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** 703

## PROPOSED

### PUBLIC NOTICE

### 703 Installation, Operation, Maintenance, Testing and Sales of Signaling Systems, Fire Protection Systems and Fire Extinguishers

The Delaware State Fire Prevention Commission, pursuant to 16 **Del.C.** §6604(1), proposes to revise regulation 703 by adding a definition for "major deficiency," clarifying that at the time of renewal, a certificate holder must maintain current NICET certification at the minimum level that was required at the time of original licensure. The proposed changes also remove reference to the Annexes and Appendixes which 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).

### 703 Installation, Operation, Maintenance, Testing and Sales of Signaling Systems, Fire Protection Systems and Fire Extinguishers

#### Chapter 1 Operation, Maintenance, and Testing of Fire Protection Systems

**1.0 General.**

1.1 Purpose, Scope, and Application.

1.1.1 Purpose. To establish the minimum requirements for the operation, inspection, testing, and maintenance of all new and existing fire protection systems, devices, units, and fire safety equipment in all occupancies as herein provided. Such systems shall comply with the provisions of the National Fire Protection Association's National Fire Codes and Standards, as adopted and/or amended by these Regulations, and as listed in Appendix F of these Regulations.

1.1.2 Scope. This Regulation addresses the types and frequencies of inspections, testing, and maintenance that must be completed for all new and existing fire protection systems, devices, units, and fire safety equipment in all occupancies as herein provided.

1.1.3 Application. The application of this Regulation pertains to the companies and the individuals who engage in the activities detailed in this Chapter, with respect to the specific type of fire protection system or equipment.

1.1.4 With respect to one- and two-family dwellings, it is the intent of this Regulation to require that fire protection systems be installed, operated, inspected, tested, and maintained pursuant to the applicable provisions of the National Fire Protection Association's National Fire Codes and Standards, as adopted and/or modified by these Regulations. This Chapter does not require the submission of technical documents for review and approval, and does not require a final inspection nor acceptance test by the Office of the State Fire Marshal for fire protection systems in one- and two-family dwellings.

1.2 Installations.

1.2.1 Before any fire alarm, detection, or fire suppression system is installed, enlarged, or extended, plans and specifications shall be submitted as prescribed in Regulation 701, Chapter 4.

1.3 Acceptance Test.

1.3.1 Before final approval and acceptance of fire suppression, alarm, detection, or any other fire protection device or system, including emergency generators and fire ventilating systems, in any building or structure, the installation shall be subjected to the tests prescribed herein and a certified copy of the test results filed with the Office of the State Fire Marshal.

1.3.2 It shall be unlawful to occupy any building, structure, or any portion thereof until all required fire protection systems have been subjected to an acceptance test witnessed by the Office of the State Fire Marshal.

1.3.3 All required tests shall be conducted by a qualified contractor or owner's representative and at the expense and risk of the owner. These tests shall be conducted in accordance with the National Fire Protection Association's National Fire Codes and Standards and standards as adopted and/or modified by these Regulations and as referenced in Appendix F of these Regulations.

1.3.4 The State Fire Marshal shall be notified not less than five (5) working days prior to said test being made. At the option of the State Fire Marshal, he may witness said test.

1.4 Signs.

1.4.1 All fire department connections and fire pump test connections shall be properly marked with a sign indicating their purpose and shall be maintained in a manner and location satisfactory to the State Fire Marshal.

1.5 Threads.

1.5.1 All threads provided for fire department connections, to sprinkler systems, standpipes, yard hydrants or any other fire hose connections shall be uniform to those used by the fire department in whose district they are located.

**2.0 Definitions.**

2.1 These definitions shall be used for the purpose of defining terms only for this Chapter.

"**Automatic Detecting Device**". A device which automatically detects heat, smoke, or other products of combustion.

**"Automatic Fire Alarm System"**. A fire alarm system containing automatic detecting device(s) which actuates a fire alarm signal.

**"Automatic Fixed Fire Suppression System"**. An engineered system using carbon dioxide (CO2), dry chemical, wet chemical, foam, clean agent, a halogenated extinguishing agent, or water spray system to automatically detect and suppress a fire through fixed piping and nozzles.

**"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 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.

**"Automatic Water Supply"**. Water supplied through a gravity or pressure tank or automatically operated fire pumps, or from a direct connection to an approved municipal water main.

**"Carbon Dioxide (CO2)"**. A colorless, odorless, electrically nonconductive inert gas.

**"Carbon Dioxide Extinguishing System (CO2)"**. A system to supply carbon dioxide (CO2) from a pressurized vessel through fixed pipes and nozzles. The system may include an automatic detection and actuating mechanism.

**"Central Station System"**. A system or group of systems, the operations of which are signaled to, recorded in, maintained and supervised from an approved central station, in which there are competent and experienced observers and operators in attendance at all times whose duty it shall be, upon receipt of a signal, to take such action as shall be required under the rules established for their guidance. Such systems shall be controlled and operated by a person, firm or corporation whose principal business is the furnishing and maintaining of supervised protection signaling service and who does not have interest in the protected properties.

"**Clean Agent**". Electrically nonconducting, volatile or gaseous fire extinguishant that does not leave a residue upon evaporation.

"**Cooking Appliances**". All ranges, ovens, food boilers, upright broilers, charcoal broilers, char broilers, griddles, deep fat fryers, or similar appliances used to heat, cook, or process food for human or animal consumption.

"**Detector, Smoke**". An approved, listed detector for sensing visible or invisible products of combustion.

"**Dry Chemical**". A powder composed of small particles, usually of sodium bicarbonate, potassium bicarbonate, potassium bicarbonate/urea or ammonium phosphate, with added particulate material supplemented by special treatment to prevent caking and provide flowability.

**"Dry Chemical Extinguishing System**". A system consisting of dry chemical and expellant gas storage tanks, fixed piping, and nozzles used to assure proper distribution of an approved extinguishing agent on a

specific fire hazard or into a potential fire area. The system may include an automatic detection and actuating mechanism.

"**Dry Pipe System**". As applied to water, fire suppression systems shall mean a system of piping which is filled with air under pressure and a permanent water supply is controlled by an approved automatic dry pipe valve which releases the water supply by the release of air in the event of fire.

"**Dry System**". As applied to water, fire suppression systems shall mean a system without permanent or automatic water supply but equipped with a fire department connection.

"**Engineered System**". A functional unit requiring individual calculation and design to determine the flow rates, nozzle pressures, quantities of extinguishing agent and the number and types of nozzles and their placement for the protection of a specific hazard.

"**Fire Protection System**". A system including systems, devices and equipment to detect a fire, actuate an alarm or suppress fire or any combination thereof.

"**Fire Suppression System**". A mechanical system designed and equipped to detect a fire, actuate an alarm and to suppress a fire.

"**Foam Extinguishing System**". A special system to discharge a foam made from concentrates, either mechanically or chemically, over the area to be protected.

"**Grease Consuming Appliances or Fume Incinerator**". Devices intended for placement over restaurant type cooking equipment in the exhaust duct and through which all exhaust vapors or smoke must pass. Grease and other particulate matter from cooking fumes and exhaust are removed by open flames.

"**Grease Extractor**". A device intended for the removal of smoke and grease laden particles from exhaust fumes or vapors created by cooking operations. A grease extractor device normally consists of a hood, a grease collection device, a wash system, means to detect excessive temperature of the exhaust gases which activates a device to prevent flame and excessively hot gases from entering the exhaust duct, and associated electrical controls.

"**Halogenated Extinguishing Agents**". A halogenated compound is one which contains one or more atoms of an element from the halogen chemical series: fluorine, chlorine, bromine and iodine. Halogenated extinguishing compounds shall be restricted to the following:

Halon 1211, bromochlorodifluoro¬methane, CBrC1F2; or

Halon 1301, bromotrifluoromethane, CBrF3.

"**Halogenated Extinguishing System**". A system of pipes, nozzles and an actuating mechanism and a container of halogenated agent under pressure.

"**Inspection**". A visual examination of a fire protection system, or a portion thereof, to verify that it appears to be in operating condition and is free from physical damage.

"**Inspection, Testing, and Maintenance Service**". A service program provided by a qualified contractor or owner's representative in which all components unique to the property's systems are inspected and tested at the required times and necessary maintenance is provided. This program includes the logging and retention of relevant records. It is permissible under this definition to replace, in kind, individual parts or devices when, for any reason, they become undependable or inoperative.

"**Local Alarm System**". A local system sounding an alarm as the result of the manual operation of a fire alarm box or the operation of protection equipment or systems, such as water flowing in a sprinkler system, the discharge of carbon dioxide, the detection of smoke or the detection of heat.

"**Maintenance**". Repair service including periodically recurrent inspections and tests, required to keep fire protection systems and their component parts in an operative condition at all times. It is permissible under this definition to replace, in kind, individual parts or devices when, for any reason, they become undependable or inoperative.

"**Major Deficiency**". A deficiency noted during an inspection or test of a fire protection system which, if not corrected, will prevent the system from operating or, if not corrected, will result in the system operating in an adverse manner to such consequence as to result in a catastrophic outcome.

"**Riser**". The vertical supply pipes in a sprinkler system or standpipe system.

"**Testing**". A procedure to determine the status of a system as intended by conducting periodic physical checks on the fire protection system. These test follow up on the original acceptance tests at intervals specified in the National Fire Protection Association's National Fire Codes, as adopted and/or modified by these Regulations and as referenced in Appendix F of these Regulations.

"**Waterflow Alarm**". An alarm activated by waterflow from a sprinkler system.

"**Wet System**". As applied to water, fire suppression systems shall mean a system which is filled with water and connected to a permanent water supply under pressure so that water is discharged immediately from sprinklers opened by a fire or from open hose outlet valves.

**3.0 Fire Protection Systems Maintenance.**

3.1 Impairment of Fire Protection Systems.

3.1.1 All fire protection systems, devices, units, and service equipment shall be maintained in an operative condition at all times, and it shall be unlawful for any person owning, controlling, or otherwise having charge of any fire protection system to reduce the effectiveness of the system without the proper impairment permit or approval. Permits or approvals will not be required for temporary impairments caused by periodic testing and inspection.

3.1.2 Impairment Permit - Planned Impairment.

3.1.2.1 In all health care, institutional, place of assembly, ~~or~~ educational, ~~(including~~ and day care~~)~~ occupancies an impairment permit shall be obtained prior to any planned impairment which will render the system inoperable or out of service.

3.1.2.2 In all occupancies other than those listed in §3.1.2.1 of this Chapter an impairment permit shall be obtained prior to any planned impairment which will render the system inoperable or out of service for more that eight (8) hours.

3.1.3 Impairment Permit - Unplanned Impairment.

3.1.3.1 In all health care, institutional, place of assembly, ~~or~~ educational, ~~(including~~ and day care~~)~~ occupancies an impairment permit shall be obtained immediately after discovery of any impairment which will render the system inoperable or out of service. If the Office of the State Fire Marshal is not open when the impairment is discovered, the office shall be notified by calling the local fire dispatch center and asking for the "On call Deputy Fire Marshal".

3.1.3.2 In all occupancies other than those listed in §3.1.2.1 of this Chapter an impairment permit shall be obtained within two hours after discovery of any impairment which will render the system inoperable or out of service for more than eight (8) hours. If the Office of the State Fire Marshal is not open when the impairment is discovered, notify the office on the next working day within two hours of the start of business.

3.1.4 Compensatory Measures.

3.1.4.1 When any fire protection system has an impairment which will render the system inoperable or out of service the person owning, controlling, or otherwise having charge of any fire protection system is responsible to provide compensatory measures capable of minimizing the effect of the impairment to a level acceptable to the State Fire Marshal. If acceptable compensatory measures cannot be provided then the State Fire Marshal may order said occupancy or portion of the occupancy vacated until the fire protection system is returned to service.

3.2 Buildings Under Construction, Vacant Buildings And Buildings Undergoing Demolition.

3.2.1 The standpipe system shall be carried up with each floor and shall be installed and ready for use as each floor progresses.

3.2.2 Standpipes shall not be more than one floor below the highest forms or staging.

3.2.3 Fire protection systems shall be maintained operable condition at all times.

*Exception: In vacant or unoccupied buildings, where the State Fire Marshal determines that the type of construction, fire separation, and security of the building is such as not to create a fire hazard, the State Fire Marshal may permit the fire protection systems to be taken out of service in such a manner and for such a time as specifically prescribed.*

3.2.4 When a building is being demolished and a standpipe or sprinkler system is existing within said building, such standpipe and/or sprinkler system shall be maintained in an operable condition so as to be available for use by the fire department. Such standpipe and/or sprinkler shall be demolished with the building, but in no case shall the system or systems, be inoperable more than one floor below the floor being demolished.

3.3 Existing Non-Required Equipment.

3.3.1 Existing non-required fire protection systems, devices, units, and service equipment that do not conform to current code requirements shall continue in service without alteration provided the State Fire Marshal determines said system, device, unit, or equipment does not constitute a serious protection deficiency.

3.3.2 Serious protection deficiencies shall be corrected at the discretion of the State Fire Marshal.

3.3.3 All non-required fire protection equipment shall be arranged and maintained in a manner consistent with the requirements at the time of installation.

3.3.4 Existing non-required fire protection equipment shall not be discontinued unless discontinuation of the equipment is approved by the State Fire Marshal. All discontinued equipment and devices (pull stations, nozzles, detectors, heads, sensors, panels, hose connections, etc.) shall be removed so as not to give a false indication that the building, area, or space is protected.

3.4 Installation Of Fire Protection Systems When Not Required.

3.4.1 The installation of fire protection systems not required to be installed under the provisions of these Regulations, shall be designed, installed, serviced, tested, or maintained according to the specifications and standards as provided for such Fire Protection Systems as found in these Regulations.

*Exception: This does not apply to single station or multi-station battery powered residential smoke detectors.*

3.4.2 Plans and specifications in accordance with these Regulations shall be submitted to the Office of the State Fire Marshal for review and approval for all non-required fire protection systems.

**4.0 Periodic Inspections, Testing, And Maintenance Service.**

4.1 General.

4.1.1 Periodic inspections, testing, and maintenance of fire alarm signaling, fire suppression, and any other fire protection systems, devices, and equipment shall be conducted in accordance with the National Fire Protection Association's National Fire Codes and Standards, as adopted and/or modified by these Regulations. The required inspection, testing, and maintenance service shall be conducted by a licensed company or by an owners representative at the intervals established by the National Fire Protection Association's National Fire Codes and Standards, as adopted and/or modified by these Regulations and as referenced in Appendix F of these Regulations.

4.1.2 Before testing any suppression system, standpipe, or fire alarm system which is connected to a central station or connected directly to a fire dispatch center, or the fire or police department, notification shall be given to the central station, fire dispatch center, fire department or police department before initiation of the tests.

4.1.3 It shall be the responsibility of the owner of the protected property to see that the required periodic inspections, testing, and maintenance of the system are conducted, as well as having the system serviced whenever an unexplained activation of the system occurs or if the system is found to be inoperative.

4.1.4 Annual Inspection, Testing, and Maintenance Service. Annual inspection, testing, and maintenance is required for all fire alarm signaling, fire suppression, and any other fire protection systems, devices, and equipment installed within the State of Delaware. This annual inspection, testing, and maintenance service shall be completed by a company licensed in accordance with Regulation 703, Chapters 2, 4, 5, 6, and/or 7. Upon completion of this annual inspection, testing, and maintenance service, the licensed company shall submit an Annual Certificate of Inspection along with the appropriate fees as listed in ~~Appendix E of~~ these Regulations, in accordance with §4.1.5 of this Chapter.

4.1.5 Certificate of Inspection. A separate Certificate of Inspection is required to be forwarded to the State Fire Marshal on an annual basis and on the prescribed form for all such fire alarm, fire suppression, and other fire protection systems that are required to be inspected, tested, and/or maintained by these Regulations. The Annual Certificate of Inspection must be submitted to the Office of the State Fire Marshal within 30 days of the completion of the required annual testing, inspection, or maintenance by a company licensed in accordance with Chapters 4, 5, 6, and/or 7 of this Regulation. A Certificate of Inspection shall also be completed after each periodic inspection, test, or maintenance, and shall be maintained on site as part of the permanent systems record.

4.1.6 Fire Protection Major Deficiencies.

4.1.6.1 Where a fire protection system major deficiency is found, it shall be reported to the Office of the State Fire Marshal within one business day on a form prescribed by the Office of the State Fire Marshal.

4.1.6.2 When a fire protection system major deficiency is repaired, it shall be reported to the Office of the State Fire Marshal within one business day on a form prescribed by the Office of the State Fire Marshal.

4.1.7 The failure of the licensed company to comply with the provisions of this section, shall constitute a violation of the Delaware State Fire Prevention Regulations.

4.2 Standpipes.

4.2.1 All standpipe fire lines in all buildings and structures shall be tested at least every five years. In buildings and structures having floors used for human occupancy located more than 50 feet above the lowest level of fire department vehicle access, tests shall be made at intervals of not more than two years. Wet and dry pipe systems shall meet the flow demands required at the time of installation or as required by §5.1.2 of this Chapter. At the time of the test all control valves, including those inside hose cabinets, shall be operated and then reset in their proper position to insure the workability of these valves. Wet and dry systems unable to meet the flow requirements at the time of installation or as required by §5.1.3 of this Chapter shall be required to install automatic fire pumps or tanks if deemed necessary by the State Fire Marshal for the occupancy of the building.

4.3 Sprinkler System Tests.

4.3.1 All sprinkler systems shall have the proper inspections, tests, and maintenance performed at the prescribed intervals in accordance with the National Fire Protection Association's National Fire Codes and Standards as adopted and/or modified by these Regulations and as referenced in Appendix F of these Regulations.

4.4 Fire Pumps.

4.4.1 All fire pumps shall have the proper inspections, tests, and maintenance performed at the prescribed intervals in accordance with the National Fire Protection Association's National Fire Codes and Standards as adopted and/or modified by these Regulations and as referenced in Appendix F of these Regulations. Where the water supply is from a public service main, pump operation and testing shall not draw the residual suction pressure at the pump below 10 PSI.

*Exception: This requirement may be waived where the water supply is consistently above the sprinkler system demand.*

4.5 Fire Suppression Systems for Cooking Operations.

4.5.1 Every fire suppression system for cooking operations shall be inspected at least every six months and whenever the system activated or found inoperative. Inspections shall be made only by companies or individuals licensed under the provisions of these Regulations. All actuation components, including remote manual pull stations, mechanical or electrical devices, detectors, actuators, etc., shall be checked for proper operation during inspection. All fusible links and fusible link sprinkler heads shall be replaced annually. Manual stations shall be sealed and safety pinned or latched. An inspection tag shall be located at the manual pull station indicating the date of the last inspection and the name and license number of the company who performed the work as well as the signature of the responsible party.

4.5.2 A Certificate of Inspection shall be forwarded to the Office of the State Fire Marshal on an annual basis, or whenever any system is placed back into service after being discharged. This Certificate of Inspection must be submitted by a company licensed in accordance with Chapters 4, 5, 6, and/or 7 of this Regulation. A Certificate of Inspection shall also be completed after each periodic inspection, test, or maintenance and shall be maintained on site as part of the permanent systems record. Certificates of Inspection shall be submitted in such form as the State Fire Marshal may prescribe.

4.6 Fire Alarm Systems.

4.6.1 All fire alarm signaling systems shall have the proper inspection, testing and maintenance service performed at the prescribed intervals in accordance with the National Fire Protection Association's National Fire Codes and Standards as adopted and/or modified by these Regulations and as referenced in Appendix F of these Regulations.

4.6.2 In Non-Transient Tenant Occupied Households, such as apartments, rental condominiums, and one- and two-family rental property, the landlord shall provide the tenant with information describing the operation, method, and frequency of testing and proper maintenance of household fire warning equipment. The tenant shall test the household fire warning equipment in accordance with the National Fire Code, NFPA 72, as adopted and/or modified by these Regulations.

4.6.3 In Transient Tenant Occupied Households such as apartments, hotels, motels, dormitories, residential board and care and boarding houses. The landlord shall be required to have a licensed fire alarm signaling system company test the household fire warning equipment in accordance with the National Fire Code, NFPA 72, as adopted and/or modified by these Regulations. A written record of the tests and inspections shall be completed in accordance with §4.8 of this Chapter.

4.7 Fire Safety Devices.

4.7.1 Special fire safety devices including automatic smoke removal and control equipment, emergency generators and any other special fire safety equipment shall be tested annually by the owner or an

authorized representative and the results of such tests shall be logged in a journal kept available for inspection in accordance with procedures approved by the State Fire Marshal.

4.8 Test Records; Tagging.

4.8.1 Written Record. A log or other complete written record of all tests and inspections required under this Chapter shall be maintained on the premises by the owner or occupant in charge of said premises. The written record shall document the inspection or testing of each individual system component required to be tested or inspected. The written record must reference each component by use of an identification number.

4.8.2 Identification Number. All system components required to be tested or inspected under this Chapter shall have a unique identification number assigned. The assigned number shall be displayed on the device in such a way so that each component shall be easily and readily identified in the installed state. If it is impossible to identify the device by the display of a tag, the State Fire Marshal may approve an alternative method.

4.8.3 Certificate of Inspection. A separate Certificate of Inspection is required to be forwarded to the Office of the State Fire Marshal, on an annual basis, and on the prescribed form, for all such fire alarm, fire suppression, or other fire protection systems that are required to be serviced, tested, or maintained by these Regulations. This Certificate of Inspection must be submitted by a company licensed in accordance with Regulation 703, Chapters 4, 5, 6, and/or 7. A Certificate of Inspection shall also be completed after each periodic service, test, or inspection and shall be maintained on site as part of the permanent systems record.

4.8.4 Inspection and Maintenance Tag. An inspection and maintenance tag shall be affixed to the face of the system's main control after each completed inspection or test. The inspection and maintenance tag shall indicate the following:

4.8.4.1 Location or identification of system;

4.8.4.2 Name, address, telephone number, and license number of the fire alarm signaling/ suppression systems company;

4.8.4.3 Date of inspection or maintenance visit;

4.8.4.4 Name and certificate number of employee in responsible charge of inspection or maintenance visit;

4.8.4.5 Type of system inspected or maintained. (Types of systems shall be per the Certificate of Installation.)

4.9 Dry Hydrants.

4.9.1 Where dry hydrants are installed in any subdivision, development, complex, or community that has a common maintenance agreement to which the landowners either subscribe to or pay a fee, for any maintenance, repair or other improvements, it shall be the responsibility of the landowners to maintain and test all such dry hydrants as may be installed according to the specifications set out in this section.

4.9.2 The provisions of §4.9.1 of this Chapter shall apply to all dry hydrants that may be installed on any private property, be it residential, commercial, or industrial, and the owner of such properties or occupancies shall be responsible for the periodic inspections, maintenance, and testing of the dry hydrants.

4.9.3 All dry hydrants will be reverse flushed on an annual basis.

4.9.4 All dry hydrants shall be inspected and operated on an annual basis with particular attention paid to the general condition of the dry hydrant to include:

4.9.4.1 Caps present and free turning;

4.9.4.2 Threads in good condition;

4.9.4.3 Hydrant operates properly;

4.9.4.4 Hydrant drains properly;

4.9.4.5 All piping is in good condition with no visible breaks or cracks;

4.9.4.6 Fire department connection facing in the right direction;

4.9.4.7 There are no physical obstructions; and

4.9.4.8 Fire department access is not blocked, impeded, nor hindered.

4.9.5 A copy of the annual inspection and maintenance report shall be submitted to the local Fire Chief.

4.9.6 The owner will have all necessary repairs made or deficiencies corrected within 30 days of any periodic inspection, maintenance, or testing that indicates such action is needed.

4.9.7 Records of inspections and corrective actions for noted deficiencies shall be maintained by the owner at their main office for a period of three (3) years.

**5.0 Acceptance Tests.**

5.1 Standpipe Systems.

5.1.1 All standpipe systems and equipment, including fire pumps, shall be tested and approved before the system is placed into service.

5.1.2 All standpipe systems shall be tested hydrostatically to demonstrate that the system will sustain for two (2) hours a pressure of not less than 200 psi (1379 kPa) or 50 psi (345 kPa) in excess of the maximum normal pressure when the maximum normal pressure is in excess of 150 psi (1034 kPa).

5.1.3 Wet and dry pipe systems shall be tested to determine that the source of water supply is adequate to maintain a minimum flow and pressure at the topmost hose outlet as required for the system design by the applicable codes and standards listed in Regulation 701~~, Annex A~~.

5.1.4 A working test of dry pipe valves, quick opening devices and air maintenance devices, if installed, shall be made before acceptance. Dry pipe systems must deliver water at the most remote hose outlet in not more than 60 seconds, starting at the normal operating air pressure.

5.1.5 Standpipe fire lines without permanent or automatic water supply and equipped with a fire department connection shall be capable of delivering 250 gallons per minute simultaneously from each of any three outlets under the operation of one fire engine or pumper.

5.2 Fire Suppression Systems.

5.2.1 All suppression systems shall be tested in accordance with the applicable codes and standards as listed in Regulation 701, ~~Annex A,~~ prior to being placed in service.

5.2.2 Dry pipe systems must deliver water to the inspector's test pipe in not more than 60 seconds, starting at the normal operating air pressure.

5.3 Fire Pumps.

5.3.1 Fire pumps shall be tested in accordance with the Standard for the Installation of Centrifugal Fire Pumps, NFPA 20, as adopted and/or modified by these Regulations and shall demonstrate the suitability of the pump for its intended use.

5.3.2 The pressure in public mains shall not be reduced below 10 psi while the pump is operating at 150 percent of its rated capacity or at peak capacity, whichever is less.

5.4 Fire Suppression Systems For Cooking Operations.

5.4.1 The complete system, including automatic fuel shutoff valves and switches, shall be tested by Companies or individuals licensed under the provisions of these Regulations as required by the State Fire Marshal. These tests shall be adequate to determine that the system has been properly installed and will function as intended. A cooking appliance shall not be placed into service or reactivated until a final inspection is made and acceptance approval is given by the State Fire Marshal.

5.4.2 A Certificate of Installation shall be forwarded to the State Fire Marshal by the installer of a new system. Certificates of Installation shall be submitted in such form as the State Fire Marshal may prescribe. The Installer shall certify in writing that the installation has been made in accordance with the approved plans and that all component parts of the system are in service. Acceptance approval by the State Fire Marshal shall be withheld until said Certificate of Installation is received and accepted by the State Fire Marshal.

**6.0 Portable Fire Extinguishing Equipment.**

6.1 Hand Operated Portable Fire Extinguishers. All hand operated portable fire extinguishing equipment shall be selected, inspected, maintained, tested, and recharged in accordance with Standard for Portable Fire Extinguishers, NFPA 10, as adopted and/or modified by these Regulations, and located in accordance with the provisions of Regulation 705, Chapter 1.

6.2 Limited Area Sprinkler System. In isolated hazardous locations, incidental to the general use of the building, a limited area sprinkler system serviced from the building water supply complying with the appropriate codes and standards as adopted and/or modified by these Regulations, may be accepted as a substitute for portable fire extinguishers.

6.3 Servicing Discharged Units. Discharged and partially discharged extinguishers shall be immediately moved away from their designated location and shall be temporarily replaced with a standby or spare unit of equal type and capacity as the discharged unit.

6.4 Discontinued Fire Appliances. Soda acid, foam, loaded stream, antifreeze, and water portable fire extinguishers of the inverting type shall not be recharged or placed in service for fire protection use.

Extinguishers of these types are not approved devices for fire protection use under the provisions of this Regulation.

**7.0 Fire Alarm Systems.**

7.1 General. All fire alarm systems shall be tested and approved before the system is placed into service.

7.2 Acceptance Tests. Upon completion of a fire alarm system, the installation shall be subjected to a performance test to demonstrate its efficiency of operation in accordance with the requirements of the National Fire Alarm Code, NFPA 72, as adopted and/or modified by these Regulations. Also, all connections and wiring, with signal devices disconnected, shall develop an insulation resistance of not less than 1 megohm.

7.3 Record of Completion. A Record of Completion shall be forwarded to the State Fire Marshal by the licensed company that installed the fire alarm signaling system within five (5) days of having placed the system in service. A Record of Completion shall be submitted in such form as the State Fire Marshal may prescribe. The installing company or person shall certify in writing that the installation has been made in accordance with the approved plans and that all component parts of the system are in service. Approval by the State Fire Marshal shall be withheld until said Record of Completion is received and accepted by the State Fire Marshal.

**8.0 Notification Required Prior to any Testing, Inspection, Maintenance or Work on Systems.**

8.1 Prior to any Testing, Maintenance, Inspection or any work on the fire protection systems as found in this Chapter, the company performing such services must notify the fire dispatch center providing service for the location, where the fire protection systems are located, of the following:

8.1.1 Prior to initiating or starting such work as referenced in §8.1 of this Chapter notify the fire dispatch center that such work is being performed, identifying the name of the facility, the address of the facility, the name of the company, and the License Number of the company providing the services.

8.1.2 That any alarms received from the facility shall be verified by the fire dispatch center prior to any emergency services dispatch being made.

8.1.3 That at the conclusion or finish of the work being performed on the systems, the fire dispatch center will be notified that the company has completed the work and that the alarm system is back in-service and any alarms from the facility shall represent an "alarm" condition, requiring the appropriate emergency services dispatch.

8.2 It is the responsibility of the company performing the Testing, Inspection, Maintenance or any work on the fire protection systems to identify the correct fire dispatch center or the correct emergency services dispatch center which serves the area in which the facility to have work performed is located. It shall be the responsibility of the licensed company to ensure their employee make appropriate notifications to include but not limited to fire dispatch center and fire alarm signaling monitoring company.

8.3 The failure of the licensed company to comply with the provisions of this section, shall constitute a violation of the Delaware State Fire Prevention Regulations.

## Chapter 2 Sales and Servicing of Portable Fire Extinguishers ~~(Excluding Automatic Sprinkler Systems)~~

**1.0 Sale of Portable Fire Extinguishers.**

1.1 Approved Extinguishers And Systems.

1.1.1 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 make, type, or model of portable fire extinguisher either new or used, unless listed and labeled by Underwriters Laboratories, Factory Mutual, or some other testing agency approved by the State Fire Marshal.

**2.0 Servicing or Repair of Portable Fire Extinguishers.**

2.1 Licensure Required.

2.1.1 No individual shall service or repair a portable fire extinguisher unless licensed under the provisions of this Chapter.

2.1.2 Every firm shall be properly equipped and staffed by certified personnel qualified in accordance with the provisions of §3.0 of this Chapter to perform the act or acts for this type of service.

2.2 Compliance with Codes.

2.2.1 All service or repair work performed shall be in compliance with all applicable provisions of these Regulations as well as all applicable provisions of the codes and standards as adopted and/or modified by these Regulations.

2.3 Servicing of Fire Extinguishers

2.3.1 All portable fire extinguishers shall be serviced or maintained on an annual (every 12 months) basis.

*Exception: Nonrechargeable dry chemical fire extinguishers with a net weight of 2½ pounds or less where used in dwelling units in apartment buildings.*

2.3.2 When a licensed service person services a portable fire extinguisher, a durable tag shall be attached bearing the following information:

2.3.2.1 Month and Year Service Was Performed;

2.3.2.2 Type of Extinguishers Serviced;

2.3.2.3 Name and License Number of Service Person; and

2.3.2.4 Name of Servicing Firm, If Any.

**3.0 Fire Extinguisher Servicing Licensure Procedure.**

3.1 Testing of Service Persons.

3.1.1 Anyone requesting a license to service, repair, or maintain portable fire extinguishers as required under this Chapter, must appear in person at the Office of the State Fire Marshal with the payment of a licensure fee as prescribed in ~~Appendix E~~ these Regulations. That individual will be permitted to take a written test for licensure to service, maintain, or repair portable fire extinguishers.

3.1.2 A passing grade of 70% must be attained in order to qualify the applicant for licensure.

3.1.3 If an applicant fails to make the passing grade of 70%, he may reapply for re-testing after a waiting period of not less than three months.

3.1.4 Successful completion of the written examination for portable fire extinguishers will result in licensure by the State Fire Marshal's Office.

3.2 Length of Licensure; Renewal.

3.2.1 The license year period shall expire on a date as scheduled by the State Fire Marshal, pursuant to the provisions of 16 **Del.C.** §6607(g)(5)(d). The State Fire Marshal shall charge such fees in the application of these Regulations as defined in ~~Appendix E of~~ these Regulations.

3.2.2 All licensed service persons shall be required to submit to a written re-certification test not more than every three (3) years from the original date of licensure.

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## Chapter 3 Standard for Fire Hydrant Maintenance, Inspection, Testing, and Marking

**1.0 Administrative.**

1.1 Title.

1.1.1 This Chapter shall be known as the "Standard for Fire Hydrant Maintenance, Inspection, Testing, and Marking".

1.2 Purpose.

1.2.1 The purpose of this Chapter is to specify a uniform method for fire hydrant maintenance, inspection, testing, and marking so as to assure for their proper functioning at the time of need as well as provide the fire departments awareness of the approximate water supply capabilities of hydrants in any given area.

1.2.2 This Chapter is also an attempt to ensure a working relationship between the water suppliers and fire departments throughout the State.

1.3 Scope.

1.3.1 This Chapter is a means to coordinate and standardize water supplier inspection, maintenance, testing, and marking procedures of fire hydrants throughout the State of Delaware.

1.3.2 This Chapter is further intended to identify the basic needs as identified by the various fire departments of this State (both volunteer and paid), for uniform testing and marking of hydrants and how best to disseminate this information to these fire departments.

1.3.3 This Chapter deals with the certain needs of the Office of the State Fire Marshal regarding water flow test information in the case of new construction or additions.

1.4 Authority of Fire Chief.

1.4.1 It shall be the authority of the fire chief to contact the water supplier for information he is requesting. In the event that a suitable arrangement cannot be worked out with the water supplier, then it shall be the authority and responsibility of the Fire Marshal to intercede.

1.5 Application.

1.5.1 This Chapter shall apply to all water suppliers within the State of Delaware as defined and shall apply to all water distribution systems both new and existing.

1.6 Validity.

1.6.1 If any section, subsection, sentence, clause, or phrase of these requirements are for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portion.

## 2.0 Physical Mechanical Testing Criteria For Fire Hydrants.

2.1 Inspections.

2.1.1 All hydrants shall be inspected and operated annually and after each use within five (5) working days upon notification. Particular attention shall be paid to the general condition of the hydrant to include:

2.1.1.1 Caps present and free turning;

2.1.1.2 Threads in good condition;

2.1.1.3 Hydrant operates properly;

2.1.1.4 Hydrant drains properly;

2.1.1.5 Paint (including color coding) is in good condition;

2.1.1.6 Outlets facing proper direction; and

2.1.1.7 Any physical obstructions.

2.1.2 Records of inspections and corrective actions for noted deficiencies shall be maintained by the water supplier at their main office for a period of three (3) years.

2.2 Verification of Inspection.

2.2.1 Individual water suppliers shall provide verification (but not the actual inspection form) of hydrant inspections in accordance with §2.1.1 of this Chapter to the respective fire company, upon the request of the fire company.

2.3 Obstructions.

2.3.1 The water supplier shall be responsible (within their legal limits) for maintaining an eight foot (8') clear path to all hydrants, a four foot (4') clear radius around hydrants and providing for the top frost flange or indicating mark at final grade level.

2.4 Out of Service Hydrants.

2.4.1 It shall be the responsibility of the water supplier, upon learning of an out of service hydrant, to immediately notify the appropriate fire dispatch center of this condition along with an estimated time for repair and to notify the fire dispatch center when the hydrant is back in service.

2.4.2 It shall be the authority of the fire chief, Fire Marshal, or his duly authorized representative to require within 24 hours priority repair to that hydrant if, in their opinion, fire protection to that area is seriously diminished by said hydrant remaining out of service. It shall be the authority of the fire chief, Fire Marshal, or his duly authorized representative to increase the time period if justified.

2.4.3 If a hydrant is to be out of service for more than 30 calendar days, it shall be the responsibility of the water supplier to notify the Office of the State Fire Marshal with a corrective plan of action and have the hydrant securely covered with a burlap or black heavy duty plastic bag until the hydrant is placed back into service.

## 3.0 Flow Testing Criteria for Fire Hydrants.

3.1 Flow tests of all areas within a water supplier's jurisdiction shall be updated every five (5) years with all information provided to the respective fire department. Flow tests will not include every hydrant within the water supplier's jurisdiction but rather provide representative samplings of all areas based on sound engineering determination.

3.2 This section shall not be legally binding if there are other State restrictions in effect such as due to water shortage conditions.

3.3 Additional specific hydrant flow test results requested by the fire department over and above those identified in §3.1 shall be provided to that fire department within a maximum of three (3) months. Such requests shall be made by the fire department to the water supplier.

3.4 The State Fire Marshal may require a hydrant flow test to be performed by the water supplier within a five (5) working day period if the need is considered justified by the State Fire Marshal.

3.5 All fire hydrant flow testing for engineering purposes shall be performed in accordance with the Recommended Practice for Fire Flow Testing and Marking of Hydrants, NFPA 291, as adopted and/or modified by these Regulations, and shall include the following:

3.5.1 Date and time of test;

3.5.2 Specific location of pressure hydrant;

3.5.3 Specific location of flow hydrant;

3.5.4 Static pressure;

3.5.5 Pitot gauge reading at residual pressure;

3.5.6 Actual flow (GPM) at residual pressure;

3.5.7 Flow available at 20 psi residual pressure; and

3.5.8 Size (diameter) of the flow orifice and its coefficient of discharge.

3.6 Nothing in this Chapter shall prohibit an alternate method of flow testing if approved by the State Fire Marshal.

3.7 All fire hydrant flow testing for fire department planning purposes may be performed using only one hydrant with the following information provided:

3.7.1 Date and time of test;

3.7.2 Specific location of test hydrant;

3.7.3 Static pressure;

3.7.4 Residual pressure;

3.7.5 Actual flow (GPM) at residual pressure; and

3.7.6 Available flow at 20 psi.

3.8 Water suppliers shall bear the costs for any required or requested hydrant flow tests made under any of the provisions of this Chapter.

**4.0 Color Coding.**

4.1 Hydrant barrels shall be provided with reflective material, such as paint, durable for highway/roadway markings or a reflective tape of a minimum of 2" in width around the barrel under the top flange.

4.2 Hydrant bonnets shall be color coded based on the following criteria:

4.2.1 Class AA 1500 GPM - painted light blue

4.2.2 Class A 1,000 GPM -1499 GPM - painted green

4.2.3 Class B 500 - 999 GPM - painted orange

4.2.4 Class C 250 - 499 GPM - painted red

4.2.5 Class D under 250 GPM - painted black

4.3 Bonnet color coding shall be maintained current based on the most recent flow test data for that area.

**Note:** Existing hydrants that were painted a different color in accordance with a previous edition of the Regulation in effect at the time, shall be permitted to remain that color until such time that it needs to be repainted. At that time, it shall be painted a color in compliance with the current Regulation.

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**5.0 Responsibilities of the Fire Department.**

5.1 In conjunction with §2.0 of this Chapter, it shall be the responsibility of the fire department to notify the respective water company as well as the fire dispatch center any time a hydrant is used or noted to be in need of repair or when obstructions need to be cleared.

5.2 It shall be the responsibility of the fire department to make every attempt to coordinate with the water supplier the locations of training exercises involving the use of hydrants. Fire departments shall be responsible for notifying the water supplier 48 hours prior to such an exercise.

5.3 Fire departments are urged not to conduct hydrant flow tests but rather use this Chapter to their advantage and allow the water supplier to provide information needed. Any type of dispute between the water supplier and a fire department shall be arbitrated through the State Fire Marshal.

5.4 State law permits fire chiefs to perform flow tests under certain restraints at their discretion. While urging a chief to allow the water supplier to perform the flow test, this Chapter by no means is an attempt to limit or eliminate the fire chiefs authority, under State law, to perform flow tests if he so desires.

## Chapter 4 Licensing Regulations for Fire Alarm Signaling Systems

### 1.0 General.

1.1 Purpose. To establish minimum requirements for the licensing of Fire Alarm Signaling Systems Companies, who advertise their services or profess to engage in the activities detailed in this Chapter as a business, in or for a contractual consideration or charge a fee for the activities detailed herein.

1.2 Scope. This Chapter addresses the criteria for Fire Alarm Signaling Systems Companies (VENDORS) to acquire a license and to certify individuals to prepare technical documents, install, inspect, test or maintain fire alarm signaling systems within the State of Delaware.

1.3 Application. The application of this Chapter pertains to the companies, who will be licensed, and the individuals, who shall be certified to engage in the activities detailed in this Chapter with respect to fire alarm signaling systems.

### 2.0 Definitions.

"**Fire Alarm Signaling System**". Shall mean any signaling system which is designed to detect the existence of fire, and any signaling 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. It is further defined that a separate fire alarm signaling system consists of a control unit, initiating circuits, signaling circuits, primary and secondary power supplies and is designed and installed to function as one system.

"**Fire Alarm Signaling Systems Company (Vendor)**". Shall mean any individual, group thereof, any partnership, group, organization, company, corporation, or any other entity, which performs any of the functions related to preparing technical documents, installing either in whole or in part, inspecting, testing or maintaining fire alarm signaling systems or any portion thereof, who advertise their services or profess to engage in the activities detailed in this Chapter as a business, in or for a contractual consideration or charge a fee for the activities detailed, herein.

"**Full Time Employee**". Shall mean any employee working a minimum of thirty hours per week, averaged over a period of one year, who regularly receives a compensation from the licensed company, and receives a W-2 form annually from the licensed company.

"**Inspection**". A visual examination of a fire alarm signaling system or a portion thereof to verify that it appears to be in operating condition and is free from physical damage.

"**Inspection, Testing and Maintenance Service**". A service program provided by a qualified contractor or owner's representative in which all components unique to the property's systems are inspected and tested at the required times and necessary maintenance is provided. This program includes logging and retention of relevant records. It is permissible under this definition to replace, in kind, individual initiating devices, indicating appliances or supervisory devices when, for any reason, they become undependable or inoperative.

"**Install/Installation**". Shall mean the initial placement of all system components or equipment, or the extension, modification or alteration of system components or equipment after the initial placement. It shall further mean the installation and mounting of signaling system devices, conduit, wiring, back and junction boxes. This definition shall be further interpreted to mean that any movement or placement of system components or equipment, must be preceded by submission of technical documents for review and approval by the Office of the State Fire Marshal, submitted by a company licensed or by an individual certified to do so under this Chapter, and that the installation testing and acceptance tests are the responsibility of the licensed company or certified individual, who has submitted such technical documents.

"**Installation Testing**". Shall mean that testing which is required by the National Fire Protection Association's National Fire Codes and Standards, as adopted and/or modified by these Regulations, during the initial installation of a fire alarm signaling system. Installation testing shall include, but not be limited to:

a. **Stray Voltages**. Verify that stray (unwanted) voltages that could constitute a hazard or prevent proper system operation do not exist between the installation conductors and ground or between installation conductors.

b. **Ground Faults.** All installation conductors other than those intentionally and permanently grounded should be tested for isolation from ground using an insulation testing device that will not damage connected equipment.

c. **Short Circuit Faults.** All installation conductors other than those intentionally connected together should be tested for conductor-to-conductor isolation using an insulation testing device. These same circuits should be tested conductor-to ground, also.

d. **Loop Resistance.** With each initiating and indicating circuit installation conductor pair short-circuited at the far end, measure and record the resistance of each circuit. Verify that the loop resistance does not exceed the manufacturer's specified limits.

"**Maintenance**". Repair service, including periodically recurrent inspections and tests, required to keep the protective signaling system and its component parts in an operative condition at all times. It is permissible under this definition to replace, in kind, individual initiating devices, indicating appliances or supervisory devices when, for any reason, they become undependable or inoperative.

"**Preparing Technical Documents**". Shall mean the preparation of detailed fire alarm signaling system drawings, calculations, and specifications for installation in accordance with the applicable codes, statutes and regulations adopted by the Delaware State Fire Prevention Commission. It is further defined to mean that the technical documents, specifications, and design drawings referred to in this section are the documents which shall be submitted to the Office of the State Fire Marshal for review and approval.

"**Responsible Charge**". Shall mean the individual, who is responsible to ensure that all of the requirements of the Delaware State Fire Prevention Regulations are complied with in the application of those standards and specifications to fire alarm signaling systems. The person, or persons, of responsible charge shall be accountable for each phase of the following activities with respect to fire alarm signaling systems, when such activities constitute an element of their particular Class of Certificate:

a. Preparation of technical documents, including review and approval by the Office of the State Fire Marshal.

b. Installation of fire alarm signaling systems.

c. Inspection, testing and maintenance, including but not limited to installation testing, acceptance testing, and any inspection, testing or maintenance as required under these Regulations.

d. Submission of all reports, technical documents, or Certificates of Inspection and any other materials required to be prepared, recorded or submitted under these Regulations.

"**Testing**". A procedure to determine the status of a system as intended by conducting periodic physical checks on fire alarm signaling systems. These tests follow up on the original acceptance tests at intervals specified in the National Protection Association's National Fire Codes and Standards, as adopted and/or modified by these Regulations, which addresses the systems detailed under this Chapter.

## 3.0 Licenses.

3.1 License Required.

3.1.1 Every Fire Alarm Signaling Systems Company operating in the State of Delaware shall obtain a license issued by the Office of the State Fire Marshal.

3.1.2 The application for such license shall be in accordance with the provisions of §3.2 of this Chapter.

3.1.3 All licenses issued under this section shall be valid for one year and renewed annually by the license holder on a form provided by the Office of the State Fire Marshal.

3.1.4 The license year period shall expire on a date as scheduled by the State Fire Marshal, pursuant to the provisions of 16 **Del.C.** §6607(g)(5)(d).

3.2 Licensure Requirements.

3.2.1 Application and Fees. The Fire Alarm Signaling Systems Company shall make application to the Office of the State Fire Marshal, meet the requirements of this Chapter, and pay the required fees.

3.2.2 Address. A specific current business address shall be maintained by each licensee. The licensee shall notify the Office of the State Fire Marshal, in writing, within fourteen days of any change of address.

3.2.3 Certificate Holder. Each Fire Alarm Signaling Systems Company, shall have a CERTIFICATE HOLDER, who shall be in a position of RESPONSIBLE CHARGE with the licensed company. This person, or persons, shall pass an examination on and become certified in the categories pertaining to the activities of the Fire Alarm Signaling Systems Company.

3.2.4 Delaware Business License. The Fire Alarm Signaling Systems Company must hold a current Delaware Business License as defined in 30 **Del.C.** §2301, and must be qualified to do business in the State of Delaware and must be registered with the Secretary of State. A copy of the current Delaware Business License shall be submitted at the time of application for a license and upon each subsequent renewal request.

3.3 Licensure Limitations.

3.3.1 The Fire Alarm Signaling Systems Company shall be limited to performing functions related only to those types of activities for which the Certificate Holder has been certified.

3.3.2 If the Certificate Holder and the Fire Alarm Signaling Systems Company terminate their relationship, the Certificate Holder and the Company, each must notify the Office of the State Fire Marshal, in writing, within five business days.

3.4 Insurance Required.

3.4.1 The State Fire Marshal shall not issue a license under this Chapter unless:

3.4.1.1 The Fire Alarm Signaling Systems Company files with the Office of the State Fire Marshal, proof of liability insurance coverage of not less than $250,000 per person minimum and $500,000 per accident minimum.

3.4.1.2 The Fire Alarm Signaling Systems Company must file proof of State of Delaware Worker's Compensation Insurance in accordance with 19 **Del.C.** Ch. 23 - Workers' Compensation. Any company, business, or person(s) claiming an exemption from Workers' Compensation laws of this State shall provide proof in the form of a written correspondence to the Office of the State Fire Marshal that the company, business, or person(s) is not required by the laws of this State to maintain Workers' Compensation coverage.

3.4.2 Any insurance required by this section must be in the form of a Certificate of Insurance executed by an insurer authorized to do business in this State.

3.4.3 Insurance Certificates filed with the Office of the State Fire Marshal under this section shall remain current and in force until the insurer has terminated future liability by a 10 day notice to the Office of the State Fire Marshal.

3.4.4 Failure to maintain the required insurance constitutes grounds for denial, suspension, or revocation of a license by the State Fire Marshal.

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**4.0 Certification.**

4.1 Certificate Holder.

4.1.1 A Certificate Holder is the individual who has met the requirements of this Chapter and has been granted a Certificate for one or more of the Certificate Classifications defined in this Chapter. This person shall be the individual of RESPONSIBLE CHARGE, as defined in these Regulations.

4.1.2 The Certificate holder is the individual in RESPONSIBLE CHARGE of ensuring that the functions for which they have been certified have been performed in accordance with the standards and specifications of the Delaware State Fire Prevention Regulations.

4.1.3 All Certificates issued under this section shall be valid for one year and renewed annually on a form provided by the Office of the State Fire Marshal.

4.1.4 The Certificate year period shall expire on a date as scheduled by the State Fire Marshal, pursuant to the provisions of 16 **Del.C.** §6607(g)(5)(d).

4.1.5 The Office of the State Fire Marshal has the authority to require all Certificate Holders to submit to a re-certification or continuing education process at a frequency, set as a minimum, of five (5) years. The re-certification or continuing education cannot occur more frequently than every five (5) years.

4.1.5.1 For purposes of annual renewal, continuing education shall include maintaining current NICET certification at the minimum level that was required when the Certificate Holder originally applied.

4.2 Classification of Certificates.

4.2.1 Class I: All types of fire alarm signaling systems under Classes II, III, IV, V, and VI.

4.2.2 Class II: Limited to fire alarm signaling and related systems in the following categories:

II(a) Proprietary Systems;

II(b) Emergency Voice/Alarm Communications;

II(c) Emergency and Standby Power Systems (typical of NFPA 110 systems).

4.2.3 Class III: Limited to fire alarm signaling and related systems in the following categories:

III Central Station Facilities and Systems.

4.2.4 Class IV: Limited to fire alarm signaling systems in the following categories:

IV(a) Local Alarm;

IV(b) Auxiliary Alarm;

IV(c) Remote Alarm;

4.2.5 Class V: Limited to household fire warning equipment systems in one and two family dwellings.

4.2.6 Class VI: Limited to performing the Inspection, Testing and Maintenance Service of fire alarm signaling systems as specified in the National Fire Protection Association's National Fire Codes and Standards, as

adopted and/or modified by these Regulations, for all fire alarm signaling systems covered under Certificate Classifications I, II, III, IV, and V.

4.2.7 Class VII: Limited to installation, only, of all types of fire alarm signaling systems. A prerequisite to being certified in this Class is that the fire alarm signaling system to be installed, would have had technical documents submitted by a company licensed under the provisions of these Regulations and by a Certificate Holder so qualified under these Regulations, to the Office of the State Fire Marshal for review and approval.

4.2.7.1 A company applying for a license or an individual seeking to be certified in this Class, acknowledges in so applying, that they may install only those fire alarm signaling systems that have had technical documents prepared by a Class I through Class V licensed Fire Alarm Signaling Systems Company and Certificate Holder pursuant to these Regulations.

4.2.7.2 The testing of the fire alarm signaling system during installation is the responsibility of the Class I through V Licensed Fire Alarm Signaling Systems Company's Certificate Holder. The Certificate Holder may delegate that testing which is appropriate during installation to the Class VII license holder pursuant to the Responsible Charge provisions for the Certificate Holder. Delegation of testing to a Class VII License holder shall not include acceptance testing.

4.2.7.3 The acceptance testing for the fire alarm signaling system is the responsibility of the Class I through V licensed Fire Alarm Signaling Systems Company and Certificate Holder, who has submitted the technical documents to the Office of the State Fire Marshal.

4.2.7.4 Notwithstanding any other requirements found in these Regulations, a company may be licensed or an individual may be certified for this Class, Class VII, if the company or the individual is licensed by the State of Delaware as a MASTER ELECTRICIAN. Any person or company who is not installing fire alarm signaling systems in accordance with §4.2.7.1 above, must be licensed and certified in accordance with §3.0 and §4.0 of this Chapter.

4.2.8 Class VIII: Limited to Inspection, Testing and Maintenance Service of wholly owned or proprietary fire alarm signaling systems. This class of certificate is for those In-House Licensees as defined elsewhere in these Regulations.

4.3 Qualifications.

4.3.1 To qualify as a Certificate Holder an individual shall:

4.3.1.1 Be a resident of the United States of America or be entitled to work in the United States of America and be at least 18 years of age;

4.3.1.2 Apply to the Office of the State Fire Marshal, meet the requirements as set forth in these Regulations, and pay the required fees as listed in ~~Appendix E~~ these Regulations;

4.3.1.3 Be a full time employee, as defined herein, of the Fire Alarm Signaling Systems Company, and be in Responsible Charge of the preparation of technical documents, installation, inspection, testing, or maintenance of fire alarm signaling systems;

4.3.1.4 Have passed an examination prescribed by the Delaware State Fire Prevention Commission or an equivalent examination approved by the Delaware State Fire Prevention Commission. Any examination that has been passed as prescribed by the Delaware State Fire Prevention Commission, must have been completed within five (5) years of the application date or, when an individual submits such examination results for the Commission's review and acceptance.

4.3.1.5 For the purposes of this Chapter, a Registered Delaware Professional Engineer shall be recognized as a Certificate Holder without further qualification.

4.4 Limitations.

4.4.1 A Certificate Holder may only be in a position of Responsible Charge for the functions for which they have been certified.

4.4.2 The authority of the Certificate Holder on behalf of the licensed Fire Alarm Signaling Systems Company shall cease immediately upon separation from the Fire Alarm Signaling Systems Company.

4.4.3 The Fire Alarm Signaling Systems Company and the Certificate Holder each must notify the Office of the State Fire Marshal, in writing, within five business days after the separation.

4.4.4 Upon separation of the Certificate Holder from the licensed company, the Fire Alarm Signaling Systems Company may complete existing work in progress, which has been submitted, reviewed and approved by the Office of the State Fire Marshal, but may not commence any new work or conduct any inspection work until a Certificate Holder is hired.

4.4.5 Upon the expiration of the current license or within six months (whichever occurs last) if the Fire Alarm Signaling Systems Company has not obtained a Certificate Holder, the State Fire Marshal shall terminate the Fire Alarm Signaling Systems Company's license.

**5.0 (Reserved)**

**6.0 Administration and Enforcement.**

6.1 Whenever the State Fire Marshal shall have reason to believe that any licensed company or Certificate Holder has violated any provisions of this Chapter or rules or regulations adopted and promulgated pursuant thereto concerning fire alarm signaling systems, he shall immediately notify the party of such violation. If the violation continues or is not corrected within five (5) working days of notice by the State Fire Marshal, or if it constitutes an imminent hazard to life or property, then the State Fire Marshal shall issue and deliver to such company or individual, an order to cease and desist further work associated with the fire alarm signaling system until such time as the violation has been corrected and corrective measures have been accepted by the State Fire Marshal. The State Fire Marshal shall immediately issue and deliver an order to cease and desist to any company or individual identified as preparing technical documents, installing, inspecting, testing, and/or maintaining fire alarm signaling systems without the necessary licenses and certificates as required by these Regulations. Such a cease and desist order shall forbid the continued work with the fire alarm signaling systems within the State of Delaware until such time as the licensing and certification requirements of these Regulations are fully complied with.

6.2 Upon the issuance of the order, the party accused of such violation may require a review pursuant to 16 **Del.C.** §6608, et seq.

6.3 The continued violation of any provision of this Chapter or any rules or regulations adopted and promulgated pursuant hereto concerning fire alarm signaling systems or failure or refusal to comply with any order to correct any violation or failure to obey any cease and desist order by any licensed company or Certificate Holder shall be cause for revocation or suspension of such license or certificate by the State Fire Marshal after he shall determine that the party is guilty of such violation.

6.4 Any order of suspension shall state the period of time of such suspension, which period shall be not less than thirty (30) days and shall not exceed one year from the date of such order.

6.5 An order of revocation may be entered for a period not exceeding two (2) years. Such an order shall affect the revocation of the license and/or certificate then held by said company or individual. During such time no license or certificate shall be issued to said company or individual. Any such license or certificate shall be invalid, void and of no effect.

6.6 In addition to the grounds set forth in any section herein, it shall be cause for revocation or suspension of a license or certificate after determining the party:

6.6.1 Has practiced any fraud, misrepresentation, or deceit in obtaining or renewing a license or certificate;

6.6.2 Is guilty of gross negligence, incompetence or misconduct in the preparation of technical documents, installation, inspection, testing or maintenance of a fire alarm signaling system;

6.6.3 Is guilty of a violation of the codes and regulations adopted by the Delaware State Fire Prevention Commission;

6.6.4 Has been found guilty of an unfair or deceptive trade practice;

6.6.5 Has failed to adequately train or control employees performing under the Responsible Charge of the Certificate Holder or Fire Alarm Signaling Systems Company;

6.6.6 Had any other license or certificate revoked or suspended by the State Fire Marshal;

6.6.7 Violated any of the conditions of the license or certificate;

6.6.8 Violated any other practice found to constitute a serious threat to the safety of person or property.

6.7 Any person aggrieved by an order or decision of the State Fire Marshal with respect to the provisions of this Chapter may file an appeal to the Delaware State Fire Prevention Commission pursuant to 16 **Del.C.** §6608 and in accordance with the provisions of these Regulations.

**7.0 Inspection of Technical Documents and Systems.**

7.1 Technical documents, specifications, and complete drawings shall be required to be submitted to the Office of the State Fire Marshal in accordance with 16 **Del.C.** Ch. 66 for all proposed fire alarm signaling system installations, additions or modifications excluding Class V category occupancies.

7.2 The Office of the State Fire Marshal may require such other technical documents, schematic, and other drawings as they may from time to time feel necessary to certify to the adequacy of a proposed fire alarm signaling system.

7.3 Technical documents, specifications, and complete drawings shall be submitted to the Office of the State Fire Marshal and approved prior to the supply, installation, addition, or modification of the fire alarm signaling system. 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 Design Professional, each page shall bear the Design Professional's seal and signature.

7.4 Fire alarm signaling system technical documents, specifications, and design drawings shall be unique and exclusive of all others including electrical documents, except in the case of Class V category occupancies.

7.5 The Office of the State Fire Marshal may perform such inspections of the premises as they feel may be necessary to assure proper installation, operation, inspections, testing, and maintenance of the fire alarm signaling system.

7.6 The Office of the State Fire Marshal may perform such audits of all documents and records associated with the preparation of technical documents, installation, inspection, testing or maintenance of fire alarm signaling systems, as may be deemed necessary.

**8.0 Submission of Certificates of Inspection.**

8.1 The licensed company is responsible to forward to the Office of the State Fire Marshal, on the prescribed form, a separate Annual Certificate of Inspection along with the appropriate fees, for all such fire alarm signaling systems that the licensed company may inspect, test, or maintain. This Certificate of Inspection, which must be submitted annually, shall verify that the Delaware State Fire Prevention Regulations standards and specifications regarding the inspection, testing, or maintenance have been met and any deficiencies noted at the time of the annual inspection, testing, or maintenance shall be noted, with corrective action, if any, taken.

*Exception: Certificates of Inspection are not required to be submitted for One-and-Two Family Dwellings.*

8.1.1 Certificates of Inspection as called for in §8.1 for fire alarm signaling systems, that are located in the jurisdiction of the Jurisdictional Assistant State Fire Marshals, shall be forwarded to the appropriate Jurisdictional Assistant State Fire Marshal's Office by the licensed company along with the appropriate fees, if applicable.

8.2 A separate Certificate of Inspection shall be required for each fire alarm signaling system. A separate fire alarm signaling system consists of a control unit, initiating circuits, signaling circuits, primary and secondary power supplies and is designed and installed to function as one system.

8.3 The Office of the State Fire Marshal shall establish the schedule for each Fire Alarm Signaling Systems Company to forward the required Certificates of Inspection.

8.4 An Annual Certificate of Inspection shall be submitted to the Office of the State Fire Marshal within 30 days of the date of the Annual Inspection.

**9.0 Fees.**

9.1 Fees as charged in accordance with §8.1 of this Chapter and ~~Appendix E~~ these Regulations for the submission of Certificates of Inspections shall be due and payable to the Office of the State Fire Marshal according to the provisions of Chapter 1, §4.1.4 of this Regulation.

9.1.1 Fees as called for in §8.1 of this Chapter for fire alarm signaling systems, that are located in the jurisdiction of the Jurisdictional Assistant State Fire Marshals, shall be due and payable to the appropriate Jurisdictional Assistant State Fire Marshal's office, if applicable.

**10.0 Compliance**

~~10.1~~ The failure of the licensed company to comply with the provisions of this section shall constitute a violation of the Delaware State Fire Prevention Regulations.

## Chapter 5 Licensing Regulations for Fire Suppression Systems

**1.0 General.**

1.1 Purpose. To establish minimum requirements for the licensing of Fire Suppression Systems Companies, who advertise their services or profess to engage in the activities detailed in this Chapter as a business, in or for a contractual consideration or charge a fee for the activities detailed, herein.

1.2 Scope. This Chapter addresses the criteria for Fire Suppression Systems Companies (VENDORS) to acquire a license and to certify individuals to prepare technical documents, install, inspect, test or maintain fire suppression systems within the State of Delaware.

1.3 Application. The application of this Chapter pertains to the companies, who will be licensed, and the individuals, who shall be certified to engage in the activities detailed in this Chapter with respect to fire suppression systems.

**2.0 Definitions.**

"**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, clean agent and other chemical systems used for fire protection use. 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 and tanks and pumps connected thereto. Fire alarm systems, small pre-engineered fire suppression systems, portable fire extinguishers and wheeled fire extinguishers are covered under other Regulations of the Fire Prevention Commission. It is further defined that a separate fire suppression system consists of a series of sprinkler or like nozzles connected to a piping system which are controlled by a main control valve and are designed and installed to function as one system.

"**Fire Suppression Systems Company (Vendor)**". Shall mean any individual, group thereof, any partnership, group organization, company, corporation, or any other entity which performs any of the functions related to preparing technical documents, installing either in whole or in part, inspection, testing or maintaining fire suppression systems or any portion thereof, who advertise their services or profess to engage in the activities detailed in this Chapter as a business, in or for a contractual consideration or charge a fee for the activities detailed, herein.

"**Full Time Employee**". Shall mean any employee working a minimum of thirty hours per week, averaged over a period of one year, who regularly receives a compensation from the licensed company and receives a W-2 form annually from the licensed company.

**"Inspection**". A visual examination of a fire suppression system or a portion thereof to verify that it appears to be in operating condition and is free from physical damage.

**"Inspection, Testing And Maintenance Service**". A service program provided by a qualified contractor or owner's representative in which all components unique to the property's systems are inspected and tested at the required times and necessary maintenance is provided. This program includes logging and retention of relevant records. It is permissible under this definition to replace, in kind, individual suppression devices or components when, for any reason, they become undependable or inoperative.

"**Install/Installation**". Shall mean the initial placement of all system components or equipment; or the extension, modification or alteration of system components or equipment after the initial placement. This definition shall be further interpreted to mean that any movement or placement of system components or equipment, must be preceded by submission of technical documents for review and approval by the Office of the State Fire Marshal, submitted by a company licensed or by an individual certified to do so under this Chapter, and that the installation testing and acceptance tests are the responsibility of the licensed company or certified individual who has submitted such technical documents.

"**Maintenance**". Repair service, including periodically recurrent inspections and tests, required to keep the suppression system and its component parts in an operative condition at all times. It is permissible under this definition to replace, in kind, individual suppression devices or components when, for any reason, they become undependable or inoperative.

"**Preparing Technical Documents**". Shall mean the preparation of detailed fire suppression system drawings, calculations and specifications for installation in accordance with the applicable codes, statutes and regulations adopted by the Delaware State Fire Prevention Commission. It is further defined to mean that the technical documents, specifications and design drawings referred to in this section are the documents which shall be submitted to the Office State Marshal for review and approval.

"**Responsible Charge**". Shall mean the individual, who is responsible to ensure that all of the requirements of the Delaware State Fire Prevention Regulations are complied with in the application of those standards and specifications to fire suppression systems. The person, or persons, of responsible charge shall be accountable for each phase of the following activities with respect to fire suppression systems, when such activities constitute an element of their particular Class of Certificate:

a. Preparation of technical documents, including review and approval by the Office of the State Fire Marshal.

b. Installation of fire suppression systems.

c. Inspection, testing or maintenance, including but not limited to installation testing, acceptance testing, any inspection, testing or maintenance as required under these Regulations.

d. Submission of all reports, technical documents, or Certificates of Inspection and any other materials required to be prepared, recorded or submitted under these Regulations.

"**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 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.

"**Testing**". A procedure to determine the status of a system as intended by conducting periodic physical checks on fire suppression systems. These tests follow up on the original acceptance tests at intervals specified in the National Protection Associations National Fire Codes, as adopted and/or modified by these Regulations, which addresses the systems detailed under this Chapter.

**3.0 Licenses.**

3.1 License Required.

3.1.1 Every Fire Suppression Systems Company operating in the State of Delaware shall obtain a license issued by the Office of the State Fire Marshal.

3.1.2 The application for such license shall be in accordance with the provisions of §3.2 of this Chapter.

3.1.3 All licenses issued under this section shall be valid for one year and renewed annually by the license holder on a form provided by the Office of the State Fire Marshal.

3.1.4 The license year period shall expire on a date as scheduled by the State Fire Marshal, pursuant to the provisions of 16 **Del.C.** §6607(g)(5)(d).

3.2 Licensure Requirements.

3.2.1 Application and Fees. The Fire Suppression Systems Company shall make application to the Office of the State Fire Marshal, meet the requirements of this Chapter, and pay the required fees.

3.2.2 Address. A specific current business address shall be maintained by the licensee. The licensee shall notify the Office of the State Fire Marshal in writing within fourteen (14) days of any change of address.

3.2.3 Certificate Holder. Each Fire Suppression Systems Company, shall have a CERTIFICATE HOLDER, who shall be in a position of RESPONSIBLE CHARGE, with the licensed company. This person, or persons, shall pass an examination on and become certified in the categories pertaining to the activities of the Fire Suppression Systems Company.

3.2.4 Delaware Business License. The Fire Suppression Systems Company shall hold a current Delaware Business License as defined in 30 **Del.C.** §2301, and must be qualified to do business in the State of Delaware and must be registered with the Secretary of the State. A copy of the current Delaware Business License shall be submitted at the time of application for a license and upon each subsequent renewal request.

3.3 Licensure Limitations

3.3.1 The Fire Suppression Systems Company shall be limited to performing functions related only to those types of activities for which the Certificate Holder has been certified.

3.3.2 If the Certificate Holder and the Fire Suppression Systems Company terminate their relationship, the Certificate Holder and the Company, each must notify the Office of the State Fire Marshal, in writing, within five (5) business days.

3.4 Insurance Required.

3.4.1 The State Fire Marshal shall not issue a license under these Regulations unless:

3.4.1.1 The Fire Suppression Systems Company files with the Office of the State Fire Marshal proof of liability insurance coverage of not less than $250,000 per person minimum and $500,000 per accident minimum;

3.4.1.2 The Fire Suppression Systems Company must file proof of the State of Delaware Worker's Compensation Insurance in accordance with 19 **Del.C.** Ch. 23 - Workers' Compensation. Any company, business, or person(s) claiming an exemption from Workers' Compensation laws of this State shall provide proof in the form of a written correspondence to the Office of the State Fire

Marshal that the company, business, or person(s) is not required by the laws of this State to maintain Workers' Compensation coverage.

3.4.2 Any insurance required by this section must be in the form of a Certificate of Insurance executed by an insurer authorized to do business in this State.

3.4.3 Insurance Certificates filed with the Office of the State Fire Marshal under this section shall remain current and in force until the insurer has terminated future liability by a 10 day notice to the Office of the State Fire Marshal.

3.4.4 Failure to maintain the required insurance constitutes grounds for denial, suspension or revocation of a license by the State Fire Marshal.

**13 DE Reg. 629 (11/01/09)**

**4.0 Certification.**

4.1 Certificate Holder.

4.1.1 A Certificate Holder is the individual who has met the requirements of this Chapter and has been granted a Certificate for one or more of the Certificate Classifications defined in this Chapter. This person shall be the individual of RESPONSIBLE CHARGE, as defined in these Regulations.

4.1.2 The Certificate Holder is the person in RESPONSIBLE CHARGE of ensuring that the functions for which they have been certified have been performed in accordance with the standards and specifications of the Delaware State Fire Prevention Regulations.

4.1.3 All Certificates issued under this section shall be valid for one year and renewed annually on a form provided by the Office of the State Fire Marshal.

4.1.4 The Certificate year period shall expire on a date as scheduled by the State Fire Marshal, pursuant to the provisions of 16 **Del.C.** §6607, (g)(5)(d).

4.1.5 The State Fire Marshal has the authority to require all Certificate Holders to submit to a re-certification or continuing education program at a frequency, set as a minimum, of five (5) years. The re-certification or continuing education cannot occur more frequently than every five (5) years.

4.1.5.1 For purposes of annual renewal, continuing education shall include maintaining current NICET certification at the minimum level that was required when the Certificate Holder originally applied.

4.2 Classification of Certificates.

4.2.1 Class I: All types of fire suppression systems under Classes II, III, IV and VI(b).

4.2.2 Class II: Limited to the design, preparation of technical documents, maintenance, and installation of sprinkler and standpipe systems beginning at the point where the water supply is used exclusively for the fire suppression system.

4.2.3 Class III: Limited to the design, preparation of technical documents, maintenance, and installation of engineered systems in the following categories:

III(a) Limited to CO2 fire suppression systems.

III(b) Limited to clean agent fire suppression systems.

III(c) Limited to foam fire suppression systems.

III(d) Limited to dry chemical fire suppression systems.

III(e) Limited to water mist fire suppression systems

4.2.4 Class IV: Limited to the design, preparation of technical documents, maintenance, and installation of sprinkler systems in one- and two-family dwellings and/or manufactured homes.

4.2.5 Class V: Limited to the design, preparation of technical documents, maintenance, and installation of pre-engineered systems in the following categories:

V(a) Limited to pre-engineered CO2 fire suppression systems

V(b) Limited to pre-engineered clean agent fire suppression systems

V(c) Limited to pre-engineered foam fire suppression systems

V(d) Limited to pre-engineered dry chemical fire suppression systems

V(e) Limited to pre-engineered wet chemical fire suppression systems

V(f) Limited to pre-engineered water mist suppression systems.

4.2.6 Class VI: Limited to the inspection, testing and maintenance of fire protection systems in the following categories:

Class VI (a): Limited to performing the inspection and testing service of water based fire protection systems as specified in the National Fire Protection Association's National Fire Codes, for all fire suppression systems covered under Certificate Classifications II and IV.

Class VI (b): Limited to performing the inspection, testing and maintenance service of fire suppression systems that are not water based as specified in the National Fire Protection Association's National Fire Codes, for all fire suppression systems covered under Certificate Classification III and performing maintenance service of water based fire protection systems as specified in the National Fire Protection Association's National Fire Codes, for all fire suppression systems covered under Certificate Classifications II and IV.

4.2.7 Class VII: Reserved.

4.2.8 Class VIII: Limited to In-House Fire Suppression Systems.

Class VIII(a): Limited to inspection and testing of wholly owned or proprietary water-based fire suppression systems in accordance with Chapter 7 - Licensing Requirements for Fire Suppression System In-House Licensee's. This class of certificate is for In-House Licensees.

Class VIII(b): Limited to inspection, testing, and maintenance service of wholly owned or proprietary fire suppression systems that are not water-based and the maintenance of water-based fire suppression systems in accordance with Chapter 7 - Licensing Requirements for Fire Suppression System In-House Licensee's. This class of certificate is for In-House Licensees.

4.3 Qualifications.

4.3.1 To qualify as a Certificate Holder an individual shall:

4.3.1.1 Be a resident of the United States of America, or be entitled to work in the United States of America, and be at least 18 years of age;

4.3.1.2 Apply to the Office of the State Fire Marshal, meet the requirements set forth in this Chapter and pay the required fees as listed in ~~Appendix E~~ these Regulations;

4.3.1.3 Be a full time employee, as defined herein, of the Fire Suppression Systems Company, and be in Responsible Charge of the preparation of technical documents, installation, inspection, testing, or maintenance of fire suppression systems;

4.3.1.4 Have passed an examination prescribed by the Delaware State Fire Prevention Commission or an equivalent examination approved by the Delaware State Fire Prevention Commission. Any examination that has been passed as prescribed by the Delaware State Fire Prevention Commission, must have been completed within five (5) years of the application date or, when an individual submits such examination results for the Commission's review and acceptance.

4.3.1.5 For the purposes of this Chapter, a Registered Delaware Professional Engineer shall be recognized as a Certificate Holder without further qualification for all Classifications of Certificates except Class VI(a) and VIII(a).

4.4 Limitations.

4.4.1 A Certificate Holder may only be in a position of RESPONSIBLE CHARGE for the functions for which they have been certified.

4.4.2 The authority of the Certificate Holder on behalf of the licensed Fire Suppression Systems Company shall cease immediately upon separation from the Fire Suppression Systems Company.

4.4.3 The Fire Suppression Systems Company and the Certificate Holder, each must notify the Office of the State Fire Marshal, in writing, within five (5) business days after the separation.

4.4.4 Upon separation of the Certificate Holder from the licensed company, the Fire Suppression Systems Company may complete existing work in progress which has been submitted, reviewed and approved by the Office of the State Fire Marshal, but may not commence any new work or conduct any inspection work until a Certificate Holder is hired.

4.4.5 Upon the expiration of the current license or within six (6) months (whichever occurs last), if the Fire Suppression Systems Company has not obtained a Certificate Holder, the State Fire Marshal shall terminate the Fire Suppression Systems Company's license.

**13 DE Reg. 629 (11/01/09)**

## 5.0 Persons Inspecting or Testing Water-Based Fire Protection Systems

5.1 All persons involved in the inspection and testing of water-based fire protection systems shall maintain current certification in the National Institute for Certification in Engineering Technologies (NICET) Level II - Inspection and Testing of Water-based Systems certification program or substantially similar and equivalent course of

instruction, as determined by the State Fire Marshal, as a condition of obtaining or renewing a certificate, license, or permit pursuant to 16 **Del.C.** §6603(b).

5.1.1 It is incumbent on the applicant to provide all documentation and any other supporting material to substantiate a similar or equivalent certification program for consideration by the State Fire Marshal.

5.2 All persons involved in the inspection and testing of water-based fire protection systems shall complete sixteen (16) contact hours of continuing education or similar course of instruction during each biennial period of renewal.

5.2.1 Any and all continuing education requirements completed pursuant to §5.1 of this Chapter may be used to meet the continuing education requirements pursuant to 16 **Del.C.** §6603(c).

**13 DE Reg. 629 (11/01/09)**

**6.0 Administration and Enforcement.**

6.1 Whenever the State Fire Marshal shall have reason to believe that any licensed company or Certificate Holder has violated any provisions of this Chapter or rules or regulations adopted and promulgated pursuant thereto concerning fire suppression systems, he shall immediately notify the party of such violation. If the violation continues or is not corrected within five (5) working days of notice by the State Fire Marshal or if it constitutes an imminent hazard to life or property, then the State Fire Marshal shall issue and deliver to such company or individual an order to cease and desist further work associated with the suppression system until such time as the violation has been corrected and corrective measures have been accepted by the State Fire Marshal. The State Fire Marshal shall immediately issue and deliver an order to cease and desist to any company or individual identified as preparing technical documents, installing, inspecting, testing, and/or maintaining fire suppression systems without the necessary licenses and certificates as required by these Regulations. Such a cease and desist order shall forbid the continued work with the fire suppression systems within the State of Delaware until such time as the licensing and certification requirements of these Regulations are fully complied with.

6.2 Upon the issuance of the order, the party accused of such violation may require a review pursuant to 16 **Del.C.** §6608, et seq.

6.3 The continued violation of any provision of this Chapter or any rules or regulations adopted and promulgated pursuant hereto concerning fire suppression systems or failure or refusal to comply with any order to correct any violation or failure to obey any cease and desist order by any licensed company or Certificate Holder shall be cause for revocation of such license or certificate by the State Fire Marshal after he shall determine that the party is guilty of such violation.

6.4 Any order of suspension shall state the period of time of such suspension, which period shall not be less than thirty (30) days and shall not exceed one year from the date of the order.

6.5 An order of revocation may be entered for a period not exceeding two (2) years. Such an order shall affect the revocation of the license and/or certificate then held by said company or individual. During such time no license or certificate shall be issued to said company or individual. Any such license or certificate shall be invalid, void and of no effect.

6.6 In addition to the grounds set forth in any section herein, it shall be cause for revocation or suspension of a license or certificate after determining the party:

6.6.1 Has practiced any fraud, misrepresentation or deceit in obtaining or renewing a license or certificate;

6.6.2 Is guilty of gross negligence, incompetence or misconduct in the preparation of technical documents, installation, inspection, testing or maintenance of a fire suppression system;

6.6.3 Is guilty of a violation of the codes and regulations adopted by the Delaware State Fire Prevention Commission;

6.6.4 Has been found guilty of an unfair or deceptive trade practice;

6.6.5 Has failed to adequately train or control employees performing under the supervision of the Certificate Holder or Fire Suppression Systems Company;

6.6.6 Had any other license or certificate revoked by the State Fire Marshal;

6.6.7 Violated any of the conditions of the license or certificate;

6.6.8 Violated any other practice found to constitute a serious threat to the safety of person or property.

6.7 Any person aggrieved by an order or decision of the State Fire Marshal with respect to the provisions of this Chapter may file an appeal to the Delaware State Fire Prevention Commission pursuant to 16 **Del.C.** §6608 and in accordance with the provisions of these Regulations.

**7.0 Inspection of Technical Documents and Systems.**

7.1 Technical documents, specifications and complete drawings shall be required to be submitted to the Office of the State Fire Marshal in accordance with 16 **Del.C.** Ch. 66 for all proposed fire suppression systems installations, additions or modifications.

7.2 The Office of the State Fire Marshal may require such other technical documents, schematic and other drawings as they may from time to time feel necessary to certify to the adequacy of a proposed fire suppression system.

7.3 Technical documents, specifications, and complete drawings shall be submitted to the Office of the State Fire Marshal and approved prior to the supply, installation, addition, or modification of the fire suppression system. 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 Design Professional, each page shall bear the Design Professional's seal and signature.

7.4 Fire suppression system technical documents, specifications and design drawings shall be unique and exclusive of all others including mechanical and plumbing drawings, except in the case of Class IV category occupancies.

7.5 The Office of the State Fire Marshal may perform such inspections of the premises as they feel may be necessary to assure proper installation, operation, inspection, testing and maintenance of the fire suppression system.

7.6 The Office of the State Fire Marshal may perform such audits of all documents and records associated with the preparation of technical documents, installation, inspection, testing or maintenance of fire suppression systems as may be deemed necessary.

**8.0 Submission of Certificates of Inspection.**

8.1 The licensed company is responsible to forward to the Office of the State Fire Marshal, on the prescribed form, a separate Certificate of Inspection, along with the appropriate fees, for all such fire suppression systems that the licensed company may inspect, test or maintain. This Certificate of Inspection, which must be submitted annually, shall verify that the Delaware State Fire Prevention Regulations standards and specifications regarding the inspection, testing or maintenance have been met and any deficiencies noted at the time of the annual inspection, testing or maintenance shall be noted, with corrective action, if any, taken.

*Exception: Certificates of Inspection are not required to be submitted for One-and Two-Family Dwellings.*

8.1.1 Certificates of Inspection as called for in §8.1 of this Chapter for fire suppression systems, that are located in the jurisdiction of a Jurisdictional Assistant State Fire Marshal, shall be forwarded to the appropriate Jurisdictional Assistant State Fire Marshal's Office by the licensed company along with the appropriate fees, if applicable.

8.2 A separate Certificate of Inspection shall be required for each fire suppression system. A separate fire suppression system consists of a series of sprinkler or like nozzles connected to a piping system which are controlled by a main control valve and are designed and installed to function as one system.

8.3 The Office of the State Fire Marshal shall establish the schedule for each Fire Suppression Systems Company to forward the required Certificate of Inspection.

8.4 An Annual Certificate of Inspection shall be submitted to the Office of the State Fire Marshal within 30 days of the date of the Annual Inspection.

**9.0 Fees.**

9.1 Fees as charged in accordance with §8.1 of this Chapter and ~~Appendix E of~~ these Regulations for the submission of Certificates of Inspections shall be due and payable to the Office of the State Fire Marshal according to the provisions of Chapter 1 §4.1.4 of this Regulation.

9.1.1 Fees as called for in §8.1 of this Chapter for fire suppression systems, that are located in the jurisdiction of the Jurisdictional Assistant State Fire Marshals, shall be due and payable to the appropriate Jurisdictional Assistant State Fire Marshal's office, if applicable.

**10.0 Compliance**

~~10.1~~ The failure of the licensed company to comply with the provisions of this section shall constitute a violation of the Delaware State Fire Prevention Regulations.

## Chapter 6 Licensing Regulations for Fire Alarm Signaling System In-House Licensee's

### 1.0 General.

1.1 Purpose. To establish minimum requirements for the licensing of companies, who limit their activities to wholly owned systems or to systems that are proprietary to their individual and particular buildings, complexes, etc., to inspect, and/or perform the Inspection, Testing, and Maintenance Service for such fire alarm signaling systems.

1.2 Scope. This Chapter addresses the criteria for a Fire Alarm Signaling Systems In-House Licensee to acquire a license and to certify individuals to inspect, and/or perform the Inspection, Testing, and Maintenance Service for wholly owned or proprietary fire alarm signaling systems.

1.3 Application. The application of this Chapter pertains to the companies, who will be licensed, and to the individuals, who shall be certified to inspect, and/or perform the Inspection, Testing, and Maintenance Service for wholly owned or proprietary fire alarm signaling systems.

### 2.0 Definitions.

"**Fire Alarm Signaling System**". Shall mean any signaling system which is designed to detect the existence of a fire, and any signaling 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. It is further defined that a separate fire alarm signaling system consists of a control unit, initiating circuits, signaling circuits, primary and secondary power supplies and is designed and installed to function as one system.

"**Fire Alarm Signaling Systems In-House Licensee (In-House Licensee)**". Where used in this Chapter, shall mean any individual, group thereof, any partnership, group, organization, company, corporation, or any other entity, which performs any of the functions related to inspecting, testing or maintaining fire alarm signaling systems, or a portion thereof, who limits their practice or function to fire alarm signaling systems, wholly owned or proprietary to their individual and particular buildings, complexes, etc.

"**Full Time Employee**". Shall mean any employee working a minimum of thirty hours per week, averaged over a period of one year, who regularly receives a compensation from the In-House Licensee, and receives a W-2 form annually from the In-House Licensee.

**"Inspection**". A visual examination of a fire alarm signaling system or a portion thereof to verify that it appears to be in operating condition and is free from physical damage.

**"Inspection, Testing, and Maintenance Service**". A service program provided by a qualified contractor or owner's representative in which all components unique to the property's systems are inspected and tested at the required times and necessary maintenance is provided. This program includes logging and retention of relevant records. It is permissible under this definition to replace, in kind, individual initiating devices, indicating appliances or supervisory devices when, for any reason, they become undependable or inoperative.

**"Install/Installation**". Shall mean the initial placement of all system components or equipment; or the extension, modification or alteration of system components or equipment after the initial placement. It shall further mean the installation and mounting of signaling system devices, conduit, wiring, back and junction boxes. This definition shall be further interpreted to mean that any movement or placement of system components or equipment, must be preceded by submission of technical documents for review and approval by the Office of the State Fire Marshal, submitted by a company licensed or an individual certified to do so under Regulation 703, Chapter 4, and that the installation testing and the acceptance test are the responsibility of the licensed company or certified individual, who has submitted such technical documents.

"**Installation Testing**". Shall mean that testing which is required by the National Fire Protection Association's National Fire Codes, as adopted and/or modified by these Regulations, during the initial installation of a fire alarm signaling system. Installation testing shall include, but not be limited to:

(a) Stray Voltages. Verify that stray (unwanted) voltages that could constitute a hazard or prevent proper system operation do not exist between the installation conductors and ground or between installation conductors.

(b) Ground Faults. All installation conductors other than those intentionally and permanently grounded should be tested for isolation from ground using an insulation testing device that will not damage connected equipment.

(c) Short Circuit Faults. All installation conductors other than those intentionally connected together should be tested for conductor-to-conductor isolation using an insulation testing device. These same circuits should be tested conductor-to-ground, also.

(d) Loop Resistance. With each initiating and indicating circuit installation conductor pair short-circuited at the far end, measure and record the resistance of each circuit. Verify that the loop resistance does not exceed the manufacturer's specified limits.

"**Maintenance**". Repair service, including periodically recurrent inspections and tests, required to keep the protective signaling system and its component parts in an operative condition at all times. It is permissible under this definition to replace, in kind, individual initiating devices, indicating appliances or supervisory devices when, for any reason, they become undependable or inoperative.

"**Preparing Technical Documents**". Shall mean the preparation of detailed fire alarm signaling system drawings, calculations and specifications for installation in accordance with the applicable codes, statutes and regulations adopted by the Delaware State Fire Prevention Commission. It is further defined to mean that the technical documents, specifications and design drawings referred to in this section are the documents which shall be submitted to the Office of the State Fire Marshal for review and approval.

"**Proprietary**". Where used in this Chapter, shall mean any fire alarm signaling system that is in the care, custody or control of the In-House Licensee. The word proprietary, where used in this Chapter, does not apply to the National Fire Alarm Code, NFPA 72, proprietary type systems.

"**Responsible Charge**". Shall mean the individual, who is responsible to ensure that all of the requirements of the Delaware State Fire Prevention Regulations are complied with in the application of those standards and specifications to fire alarm signaling systems. The person, or persons, of responsible charge shall be accountable for each phase of activities with respect to fire alarm signaling systems, when such activities constitute an element of their particular Class of Certificate.

"**Testing**". A procedure to determine the status of a system as intended by conducting periodic physical checks on fire alarm signaling systems. These tests follow up on the original acceptance tests at intervals specified in the National Protection Associations National Fire Codes, as adopted and/or modified by these Regulations, which addresses the systems detailed under this Chapter.

## 3.0 Licenses.

3.1 License Required.

3.1.1 Every In-House Licensee operating in the State of Delaware shall obtain a license issued by the Office of the State Fire Marshal.

3.1.2 The application for such license shall be in accordance with the provisions of §3.2 of this Chapter of this Regulation.

3.1.3 All licenses issued under this section shall be valid for one year and renewed annually by the license holder on a form provided by the Office of the State Fire Marshal.

3.1.4 The license year period shall expire on a date as scheduled by the State Fire Marshal, pursuant to the provisions of 16 **Del.C.** §6607, (g)(5)(d).

3.2 Licensure Requirements.

3.2.1 Application and Fees. The In-House Licensee shall make application to the Office of the State Fire Marshal, meet the requirements of this Chapter and pay the required fees.

3.2.2 Address. A specific current business address shall be maintained by each In-House Licensee. The In-House Licensee shall notify the Office of the State Fire Marshal, in writing, within fourteen (14) days of any change of address.

3.2.3 Certificate Holder. Each In-House Licensee shall have a CERTIFICATE HOLDER, who shall be in a position of RESPONSIBLE CHARGE, with the In-House Licensee. This person or persons shall pass an examination on and become certified in the categories pertaining to the activities of the In-House Licensee.

3.2.4 Delaware Business License. The In-House Licensee shall hold a current Delaware Business License as defined in 30 **Del.C.** §2301, and must be qualified to do business in the State of Delaware and must be registered with the Secretary of State. A copy of the current Delaware Business License shall be submitted at the time of application for a license and upon each subsequent renewal request.

3.3 Licensure Limitations.

3.3.1 The In-House Licensee shall be limited to performing testing, inspection, and maintenance functions only to those types of fire alarm signaling systems for which the Certificate Holder has been certified.

3.3.2 If the Certificate Holder and the In-House Licensee, terminate their relationship, the Certificate Holder and the In-House Licensee, each must notify the Office of the State Fire Marshal, in writing, within five (5) business days.

3.4 Insurance Required.

3.4.1 The State Fire Marshal shall not issue a license under this Chapter unless:

3.4.1.1 The In-House Licensee files with the Office of the State Fire Marshal, proof of liability insurance of not less than $250,000 per person minimum and $500,000 per accident minimum.

3.4.1.2 The In-House Licensee must file proof of State of Delaware Workers' Compensation Insurance in accordance with 19 **Del.C.** Ch. 23 - Workers' Compensation. Any company, business, or person(s) claiming an exemption from Workers' Compensation laws of this State shall provide proof in the form of a written correspondence to the Office of the State Fire Marshal that the company, business, or person(s) is not required by the laws of this State to maintain Workers' Compensation coverage.

3.4.1.3 For In-House Licensees that are self-insured, an affidavit to that fact must be filed with the Office of the State Fire Marshal stating the conditions for self-insurance.

3.4.2 Any insurance required by this section must be in the form of a Certificate of Insurance executed by an insurer authorized to do business in this State.

3.4.3 Insurance Certificates filed with the Office of the State Fire Marshal under this section shall remain current and in force until the insurer has terminated future liability by a ten (10) day notice to the Office of the State Fire Marshal.

3.4.4 Failure to maintain the required insurance constitutes grounds for denial, suspension, or revocation of a license by the Office of the State Fire Marshal.

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**4.0 Certification.**

4.1 Certificate Holder.

4.1.1 A Certificate Holder is the individual who has met the requirements of this Chapter and has been granted a Certificate under the appropriate classification for this Chapter. This person shall be the individual of RESPONSIBLE CHARGE, as defined in these Regulations.

4.1.2 The Certificate Holder is the person in RESPONSIBLE CHARGE of ensuring that the required Inspection, Testing, and Maintenance Services, for which they have been certified, have been performed in accordance with the standards and specifications of the Delaware State Fire Prevention Regulations.

4.1.3 All Certificates issued under this section shall be valid for one year and renewed annually on a form provided by the Office of the State Fire Marshal.

4.1.4 The Certificate year period shall expire on a date as scheduled by the State Fire Marshal, pursuant to the provisions of 16 **Del.C.** §6607(g)(5)(d).

4.1.5 The Office of the State Fire Marshal has the authority to require all Certificate Holders to submit to a re-certification or continuing education process at a frequency, set as a minimum, of five (5) years. The re-certification or continuing education cannot occur more frequently than every five (5) years.

4.1.5.1 For purposes of annual renewal, continuing education shall include maintaining current NICET certification at the minimum level that was required when the Certificate Holder originally applied.

4.2 Classification of Certificates.

4.2.1 Class VIII: Limited to Inspection, Testing, and Maintenance Service of wholly owned or proprietary fire alarm signaling systems in accordance with the PURPOSE, SCOPE AND APPLICATION; AND DEFINITIONS, for the periodic and annual inspection, testing, or maintenance requirements of the Delaware State Fire Prevention Regulations. This class of certificate is reserved for those In-House Licensees as defined in §2.0 of this Chapter.

4.3 Qualifications for a Certificate Holder.

4.3.1 To qualify as a Certificate Holder, an individual shall:

4.3.1.1 Be a resident of the United States of America or be entitled to work in the United States of America and be at least 18 years of age;

4.3.1.2 Apply to the Office of the State Fire Marshal, meet the requirements as set forth in this Chapter and pay the required fees as listed in ~~Appendix E~~ these Regulations;.

4.3.1.3 Be a full time employee, as defined herein, of the In-House Licensee, and be in Responsible Charge of the Inspection, Testing, and Maintenance Service of the fire alarm signaling systems.

4.3.1.4 Have passed an examination prescribed by the Delaware State Fire Prevention Commission or an equivalent examination approved by the Delaware State Fire Prevention Commission. Any examination that has been passed as prescribed by the Delaware State Fire Prevention Commission must have been completed within five (5) years of the application date or, when an individual submits such examination results for the Commission's review and acceptance.

4.3.1.5 For the purposes of this Chapter, a Registered Delaware Professional Engineer shall be recognized as a Certificate Holder without further qualification.

4.4 Limitations.

4.4.1 A Certificate Holder may only be in a position of RESPONSIBLE CHARGE for the functions for which they have been certified.

4.4.2 The authority of the Certificate Holder on behalf of the In-House Licensee shall cease immediately upon separation from the In-House Licensee.

4.4.3 The In-House Licensee and the Certificate Holder, each must notify the Office of the State Fire Marshal, in writing, within five business days after the separation.

4.4.4 Upon separation of the Certificate Holder from the In-House Licensee, the Certificate Holder must be replaced within six (6) months. Existing work in progress which has been submitted, reviewed and approved by the Office of the State Fire Marshal may continue, but new work may not commence and inspection work may not be conducted until a Certificate Holder is hired.

4.4.5 Upon expiration of the current license or within six (6) months (whichever occurs last), if the In-House Licensee has not obtained a Certificate Holder, the State Fire Marshal shall terminate the In-House Licensee's license.

**5.0 (Reserved)**

**6.0 Administration and Enforcement.**

6.1 Whenever the State Fire Marshal shall have reason to believe that any In-House Licensee or Certificate Holder has violated any provisions of this Chapter or rules or regulations adopted and promulgated pursuant thereto concerning fire alarm signaling systems, shall immediately notify the party of such violation. If the violation continues or is not corrected within five (5) working days of notice by the State Fire Marshal, or if it constitutes an imminent hazard to life or property, then the State Fire Marshal shall issue and deliver to such Licensee or individual, an order to cease and desist further work associated with the fire alarm signaling system until such time as the violation has been corrected and corrective measures have been accepted by the State Fire Marshal. The State Fire Marshal shall immediately issue and deliver an order to cease and desist to any Licensee or individual identified as preparing technical documents, installing, inspecting, testing or maintaining fire alarm signaling systems without the necessary licenses and certificates as required by these Regulations. Such a cease and desist order shall forbid the continued work with the fire alarm signaling systems within the State of Delaware until such time as the licensing and certification requirements of these Regulations are fully complied with.

**Note:** Violations or orders issued by the State Fire Marshal in the application of this section of the Regulations will be made to the In-House Licensee and to the Certificate Holder.

6.2 Upon the issuance of the order, the party accused of such violation may require a review pursuant to 16 **Del.C.** §6608, et seq.

6.3 The continued violation of any provision of this Chapter or any rules or regulations adopted and promulgated pursuant hereto concerning fire alarm signaling systems or failure or refusal to comply with any order to correct any violation or failure to obey an cease and desist order by any In-House Licensee or Certificate Holder shall be cause for revocation or suspension of such license or certificate by the State Fire Marshal after he shall determine that the party is guilty of such violation.

6.4 Any order of suspension shall state the period of such suspension, which period shall not be less than thirty (30) days and shall not exceed one year from the date of order.

6.5 An order of revocation may be entered for a period not exceeding two (2) years. Such an order shall affect the revocation of the license and/or certificate then held by said Licensee or individual. During such time no license or certificate shall be issued to said Licensee or individual. Any such license or certificate shall be invalid, void and of no effect.

6.6 In addition to the grounds set forth in any section herein, it shall be cause for revocation or suspension of a license or certificate after determining the party:

6.6.1 Has practiced any fraud, misrepresentation or deceit in obtaining or renewing a license or certificate;

6.6.2 Is guilty of gross negligence, incompetence, or misconduct in inspection, testing or maintenance of a fire alarm signaling system;

6.6.3 Is guilty of a violation of the codes and regulations adopted by the Delaware State Fire Prevention Commission;

6.6.4 Has been found guilty of an unfair or deceptive trade practice;

6.6.5 Has failed to adequately train or control employees performing under the responsible charge of the Certificate Holder or In-House Licensee;

6.6.6 Had any other license or certificate revoked by the State Fire Marshal;

6.6.7 Violated any of the conditions of the license or certificate;

6.6.8 Violated any practice found to constitute a serious threat to the safety of person or property.

6.7 Any person aggrieved by an order or decision of the State Fire Marshal with respect to the provisions of this Chapter may file an appeal to the Delaware State Fire Prevention Commission pursuant to 16 **Del.C.** §6608 and in accordance with the provisions of these Regulations.

## 7.0 Inspection of Technical Documents and Systems.

7.1 Technical documents, specifications and complete drawings shall be required to be submitted to the Office of the State Fire Marshal in accordance with 16 **Del.C.** Ch. 66 for all proposed fire alarm signaling system installations, additions and modifications. These documents shall be submitted by a company licensed in accordance with Regulation 703, Chapter 4.

7.2 The Office of the State Fire Marshal may require such other technical documents, schematic and other drawings as they may from time to time feel necessary to certify to the adequacy of a fire alarm signaling system.

7.3 Technical documents, specifications, and complete drawings shall be submitted, by a company licensed in accordance with Regulation 703, Chapter 4, to the Office of the State Fire Marshal and approved prior to the supply, installation, addition, or modification of the fire alarm signaling system. 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 Design Professional, each page shall bear the Design Professional's seal and signature.

7.4 Fire alarm signaling system technical documents, specifications and design drawings shall be unique and exclusive of all others, including electrical documents.

7.5 The Office of the State Fire Marshal may perform such inspections of the premises as they feel may be necessary to assure proper installation, operation, inspection, testing and maintenance of the fire alarm signaling system.

7.6 The Office of the State Fire Marshal may perform such audits of all documents and records associated with the preparation of technical documents, installation, inspection, testing or maintenance of fire alarm signaling systems as be may deemed necessary.

## 8.0 Submission of Certificates of Inspection.

8.1 The In-House licensed company is responsible to forward to the Office of the State Fire Marshal, on the prescribed form, a separate Certificate of Inspection, along with the appropriate fees, for each fire alarm signaling system that the In-House licensed company may inspect, test or maintain. This Certificate of Inspection, which must be submitted annually, shall verify that the Delaware State Fire Prevention Regulations standards and specifications regarding the inspection, testing or maintenance have been met and any deficiencies noted at the time of the annual inspection, testing or maintenance shall be noted, with corrective action, if any, taken.

8.1.1 Certificates of Inspection as called for in §8.1 of this Chapter for fire alarm signaling systems that are located in the jurisdiction of a Jurisdictional Assistant State Fire Marshal, shall be forwarded to the appropriate Jurisdictional Assistant State Fire Marshal's Office by the licensed company along with the appropriate fees, if applicable.

8.2 A separate Certificate of Inspection shall be required for each fire alarm signaling system. A separate fire alarm signaling system consists of a control unit, initiating circuits, signaling circuits, primary and secondary power supplies and is designed and installed to function as one system.

8.3 The Office of the State Fire Marshal shall establish the schedule for each In-House Licensee to forward the required Certificates of Inspection.

8.4 An Annual Certificate of Inspection shall be submitted to the Office of the State Fire Marshal within 30 days of the date of the Annual Inspection.

**9.0 Fees.**

9.1 Fees as charged in accordance with §8.1 of this Chapter and ~~Appendix E of~~ these Regulations for the submission of Certificates of Inspections shall be due and payable to the Office of the State Fire Marshal according to the provisions of Chapter 1, §4.1.4 of this Regulation.

9.1.1 Fees as called for in §8.1 of this Chapter for fire alarm signaling systems, that are located in the jurisdiction of a Jurisdictional Assistant State Fire Marshal, shall be due and payable to the appropriate Jurisdictional Assistant State Fire Marshal's office, if applicable.

**10.0 Compliance**

~~10.1~~ The failure of the licensed company to comply with the provisions of this section shall constitute a violation of the Delaware State Fire Prevention Regulations.

## Chapter 7 Licensing Regulations for Fire Suppression System In-House Licensee's

**1.0 General.**

1.1 Purpose. To establish minimum requirements for the licensing of companies, who limit their activities to wholly owned systems or to systems that are proprietary to their individual and particular buildings, complexes, etc., to inspect and/or perform the Inspection, Testing, and Maintenance Service, for such fire suppression systems.

1.2 Scope. This Chapter addresses the criteria for a Fire Suppression Systems In-House Licensee to acquire a license and to certify individuals to inspect and/or perform the Inspection, Testing, and Maintenance Service, for wholly owned or proprietary fire suppression systems.

1.3 Application. The application of this Chapter pertains to the companies, who will be licensed, and to the individuals, who shall be certified to inspect and/or perform the Inspection, Testing, and Maintenance Service, for wholly owned or proprietary fire suppression systems.

**2.0 Definitions.**

"**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, clean agent and other chemical systems used for fire protection use. 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 and tanks and pumps connected thereto. Fire alarm systems, small pre-engineered fire suppression systems, portable fire extinguishers and wheeled fire extinguishers are covered under other Regulations of the Fire Prevention Commission. It is further defined that a separate fire suppression system consists of a series of sprinkler or like nozzles connected to a piping system which are controlled by a main control valve and are designed and installed to function as one system.

"**Fire Suppression Systems In-House Licensee (In-House Licensee)**". Where used in this Chapter, shall mean any individual, group thereof, any partnership, group, organization, company, corporation, or any other entity which performs any of the functions related to inspecting, testing or maintaining fire suppression systems or any portion thereof, who limits their practice or function to fire suppression systems wholly owned or proprietary to their individual and particular buildings, complexes, etc.

"**Full Time Employee**". Shall mean any employee working a minimum of thirty hours per week, averaged over a period of one year, who regularly receives a compensation from the In-House Licensee and receives a W-2 form annually from the In-House Licensee.

"**Inspection**". A visual examination of a fire suppression system or a portion thereof to verify that it appears to be in operating condition and is free from physical damage.

"**Inspection, Testing, and Maintenance Service**". A service program provided by a qualified contractor or owner's representative in which all components unique to the property's systems are inspected and tested at the required times and necessary maintenance is provided. This program includes logging and retention of relevant records. It is permissible under this definition to replace, in kind, individual suppression devices or components when, for any reason, they become undependable or inoperative.

"**Installing/Installation**". Shall mean the initial placement of all system components or equipment; or the extension, modification or alteration of system components or equipment after the initial placement. This definition shall be further interpreted to mean that any movement or placement of system components or equipment, must be preceded by submission of technical documents for review and approval by the Office of the State Fire Marshal, submitted by a company licensed or an individual certified to do so under Regulation 703, Chapter 5, and that the installation testing and acceptance tests are the responsibility of the licensed company or certified individual, who has submitted such technical documents.

"**Maintenance**". Repair service, including periodically recurrent inspections and tests, required to keep the suppression system and its component parts in an operative condition at all times. It is permissible under this definition to replace, in kind, individual suppression devices or components when, for any reason, they become undependable or inoperative.

"**Preparing Technical Documents**". Shall mean the preparation of detailed fire suppression system drawings, calculations, and specifications for installation in accordance with the applicable codes, statutes and regulations adopted by the Delaware State Fire Prevention Commission. It is further defined to mean that the technical documents, specifications and design drawings referred to in this section are the documents which shall be submitted to the Office of the State Fire Marshal for review and approval.

"**Proprietary**". Where used in this Chapter shall mean any fire suppression system in the care, custody or control of the In-House Licensee.

"**Responsible Charge**". Shall mean the individual, who is responsible to ensure that all of the requirements of the Delaware State Fire Prevention Regulations are complied with in the application of those standards and specifications to fire suppression systems. The person, or persons, of responsible charge shall be accountable for each phase of activities with respect to fire suppression systems when such activities constitute an element of their particular Class of Certificate.

"**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 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.

"**Testing**". A procedure to determine the status of a system as intended by conducting periodic physical checks on fire suppression systems. These tests follow up on the original acceptance tests at intervals specified in the National Protection Associations National Fire Codes, as adopted and/or modified by these Regulations, which addresses the systems detailed under this Chapter.

## 3.0 Licenses.

3.1 License Required.

3.1.1 Every In-House Licensee operating in the State of Delaware shall obtain a license issued by the Office of the State Fire Marshal.

3.1.2 The application for such license shall be in accordance with the provisions of §3.2 of this Chapter.

3.1.3 All licenses issued under this section shall be valid for one year and renewed annually by the license holder on a form provided by the Office of the State Fire Marshal.

3.1.4 The license year period shall expire on a date as scheduled by the State Fire Marshal, pursuant to the provisions of 16 **Del.C.** §6607 (g)(5)(d).

3.2 Licensure Requirements.

3.2.1 Application and Fees. The In-House Licensee shall make application to the Office of the State Fire Marshal, meet the requirements of this Regulation and pay the required fees.

3.2.2 Address. A specific current business address shall be maintained by each In-House Licensee. The In-House Licensee shall notify the Office of the State Fire Marshal, in writing, within fourteen days of any change of address.

3.2.3 Certificate Holder. Each In-House Licensee shall have a CERTIFICATE HOLDER, who shall be in a position of RESPONSIBLE CHARGE, with the In-House Licensee. This person or persons shall pass an examination on and become certified in the categories pertaining to the activities of the In-House Licensee.

3.2.4 Delaware Business License. The In-House Licensee shall hold a current Delaware Business License as defined in 30 **Del.C.** §2301, and must be qualified to do business in the State of Delaware and must be registered with the Secretary of State. A copy of the current Delaware Business License shall be submitted at the time of application for a license and upon each subsequent renewal request.

3.3 Licensure Limitations.

3.3.1 The In-House Licensee shall be limited to performing testing, inspection, and maintenance functions related only to those types of activities for which the Certificate Holder has been certified.

3.3.2 If the Certificate Holder and the In-House Licensee terminate their relationship, the Certificate Holder and the In-House Licensee, each must notify the Office of the State Fire Marshal, in writing, within five (5) business days of the termination.

3.4 Insurance Required.

3.4.1 The State Fire Marshal shall not issue a license under these Regulations unless:

3.4.1.1 The In-House Licensee files with the Office of the State Fire Marshal, proof of liability insurance coverage of not less than $250,000 per person minimum and $500,000 per accident minimum;

3.4.1.2 The In-House Licensee must file proof of State of Delaware Worker's Compensation Insurance in accordance with 19 **Del.C.** Ch. 23 - Workers' Compensation. Any company, business, or person(s) claiming an exemption from Workers' Compensation laws of this State shall provide proof in the form of a written correspondence to the Office of the State Fire Marshal that the company, business, or person(s) is not required by the laws of this State to maintain Workers' Compensation coverage;

3.4.1.3 For In-House Licensees that are self-insured, an affidavit to that fact must be filed with the Office of the State Fire Marshal stating the conditions for self-insurance.

3.4.2 Any insurance required by this section must be in the form of a Certificate of Insurance executed by an insurer authorized to do business in this State.

3.4.3 Insurance Certificates filed with the Office of the State Fire Marshal under this section shall remain current and in force until the insurer has terminated future liability by a ten (10) day notice to the Office of the State Fire Marshal.

3.4.4 Failure to maintain the required insurance constitutes grounds for denial, suspension or revocation of a license by the Office of the State Fire Marshal.

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**4.0 Certification.**

4.1 Certificate Holder.

4.1.1 A Certificate Holder is the individual who has met the requirements of this Chapter and has been granted a Certificate under the appropriate classification for this Chapter. This person shall be the individual of RESPONSIBLE CHARGE, as defined in these Regulations.

4.1.2 The Certificate Holder is the person in RESPONSIBLE CHARGE of ensuring that the required Inspection, Testing, and Maintenance Services for which they have been certified, have been performed in accordance with the specifications and standards of the Delaware State Fire Prevention Regulations.

4.1.3 All Certificates issued under this section shall be valid for one year and renewed annually on a form provided by the Office of the State Fire Marshal.

4.1.4 The Certificate year period shall expire on a date as scheduled by the State Fire Marshal, pursuant to the provisions of 16 **Del.C.** §6607(g)(5)(d).

4.1.5 The Office of the State Fire Marshal has the authority to require all Certificate Holders to submit to a re-certification or continuing education process at a frequency set, as a minimum, of five (5) years. The re-certification or continuing education cannot occur more frequently than every five (5) years.

4.1.5.1 For purposes of annual renewal, continuing education shall include maintaining current NICET certification at the minimum level that was required when the Certificate Holder originally applied.

4.2 Classification of Certificates.

4.2.1 Class VIII: Limited to In-House Fire Suppression Systems.

Class VIII(a): Limited to inspection and testing of wholly owned or proprietary water-based fire suppression systems in accordance with Chapter 7 - Licensing Requirements for Fire Suppression System In-House Licensee's. This class of certificate is for In-House Licensees.

Class VIII(b): Limited to inspection, testing, and maintenance service of wholly owned or proprietary fire suppression systems that are not water-based and the maintenance of water-based fire suppression systems in accordance with Chapter 7 - Licensing Requirements for Fire Suppression System In-House Licensee's. This class of certificate is for In-House Licensees.

4.3 Qualifications for a Certificate Holder.

4.3.1 To qualify as a Certificate Holder, an individual shall:

4.3.1.1 Be a resident of the United States of America or be entitled to work in the United States of America and be at least 18 years of age;

4.3.1.2 Apply to the Office of the State Fire Marshal, meet the requirements as set in this Chapter and pay the required fees as listed in ~~Appendix E~~ these Regulations~~;~~.

4.3.1.3 Be a full time employee, as defined herein, of the In-House Licensee, and be in Responsible Charge of the inspection, testing or maintenance of the fire suppression systems;

4.3.1.4 Have passed an examination prescribed by the Delaware State Fire Prevention Commission or an equivalent examination approved by the Delaware State Fire Prevention Commission. Any examination that has been passed as prescribed by the Delaware State Fire Prevention Commission must have been completed within five (5) years of the application date or, when an individual submits such examination results for the Commission's review and acceptance.

4.3.1.5 For the purposes of this Chapter, a Registered Delaware Professional Engineer shall be recognized as a Certificate Holder without further qualification.

4.4 Limitations.

4.4.1 A Certificate Holder may only be in a position of RESPONSIBLE CHARGE for the functions for which they have been certified.

4.4.2 The authority of the Certificate Holder on behalf of the In-House Licensee shall cease immediately upon separation from the In-House Licensee.

4.4.3 The In-House Licensee and the Certificate Holder, each must notify the Office of the State Fire Marshal, in writing, within five (5) business days after the separation.

4.4.4 Upon separation of the Certificate Holder from the In-House Licensee, the Certificate Holder must be replaced within six (6) months. Existing work in progress which has been submitted, reviewed and approved by the Office of the State Fire Marshal may continue, but new work may not commence and inspection work may not be conducted until a Certificate Holder is hired.

4.4.5 Upon the expiration of the current license or within six (6) months (whichever occurs last), if the In-House Licensee has not obtained a Certificate Holder, the State Fire Marshal shall terminate the In-House Licensee's license.

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## 5.0 Persons Inspecting or Testing Water-Based Fire Protection Systems

5.1 All persons involved in the inspection and testing of water-based fire protection systems shall maintain current certification in the National Institute for Certification in Engineering Technologies (NICET) Level II - Inspection and Testing of Water-based Systems certification program or substantially similar and equivalent course of instruction, as determined by the State Fire Marshal, as a condition of obtaining or renewing a certificate, license, or permit pursuant to 16 **Del.C.** §6603(b).

5.1.1 It is incumbent on the applicant to provide all documentation and any other supporting material to substantiate a similar or equivalent certification program for consideration by the State Fire Marshal.

5.2 All persons involved in the inspection and testing of water-based fire protection systems shall complete sixteen (16) contact hours of continuing education or similar course of instruction during each biennial period of renewal.

5.2.1 Any and all continuing education requirements completed pursuant to §5.1 of this Chapter may be used to meet the continuing education requirements pursuant to 16 **Del.C.** §6603(c).

**13 DE Reg. 629 (11/01/09)**

## 6.0 Administration And Enforcement.

6.1 Whenever the State Fire Marshal shall have reason to believe that any In-House Licensee or Certificate Holder has violated any provisions of this Chapter or rules or regulations adopted and promulgated pursuant thereto concerning fire suppression systems, he shall immediately notify the party of such violation. If the violation continues or is not corrected within five (5) working days of notice by the State Fire Marshal or if it constitutes an imminent hazard to life or property, then the State Fire Marshal shall issue and deliver to such Licensee or individual an order to cease and desist further work associated with the fire suppression system until such time as the violation has been corrected and corrective measures have been accepted by the State Fire Marshal. The State Fire Marshal shall immediately issue and deliver an order to cease and desist to any Licensee or individual identified as preparing technical documents, installing, inspecting, testing, and/or maintaining fire suppression systems without the necessary licenses and certificates as required by these Regulations. Such a cease and desist order shall forbid the continued work with the fire suppression systems within the State of

Delaware until such time as the licensing and certification requirements of these Regulations are fully complied with.

**Note:** Violations or orders issued by the State Fire Marshal in the application of this section of the Regulations will be made to the In-House Licensee and to the Certificate Holder.

6.2 Upon the issuance of the order, the party accused of such violation may require a review pursuant to 16 **Del.C.** §6608, et seq.

6.3 The continued violation of any provision of this Chapter or any rules or regulations adopted and promulgated pursuant hereto concerning fire suppression systems or failure or refusal to comply with any order to correct any violation or failure to obey any cease and desist order by any In-House Licensee or Certificate Holder shall be cause for revocation of such license or certificate by the State Fire Marshal after he shall determine that the party is guilty of such violation.

6.4 Any order of suspension shall state the period of time of such suspension, which period shall not be less than thirty (30) days and shall not exceed one year from the date of the order.

6.5 An order of revocation may be entered for a period not exceeding two (2) years. Such an order shall affect the revocation of the license and/or certificate then held by said Licensee or individual. During such time no license or certificate shall be issued to said Licensee or individual. Any such license or certificate shall be invalid, void and of no effect.

6.6 In addition to the grounds set forth in any section herein, it shall be cause for revocation or suspension of a license or certificate after determining the party:

6.6.1 Has practiced any fraud, misrepresentation, or deceit in obtaining or renewing a license or certificate;

6.6.2 Is guilty of gross negligence, incompetence or misconduct in inspection, testing or maintenance of a fire suppression system;

6.6.3 Is guilty of a violation of the codes and regulations adopted by the Delaware State Fire Prevention Commission;

6.6.4 Has been found guilty of an unfair or deceptive trade practice;

6.6.5 Has failed to adequately train or control employees performing under the supervision of the Certificate Holder or In-House Licensee;

6.6.6 Had any other license or certificate revoked by the State Fire Marshal;

6.6.7 Violated any of the conditions of the license or certificate;

6.6.8 Violated any other practice found to constitute a serious threat to the safety of person or property.

6.7 Any person aggrieved by an order or decision of the State Fire Marshal with respect to the provisions of this Chapter may file an appeal to the Delaware State Fire Prevention Commission pursuant to 16 **Del.C.** §6608 and in accordance with the provisions of these Regulations.

## 7.0 Inspection of Technical Documents and Systems.

7.1 Technical documents, specifications and complete drawings shall be required to be submitted to the Office of the State Fire Marshal in accordance with 16 **Del.C.** Ch. 66 for all proposed fire suppression system installations, additions and modifications. These documents shall be submitted by a company licensed in accordance with Regulation 703, Chapter 5.

7.2 The Office of the State Fire Marshal may require such other technical documents, schematic and other drawings as they may from time to time feel necessary to certify to the adequacy of a fire suppression system.

7.3 Technical documents, specifications, and complete drawings shall be submitted, by a company licensed in accordance with Regulation 703, Chapter 5, to the Office of the State Fire Marshal and approved prior to the supply, installation, addition, or modification of the fire suppression system. 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 Design Professional, each page shall bear the Design Professional's seal and signature.

7.4 Fire suppression system technical documents, specifications and design drawings shall be unique and exclusive of all others.

7.5 The Office of the State Fire Marshal may perform such inspections of the premises as they feel may be necessary to assure proper installation, operation, inspection, testing, and maintenance of the fire suppression system.

7.6 The Office of the State Fire Marshal may perform such audits of all documents and records associated with the preparation of technical documents, installation, inspection, testing or maintenance of fire suppression systems as may be deemed necessary.

**8.0 Submission of Certificates of Inspection.**

8.1 The In-House licensed company is responsible to forward to the Office of the State Fire Marshal, on the prescribed form, a separate Certificate of Inspection, along with the appropriate fees, for each fire suppression system that the In-House licensed company may inspect, test or maintain. This Certificate of Inspection, which must be submitted annually, shall verify that the Delaware State Fire Prevention Regulations standards and specifications regarding the inspection, testing or maintenance have been met and any deficiencies noted at the time of the annual inspection, testing or maintenance shall be noted, with corrective action, if any, taken.

8.1.1 Certificates of Inspection as called for in §8.1 of this Chapter for fire suppression systems that are located in the jurisdiction of a Jurisdictional Assistant State Fire Marshal, shall be forwarded to the appropriate Jurisdictional Assistant State Fire Marshal's office by the licensed company along with the appropriate fees, if applicable.

8.2 A separate Certificate of Inspection shall be required for each fire suppression system. A separate fire suppression system consists of a series of sprinkler or like nozzles connected to a piping system which are controlled by a main control valve and are designed and installed to function as one system.

8.3 The Office of the State Fire Marshal shall establish the schedule for each In-House Licensee to forward the required Certificates of Inspection.

8.4 An Annual Certificate of Inspection shall be submitted to the Office of the State Fire Marshal within 30 days of the date of the Annual Inspection.

**9.0 Fees.**

9.1 Fees as charged in accordance with §8.1 of this Chapter and ~~Appendix E of~~ these Regulations for the submission of Certificates of Inspections shall be due and payable to the Office of the State Fire Marshal according to the provisions of Chapter 1, §4.1.4 of this Regulation.

9.1.1 Fees as called for in §8.1 of this Chapter for fire suppression systems, that are located in the jurisdiction of a Jurisdictional Assistant State Fire Marshal, shall be due and payable to the appropriate Jurisdictional Assistant State Fire Marshal's office, if applicable.

**10.0 Compliance**

~~10.1~~ The failure of the licensed company to comply with the provisions of this section shall constitute a violation of the Delaware State Fire Prevention Regulations.

## Chapter 8 Licensing and Reporting Requirements for Central Station and Remote Station Services

**1.0 General.**

1.1 Purpose. To establish minimum requirements for the licensing of companies, firms, and individuals who offer for sale, sell, contract for, or lease or provide central station or remote station services for fire protection systems; to establish minimum requirements for the reporting, identification, and designation of protected properties with central station or remote station services, in order to provide to all emergency services an identifiable location that will provide accurate and direct location and/or direction at the time emergency services are needed at the protected property location.

1.2 Scope. In addition to the nationally recognized codes and standards as adopted and/or modified by these Regulations, this Regulation establishes minimum requirements for the licensing and reporting requirements for central station and remote station services, fire protection monitoring services, and individuals, firms, organizations, or businesses by any other name which monitor any fire alarm signaling system, fire suppression system, or any fire protection system with an objective of receiving alarms from protected properties and then transmitting the alarm to a fire dispatch center or fire department.

1.3 Application. The licensing requirements of this Chapter apply to all companies, firms, or individuals who offer for sale, sell or provide central station or remote station services to protected properties. The reporting requirements of this Chapter apply to central station, remote station, or monitoring station services for protected properties that do not have an identifiable, permanent building number or street address.

**2.0 Definitions.**

"**Central Station Service**". The use of a system or group of systems in which the operations of circuits and devices at a protected property are signaled to, recorded in, and supervised from a listed central station having competent and experienced operators who, upon receipt of a signal, take such action as required by this code. Related activities at the protected property such as equipment installation, inspection, testing, maintenance, and runner service are the responsibility of the central station or a listed fire alarm service-local company. Central station services are controlled and operated by a person, firm, or corporation whose business is the furnishing of such contracted services or whose properties are the protected premises.

"**Fire Protection System**". A system including systems, devices, and equipment to detect a fire, actuate an alarm or suppress fire or any combination thereof.

"**Licensed Fire Protection Systems Company (Vendor)**". Shall mean any individual, group thereof, any partnership, group, organization, company, corporation, or any other entity, which performs any of the functions related to preparing technical documents, installing either in whole or in part, inspecting, testing or maintaining fire protection systems or any portion thereof, who advertise their services or profess to engage in the activities detailed in Regulation 703, Chapters 4 and 5, as a business, in or for a contractual consideration or charge a fee for the activities detailed, herein.

"**Protected Property**". A location, building, structure, process, or hazard that is provided with a fire protection system or systems that is connected to a central station or remote station service, the function of which is to monitor the fire protection system and transmit an alarm, that is to be forwarded to an emergency dispatch center or to a fire department for response of emergency services. For purposes of this Chapter, protected properties shall be those that do not have an identifiable, permanent building number or street address.

"**Remote Station Fire Alarm System**". A system installed in accordance with this Regulation and the National Fire Alarm Code, NFPA 72, as adopted and/or modified by these Regulations, to transmit alarm, supervisory, and trouble signals from one or more protected premises to a remote location at which appropriate action is taken.

"**Systems Monitoring Service**". Services provided by any individual, firm, organization, or business which monitor any fire protection systems for the purpose of receiving notification of trouble, supervisory, and alarm conditions of the fire protection system.

**3.0 Licenses.**

3.1 License Required.

3.1.1 Every central station, remote station, and systems monitoring company or services offering for sale, selling, contracting for, or leasing or providing such services within the State of Delaware shall obtain a license from the Office of the State Fire Marshal.

*Exception: Compliance with the licensing requirements as set forth in Regulation 703, Chapters 4 and 5 of these Regulations will be sufficient for compliance with the licensing and insurance provisions of this Chapter.*

> Note: Anyone licensed under the requirements for fire alarm signaling companies (Regulation 703, Chapter 4) or under the requirements for fire suppression systems companies (Regulation 703, Chapter 5) are not required to obtain another license to be in compliance with this Chapter. However, they are responsible to comply with the other provisions set forth in this Chapter.

3.1.2 The application for such license shall be in accordance with §3.2 of this Chapter.

3.1.3 All licenses issued under this section shall be valid for one year and renewed annually by the license holder on a form provided by the Office of the State Fire Marshal.

3.1.4 The license year period shall expire on a date as scheduled by the Office of the State Fire Marshal, pursuant to the provisions of 16 **Del.C.** §6607(g)(5)(d).

3.2 Licensure Requirements.

3.2.1 Application And Fees. The central station, remote station, and systems monitoring services or companies shall make application to the Office of the State Fire Marshal, meet the requirements of this Chapter, and pay the required fees.

3.2.2 Address. A specific, current business address shall be maintained by each licensee. The licensee shall notify the Office of the State Fire Marshal, in writing, within fourteen (14) days of any change of address.

3.2.3 Resident Agent. Each licensee shall file with the Office of the State Fire Marshal the name, address, and telephone number of a resident agent within the State of Delaware authorized to act on behalf of and in the interest of the licensee.

3.2.4 Delaware Business License. Each licensee must hold a current Delaware Business License as defined in 30 **Del.C.** §2301, and must be qualified to do business in the State of Delaware. The Delaware Business License Number shall be submitted at the time of application for a license and upon each subsequent renewal request.

3.3 Specific Licensing Requirements for Central Station Services and Remote Station Services.

3.3.1 Applicants for licensure as a central station service shall submit, with the application for licensure and all applications for a renewal of a license, a valid copy of the listing as a central station from the listing organization.

3.3.2 Applicants for a central station or remote station license must meet the requirements for such service as found in the National Fire Alarm Code, NFPA 72, as adopted and/or modified by this Chapter.

3.4 Insurance Required.

3.4.1 The State Fire Marshal shall not issue a license under this Chapter unless the licensee files with the Office of the State Fire Marshal proof of liability insurance coverage of not less than $250,000 per person minimum and $500,000 per accident minimum.

3.4.2 Any insurance required by this section must be in the form of a Certificate of Insurance executed by an insurer authorized to do business in this State.

3.4.3 Insurance Certificates filed with the Office of the State Fire Marshal under this section shall remain current and in force until the insurer has terminated future liability by a ten (10) day notice to the Office of the State Fire Marshal.

3.4.4 Failure to maintain the required insurance constitutes grounds for denial, suspension, or revocation of a license by the State Fire Marshal.

## 4.0 Records Required and Reporting.

4.1 Records Required.

4.1.1 All licensees must maintain in their alarm receiving location and must provide the appropriate fire dispatch center and jurisdictional fire department the following records:

4.1.1.1 Name, physical address, and phone number of the protected property; and

4.1.1.2 The type of fire protection system(s) at the protected property; and

4.1.1.3 Specific directions to the protected property from the jurisdictional fire department; and

4.1.1.4 The name and phone number of the licensee from which alarms are received; and

4.1.1.5 The name and phone number of a third party to be contacted, selected by the protected property owner, to be notified in the absence of the owner when an alarm is received from a protected property.

## 5.0 Administration And Enforcement.

5.1 Whenever the State Fire Marshal shall have reason to believe that any licensee has violated any provisions of this Chapter or rules or regulations adopted and promulgated pursuant thereto concerning central station and remote station services, he shall immediately notify the party of such violation. If the violation continues or is not corrected within five (5) working days of notice by the State Fire Marshal, or if it constitutes an imminent hazard to life or property, then the State Fire Marshal shall issue and deliver to such licensee, an order to cease and desist further work associated with the central station and remote station services until such time as the violation has been corrected and corrective measures have been accepted by the State Fire Marshal. The State Fire Marshal shall immediately issue and deliver an order to cease and desist to any licensee who offers for sale, sell or provide central station or remote station services for fire protection systems without the necessary licenses and certificates as required by these Regulations. Such a cease and desist order shall forbid the continued work with central station and remote station services within the State of Delaware until such time as the licensing and certification requirements of these Regulations are fully complied with.

5.2 Upon the issuance of the order, the party accused of such violation may require a review pursuant to 16 **Del.C.** §6608, et seq.

5.3 The continued violation of any provision of this Chapter or any rules or regulations adopted and promulgated pursuant hereto concerning central station and remote station services or failure or refusal to comply with any order to correct any violation or failure to obey any cease and desist order by any licensee shall be cause for revocation or suspension of such license or certificate by the State Fire Marshal after he shall determine that the party is guilty of such violation.

5.4 Any order of suspension shall state the period of time of such suspension, which period shall be not less than thirty (30) days and shall not exceed one year from the date of such order.

5.5 An order of revocation may be entered for a period not exceeding two (2) years. Such an order shall affect the revocation of the license and/or certificate then held by said licensee. During such time no license or certificate shall be issued to said licensee. Any such license or certificate shall be invalid, void and of no effect.

5.6 In addition to the grounds set forth in any section herein, it shall be cause for revocation or suspension of a license or certificate after determining the licensee:

5.6.1 Has practiced any fraud, misrepresentation, or deceit in obtaining or renewing a license or certificate;

5.6.2 Is guilty of gross negligence, incompetence or misconduct in providing the services of central station and remote station services;

5.6.3 Is guilty of a violation of the codes and regulations adopted by the Delaware State Fire Prevention Commission;

5.6.4 Has been found guilty of an unfair or deceptive trade practice;

5.6.5 Has failed to adequately train or control employees performing under licensee of the central station and remote station services;

5.6.6 Had any other license or certificate revoked or suspended by the State Fire Marshal;

5.6.7 Violated any of the conditions of the license or certificate;

5.6.8 Violated any other practice found to constitute a serious threat to the safety of person or property.

5.7 Any person aggrieved by an order or decision of the State Fire Marshal with respect to the provisions of this Chapter may file an appeal to the Delaware State Fire Prevention Commission pursuant to 16 **Del.C.** §6608 and in accordance with the provisions of these Regulations.

**1 DE Reg. 197 (08-01-97)**
**4 DE Reg. 1237 (02/01/01)**
**6 DE Reg. 1638 (06-01-03)**
**10 DE Reg. 342 (08/01/06)**
**13 DE Reg. 629 (11-01-09)**
**19 DE Reg. 97 (08/01/15) (Prop.)**