquefied Natural Gas (LNG) , 2013
NFPA 61, Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities, 2013
NFPA 68, Venting of Deflagrations, 2013
NFPA 69, Explosion Prevention Systems, 2014
NFPA 70, National Electrical Code, 2014
NFPA 72, National Fire Alarm Code, 2013
NFPA 73, Electrical Inspection Code for Existing Dwellings, 2011
NFPA 75, Protection of Information Technology Equipment, 2013
NFPA 76, Fire Protection for Telecommunications Facilities, 2012
NFPA 79, Electrical Standard for Industrial Machinery, 2015
NFPA 80, Fire Doors and Fire Windows, 2013
NFPA 82, Incinerators and Waste and Linen Handling Systems and Equipment, 2014
NFPA 86, Ovens and Furnaces, 2015
NFPA 88A, Parking Structures, 2015

NFPA 90A, Installation of Air Conditioning and Ventilating Systems, 2015
NFPA 90B, Installation of Warm Air Heating and Air Conditioning Systems, 2015
NFPA 91, Exhaust Systems for Vapors, Gases, Mists, and Noncombustible Particulate Solids, 2015
NFPA 96, Ventilation Control and Fire Protection of Commercial Cooking Operations, 2014
NFPA 99, Health Care Facilities, 2015
NFPA 101, Life Safety Code, 2015
NFPA 102, Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, 2011
NFPA 110, Emergency and Standby Power Systems, 2013
NFPA 111, Stored Electrical Energy Emergency and Standby Power Systems, 2013
NFPA 120, Fire Prevention and Control in Coal Mines, 2015
NFPA 140, Motion Picture and Television Production Studio and Approved Production Facilities, 2013
NFPA 150, Fire and Life Safety in Animal Housing Facilities, 2013
NFPA 160, Standard for the Use of Flame Effects Before an Audience, 2011
NFPA 170, Fire Safety and Emergency Symbols, 2012
NFPA 211, Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances, 2013
NFPA 214, Water-Cooling Towers, 2011
NFPA 220, Types of Building Construction, 2015
NFPA 221, High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls, 2015
NFPA 232, Protection of Records, 2012
NFPA 241, Safeguarding Construction, Alteration, and Demolition Operations, 2013
NFPA 291, Recommended Practice for Fire flow Testing and Marking of Hydrants, 2013
NFPA 302, Fire Protection Standard for Pleasure and Commercial Motor Craft, 2015
NFPA 303, Fire Protection Standard for Marinas and Boatyards, 2011
NFPA 306, Control of Gas Hazards on Vessels, 2014
NFPA 307, Construction and Fire Protection of Marine Terminals, Piers and Wharves, 2011
NFPA 312, Fire Protection of Vessels During Construction, Conversion, Repair and Lay-up, 2011
NFPA 326, Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair, 2015
NFPA 407, Aircraft Fuel Servicing, 2012
NFPA 408, Aircraft Hand Portable Fire Extinguishers, 2010
NFPA 409, Aircraft Hangars, 2011
NFPA 410, Aircraft Maintenance, 2015
NFPA 415, Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways, 2013
NFPA 418, Heliports, 2011
NFPA 484, Combustible Metals, 2015
NFPA 495, Explosive Materials, 2013
NFPA 496, Purged and Pressurized Enclosures for Electrical Equipment, 2013
NFPA 498, Safe Havens and Interchange Lots for Vehicles Transporting Explosives, 2013
NFPA 501, Manufactured Housing, 2013
NFPA 501A, Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities, 2013
NFPA 502, Road Tunnels, Bridges, and Other Limited Access Highways, 2014
NFPA 505, Fire Safety Standard for Powered Industrial Trucks, 2013
NFPA 654, Prevention of Fire and Dust Explosions from Combustible Solids, 2013
NFPA 655, Prevention of Sulfur Fires and Explosions, 2012
NFPA 664, Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities, 2012
NFPA 703, Fire Retardant-Treated Wood and Fire-Retardant Coatings for Building Materials, 2015
NFPA 704, Identification of the Hazards of Materials for Emergency Response, 2012
NFPA 720, Installation of Carbon Monoxide Detection and Warning Equipment, 2012
NFPA 750, Water Mist Fire Protection Systems, 2015
NFPA 780, Installation of Lightning Protection Systems, 2014
NFPA 804, Fire Protection for Advanced Light Water Reactor Electric Generating Plants, 2015
NFPA 909, Protection of Cultural Resources Properties – Museums, Libraries, & Places of Worship, 2013

NFPA 1122, Model Rocketry, 2013
NFPA 1123, Fireworks Display, 2014
NFPA 1124, Manufacture, Transport, Storage, & Retail Sales of Fireworks & Pyrotechnic Articles, 2013
NFPA 1125, Manufacture of Model Rocket and High Power Rocket Motors, 2012
NFPA 1126, Use of Pyrotechnics before a Proximate Audience, 2011
NFPA 1127, High Power Rocketry, 2013
NFPA 1142, Water Supplies for Suburban and Rural Fire Fighting, 2012
NFPA 1221, Installation, Maintenance, and Use of Emergency Services Communication s Systems, 2013
NFPA 1961, Fire Hose, 2013
NFPA 1962, Inspect'n, Care, Use & the Service Testing of Fire Hose, Couplings, & Nozzles, 2013
NFPA 1963, Fire Hose Connections, 2014
NFPA 2001, Clean Agent Fire Extinguishing Systems, 2012
NFPA 2010, Fixed Aerosol Fire Extinguishing Systems, 2015

1.2 The following additions, deletions, or changes to the codes and standards listed in Regulation 701 – Chapter 7 are hereby adopted.

NFPA 1, Fire Code, 2015

- DELETE entire Chapter 1 except 1.12
- MODIFY 1.12.1 to read as follows

1.12.1 Permits. All permits required by another section of NFPA 1 shall comply with the requirements of the Delaware State Fire Prevention Regulations in effect.

- DELETE 1.12.2 through 1.12.8
- MODIFY Chapter 10 – General Fire Safety as noted:

10.1.2* Life Safety Code. Every new building shall comply with this Code and NFPA 101, Life Safety Code.

- DELETE 10.1.3 Building Code
- MODIFY 10.11 as follows:

10.11.2.1* It shall be unlawful to set fires to any brush or forest-covered land during anytime when a burning ban, as declared by the State Fire Marshal, is in effect.
A-10.11.2.1 Department of Natural Resources Environmental Control (DNREC) should be contacted for their additional burning restrictions at (800) 662-8802 or (302) 739-9401 before performing any outdoor burning

- DELETE 10.14.1.1
- DELETE Table 10.14.1.1
- MODIFY 10.15 as follows:

10.15.11.4.2 The use of display fireworks shall comply with the Delaware State Fire Prevention Regulations in addition to the requirements of 10.15.11.4.

- AMEND 13.3.2.3 to read,

13.3.2.3 Where not otherwise required by the Delaware State Fire Prevention Regulation to be protected by automatic sprinklers, new fire stations should be protected by an approved automatic fire sprinkler system.

- DELETE entire Chapter 17

- AMEND 20.1.5.3 to read as follows:

20.1.5.3 Open Flame Devices and Pyrotechnics. No open flame devices or pyrotechnic devices shall be used in any assembly occupancy, unless otherwise permitted by the following:

(1) Pyrotechnic special effect devices shall be permitted to be used on stages before proximate audiences for ceremonial or religious purposes, as part of a demonstration in exhibits, or as part of a performance, provided that both of the following criteria are met:

(a) Precautions satisfactory to the AHJ are taken to prevent ignition of any combustible material.

(b) Use of the pyrotechnic device complies with the Delaware State Fire Prevention Regulations.

(2) Flame effects before an audience shall be permitted in accordance with the Delaware State Fire Prevention Regulations.

- AMEND Chapter 22.7 to read as follows:

22.7 The storage of tires shall be in accordance with Chapter 34 and the Delaware State Fire Prevention Regulations.

22.9.1 General. The storage, use, and handling of motor vehicle fluids and hazardous materials shall be in accordance with Chapter 66 and the Delaware State Fire Prevention Regulations.

- DELETE 22.9.4
- DELETE entire Chapter 33
- DELETE 52.2.2.
- DELETE 53.1.3.2
- DELETE entire Chapter 60
- DELETE entire Chapter 64
- DELETE entire Chapter 65
- DELETE entire Chapter 67
- DELETE entire Chapter 68
- DELETE entire Chapter 71
- DELETE entire Chapter 72
- DELETE entire Chapter 73
- DELETE entire Chapter 74
- DELETE entire Chapter 75

NFPA 30, Flammable And Combustible Liquids Code, 2015.

- AMEND 22.4.1 by adding an Exception to read as follows:

Exception: The State Fire Marshal may increase the distances to property lines, public ways and important buildings when in his opinion the increases are justified.

NFPA 30A, Motor Fuel Dispensing and Repair Garages Code, 2015.

- AMEND 5.2, General Requirements for All Piping to read as follows:

5.2.5 Each fill pipe shall be identified by color code or other marking to identify the product for which it is used. The color code or marking shall be maintained in legible condition throughout the life of the installation. All underground petroleum storage tank fill pipes shall be marked and maintained with colors and symbols consistent with API Recommended Practice 1637.

- AMEND 6.2, General Requirements, by adding new subsections to read as follows:

6.2.4 Dispensing units for kerosene shall not be located within 25' of Class I liquid dispensing units.

6.2.5 Islands with dispensing units for kerosene shall be located a minimum of 10' from islands with Class I liquid dispensing units.

6.2.6 Dispensing units for kerosene shall be provided with a legible sign, bearing the word "KEROSENE" in a minimum 4" high letter, with such letters to be in blue with a contrasting background color.

- AMEND 9.2.1, Inventory Control by adding new subsections to read as follows:

9.2.1.1 The seasonal exchange of product shall be prohibited in underground storage tanks.

9.2.1.2 No change of class of product within storage tanks shall be made without prior approval of the State Fire Marshal.

- AMEND 9.2.3.2, Inventory Control by adding a new subsection to read as follows:

9.2.3.2.1 No sale or purchase of kerosene shall be made in containers unless such containers meet the provisions of this standard and are a color other than red with the word "KEROSENE" marked thereon. (The recommended color is blue with white lettering.)

- AMEND Chapter 11, Marine Fueling, by renumbering 11.10.6 to 11.10.6.1 and adding new 11.10.6.2, 11.10.6.3 and 11.10.6.4 to read as follows:

11.10.6.2 The dispensing of Class I Liquids into the fuel tanks of self-propelled water craft must be accomplished at a designated marine Service Station, and that service station must be in accordance with the applicable provisions of these Regulations.

11.10.6.3* The dispensing of Class I Liquids into the fuel tanks of self-propelled water craft shall be prohibited from a tank truck vehicle.

A-11.10.6.3 It is the express intent of this section to prohibit the transfer of Class I liquids from a tank truck vehicle directly into the fuel tanks of a boat or any other self-propelled water craft.

11.10.6.4* The dispensing of Class II Liquids into the fuel tanks of self-propelled water craft, is permitted provided the tank truck vehicle is equipped with an automatic shut off nozzle.

A-11.10.6.4 This change is based on an appeal filed by the Delaware Captains Association. This appeal was heard by the State Fire Prevention Commission on September 20, 1994 and was subsequently approved by the State Fire Prevention Commission on September 20, 1994.

- AMEND 13.1 (1) to read as follows:

(1) in rural areas

NFPA 54, National Fuel Gas Code, 2014.

- AMEND ~~9.23~~ 10.22 as follows:

~~9.23.1~~ 10.22.1 Unvented room heaters shall not be installed in bathrooms and bedrooms.
Delete Exception #1
Delete Exception #2

NFPA 58, Liquefied Petroleum Gases Code, 2014.

- AMEND 4.3.1 Stationary Installations, by deleting the existing section and inserting two new subsections to read as follows:

4.3.1.1* Plans shall be submitted to the Office of the State Fire Marshal for review and approval for the following liquefied petroleum gas (LPG) installations:
(a) At consumer sites having an aggregate water capacity of 1,000 gallons or more tank storage; and
(b) For all portable cylinder exchange at consumer sites or dispensing stations, where not connected for use, and in storage for resale or exchange by dealer or reseller.

A.4.3.1.1 This section still requires the submission of plans for all LP Gas installations with an aggregate capacity of 1,000 gallons or more, and now requires the submission of plans for all portable cylinder exchange installations.

4.3.1.2* Plans shall be submitted to the Office of the State Fire Marshal for review and approval regarding liquefied petroleum gas (LPG) installations for all sites and locations where LPG is dispensed by a retail operation to the public, regardless of tank storage capacity.

A.4.3.1.2 Submission of plans for all LP Gas Installations where tanks are filled as a retail operation for the public. Exception to 4.3.1.1. and 4.3.1.2: One- and Two-Family Dwellings are not required to comply with these sections.

- AMEND 5.20.1, by adding a subsection to read as follows:

5.20.1.1.1 Patio heaters shall be listed and for outdoor use only.

A-5.20.1.1.1 All gas-fired heaters are to be used only in adequately ventilated areas. In order to support the combustion air

requirements of the heater and to minimize the potential for the accumulation of carbon monoxide, ample fresh air ventilation in accordance with the Manufacturer's Installation Instructions and/or Owner's Manual should be provided.

5.20.1.1.2 When used, they shall be located in an area either outside the confines of a building or an area sheltered from the elements by overhead cover that is open on all exterior sides. Any obstruction of the exterior boundary of the area by any material to any degree shall be prohibited. Walls, part walls or partitions, roll-down see-through curtains or drapes, awnings, or components by any other name shall be considered an obstruction.

> **Note**: It should be further noted that roll-down and retractable materials are considered "not open". Since they are adjustable, it is expected that they will be less open during inclement weather in order to protect against the exposure

Exception 1: Exterior sides of the area do not include the wall(s) common to the deck/patio and the building to which the deck/patio adjoins.

A-5.20.1.1.2 Exception 1: Typically, most deck/patios will have three (3) exterior sides and one (1) side adjacent to the building

5.20.1.1.3 Hot surfaces of the appliance shall be at least 36 inches in all directions from all other materials. Clearances of less distance shall be permitted if in accordance with the Manufacturer's Installation Instructions and/or Owner's Manual

- AMEND 7.2.2.1 by deleting the existing 7.2.2.1 and inserting a new 7.2.2.1 to read as follows:

7.2.2.1* Containers shall be filled only by the owner or upon the owner's authorization.

> **Note**: This modification retains the language of NFPA Pamphlet No. 58, 1989 Standard for the Storage and Handling of LP Gases.

(a) This requirement is in keeping with 16 **Del.C.** 7202.

- AMEND 8.4.2.2 by deleting 8.4.2.2 and inserting a new 8.4.2.2 to read as follows:

8.4.2.2* Protection against vehicle impact shall be provided by installing traffic/bumper posts, or other protection acceptable to the State Fire Marshal.

A.8.4.2.2 The intent of this requirement is to ensure the protection of the portable cylinders from vehicular damage and to emphasize that the standard curbs are not considered adequate protection.

NFPA 70, The National Electrical Code, 2014.

- AMEND 210.12(A), by adding second, third and fourth sentences to read:

(A) Dwelling Units: All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit kitchens, family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by any of the means described in 210.12(A)(1) through (6). Smoke alarms shall not be placed on branch circuits protected by arc-fault circuit interrupter. All smoke alarms shall be supplied by branch circuits dedicated to smoke alarm equipment. The connection of the smoke alarm branch circuit to the power service shall be mechanically protected by utilizing lock-on devices.

- AMEND 550.25(B), by adding second, third and fourth sentences to read:

(B) Bedrooms of Mobile Homes and Manufactured Homes. All 120-volt branch circuits that supply 15- and 20-ampere outlets installed in bedrooms of mobile homes and manufactured homes shall comply with 210.12B. Smoke alarms shall not be placed on branch circuits protected by arc-fault circuit interrupter. All smoke alarms shall be supplied by branch circuits dedicated to smoke alarm equipment. The connection of the smoke alarm branch circuit to the power service shall be mechanically protected by utilizing lock-on devices.

NFPA 101, The Life Safety Code, 2015.

- AMEND ~~9.2.1~~ 9.2.2, by adding a new ~~9.2.1.1~~ 9.2.2.1, Unvented Fuel-Fired Heating Equipment, to read as follows:

~~9.2.1.1~~ 9.2.2.1 Unvented fuel-fired heating equipment shall be prohibited in bathrooms and sleeping areas of all

occupancies. In all other areas, gas space heaters installed in compliance with NFPA 54, National Fuel Gas Code, as adopted and modified by these Regulations shall be permitted.

- AMEND 16.3.4.4, Emergency Forces Notification (New Day Care Occupancies), by deleting the existing 16.3.4.4 and inserting a new 16.3.4.4 to read as follows:

16.3.4.4 Emergency Forces Notification. Fire department notification shall be accomplished in accordance with 9.6.4.
Exception: Day-care centers with not more than 100 clients.

- AMEND 24.1.1, Application (One- And Two-Family Dwellings), by deleting the existing 24.1.1.2 and inserting a new 24.1.1.2 to read as follows:

24.1.1.2 This Chapter shall not be utilized by the Office of the State Fire Marshal during the plan review process, except when individual, specified sections are referenced by other Chapters of the Life Safety Code.

- AMEND 26.3.4, Detection Alarm, And Communication Systems (Lodging Or Rooming Houses), by adding a new Subsection to read as follows:

26.3.4.4 A corridor smoke detection system in accordance with 9.6 shall be installed in all lodging or rooming houses.

- AMEND 30.3.4.1, Detection, Alarm, and Communication Systems (New Apartment Buildings), by deleting 30.3.4.1, and inserting a new 30.3.4.1 to read as follows:

30.3.4.1 General. All new apartment buildings shall be provided with a fire alarm system in accordance with 9.6, except as modified by 30.3.4.2 through 30.3.4.5.

- AMEND 30.3.4.4, Detection (New Apartment Buildings), by adding a new Subsection to read as follows:

30.3.4.4.1 A corridor smoke detection system in accordance with 9.6, shall be installed in all apartment buildings.

- AMEND 30.3.5.3, Extinguishment Requirements (New Apartment Buildings), by revising 30.3.5.3 to read as follows:

In buildings not exceeding 10,000 sq. ft. of aggregate gross floor area and sprinklered in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, closets less than 12 ft^2 in area in individual dwelling units shall not be required to be sprinklered. Closets that contain equipment such as washers, dryers, furnaces, or water heaters shall be sprinklered regardless of size.

- AMEND 32.2, Small Facilities (New Residential Board And Care Occupancies), by adding new Subsections to read as follows:

32.2.2.7 Emergency Lighting. Emergency lighting shall be installed in accordance with 7.9.

32.2.2.8 Marking Of Means Of Egress. Means of egress shall be marked in accordance with 7.10.

32.2.2.9 Portable Fire Extinguishers. Portable fire extinguishers shall be provided near hazardous areas in accordance with 9.7.

- AMEND 32.2.3.4, Detection, Alarm, and Communication Systems, Small Facilities (New Residential Board And Care Occupancies), by adding 32.2.3.4.5, Emergency Forces Notification, to read as follows:

32.2.3.4.5 Emergency Forces Notification. Fire department notification shall be accomplished in accordance with 9.6.4.

- AMEND 32.3.3.4.6, Emergency Forces Notification, Large Facilities (New Residential Board And Care Occupancies), by deleting the existing 32.3.3.4.6 and inserting a new 32.3.3.4.6 to read as follows:

32.3.3.4.6 Fire Department Notification. Fire department notification shall be accomplished in accordance with 9.6.4.

- AMEND Chapter 43 by deleting the existing text and inserting a new 43.4.2 to read as follows:

Chapter 43, Building Rehabilitation.
43.4.2 Capacity of Means of Egress. The capacity of means of egress, shall be determined in accordance with Section 7.3.

~~Annex A, Adopted NFPA Codes & Standards~~
~~Numerical Listing~~

~~Each of the following Codes and Standards, published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, are hereby adopted in their entirety with the exception of any changes, additions or deletions as listed~~

in Annex B of these Regulations as a supplement and addition to the Delaware State Fire Prevention Regulations. The text of these adopted Codes and Standards shall be fully enforceable as provisions of these Regulations as if the same were incorporated and set forth at length herein. If a newer Code or Standard has been adopted and issued by the National Fire Protection Association, the State Fire Marshal may accept the newer Code or Standard as an alternative, provided that such Code or Standard affords an equivalent level of safety in the opinion of the State Fire Marshal. Where the Codes or Standards as listed herein, are updated versions of adopted Codes or Standards, the updated versions will replace the existing versions in these Regulations.

NFPA NO.	Date of Publication	Title
1[1,3]	2009	NFPA 1, Fire Code
10[1]	2007	Portable Fire Extinguishers
11	2005	Low-, Medium-, and High-Expansion Foam
12[1]	2008	Carbon Dioxide Extinguishing Systems
12A[1]	2009	Halon 1301 Fire Extinguishing Systems
13[1,3]	2007	Installation of Sprinkler Systems
13D[1,3]	2007	Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes
13R[1,3]	2007	Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height
14[1,3]	2007	Installation of Standpipe and Hose Systems
15[1]	2007	Water Spray Fixed Systems for Fire Protection
16[1]	2007	Installation of Foam-Water Sprinkler and Foam-Water Spray Systems
17[1]	2009	Dry Chemical Extinguishing Systems
17A[1]	2009	Wet Chemical Extinguishing Systems
18	2006	Wetting Agents
20[1]	2007	Installation of Stationary Pumps for Fire Protection
22[1]	2008	Water Tanks for Private Fire Protection
24[1]	2007	Installation of Private Fire Service Mains and Their Appurtenances
25[1]	2008	Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
30[1,3]	2008	Flammable and Combustible Liquids Code
30A[1,3]	2008	Motor Fuel Dispensing Facilities and Repair Garages
30B[1]	2007	Manufacture and Storage of Aerosol Products
31[1]	2006	Installation of Oil-Burning Equipment
32[1]	2007	Drycleaning Plants
33[1]	2007	Spray Application Using Flammable and Combustible Materials
34[1]	2007	Dipping and Coating Processes Using Flammable or Combustible Liquids
35	2005	Manufacture of Organic Coatings
36[1]	2009	Solvent Extraction Plants
37[1]	2006	Installation and Use of Stationary Combustion Engines and Gas Turbines
40[1]	2007	Storage and Handling of Cellulose Nitrate Film
42[1]	2009	Storage of Pyroxylin Plastic
45	2004	Fire Protection for Laboratories Using Chemicals
51[1]	2007	Design and Installation of Oxygen-Fuel Gas Systems for Welding, Cutting, and Allied Processes
51A[1]	2006	Acetylene Cylinder Charging Plants
51B[1]	2009	Fire Prevention During Welding, Cutting, and other Hot Work

52[1]	2009	Vehicular Fuel Systems
54[1,3]	2009	National Fuel Gas
55[1]	2009	Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders and Tanks
58[1,3]	2008	Liquefied Petroleum Gas Code
59[1]	2008	Utility LP-Gas Plant
59A[1]	2009	Production, Storage and Handling of Liquefied Natural Gas (LNG)
61[1]	2008	Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities
68[1]	2007	Venting of Deflagrations
69[1]	2007	Explosion Prevention Systems
70[1,3]	2008	National Electrical Code
72[1]	2007	National Fire Alarm Code
73	2006	Electrical Inspection Code for Existing Dwellings
75[1]	2009	Protection of Information Technology Equipment
76[1]	2009	Fire Protection for Telecommunications Facilities
79[1]	2007	Electrical Standard for Industrial Machinery
80[1]	2007	Fire Doors and Fire Windows
82[1]	2009	Incinerators and Waste and Linen Handling Systems and Equipment
86[1]	2007	Ovens and Furnaces
88A[1]	2007	Parking Structures
90A[1]	2009	Installation of Air Conditioning and Ventilating Systems
90B	2006	Installation of Warm Air Heating and Air Conditioning Systems
91	2004	Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids
92A[1]	2009	Smoke Control Systems Utilizing Barriers and Pressure Differences
92B[1]	2009	Smoke Management Systems in Malls, Atria and Large Spaces
96[1]	2008	Ventilation Control and Fire Protection of Commercial Cooking Operations
99[3]	2005	Health Care Facilities
101[1,3]	2009	Life Safety Code
102[1]	2006	Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures
110	2005	Emergency and Standby Power Systems
111	2005	Stored Electrical Energy Emergency and Standby Power Systems
120	2004	Fire Prevention and Control in Coal Mines
140[2]	2004	Motion Picture and Television Production Studio and Approved Production Facilities
150[2]	2009	Fire and Life Safety in Animal Housing Facilities
160[2]	2006	Standard for the Use of Flame Effects Before an Audience
170[1]	2009	Fire Safety and Emergency Symbols
211[1]	2006	Chimneys, Fireplaces, Vents, and Solid Fuel-Burning Appliances
214	2005	Water-Cooling Towers
220[1]	2009	Types of Building Construction
221[1]	2009	High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls
232[1]	2007	Protection of Records
241[1]	2009	Safeguarding Construction, Alteration, and Demolition Operations
302	2004	Fire Protection Standard for Pleasure and Commercial Motor Craft
303	2006	Fire Protection Standard for Marinas and Boatyards

306[1]	2009	Control of Gas Hazards on Vessels
307	2006	Construction and Fire Protection of Marine Terminals, Piers and Wharves
312	2006	Fire Protection of Vessels During Construction, Conversion, Repair and Lay-up
326	2005	Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair
407[1]	2007	Aircraft Fuel Servicing
408	2004	Aircraft Hand Portable Fire Extinguishers
409	2004	Aircraft Hangars
410	2004	Aircraft Maintenance
415[1]	2008	Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
418[1]	2006	Heliports
430	2004	Storage of Liquid and Solid Oxidizers
434	2002	Storage of Pesticides
484[1]	2009	Combustible Metals
490	2002	Storage of Ammonium Nitrate
495	2006	Explosive Materials
496[1]	2008	Purged and Pressurized Enclosures for Electrical Equipment
498	2006	Safe Havens and Interchange Lots for Vehicles Transporting Explosives
501[1]	2009	Manufactured Housing
501A[1]	2009	Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities
502[1]	2008	Road Tunnels, Bridges, and Other Limited Access Highways
505	2006	Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations
560[1]	2007	Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation
654[1]	2006	Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
655[1]	2007	Prevention of Sulfur Fires and Explosions
664[1]	2007	Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
703[1]	2009	Fire Retardant Treated Wood and Fire Retardant Coatings for Building Materials
704[1]	2007	Identification of the Hazards of Materials for Emergency Response
750[1]	2006	Water Mist Fire Protection Systems
780[1]	2008	Installation of Lightning Protection Systems
804[1]	2006	Fire Protection for Advanced Light Water Reactor Electric Generating Plants
909[1]	2009	Protection of Cultural Resources Properties — Museums, Libraries, and Places of Worship
1122[1]	2008	Model Rocketry
1123	2006	Fireworks Display
1124	2006	Manufacturer, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles
1125[1]	2007	Manufacture of Model Rocket and High Power Rocket Motors
1126	2006	Use of Pyrotechnics before a Proximate Audience
1127[1]	2008	High Power Rocketry
1142[1]	2007	Water Supplies for Suburban and Rural Fire Fighting
1221[1]	2007	Installation, Maintenance, and Use of Emergency Services Communication s Systems
1961[1]	2007	Fire Hose
1962[1]	2008	Inspection, Care, and Use of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose
1963[1]	2009	Fire Hose Connections

2001[1]	2008	Clean Agent Fire Extinguishing Systems

(1) Updated Document; (2) New Document; (3) Amended Document, See Annex B.

Annex A, Adopted NFPA Codes & Standards
Alphabetical Listing

Each of the following Codes and Standards, published by the National Fire Protection Association, Batterymarch Park, Quincy, MA 02269, are hereby adopted in their entirety with the exception of any changes, additions or deletions as listed in Annex B of these Regulations as a supplement and addition to the Delaware State Fire Prevention Regulations. The text of these adopted Codes and Standards shall be fully enforceable as provisions of these Regulations as if the same were incorporated and set forth at length herein. If a newer Code or Standard has been adopted and issued by the National Fire Protection Association, the State Fire Marshal may accept the newer Code or Standard as an alternative, provided that such Code or Standard affords an equivalent level of safety in the opinion of the State Fire Marshal. Where the Codes or Standards as listed herein, are updated versions of adopted Codes or Standards, the updated versions will replace the existing versions in these Regulations.

51A[1]	2006	Acetylene Cylinder Charging Plants
407[1]	2007	Aircraft Fuel Servicing
408	2004	Aircraft Hand Portable Fire Extinguishers
409	2004	Aircraft Hangars
410	2004	Aircraft Maintenance
415[1]	2008	Airport Terminal Buildings, Fueling Ramp Drainage, and Loading Walkways
12[1]	2008	Carbon Dioxide Extinguishing Systems
211[1]	2006	Chimneys, Fireplaces, Vents, and Solid Fuel Burning Appliances
2001[1]	2008	Clean Agent Fire Extinguishing Systems
484[1]	2009	Combustible Metals
307	2006	Construction and Fire Protection of Marine Terminals, Piers and Wharves
306[1]	2009	Control of Gas Hazards on Vessels
51[1]	2007	Design and Installation of Oxygen Fuel Gas Systems for Welding, Cutting, and Allied Processes
34[1]	2007	Dipping and Coating Processes Using Flammable or Combustible Liquids
17[1]	2009	Dry Chemical Extinguishing Systems
32[1]	2007	Drycleaning Plants
73	2006	Electrical Inspection Code for Existing Dwellings
79[1]	2007	Electrical Standard for Industrial Machinery
110	2005	Emergency and Standby Power Systems
91	2004	Exhaust Systems for Air Conveying of Vapors, Gases, Mists, and Noncombustible Particulate Solids
495	2006	Explosive Materials
69[1]	2007	Explosion Prevention Systems
150[2]	2009	Fire and Life Safety in Animal Housing Facilities
1[1,3]	2009	Fire Code
80[1]	2007	Fire Doors and Fire Windows
1961[1]	2007	Fire Hose
1963[1]	2009	Fire Hose Connections
1123	2006	Fireworks Display
120	2004	Fire Prevention and Control in Coal Mines
51B[1]	2009	Fire Prevention During Welding, Cutting, and other Hot Work

804[1]	2006	Fire Protection for Advanced Light Water Reactor Electric Generating Plants
45	2004	Fire Protection for Laboratories Using Chemicals
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302	2004	Fire Protection Standard for Pleasure and Commercial Motor Craft
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703[1]	2009	Fire Retardant-Treated Wood and Fire-Retardant Coatings for Building Materials
170[1]	2009	Fire Safety and Emergency Symbols
501A[1]	2009	Fire Safety Criteria for Manufactured Home Installations, Sites, and Communities
505	2006	Fire Safety Standard for Powered Industrial Trucks Including Type Designations, Areas of Use, Conversions, Maintenance, and Operations
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99[3]	2005	Health Care Facilities
418[1]	2006	Heliports
12A[1]	2009	Halon 1301 Fire Extinguishing Systems
221[1]	2009	High Challenge Fire Walls, Fire Walls, and Fire Barrier Walls
1127[1]	2008	High Power Rocketry
704[1]	2007	Identification of the Hazards of Materials for Emergency Response
82[1]	2009	Incinerators and Waste and Linen Handling Systems and Equipment
1962[1]	2008	Inspection, Care, and Use of Fire Hose, Couplings, and Nozzles and the Service Testing of Fire Hose
25[1]	2008	Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems
90A[1]	2009	Installation of Air Conditioning and Ventilating Systems
16[1]	2007	Installation of Foam-Water Sprinkler and Foam-Water Spray Systems
780[1]	2008	Installation of Lightning Protection Systems
1221[1]	2007	Installation, Maintenance, and Use of Emergency Services Communication s Systems
31[1]	2006	Installation of Oil-Burning Equipment
24[1]	2007	Installation of Private Fire Service Mains and Their Appurtenances
13[1,3]	2007	Installation of Sprinkler Systems
13D[1,3]	2007	Installation of Sprinkler Systems in One- and Two- Family Dwellings and Manufactured Homes
13R[1,3]	2007	Installation of Sprinkler Systems in Residential Occupancies Up To and Including Four Stories in Height
14[1,3]	2007	Installation of Standpipe and Hose Systems
20[1]	2007	Installation of Stationary Pumps for Fire Protection
37[1]	2006	Installation and Use of Stationary Combustion Engines and Gas Turbines
90B	2006	Installation of Warm Air Heating and Air Conditioning Systems
101[1,3]	2009	Life Safety Code
58[1,3]	2008	Liquefied Petroleum Gas Code
11	2005	Low-, Medium-, and High-Expansion Foam
501[1]	2009	Manufactured Housing
1125[1]	2007	Manufacture of Model Rocket and High Power Rocket Motors
35	2005	Manufacture of Organic Coatings
30B[1]	2007	Manufacture and Storage of Aerosol Products

1124	2006	Manufacturer, Transportation, Storage, and Retail Sales of Fireworks and Pyrotechnic Articles
1122[1]	2008	Model Rocketry
140[2]	2004	Motion Picture and Television Production Studio and Approved Production Facilities
30A[1,3]	2008	Motor Fuel Dispensing Facilities and Repair Garages
70[1,3]	2008	National Electrical Code
72[1]	2007	National Fire Alarm Code
54[1,3]	2009	National Fuel Gas
86[1]	2007	Ovens and Furnaces
88A[1]	2007	Parking Structures
10[1]	2007	Portable Fire Extinguishers
654	2006	Prevention of Fire and Dust Explosions from the Manufacturing, Processing, and Handling of Combustible Particulate Solids
664[1]	2007	Prevention of Fires and Explosions in Wood Processing and Woodworking Facilities
61[1]	2008	Prevention of Fires and Dust Explosions in Agricultural and Food Processing Facilities
655[1]	2007	Prevention of Sulfur Fires and Explosions
59A[1]	2009	Production, Storage and Handling of Liquefied Natural Gas (LNG)
909[1]	2009	Protection of Cultural Resources Properties Museums, Libraries, and Places of Worship
75[1]	2009	Protection of Information Technology Equipment
232[1]	2007	Protection of Records
496[1]	2008	Purged and Pressurized Enclosures for Electrical Equipment
502[1]	2008	Road Tunnels, Bridges, and Other Limited Access Highways
498	2006	Safe Havens and Interchange Lots for Vehicles Transporting Explosives
241[1]	2009	Safeguarding Construction, Alteration, and Demolition Operations
326	2005	Safeguarding of Tanks and Containers for Entry, Cleaning, or Repair
92A[1]	2009	Smoke Control Systems Utilizing Barriers and Pressure Differences
92B[1]	2009	Smoke Management Systems in Malls, Atria and Large Spaces
36[1]	2009	Solvent Extraction Plants
33[1]	2007	Spray Application Using Flammable and Combustible Materials
40[1]	2007	Storage and Handling of Cellulose Nitrate Film
560[1]	2007	Storage, Handling, and Use of Ethylene Oxide for Sterilization and Fumigation
490	2002	Storage of Ammonium Nitrate
430	2004	Storage of Liquid and Solid Oxidizers
434	2002	Storage of Pesticides
42[1]	2009	Storage of Pyroxylin Plastic
55[1]	2009	Storage, Use, and Handling of Compressed Gases and Cryogenic Fluids in Portable and Stationary Containers, Cylinders and Tanks
111	2005	Stored Electrical Energy Emergency and Standby Power Systems
220[1]	2009	Types of Building Construction
160[2]	2006	Use of Flame Effects Before an Audience, Standard for the
1126	2006	Use of Pyrotechnics before a Proximate Audience
59[1]	2008	Utility LP-Gas Plant
52[1]	2009	Vehicular Fuel Systems
96[1]	2008	Ventilation Control and Fire Protection of Commercial Cooking Operations

68[1]	2007	Venting of Deflagrations
214[1]	2005	Water-Cooling Towers
750[1]	2006	Water Mist Fire Protection Systems
15[1]	2007	Water Spray Fixed Systems for Fire Protection
1142[1]	2007	Water Supplies for Suburban and Rural Fire Fighting
22[1]	2008	Water Tanks for Private Fire Protection
17A[1]	2009	Wet Chemical Extinguishing Systems
18	2006	Wetting Agents

(1) Updated Document; (2) New Document; (3) Amended Document, See Annex B.

Annex B, Additions, Deletions, and Changes to Codes and Standards Listed in Annex A

The following additions, deletions, or changes to the codes and standards listed in Annex A are hereby adopted.

MODIFY NFPA 1, Fire Code, 2009

Chapter 1 Administration
DELETE entire Chapter 1 except 1.12

MODIFY 1.12.1 to read as follows
1.12.1 Permits. All permits required by another section of NFPA 1 shall comply with the requirements of the Delaware State Fire Prevention Regulations in effect.

DELETE 1.12.2 through 1.12.7

Chapter 10 General Fire Safety
MODIFY Chapter 10 – General Fire Safety as noted:

10.1.2* Life Safety Code. Every new building shall comply with this Code and NFPA 101, Life Safety Code.

DELETE
10.1.3 Building Code

DELETE
10-4.3

DELETE
10.9 Emergency Plans

MODIFY 10.11 as follows:
10.11.2.1* It shall be unlawful to set fires to any brush or forest-covered land during anytime when a burning ban, as declared by the State Fire Marshal, is in effect.

> **A-10.11.2.1** Department of Natural Resources Environmental Control (DNREC) should be contacted for their additional burning restrictions at (800) 662-8802 or (302) 739-9401 before performing any outdoor burning.

10-11.6.1 Listed electrical equipment installed in accordance with its listing, applicable codes, and manufacturing instructions shall be permitted. Equipment that involves the kindling of a combustible material, regardless if a gas, liquid, or solid, is prohibited.

10-12 Fire Protection Markings
DELETE 10.12.1 through 10.12.2

10.14 Combustible Vegetation
DELETE 10.14.1.1

DELETE Table 10.14.1.1

Section 10.15 Special Outdoor Events, Carnivals, and Fairs.
10.15.4 Standby Fire Personnel. Where required by the AHJ, standby fire personnel shall be provided and comply with the requirements established by the State Fire Marshal.

10.15.11.4 Fireworks.
10.15.11.4.2 The use of display fireworks shall comply with the Delaware State Fire Prevention Regulations in addition to the requirements of 10.15.11.4.

Chapter 13 Fire Protection Systems
AMEND 13.2.2.1 to read,
13.2.2.1 Where required by 702, Chapter 4 of the Delaware State Fire Prevention Regulations, this code, or the referenced codes and standards in the Delaware State Fire Prevention Regulations, standpipe systems shall be installed in accordance 13.2.1.

AMEND 13.2.3.3 to read,
13.2.3.3 A standpipe system installed in accordance with this code shall be inspected, tested, and maintained in accordance with NFPA 25, *Standard for the Inspection, Testing And Maintenance of Water Based Fire Protection Systems* and Regulation 703, Chapter 1-4 of the Delaware State Fire Prevention Regulations.

13.3 Automatic Sprinkler
AMEND 13.3.2.1 to read,
13.3.2.1 Where required by 702, Chapter 4 §1.0 of the Delaware State Fire Prevention Regulations, this code, or the referenced codes and standards in the Delaware State Fire Prevention Regulations, automatic sprinkler systems shall be installed in accordance 13.3.1".

AMEND 13.3.2.3 to read,
13.3.2.3 Where not otherwise required by the Delaware State Fire Prevention Regulation to be protected by automatic sprinklers, new fire stations should be protected by an approved automatic fire sprinkler system.

AMEND 13.3.3.2 to read,
13.3.3.2 A sprinkler system installed in accordance with this code shall be inspected, tested, and maintained in accordance with NFPA 25, *Standard for the Inspection, Testing And Maintenance of Water Based Fire Protection Systems* and 703, Chapter 1 of the Delaware State Fire Prevention Regulations.

13.3.2.18 One and Two-Family Dwellings
DELETE 13.3.2.18.1 through 13.3.2.18.2

13.3 Automatic Sprinkler
DELETE 13.3.3.4.2 Impairments

Chapter 17 Wildland Urban Interface
DELETE entire Chapter 17

Chapter 18 Fire Department Access and Water Supply
DELETE entire Chapter 18

Chapter 19 Combustible Waste and Refuse
DELETE entire Chapter 19

Chapter 20 Occupancy Fire Safety
20.1.5.3 Open Flame Devices and Pyrotechnics. No open flame devices or pyrotechnic devices shall be used in any assembly occupancy, unless otherwise permitted by the following:

(1) Pyrotechnic special effect devices shall be permitted to be used on stages before proximate audiences for ceremonial or religious purposes, as part of a demonstration in exhibits, or as part of a performance, provided that both of the following criteria are met:

(a) Precautions satisfactory to the AHJ are taken to prevent ignition of any combustible material.

(b) Use of the pyrotechnic device complies with the Delaware State Fire Prevention Regulations.

(2) Flame effects before an audience shall be permitted in accordance with the Delaware State Fire Prevention

Regulations.

Chapter 22 Automobile Wrecking Yards
22.7 Tire Storage.
The storage of tires shall be in accordance with Chapter 34 and the Delaware State Fire Prevention Regulations.

22.9.1 General. The storage, use, and handling of motor vehicle fluids and hazardous materials shall be in accordance with Chapter 66 and the Delaware State Fire Prevention Regulations.

DELETE **22.9.4**

Chapter 33 Outside Storage of Tires
DELETE entire Chapter 33

Chapter 52 Stationary Lead–Acid Battery Systems
DELETE **52.2.2.**

Chapter 53 Mechanical Refrigeration
DELETE **53.1.3.2**

Chapter 60 Hazardous Material
DELETE entire Chapter 60

Chapter 64 Corrosive Solids & Liquids
DELETE entire Chapter 64

Chapter 65 Explosives, Fireworks, & Model Rocketry
DELETE entire Chapter 65

Chapter 67 Flammable Solids
DELETE entire Chapter 67

Chapter 68 Toxic Solids & Liquids
DELETE entire Chapter 68

Chapter 71 Pyrophoric Solids & Liquids
DELETE entire Chapter 71

Chapter 72 Unstable Solids & Liquids
DELETE entire Chapter 72

Chapter 73 Water Reactive Solids & Liquids
DELETE entire Chapter

MODIFY NFPA 13, 2007, Standard for the Installation of Sprinkler Systems.

Chapter 6, System Components and Hardware.
6.8 Fire Department Connections.
Replace 6.8.1, 6.8.1.1 and 6.8.1.2 with a new section 6.8.1 to read as follows:
6.8.1 The fire department connection(s) shall use hose connections compatible with the local fire company.

Chapter 7, System Requirements
AMEND §7-3.2.1 (3) by adding a sentence and an appendix section to read as follows:
7.3.2 Preaction Systems.
7.3.2.1 Preaction systems shall be one of the following types:
(1) A single interlock system, which admits water to sprinkler piping upon operation of detection devices
(2) A non-interlock system, which admits water to sprinkler piping upon operation of detection devices or automatic sprinklers
(3) A double interlock system, which admits water to sprinkler piping upon operation of both detection devices and

automatic sprinklers. A double interlock preaction system shall not be used except where specifically acceptable to the State Fire Marshal Office.

A-7-3.2.1 (3) The design of double interlock preaction systems was intended for only specific applications, such as cold warehouse buildings, where the presence of water into cold pipe may result in ice plugs. These type systems are not intended for use in applications where single interlock preaction systems adequately reduce inadvertent filling of the piping.

Chapter 8, Installation Requirements.
8.15 Special Situations

AMEND §8-15.7 by replacing §8.15.7.1 as follows and deleting §8.15.7.2, §8.15.7.3, and §8.15.7.4.
8-15.7.1 Sprinklers shall be required on porches, balconies, corridors, and stairs, regardless of whether or not they are open to outside air.
8.17 System Attachments.
8.17.2 Fire Department Connection.

Amend §8.17.2.4.6 by deleting the existing §8.17.2.4.6 and inserting a new section to read as follows:

8.17.2.4.6 Fire Department Connections shall be located or arranged as required by the Chief Officer of the fire department having jurisdiction according to the following:

(a) The Office of the State Fire Marshal will give notice to the Chief Officer of a building that is proposed for construction that is to be protected with an automatic sprinkler system, and the Chief Officer must respond, in writing, within 5 working days, as to their requirement for the location of the fire department connection.

(b) In the event that the Chief Officer does not respond according to (a) of this Section, the Office of the State Fire Marshal will determine the location for the fire department connection. This provision will permit the Office of the State Fire Marshal to locate the fire department connection so that hose can be readily and conveniently attached; and the fire department connections will be located in a manner consistent with nationally recognized practices.

(c) Each fire department connection to sprinkler systems shall be designated by a sign having raised letters at least 1 in. (25.4 mm) in height cast on plate or fitting, reading service design, e.g., "AUTOSPRK", "OPEN SPRK AND STANDPIPE." A sign shall also indicate the pressure required at the inlets to deliver the greatest system demand.

Exception to (c): The sign is not required where the system demand pressure is less than 150 psi (10.3 bars).

Chapter 22, Plans and Calculations.
22.4 Hydraulic Calculation Procedures.
22.4.4 Calculation Procedures.

ADD new section 22.4.4.10.3 to read as follows:
22.4.4.10.3 A hydraulically designed sprinkler system shall be designed to provide a 10 PSI safety factor over and above the system demand.

MODIFY NFPA 13D, 2007, Standard for the Installation of Sprinkler Systems In One- And Two-Family Dwellings And Manufactured Homes.

Chapter 7, System Components.
7.6 Alarms.
AMEND §7.6, Alarms, by modifying text to read as follows:
Local waterflow alarms shall be provided on all sprinkler systems. The alarm shall be of sufficient intensity to sound an alarm at 15 dBA above ambient noise level throughout all indoor areas of the protected property.

MODIFY NFPA 13R, 2007, Standard for the Installation of Sprinkler Systems In Residential Occupancies Up To And Including Four Stories.

1.1 Scope
This standard covers design and installation of automatic sprinkler systems for protection against fire hazards in residential occupancies up to and including three stories in height and not exceeding 10,000 square feet in aggregate gross floor area.

6.7.8 Alarms.

AMEND §6.7.8.1, Alarms, by revising §6.7.8.1 to read as follows:

6.7.8.1 All residential (13R) sprinkler systems shall have a water flow alarm installed that will provide an audible sound. The alarm shall be of sufficient intensity to sound an alarm at 15 dBA above ambient noise level both inside and outside the residence.

6.9 Location of Sprinklers

AMEND §6.9 to read as follows:

6.9.5 Sprinklers shall be required on porches, balconies, corridors, and stairs regardless of whether or not they are open to outside air.

6.9.7 Sprinklers shall be required in closets on exterior balconies regardless of whether or not it opens directly into the dwelling unit.

MODIFY NFPA 14, 2007, Standard for the Installation of Standpipe, Private Hydrant and Hose Systems.

Chapter 6, Installation Requirements.
6.4 Fire Department Connections.
6.4.5 Location and Identification.

AMEND §6.4.5 by deleting the existing §6.4.5.1.1, 6.4.5.2, and 6.4.5.2.1 and replacing with a new §6.4.5.2 to read as follows:

6.4.5.2 Fire Department Connections shall be located or arranged as required by the Chief Officer of the fire department having jurisdiction according to the following:

(a) The Office of the State Fire Marshal will give notice to the Chief Officer of a building that is proposed for construction that is to be protected with a standpipe system, and the Chief Officer must respond, in writing, within 5 working days, as to their requirement for the location of the fire department connection.

(b) In the event that the Chief Officer does not respond according to (a) of this Section, the Office of the State Fire Marshal will determine the location for the fire department connection. This provision will permit the Office of the State Fire Marshal to locate the fire department connection so that hose can be readily and conveniently attached; and the fire department connections will be located in a manner consistent with nationally recognized practices.

(c) Each fire department connection to standpipe systems shall be designated by a sign having raised letters at least 1 in. (25.4 mm) in size cast on the plate or fitting, reading, "STANDPIPE." If automatic sprinklers are also supplied by the fire department connection, the sign or combination of signs shall indicate both designated services, e.g., "STANDPIPE AND AUTOSPRK." or "AUTOSPRK AND STANDPIPE." A sign shall also indicate the pressure required at the inlets to deliver the system demand.

Chapter 7, Design.
7.3 Location of Hose Connections.
7.3.2 Class I Systems

AMEND § 7.3.2 by deleting the 7.3.2.1
7.8* Minimum and Maximum Pressure Limits.
7.8.1 Minimum Design Pressure for Hydraulically Designed Systems.

AMEND §7.8.1 by inserting a new section and a new Appendix section to read as follows:

7.8.1.2 Where the local fire department has the capability of providing the required pressure, hydraulically designed standpipe systems in fully sprinklered, non-highrise buildings shall be designed to provide the waterflow rate required by §7.10.

> **A.7.8.1.2** It is not necessary to install a fire pump merely to provide minimum pressure to standpipe systems when the building is fully sprinklered, the sprinkler system is adequately designed to control a fire, and the responding fire department has the ability to sufficiently charge the standpipe system in a non highrise building. That is, an adequately designed sprinkler system is expected to control a fire and as the fire department arrives to finish extinguishment, they can provide the pressure in the standpipe system as needed.

MODIFY NFPA 30, 2008 Flammable And Combustible Liquids Code.

Chapter 22, Storage of Liquids in Tanks — Aboveground Storage Tanks

22.4 Location of Aboveground Storage Tanks.
22.4.1 Location with Respect to Property Lines, Public Ways, and Important Buildings

AMEND §22.4.1 by adding an Exception to read as follows:

Exception: The State Fire Marshal may increase the distances to property lines, public ways and important buildings when in his opinion the increases are justified.

MODIFY NFPA 30A, 2008, Motor Fuel Dispensing and Repair Garages Code.

Chapter 5, Piping for Liquids.
5.2 General Requirements for All Piping

AMEND §5.2, General Requirements for All Piping to read as follows:
5.2.5 Each fill pipe shall be identified by color code or other marking to identify the product for which it is used. The color code or marking shall be maintained in legible condition throughout the life of the installation. All underground petroleum storage tank fill pipes shall be marked and maintained with colors and symbols consistent with API Recommended Practice 1637.

Chapter 6, Fuel Dispensing System.
6.2 General Requirements.

AMEND §6.2, General Requirements, by adding new subsections to read as follows:
6.2.3 Dispensing units for kerosene shall not be located within 25' of Class I liquid dispensing units.
6.2.4 Islands with dispensing units for kerosene shall be located a minimum of 10' from islands with Class I liquid dispensing units.
6.2.5 Dispensing units for kerosene shall be provided with a legible sign, bearing the word "KEROSENE" in a minimum 4" high letter, with such letters to be in blue with a contrasting background color.

Chapter 9, Operational Requirements.
9.2 Basic Requirements
9.2.1 Inventory Control

AMEND §9.2.1, Inventory Control by adding new subsections to read as follows:
9.2.1.1 The seasonal exchange of product shall be prohibited in underground storage tanks.
9.2.1.2 No change of class of product within storage tanks shall be made without prior approval of the State Fire Marshal.
9.2.3 Dispensing Into Containers.

AMEND §9.2.3.2, Inventory Control by adding a new subsection to read as follows:
9.2.3.2.1 No sale or purchase of kerosene shall be made in containers unless such containers meet the provisions of this standard and are a color other than red with the word "KEROSENE" marked thereon. (The recommended color is blue with white lettering.)

Chapter 11, Marine Fueling
11.10 Operating Requirements.

AMEND Chapter 11, Marine Fueling, by renumbering §11.10.6 to §11.10.6.1 and adding new §11.10.6.2, §11.10.6.3 and §11.10.6.4 to read as follows:
11.10.6.2 The dispensing of Class I Liquids into the fuel tanks of self-propelled water craft must be accomplished at a designated marine Service Station, and that service station must be in accordance with the applicable provisions of these Regulations.
11.10.6.3* The dispensing of Class I Liquids into the fuel tanks of self-propelled water craft shall be prohibited from a tank truck vehicle.

A-11.10.6.3 It is the express intent of this section to prohibit the transfer of Class I liquids from a tank truck vehicle directly into the fuel tanks of a boat or any other self-propelled water craft.

11.10.6.4* The dispensing of Class II Liquids into the fuel tanks of self-propelled water craft, is permitted provided the tank truck vehicle is equipped with an automatic shut off nozzle.

A-11.10.6.4 This change is based on an appeal filed by the Delaware Captains Association. This appeal was heard by the State Fire Prevention Commission on September 20, 1994 and was subsequently approved by the State Fire Prevention Commission on September 20, 1994.

Chapter 13, Farms and Remote Sites
13.1 Scope

AMEND §13.1 (1) to read as follows:
(1) in rural areas

MODIFY NFPA 54, 2009, National Fuel Gas Code.

Chapter 9, Installation of Specific Equipment.
9.23 Room Heaters.
9.23.1 Unvented room heaters shall not be installed in bathrooms and bedrooms.
Delete Exception #1
Delete Exception #2

MODIFY NFPA 58, 2008, Liquefied Petroleum Gases Code.
Chapter 4, General Requirements.
4.3 Notification Of Installations.

AMEND §4.3.1 Stationary Installations, by deleting the existing section and inserting two new subsections to read as follows:
4.3.1.1* Plans shall be submitted to the Office of the State Fire Marshal for review and approval for the following liquefied petroleum gas (LPG) installations:
(a) At consumer sites having an aggregate water capacity of 1,000 gallons or more tank storage; and
(b) For all portable cylinder exchange at consumer sites or dispensing stations, where not connected for use, and in storage for resale or exchange by dealer or reseller.

A.4.3.1.1 This section still requires the submission of plans for all LP Gas installations with an aggregate capacity of 1,000 gallons or more, and now requires the submission of plans for all portable cylinder exchange installations.

4.3.1.2* Plans shall be submitted to the Office of the State Fire Marshal for review and approval regarding liquefied petroleum gas (LPG) installations for all sites and locations where LPG is dispensed by a retail operation to the public, regardless of tank storage capacity.

A.4.3.1.2 Submission of plans for all LP Gas Installations where tanks are filled as a retail operation for the public.

Exception to 4.3.1.1. and 4.3.1.2: One- and Two-Family Dwellings are not required to comply with these sections.

Chapter 5, LP Gas Equipment and Appliances.
5.20 Appliances.

AMEND §5.20.1, by adding a subsection to read as follows:
5.20.1.1 Patio Heaters.
5.20.1.1.1 Patio heaters shall be listed and for outdoor use only.

A-5.20.1.1.1 All gas-fired heaters are to be used only in adequately ventilated areas. In order to support the combustion air requirements of the heater and to minimize the potential for the accumulation of carbon monoxide, ample fresh air ventilation in accordance with the Manufacturer's Installation Instructions and/or Owner's Manual should be provided.

5.20.1.1.2 When used, they shall be located in an area either outside the confines of a building or an area sheltered from the elements by overhead cover that is open on all exterior sides. Any obstruction of the exterior boundary of the area by any material to any degree shall be prohibited. Walls, part walls or partitions, roll-down see-through curtains or drapes, awnings, or components by any other name shall be considered an obstruction.

Note: It should be further noted that roll-down and retractable materials are considered "not open". Since they are adjustable, it is expected that they will be less open during inclement weather in order to protect against the exposure

Exception 1: Exterior sides of the area do not include the wall(s) common to the deck/patio and the building to which the deck/patio adjoins.

A-5.20.1.1.2 Exception 1: Typically, most deck/patios will have three (3) exterior sides and one (1) side adjacent to the building

5.20.1.1.3 Hot surfaces of the appliance shall be at least 36 inches in all directions from all other materials. Clearances of less distance shall be permitted if in accordance with the Manufacturer's Installation Instructions and/or Owner's Manual

Chapter 6, Installation of LP-Gas Systems.
6.25 Fire Protection.

ADD New 6.25.7:
6.25.7 Fire Protection At Bulk Plants.
6.25.7.1 Application. This section regulating bulk plants applies to facilities whose primary purpose is to receive gas by tank car, tank truck, or piping, and distribute the gas to the end user by use of portable container delivery, tank truck, or gas piping.

Exception No. 1: §6.25.7 *shall not apply to those facilities that fall within the definition of "REMOTE" with respect to location, as defined in §6.25.7.2. Under this exception, the requirements of §6.25.7.5, Water Supply for Fire Protection, are retained and required.*

6.25.7.2 Definitions.
Remote. A location for a facility that is termed to be remote is where a clear distance, with no inhabited or occupied buildings, are within 1,250 feet of any end of any LP-Gas storage tank, and within 1,250 feet of the side of any LP-Gas storage tank that is to be installed on the site; and the property area in question is owned or under the control of the owners of the tanks, and the property may not be built upon, inhabited, or occupied by any such occupancy other than that as may be associated with the operation of the LP-Gas storage facility.

6.25.7.3* Notwithstanding any provisions of this Section to the contrary, all LP-Gas facilities having storage containers with a combined aggregate water capacity of more than 18,000 gallons, where LP-Gas is transferred from railcar to tank storage, from railcar to vehicle, from tank storage to vehicle, from vehicle to vehicle, from tank storage to railcar, or from vehicle to tank storage, shall incorporate the following additional fire protection measures:

(a) If the facility employs a total product containment system with emergency internal and shutoff valves having remote and thermal shutoff capability and pullaway protection, then the facility shall also employ:

(i) Non-automated fixed water monitor nozzle(s) of sufficient number and specification to saturate all areas of the tank which might be exposed to fire from piping, valves and pumps associated with filling or transfer operations (typically referred to as the "Business End" of the tank and including railroad tank car transfer points), or

(ii) Listed open sprinkler heads of sufficient number and specification to saturate all areas of the tank which might be exposed to fire from piping valves and pumps associated with filling or transferring operations (typically referred to as the "Business End" of the tank).

Note: To cool a vessel receiving high-intensity flame impingement ("Business End") and to protect against vessel failure, an application rate of at least 0.25 gpm/sqft should be used to design. An application rate of 0.10 gpm/sqft should be used in the design for the rest of the vessel. API Standard 2510 Design and Construction of LPG Installations (1995 edition)

(iii) Heat sensors and hydro-carbon vapor detectors with off-site monitoring and reporting capability, installed according to the standards of the American Petroleum Institute (API) and applicable NFPA Standards as adopted and/or modified by these Regulations.

(b) If the facility does not employ a total product containment system with emergency internal and shutoff valves

having remote and thermal shutoff capability and pullaway protection, then the facility shall employ:

(i) Automated water monitor nozzles of sufficient number and specification to saturate at least seventy-five percent (75%) of the total container surface, including the entire surface of each end of the container; and

> **Note:** To cool a vessel receiving high intensity flame impingement ("Business End") and to protect against vessel failure, an application rate of at least 0.25 gpm/sqft should be used to design. An application rate of 0.10 gpm/sqft should be used in the design for the rest of the vessel. API Standard 2510 Design and Construction of LPG Installations (1995 edition)

(ii) Heat sensors and hydrocarbon vapor detectors with off-site monitoring and reporting capability, installed according to the standards of the American Petroleum Institute (API) and applicable NFPA Standards as adopted and/or modified by these Regulations.

(c) For storage containers which are mounded, buried, or insulated, the additional fire protection measures specified in paragraphs (a) and (b) above shall not be required.

(d) Where water monitor nozzles are required, as specified by paragraphs (a) and (b) above, whether automated or non-automated, such water monitor nozzles shall be installed no further than 50 feet from the storage container serviced by such water monitor nozzles. Furthermore, such water monitor nozzles shall employ a hook-up connection for the use of the local fire department. If no protective barrier exists between the water monitor nozzles and said hook-up connection, then the hook-up connection shall be at least 100 feet from the water monitor nozzles. If a protective barrier exists between the water monitor nozzles and said hook-up connection, then the hook-up connection shall be at least 50 feet from the water monitor nozzles.

(e) Where water monitor nozzles are required, as specified by paragraphs (a) and (b) above, either automated or non-automated, plans and specifications for such water monitor nozzles shall be submitted for review in accordance with Regulation 701, Chapter 4 of these Regulations. During the plan review process, the Office of the State Fire Marshal will contact the local fire chief for input as to the location of the hook-up connections for the water monitor nozzles.

A.6.25.7.3 Total Product Containment System. A total product containment system includes emergency internal and shutoff valves having remote and thermal capability and pullaway protection, such installation in accordance with standards and specifications of both the American Petroleum Institute (API) and NFPA 58.

6.25.7.4 No persons, other than the plant management or plant employees, shall have access to any bulk LP-Gas storage facility.

6.25.7.5 Water Supply For Fire Protection. Not withstanding other provisions of these Regulations, water supply for fire protection shall be provided as follows for all bulk LP-Gas storage facilities:

(a) Tank/Piping Protection. A minimum water supply of 1,500 gpm for a minimum duration of 2 hours shall be required, and may be provided from a public water utility, from stored water on site (either in a tank with a hydrant or in a pond with a dry hydrant), or any combination of the foregoing.

(b) The water supply for fire protection as required in this section of this Regulation shall be the minimum water supply required. If the fire protection engineering design indicates an increase in the water supply for fire protection at a site, then the higher capacity water supply shall be the amount so required.

(c) If a detailed fire protection engineering analysis, based upon hydraulic calculations, demonstrates that the additional fire protection measures specified in §6.25.7.3 of this Regulation requires less than the minimum water supply specified by paragraph (a) above, then the lesser capacity water supply shall be the amount so required.

(d) Water For Fire Department Operations. In addition to the minimum water supply specified by paragraph (a) above, a water supply of 500 gpm for a minimum duration of 1 hours shall be provided on site for fire department operations.

6.25.7.6 Fire Department Chief Officer.

6.25.7.6.1 The Office of the State Fire Marshal shall hand deliver to the Fire Department Chief Officer having jurisdiction a site plan and set of structural or building plans that have been submitted for review and approval by the Office of the State Fire Marshal; the Fire Department Chief Officer shall sign when accepting the plans from the Office of the State Fire Marshal.

6.25.7.6.2 Within ten working days of the Fire Department Chief Officer having received the plans and specifications as identified in §6.25.7.6.1 of this Regulation, the Fire Department Chief Officer shall respond in writing to the Office of the State Fire Marshal and will provide the following information:

a) Location of the fire department connections that supply the monitor nozzles, if applicable; and

b) Location of the fire hydrants or the on-site water supply, if applicable; and

c) Accessibility pattern on the site to be prepared for fire department operations (fire lanes).

6.25.7.6.3 If the Fire Department Chief Officer does not respond within ten working days as required in 6.25.7.6.2 of this Regulation, the Office of the State Fire Marshal will incorporate the necessary fire protection features consistent with generally accepted fire protection practices.

Chapter 7, LP-Gas Liquid Transfer.
7.2 Operational Safety.
7.2.2 Filling and Evacuating Containers.

AMEND §7.2.2.1 by deleting the existing §7.2.2.1 and inserting a new §7.2.2.1 to read as follows:
7.2.2.1* Containers shall be filled only by the owner or upon the owner's authorization.

> **Note:** This modification retains the language of NFPA Pamphlet No. 58, 1989 Standard for the Storage and Handling of LP Gases.
> (a) This requirement is in keeping with 16 Del.C. §7202.

Chapter 8, Storage Of Portable Containers Awaiting Use, Resale, Or Exchange.
8.4.2 Protection Of Containers.

AMEND §8.4.2.2 by deleting §8.4.2.2 and inserting a new §8.4.2.2 to read as follows:
8.4.2.2* Protection against vehicle impact shall be provided by installing traffic/bumper posts, or other protection acceptable to the State Fire Marshal.

A.8.4.2.2 The intent of this requirement is to ensure the protection of the portable cylinders from vehicular damage and to emphasize that the standard curbs are not considered adequate protection.

MODIFY NFPA 70, 2008, The National Electrical Code.

Article 210, Branch Circuits
210.12 Arc-Fault Circuit-Interrupter Protection.

AMEND §210.12(B), by adding a second third and fourth sentences to read:
(B) Dwelling Units: All 120-volt, single phase, 15- and 20-ampere branch circuits supplying outlets installed in dwelling unit family rooms, dining rooms, living rooms, parlors, libraries, dens, bedrooms, sunrooms, recreation rooms, closets, hallways, or similar rooms or areas shall be protected by a listed arc-fault circuit interrupter, combination type installed to provide protection of the branch circuit. Smoke alarms shall not be placed on branch circuits protected by arc-fault circuit interrupter. All smoke alarms shall be supplied by branch circuits dedicated to smoke alarm equipment. The connection of the smoke alarm branch circuit to the power service shall be mechanically protected by utilizing lock-on devices.

Article 550, Mobile Homes/Manufactured Homes
550.25 Arc-Fault Circuit-Interrupter Protection.

AMEND §550.25(B), by adding a second third and fourth sentences to read:
(B) Bedrooms of Mobile Homes and Manufactured Homes. All 120-volt branch circuits that supply 15- and 20-ampere outlets installed in bedrooms of mobile homes and manufactured homes shall comply with 210.12B. Smoke alarms shall not be placed on branch circuits protected by arc-fault circuit interrupter. All smoke alarms shall be supplied by branch circuits dedicated to smoke alarm equipment. The connection of the smoke alarm branch circuit to the power service shall be mechanically protected by utilizing lock-on devices.

MODIFY NFPA 99, 2005, Health Care Facilities

Chapter 4, Electrical Systems.
4.4 Essential Electrical System Requirements – Type 1.
4.4.2 Distribution (Type 1 EES)
4.4.2.2 Specific Requirements.

AMEND §4.4.2.2.2.2, Life Safety Branch, by adding a new subsection to read as follows:
4.4.2.2.2.2(9) Electric Fire Pumps

No function other than those listed in items 4.4.2.2.2.2(1) through 4.4.2.2.2.2(9) shall be connected to the life safety branch.

MODIFY NFPA 101, 2009, The Life Safety Code.

Chapter 9, Building Service and Fire Protection Equipment.
9.2 Heating, Ventilating, and Air Conditioning.

AMEND §9.2.1, by adding a new §9.2.1.1, Unvented Fuel-Fired Heating Equipment, to read as follows:
9.2.1 Air-Conditioning, Heating, Ventilating Ductwork, and Related Equipment.
9.2.1.1 Unvented fuel-fired heating equipment shall be prohibited in bathrooms and sleeping areas of all occupancies. In all other areas, gas space heaters installed in compliance with NFPA 54, National Fuel Gas Code, as adopted and modified by these Regulations shall be permitted.

Chapter 16, New Day Care Occupancies.
16.2 Means of Egress Requirements.
16.2.2 Means of Egress Components.
16.2.2.2 Doors.

AMEND §16.2.2.2.2, Panic Hardware or Fire Exit Hardware, by deleting the existing §16.2.2.2.2, and inserting a new §16.2.2.2.2 to read as follows:
16.2.2.2.2 Panic Hardware Or Fire Exit Hardware. Any door in a required means of egress from an area having an occupant load of 13 or more clients shall be permitted to be provided with a latch or lock only if the latch or lock is panic hardware or fire exit hardware.
16.3 Protection.
16.3.4 Detection, Alarm, and Communication Systems.

AMEND §16.3.4.4, Emergency Forces Notification, by deleting the existing §16.3.4.4 and inserting a new §16.3.4.4 to read as follows:
16.3.4.4 Emergency Forces Notification. Fire department notification shall be accomplished in accordance with §9.6.4.

Exception: Day care centers with not more than 100 clients.

Chapter 24, One- And Two-Family Dwellings.
24.1.1 Application.

AMEND §24.1.1, Application, by deleting the existing §24.1.1.2 and inserting a new §24.1.1.2 to read as follows:
24.1.1.2 This Chapter shall not be utilized by the Office of the State Fire Marshal during the plan review process, except when individual, specified sections are referenced by other Chapters of the Life Safety Code.

Chapter 26, Lodging Or Rooming Houses.
26.3 Protection.
26.3.4 Detection, Alarm, And Communication Systems.

AMEND §26.3.4, Detection Alarm, And Communication Systems, by adding a new Subsection to read as follows:
26.3.4.4 A corridor smoke detection system in accordance with §9.6 shall be installed in all lodging or rooming houses.

Chapter 30, New Apartment Buildings.
30.3.4 Detection, Alarm, and Communication Systems.

AMEND §30.3.4.1, General, by deleting §30.3.4.1, and inserting a new §30.3.4.1 and exception to read as follows:
30.3.4.1 General. All new apartment buildings shall be provided with a fire alarm system in accordance with §9.6, except as modified by 30.3.4.2 through 30.3.4.5.

Exception: Where each dwelling unit is separated from other contiguous dwelling units by fire barriers having a fire resistance rating of not less than one hour, and where each dwelling unit has either its own independent exit or its own independent stairway or ramp discharging at grade.

AMEND §30.3.4.4, Detection, by adding a new Subsection to read as follows:

30.3.4.4.1 A corridor smoke detection system in accordance with §9.6, shall be installed in all apartment buildings.

30.3.5 Extinguishment Requirements.

AMEND §30.3.5.4, by revising §30.3.5.4 to read as follows:

In buildings not exceeding 10,000 sq. ft. of aggregate gross floor area and sprinklered in accordance with NFPA 13, Standard for the Installation of Sprinkler Systems, closets less than 12 ft^2 in area in individual dwelling units shall not be required to be sprinklered. Closets that contain equipment such as washers, dryers, furnaces, or water heaters shall be sprinklered regardless of size.

Chapter 32, New Residential Board And Care Occupancies.

32.2 Small Facilities.

AMEND §32.2, Small Facilities, by adding new Subsections to read as follows:

32.2.2.7 Emergency Lighting. Emergency lighting shall be installed in accordance with §7.9.

32.2.2.8 Marking Of Means Of Egress. Means of egress shall be marked in accordance with §7.10.

32.2.2.9 Portable Fire Extinguishers. Portable fire extinguishers shall be provided near hazardous areas in accordance with §9.7.

32.2.3.4 Detection, Alarm, and Communication Systems.

AMEND §32.2.3.4, Detection, Alarm, and Communication Systems, by adding §32.2.3.4.5, Emergency Forces Notification, to read as follows:

32.2.3.4.5 Emergency Forces Notification. Fire department notification shall be accomplished in accordance with §9.6.4.

32.3 Large Facilities.

32.3.3.4 Detection, Alarm, and Communication Systems.

AMEND §32.3.3.4.6, Emergency Forces Notification, by deleting the existing §32.3.3.4.6 and inserting a new §32.3.3.4.6 to read as follows:

32.3.3.4.6 Fire Department Notification. Fire department notification shall be accomplished in accordance with §9.6.4.

MODIFY NFPA 101, 2009, The Life Safety Code.

Chapter 43, Building Rehabilitation.

DELETE the entire Chapter

1 DE Reg. 197 (08/01/97)
3 DE Reg. 416 (09/01/99)
4 DE Reg. 1237 (02/01/01)
6 DE Reg. 1638 (06/01/09)
8 DE Reg. 416 (09/01/04)
10 DE Reg. 342 (08/01/06)
13 DE Reg. 629 (11/01/09)
19 DE Reg. 96 (08/01/15) (Prop.)