A.

Review of the dispute over parking at the Washington Sheraton Hotel clearly shows that the BZA did not err in finding WPCA's appeal on this issue to be timely. WSC's original building plans were submitted to the Zoning Administrator in August 1977. These plans, approved as part of the building permit, provided for 798 parking spaces at the hotel. On October 6, 1978, the full building permit for [**23] construction of the hotel was issued.

In August 1979, as part of its application for a certificate of occupancy, WSC submitted revised plans to the Zoning Administrator. These plans provided for only 595 parking spaces. The Zoning Administrator agreed with WSC's assertions that only 579 parking spaces were required to meet the requirements of the zoning regulations. On September 12, 1979, WSC was issued a partial occupancy certificate that incorporated these new parking calculations. WPCA's appeal was filed with the BZA on [*637] October 12, 1979, one month after the certificate of occupancy was issued.

WPCA was "chargeable with notice" of the Zoning Administrator's approval of revised plans requiring only 595 spaces at the Washington Sheraton Hotel only as of September 12, 1979. n21 Thus, WPCA's appeal was filed only one month after receiving notice of the Administrator's decision dramatically reducing the required number of parking spaces. n22 This interval of one month between notice and filing of an appeal was reasonable. Goto v. District of Columbia Board of Zoning Adjustment, supra, 423 A.2d at 924 (delay of two months in filing appeal reasonable); see also [**24] Keating v. Zoning Board of Appeals, 325 A.2d 521, 524-25 (Me. 1974) (60 days is reasonable appeal period). We, therefore, find no error in the ruling that this aspect of WPCA's appeal was timely.

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n21 WPCA was aware in June 1979, of the substantial likelihood that WSC would not provide the number of parking spaces called for in the building plans. However, WPCA was not chargeable with notice of the Zoning Administrator's approval of the reduction in the required number of spaces until the occupancy permit was issued.

n22 At no time during negotiations did WPCA receive notice that WSC planned to provide fewer spaces than the 798 called for in the building permit. Thus, nothing that transpired during negotiations provided WPCA with notice earlier than September 12, 1979, of the lower number of spaces to be provided.

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B.

The chronology of events relating to the timeliness of the appeal of height, setback, and use contrasts sharply with that on parking. In December 1976, and January 1977, members of the [**25] Task Force met with representatives of WSC to review plans for the proposed hotel redevelopment. As to the issues of height, setback, and use, the plans presented at these meetings were substantially similar to those objected to in WPCA's appeal.

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Soon after reviewing the development plans, the Task Force recognized that possible grounds for appeal existed on the issues of height, setback, and use. On February 21, 1977, the Task Force sent WSC its initial report on the plans. In this report, the Task Force articulated its "view that the Sheraton Convention Hotel complex is a 'non-conforming structure' as well as a 'non-conforming use' . . . ." Later, on December 5, 1977, the Task Force wrote to the Zoning Administrator and outlined objections to the development plans on the basis of violations of setback, rear yard, and height regulations, as well as an incorrect determination that hotel convention activities constituted an accessory use.

Thus, by October 6, 1978 -- the date the full building permit was issued -- the Task Force had full actual notice of the aspects of the building project relating to height, setback, and use. Nevertheless, one year elapsed between the issuance [**26] of the building permit and the filing of the appeal on October 12, 1979. During this time, construction work on the hotel was commenced and substantially completed.

On this factual record, we conclude that as to height, setback, and use, the one-year delay from the issuance of the building permit to the filing of the appeal was not reasonable. See Maroney v. Friere, 74 Misc. 2d 339, , 343 N.Y.S.2d 183, 185 (N.Y. Supp. Ct. 1973) (delay of 127 days unreasonable); In re Building Permit and Zoning, 29 N.C. App. 749, , 225 S.E.2d 647, 649 (delay of 14 months unreasonable), cert. denied, 290 N.C. 661, 228 S.E.2d 451 (1976). Thus, we find the BZA's conclusion that the WPCA's appeal as to these issues was timely to be "not in accordance with law." D.C. Code @ 1-1510(a)(3)(A) (1981). Consequently, the BZA lacked jurisdiction to consider WPCA's appeal of these issues.

WPCA argues, however, that WSC's conduct during negotiations renders its appeal timely as to all issues. WPCA claims that throughout negotiations, WSC misrepresented its actual final plans for parking and traffic circulation at the hotel. An earlier appeal was not filed, WPCA explains, [*638] [**27] because of WSC misrepresentations that misled the Task Force into believing that its concerns on parking and traffic circulation would be accommodated. According to WPCA, once it became known that WSC's representations were misleading, an appeal was promptly filed. WPCA asserts that viewed in the context of WSC's conduct, n23 its delay in filing its appeal was reasonable, and its appeal was, therefore, timely. n24 We disagree.

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n23 In its reply brief, WPCA characterizes WSC's conduct as follows: "WSC initiated, nurtured and manipulated discussions and negotiations with WPCA for the express purpose of deterring WPCA from seeking review by the BZA of its applications to build and occupy the Sheraton Washington."

n24 While it is difficult to determine the BZA's precise reasoning for finding the appeal as to these issues timely, it does appear that some elements of this argument were accepted. The BZA concluded:

The [WPCA] expected that it would be satisfied by the Sheraton as to the number of parking spaces, which was its principal concern. Upon discovering that the District of Columbia was on record as stating that only 579 spaces were required, and only 595 spaces were to be provided, the appeal was promptly

filed.

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[**28]

The record underlying this appeal reveals two parties -- WSC and the Task Force -- engaged in complex and difficult negotiations over matters of great concern to both sides. WSC initiated negotiations, at least in part, to avert a lengthy and time-consuming appeal of its development plans. WPCA participated in negotiations in order to minimize harm and maximize benefits to its community from the hotel expansion. n25 Both sides hoped to realize gains if negotiations were successful, and faced potential losses if negotiations failed.

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n25 See supra note 6 (quoting, in pertinent part, the February 21, 1977 Task Force Report on perceived benefits and losses to the community from the proposed development plans).

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Proceeding concurrently with these negotiations was the lengthy administrative process undertaken by the WSC to obtain approvals for permits required for renovation of the hotel. Throughout its dealings with WSC, WPCA faced the difficult choice of continuing negotiations with the goal of reaching an [**29] agreement responsive to community concerns, or pursuing the alternate route of an administrative challenge to WSC's development plans. WPCA was fully aware of this choice throughout the negotiations.

WPCA chose to continue negotiations until June 1979, when they elected to pursue an administrative appeal. n26 In deciding to continue negotiations until this late date, WPCA was fully aware of the sharp differences that existed between the parties on parking, and that problems had emerged in regard to the traffic loop. Indeed, as early as September 12, 1978 -- one month before the building permit was issued -- the Task Force informed WSC of its decision to continue negotiations despite a failure to agree on parking. This choice, WPCA stated, was made after "intense deliberations" and because of other issues "important to area residents."

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n26 The appeal was not actually filed until October 1979, because the Zoning Administrator informed the Task Force that nothing could be done until WSC applied for certificates of occupancy.

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[**30]

WSC engaged in hard bargaining during negotiations with the Task Force. n27 Nevertheless, WSC's behavior does not eliminate WPCA's responsibility for the negotiating choices it made. WPCA cannot now escape the harsh consequences of its one-year delay in appealing because WSC -- its adversary in difficult negotiations -- was less than fully candid. While the circumstances presented here certainly make WPCA's one-year delay in appealing the building permit understandable, they do not make it reasonable for purposes

of timeliness.

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n27 We note, however, that the BZA concluded, "it is difficult for the Board to determine whether either party was not acting in good faith."

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III

Because we have concluded that only the appeal as to parking is timely, we need [*639] consider only whether the appeal as to this issue is barred by laches and estoppel. We find the doctrines of laches and estoppel inapplicable to WPCA's appeal on the parking issue.

In order to make out a claim for laches, a party must establish [**31] "'omission to assert a right for an unreasonable and unsatisfactorily explained length of time under circumstances prejudicial to the party asserting laches.'" Wieck v. District of Columbia Board of Zoning Adjustment, 383 A.2d 7, 11 (D.C. 1978) (quoting 3 RATHKOPF, LAW OF ZONING AND PLANNING 67-1 (3d ed. 1972)) (emphasis added); see also Goto v. District of Columbia Board of Zoning Adjustment, supra, 423 A.2d at 925. We find neither element of laches present in this situation.

As discussed above, WPCA filed its administrative appeal on the issue of parking only one month after becoming chargeable with notice of the Zoning Administrator's recomputation of parking requirements. More importantly, WSC was not prejudiced by the one-month delay because it was not until September 12, 1979, that it received authorization from the Zoning Administrator to provide a lesser number of parking spaces than called for in the original building plans. Nothing in the record indicates that WSC acted in reliance on this authorization prior to the time WPCA filed its appeal.

The elements required to establish estoppel are: "a party (1) acting in good faith, (2) on affirmative acts of a municipal [**32] corporation, (3) makes expensive and permanent improvements in reliance thereon, and (4) the equities strongly favor the party invoking the doctrine." Wieck v. District of Columbia Board of Zoning Adjustment, supra, 383 A.2d at 11 (citation omitted). In this case, WSC fails to meet these requirements. In particular, as noted above, WSC did not establish "expensive and permanent improvements" made in reliance on the Zoning Administrator's recomputation of parking requirements. Moreover, estoppel cannot apply because the Zoning Administrator's September 1979, calculations and approval of WSC's applications for certificates of occupancy were subject in any event to BZA review and possible modification. See Interdonato v. District of Columbia Board of Zoning Adjustment, 429 A.2d 1000, 1004 (D.C. 1981) (petitioners could not justifiably rely on non-final BZA action still subject to review).

IV

Two claims of error are asserted in relation to the BZA's consideration of the merits of the parking issue. First, WSC claims in its cross-appeal that the BZA erred in finding that the Wardman Tower contained 60 units in 1958, thereby increasing the number of parking spaces required [**33] at the hotel.

Second, WPCA claims that the BZA erred in ruling that the WSC was not required under prior BZA Order 6750 to provide 898 parking spaces. We consider these claims of error separately below.

A.

The Wardman Tower

The Zoning Regulations require, in general, that one parking space be provided for every two units at a hotel. 11 DCMR @ 7202.1 (1977). n28 With several exceptions not relevant here, the regulations exempt buildings built before May 12, 1958 -- the effective date of the parking regulations -- from this requirement. 11 DCMR @ 7201.1 [*640] (1977); See Page Associates v. District of Columbia, 463 A.2d 649, 651 (D.C. 1983).

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n28 The zoning regulations require that one parking space be provided "for each two sleeping rooms or suites." 11 DCMR @ 7202.1 (1977). As the Zoning Administrator interprets this regulation, a room that cannot be separately rented (i.e., that does not have a bathroom) is not counted as a "room" for purposes of computing parking requirements. Thus, a suite could have ten rooms, but if those rooms were rentable only as a group, it would require only one parking space. To avoid confusion, we use the term "unit" to signify a separately rentable sleeping room or suite.

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[**34]

In applying for certificates of occupancy for the hotel, WSC represented to the Zoning Administrator that the completed structure would contain 1366 units. WSC claimed that no parking spaces were required for the 209-unit Wardman Tower because that structure had been built prior to May 1958. In issuing the certificate of occupancy, the Zoning Administrator accepted this contention, and calculated the parking required based on a total of 1157 units. In its appeal to the BZA, the WPCA claimed that as of May 1958, the Wardman Tower contained only 60 units. WPCA argued, therefore, that in calculating parking requirements, only 60 units should be excluded from the hotel's total of 1366. Thus, the factual question before the BZA was the number of units contained in the Wardman Tower as of May 12, 1958.

In reviewing the BZA's findings on this question, we apply the "substantial evidence test." District of Columbia Administrative Procedure Act (DCAPA), D.C. Code @ 1-1509 (e) (1981). n29 That test requires that in each agency decision (1) there must be findings on each contested issue of fact; (2) the decision must rationally follow from the facts; and (3) there must be sufficient [**35] evidence supporting each finding. Citizens Association of Georgetown, Inc. v. District of Columbia Zoning Commission, 402 A.2d 36, 41 (D.C. 1979) (citations omitted). To be sufficient to support a finding, evidence must be "more than a mere scintilla [and must be] such relevant evidence as a reasonable mind might accept as adequate to support a conclusion." Consolidated Edison Co. v. NLRB, 305 U.S. 197, 229, 83 L. Ed. 126, 59 S. Ct. 206 (1938); see also Vestry of Grace Parish v. District of Columbia Alcoholic Beverage Control Board, 366 A.2d 1110, 1112 (D.C. 1976).

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n29 The DCAPA requires that every agency decision be accompanied by written "findings of fact and conclusions of law . . . supported by and in accordance with the reliable, probative, and substantial evidence." D.C. Code @ 1-1509(e) (1981).

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The evidence presented to the BZA on both sides of this issue was meager. WPCA offered the testimony of Mr. Lindsley Williams, an area resident and former Area Neighborhood Commissioner, who had [**36] prepared an application in 1978 to designate the Wardman Tower a historical landmark. Mr. Williams testified that according to his "information and belief" the Wardman Tower "was used entirely as a residential hotel with approximately 60 permanent residential suites until early in the 1960's." n30 The Zoning Administrator testified that he had "no idea" how many rooms were in the Wardman Tower in 1958. He explained that his determination that the Wardman Tower contained 209 units in 1958 was based on plans showing 209 to be the current number, coupled with an inability to locate any evidence that a different number existed in 1958. n31 WSC, owner of [*641] the Wardman Tower in 1958, presented no evidence on the issue to the BZA.

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n30 In support of his position, Mr. Williams cited a newspaper article which contained the following statement, "Mrs. Irwin . . . is one of 60 permanent tenants at the Sheraton Park." WASHINGTON POST, Feb. 6, 1969. This article cannot be used as support for the BZA's finding for two reasons. First, the article was excluded from evidence because it was not filed with the BZA five days prior to the hearing as required by Board rules. Supplemental Rules, 22 DCRR @ 2.31 (1972). Second, the article does not meet the requirements of "reliable, probative, and substantial evidence," D.C. Code @ 1-1509(e) (1981); see General Ry. Signal Co. v. District Unemployment Compensation Bd., 354 A.2d 529, 532 (D.C. 1976), because it is a human interest feature not purporting to address the situation at the Wardman Tower in 1958, but only in 1969. Moreover, the article did not address the number of units at Wardman Tower, but only the number of tenants. [**37]

n31 In this regard, the Zoning Administrator testified that he conducted an exhaustive search of city records in an attempt to determine the correct number of units in 1958. The Zoning Administrator checked records of the Fire Marshal's Office, the Building Inspector's Office in the Department of Housing and Community Development, the Permit Branch and the License Branch of the Department of Licenses, Investigations and Inspection, and the Assessor's Office in the Department of Finance and Revenue. None of these sources yielded any information that shed light on the number of units in Wardman Tower in 1958.

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The BZA's conclusion that "the most reliable information seems to be that the Wardman Towers had sixty permanent residential units in 1958" based on Mr. Williams' testimony, is bolstered by the fact that the testimony was essentially unrebutted. Given the absence of contrary evidence, the record before the BZA was sparse. Nonetheless, we find the BZA's conclusion that the Wardman Tower

contained 60 units in 1958 to be based on substantial evidence. See Lynchburg Gas Co. v. Federal Power [**38] Commission, 119 U.S. App. D.C. 23, 29, 336 F.2d 942, 948 (1964) (where proof of certain facts is unavailable or such proof as is available is highly speculative, courts give greater deference to agency expertise); see also Federal Power Commission v. Transcontinental Gas Pipe Line Corp., 365 U.S. 1, 28-29, 5 L. Ed. 2d 377, 81 S. Ct. 435 (1961); Federal Communications Commission v. RCA Communications, 346 U.S. 86, 96-97, 73 S. Ct. 998, 97 L. Ed. 1470 (1953).

BZA Order 6750

WPCA claims error in the BZA's ruling that prior BZA Order 6750 (dated December 5, 1962) did not require WSC to provide 898 parking spaces. We find no error in the BZA's ruling on this issue.

In 1962, WSC applied to the BZA for a variance for the Sheraton-Park Hotel. n32 In granting the variance, the BZA issued Order 6750 which contained the following finding of fact:

(4) A traffic report relating to the proposed addition . . . was made part of the record before the Zoning Commission [in the above cited case]. This report disclosed that the existing off-street parking spaces totaling 564 will be increased to 898 and that the present hotel rooms, excluding permanent suites, will be [**39] increased from 910 to 1100 rooms. [Emphasis added.] n33

WPCA argued to the BZA that this prior order imposed a requirement on WSC to provide 898 parking spaces at the hotel. n34 This requirement, WPCA claimed, was still in effect.

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n32 The variance was from the zoning regulation's setback requirement to permit an addition to the hotel. Also at this time, the BZA approved roof structures proposed for the hotel.

n33 The variance was made subject to the following conditions:

The building shall be erected substantially in accord with revised plans marked "Exhibit A -- William E. Chase" dated December 5, 1962 and filed for the record on that date to comply with verbal instructions issued to the appellant by this Board immediately following the hearing of this case.

n34 In support, WPCA cited testimony and evidence in the 1962 zoning applications indicating that the hotel would provide 898 parking spaces.

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The BZA rejected WPCA's contention on two grounds, both of which are challenged [**40] on appeal by WPCA. First, the BZA found "no legal requirement" in the prior orders to provide a specified number of spaces. The BZA reasoned:

The Zoning Commission Order rezoned the property, and cannot be read to apply

any conditions other than to permit what is allowed and required under R-5-C zoning. The BZA orders are vague, very short and do not specifically require a set number of spaces. In one case, the Order referenced instructions given outside the context of the hearing and not found in writing anywhere.

WPCA now claims that the BZA erred as a matter of law in finding that the prior order imposed no legal requirement as to parking. See Gordon v. District Unemployment Compensation Board, 402 A.2d 1251, 1254 (D.C. 1979) (court does not defer to agency in reviewing conclusion on matter of law). We disagree.

The section of BZA Order 6750 relied upon by WPCA is found in a finding of fact contained in that order. In testimony to [*642] the BZA, the Zoning Administrator stated that the consistent policy of his office is that only statements included as conditions to variances impose legal requirements and are therefore enforceable. The Zoning Administrator [**41] explained that because the statement at issue in Order 6750 was contained in a finding of fact, it imposed no legal requirement. This testimony, coupled with the BZA's finding that the language cited in the order was vague, makes clear that the BZA's ruling that Order 6750 imposed no legal requirement as to parking was not in error as a matter of law.

The BZA further found Order 6750 unenforceable because the building to which it applied no longer exists. WPCA challenges this factual finding as not based on substantial evidence. Again, we disagree.

Evidence before the BZA showed that the main portion of the previous hotel building was demolished after construction of the new portion of the hotel. This evidence amply supports the BZA's conclusion that "even if any requirements had been imposed as a result of the previous orders, those requirements cease to be applicable when the building to which they were attached is demolished." Thus, the BZA's conclusion on this issue was supported by substantial evidence. See Citizens Association of Georgetown, Inc. v. District of Columbia Zoning Commission, supra, 402 A.2d at 41.

Accordingly, as to the issues of height, setback, and [**42] accessory use, we reverse the BZA's denial of WSC's motion to dismiss. The BZA's decision on the merits of the parking issue is affirmed.

So ordered.

and shall institute administrative and legal actions to correct violations or infractions.

110.4 Inspections: The code official shall make all required inspections for which a permit has been issued, except special inspections done under Section 1308.0 of the Building Code. The code official is authorized to accept reports of inspection by approved agencies or individuals or to inspect work subject to special inspection done under Section 1308.0 of the Building Code. All reports of such inspections shall be in writing and certified by a responsible officer of the approved agency or by the responsible individual. The Code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise.

110.5 Credentials: Authorized representative of the code official shall carry proper credentials of their respective office for inspecting all buildings and premises while performing duties under the Construction Codes.

110.6 Rule-making authority: The code official shall have power, in the interest of public safety, health and welfare, to promulgate administrative rules to interpret and implement the provisions of the Construction Codes to secure the intent thereof, and to designate requirements applicable because of local climatic or other conditions. Such rules shall not have the effect of waiving structural, architectural, plumbing mechanical electrical or fire performance requirements specifically provided for in the Construction Codes or of violating accepted engineering practice involving public safety.

110.7 Department records: The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records so long as the building or structure to which they relate remains in existence, unless otherwise provided for by statute, rule or regulation.

110.8 Public access to records: Official records of the Department shall be available for public inspection at all appropriate times, under procedures established by the code official and approved by the Corporation Counsel for legal sufficiency.

SECTION 111.0 APPLICATION FOR PERMIT

111.1 When permit is required: Written application shall be made to the code official and a permit shall be obtained before any of the



following actions subject to the Construction Codes shall begin:

1. **Construction or demolition:** Constructing, enlarging, altering, demolishing or razing a building or structure, including: fences; retaining walls; awnings, canopies or similar structures; storage vaults; above and underground tanks; radio and television towers; flag and floodlight poles; swimming pools; observation stands; supporting structures for heavy equipment; and temporary interior structure erected in public exhibition halls.
2. **Change of occupancy:** Changing the occupancy of a building or structure requiring greater strength, exit or sanitary provisions.
3. **Change of use:** Changing the use of the building or structure to a new use group, as defined in Article 2.of the Building Code.
4. **Installation of regulated equipment:** Installing or altering any building equipment or systems for which provision is made or the installation of which is regulated by the Construction Codes.
5. **Temporary occupation of public space:** Installing, altering or removing of enclosed or unenclosed sidewalk cafes; storing building materials; installing temporary fences, sidewalk protection or construction trailers; installing cranes or similar hoisting devices.
6. **Advertising devices:** Installing, maintaining, altering or removing signs or other devices subject to the provisions of Article 29 of the Building Code.
7. **Projections:** Constructing, enlarging, altering, maintaining or removing projections beyond the building line, including vaults in public space.
8. **Earth disturbing actions:** Excavating, sheeting and shoring; grading, regrading and landfilling operations.
9. **Other special construction activities:** Installing scaffolding; using regulated demolishing equipment; blasting operations; cleaning exteriors of buildings or structures, in private or public space, using steam or sandblasting; dredging, filling, construction, reconstructing or repairing structures shoreward of the pierhead line; other construction related activities that are regulated by the Construction Codes and that without being inspected would adversely impact public safety or would become a public nuisance.
10. **After-hours work:** The normal working hours for any kind of construction, installation, maintenance, alteration, repair, demolition, or razing activity shall be from seven (7) a.m. to seven (7) p.m., Monday through Saturday. An after-hours permit shall be required, prior to engaging in any activity covered by the Construction Codes, when the activity will occur outside these normal working hours. No after-hours permit

shall be issued for work in an area zoned residential under the current Zoning Regulations, or in an area within 500 feet (152.4m) of such residential zone, unless the code official determines that not issuing such permit would pose a threat to public safety, health and welfare.

11 **Capacity placards:** Posting occupant load placards required by Section 122.2.

111.1.1 Minor repairs: Minor repairs as defined in Section 104.0 shall be exempt from the requirement of Section 111.1, except as provided for in Section 111.1.2. Despite being exempted from permit requirement, minor repairs shall be made in conformance with the provisions of the Construction Codes.

111.1.2 Repairs in historically protected structures: Exterior repairs and alterations in building or structures located in historic districts, or in historically designated buildings or structures, and interior repairs and alterations in buildings which have had their interior designated as historic, shall comply with the requirement for permit of Section 111.1, even if such work would qualify as a minor repair as defined in Section 104.0.

111.1.3 Garden storage shed: A maximum of one prefabricated garden storage shed, that does not exceed 50 square feet (4.65 m^2) in area and is less than 10 feet (3.05m) in overall height, shall be allowed to be erected in a lot, as an accessory structure to a building of Use Groups R-3 or R-4, without having to comply with the permit requirement of Section 111.1.

111.1.4 Permits required for plumbing or gasfitting work: New plumbing or gasfitting work, addition to or alteration of existing plumbing or gas distribution systems shall not be commenced until a building permit has been issued by the code official, based on drawings showing such work and approved by the code official. Installation, replacement or repair of plumbing systems, plumbing fixtures, or their appurtenances, other than work exempt under Section 111.1.4.1, shall not be done until a permit for installation of supplemental plumbing systems has been issued by the code official. Gasfitting installation permits shall be obtained for the following:

1. Gas fired water or space heating appliances other than boilers.
2. Gas fired boilers in single family dwellings.
3. Gas fired hot water boilers with a gas input rating of less than 525,000 Btu/h (154 kW).

111.1.4.1 Plumbing installation permits not required: A permit

111.1.7 Permits required for electrical work: New electrical work, addition to or alteration of existing electrical systems shall not be commenced until a building permit has been issued by the code official, based on drawings showing such work and approved by the code official. Installation, replacement or repair of electrical appliances and equipment, electrical wiring for power and lighting other than equipment exempt under Section 111.1.7.1, shall not be done until a permit for installation of supplemental electrical systems has been issued by the code official. Electrical installation permits are also required, namely, for the following:

1. **Power limited wiring:** Electrical permit is required for the installation of fire protective signaling systems and other power limited wiring installed by other than public utility companies.
2. **Electrical signs:** Electrical permit shall be required for the erection of a sign on or in which lights of any description are to be used, or which will be illuminated by artificial means.
3. **Preventive maintenance:** Electrical permits are required to perform preventive maintenance in switchboards, as required in Section 384-40 of the Electrical Code.
4. **Temporary wiring:** Electrical permit shall be required for the installation of electrical wiring of a temporary nature for light, heat, or power purposes, and is issued contingent upon the removal of said wiring and apparatus upon expiration of the permit.
5. **Barricade lamps:** Electrical permit shall be required for temporary obstruction barricade lamps on or over an authorized temporary enclosing fence or barricade on public property and for other temporary lighting in public space back of the inner edge of a public sidewalk; such temporary permits shall be approved by the Department of Public Works.
6. **Construction hoists:** Electrical permit shall be required for the installation of building material hoists used in building construction.
7. **Electrical current use during building construction:** Electrical permit shall be required for the temporary use of electric current for light, heat, or power purposes on any permanent system of wiring, pending completion and final approval thereof.

111.1.7.1 Electrical installation permits not required: No permit shall be required to repair portable electrical equipment or lighting fixtures, or to repair or replace ballasts, sockets, receptacles, or snap switches, or to make other minor repairs at existing outlets.

111.1.7.2 Temporary permits: Permits required under items 4 and 5 of Section 111.1.7 shall be valid only for 90 days, and shall be renewable before expiration, for 90-day periods. Permits required under item 7 of Section 111.1.7 shall be valid for one year or until completion of the purpose for which they were issued, whichever comes first, and shall be renewable before expiration, for one-year periods.

111.1.7.3 Quarterly permits: The code official is authorized to issue quarterly permits for the installation of lighting and appliance branch circuits and replacement of motor branch circuits, motor, and controls, for three-month periods, to owners or occupants of a building regularly employing one or more licensed master electricians on the premises.

111.1.7.4 Permits for conduits, poles and wires: Permits shall be obtained to install manholes, underground conduits, for the erection of poles and stringing of overhead wires, or increasing the height of a pole in accordance with the following:

111.1.7.4.1 Public works or utility Company work in public space: The Permit Branch will issue permits in writing upon approval by the Electrical Engineer, Department of Pubic Works, of an application to install manholes, underground conduits, erect poles or string overhead wires for telegraph, telephone, signal, railway, light, heat or power purposes. Overhead wires shall also include service drops to buildings, private wires strung along curb or public sidewalk for decorative or other lighting, and the installation of all wiring incidental to the Department of Public Works, such as motors for drawbridges and for underpass ventilation. Said permits shall be issued to electrical contractors, public utilities, and such persons, firms, companies, or corporations, as are authorized by law to use said public space, roads, avenues, alleys and highways, for such purposes.

Exceptions:

1. Private wiring in public space: The Permit Branch will issue permits in writing upon approval by the Electrical Engineering Section, Building and Land Regulation Administration for private lamp posts, yard lights, step or similar lighting pertaining to residential type occupancies, back of the public sidewalk line. Applications for electrical permits for private wiring in public space for the erection of private lamp posts, yard lights, step or similar

or mailed to the respondent or other person by first class mail to the respondent's last known home or business address. When service is by mail, 5 additional days shall be added to the time period within which the respondent or other person may, or is required to, take any action specified in the notice or order. (Oct. 5, 1985, D.C. Law 6-42, § 205, 32 DCR 4450.)

Legislative history of Law 6-42. — See note to § 6-2701.

Subchapter III. Administrative Review.

§ 6-2721. Jurisdiction to hear appeal.

The District of Columbia Board of Appeals and Review shall entertain and determine appeals timely filed by persons aggrieved by orders issued by hearing examiners pursuant to this chapter or by the Mayor, except that appeals involving infractions of Chapter 4 of Title 5, or the District of Columbia Zoning Regulations shall be entertained and determined by the District of Columbia Board of Zoning Adjustment; appeals involving infractions of Chapter 1 of Title 25, or of any regulation issued under the authority of that chapter shall be entertained and determined by the District of Columbia Alcoholic Beverage Control Board; appeals involving infractions of laws governing occupations and professions or of regulations issued under the authority of those laws shall be entertained and determined by the appropriate occupational or professional board or commission; and appeals involving infractions of Chapter 25 of Title 45, or of any regulation issued under the authority of that chapter shall be entertained and determined by the District of Columbia Rental Housing Commission. (Oct. 5, 1985, D.C. Law 6-42, § 301, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(k), 38 DCR 314.)

Section references. — This section is referred to in § 6-2722.

Legislative history of Law 6-42. — See note to § 6-2701.

Legislative history of Law 8-237. — See note to § 6-2706.

§ 6-2722. Right to administrative appeal and costs of appeal.

Any person aggrieved by an order of an administrative law judge or attorney examiner issued pursuant to subchapters I and II of this chapter, or the Mayor, may appeal to the reviewing agency specified in § 6-2721. The costs of any appeal, including, but not limited to, the expense of providing a transcript of the hearing, shall be borne by the appellant unless excused by the Mayor pursuant to rules issued by the Mayor. (Oct. 5, 1985, D.C. Law 6-42, § 302, 32 DCR 4450; Mar. 8, 1991, D.C. Law 8-237, § 2(l), 38 DCR 314.)

Legislative history of Law 6-42. — See note to § 6-2701.

Legislative history of Law 8-237. — See note to § 6-2706.



CHAPTER 13. CONSTRUCTION CODES.

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§ 5-1301. Definitions.

For the purposes of this act, the term:

(1) "ANSI" means the American National Standards Institute, Inc., American National Standard Specifications for Making Buildings and Facilities Accessible to and Useable by Physically Handicapped People (1980).

(2) "BOCA" means the Building Officials and Code Administrators International, Inc.

(3) "Building Code" means the BOCA Basic/National Building Code/1984, 9th Edition, the 1985 Supplement to the BOCA Basic/National Building Code, and the District of Columbia Building Code Supplement of 1986 as amended by the provisions of this act.

(4) "Construction Codes" means the consolidation of the Model Codes, the D.C. Supplement, and the provisions of this act, and any future amendments, supplements, or editions authorized by § 5-1309.

(5) "Council" means the Council of the District of Columbia.

(6) "D.C. Supplement" means:

(A) The District of Columbia Building Code Supplement of 1986 submitted by the Mayor on June 30, 1986, as amended by section 11 of this act;

(B) The District of Columbia Plumbing Code Supplement of 1986 submitted by the Mayor on June 30, 1986, as amended by section 11 of this act;

(C) The District of Columbia Mechanical Code Supplement of 1986 submitted by the Mayor on June 30, 1986, as amended by section 11 of this act;

(D) The District of Columbia Fire Prevention Code Supplement of 1986 submitted by the Mayor on June 30, 1986, as amended by section 11 of this act;

(E) The District of Columbia Existing Structures Code Supplement of 1986 submitted by the Mayor on June 30, 1986, as amended by section 11 of this act;

(F) The District of Columbia One and Two Family Dwelling Code Supplement of 1986 submitted by the Mayor on June 30, 1986, as amended by section 11 of this act; and

(G) The District of Columbia Electrical Code Supplement of 1986 submitted by the Mayor on June 30, 1986, as amended by section 11 of this act.

(7) "District" means the District of Columbia.

(8) "Electrical Code" means the National Fire Protection Association National Electrical Code 1984, and the District of Columbia Electrical Code Supplement of 1986 as amended by the provisions of this act.

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(9) "Existing Structures Code" means the BOCA Basic/National Existing Structures Code/1984, 1st Edition, and the District of Columbia Existing Structures Code Supplement of 1986 as amended by the provisions of this act.

(10) "Fire Prevention Code" means the BOCA Basic/National Fire Prevention Code/1984, 6th Edition, the 1985 Supplement to the BOCA Basic/National Fire Prevention Code, and the District of Columbia Fire Prevention Code Supplement of 1986 as amended by the provisions of this act.

(11) "Mechanical Code" means the BOCA Basic/National Mechanical Code/1984, 5th Edition, the 1985 Supplement to the BOCA Basic/National Mechanical Code, and the District of Columbia Mechanical Code Supplement of 1986 as amended by the provisions of this act.

(12) "Model Codes" means:

(A) The BOCA Basic/National Building Code/1984, 9th Edition;

(B) The BOCA Basic/National Plumbing Code/1984, 6th Edition;

(C) The BOCA Basic/National Mechanical Code/1984, 5th Edition;

(D) The BOCA Basic/National Fire Prevention Code/1984, 6th Edition;

(E) The BOCA Basic/National Existing Structures Code/1984, 1st Edition;

(F) The CABO One and Two Family Dwelling Code, 1983 Edition;

(G) The National Fire Protection Association National Electrical Code 1984; and

(H) The 1985 Supplement to the BOCA Basic/National Building Code, Basic/National Fire Prevention Code, Basic/National Mechanical Code, and Basic/National Plumbing Code.

(13) "One and Two Family Dwelling Code" means the CABO One and Two Family Dwelling Code, 1983 Edition, and the District of Columbia One and Two Family Dwelling Code Supplement of 1986 as amended by the provisions of this act.

(14) "Plumbing Code" means the BOCA Basic/National Plumbing Code/1984, 6th Edition, the 1985 Supplement to the BOCA Basic/National Plumbing Code, and The District of Columbia Plumbing Code of 1986 as amended by the provisions of this act. (Mar. 21, 1987, D.C. Law 6-216, § 2, 34 DCR 1072.)

Legislative history of Law 6-216. — Law 6-216, the "Construction Codes Approval and Amendments Act of 1986," was introduced in Council and assigned Bill No. 6-500, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on November 18, 1986, and December 16, 1986, respectively. Signed by the Mayor on February 2, 1987, it was assigned Act No. 6-279 and transmitted to both Houses of Congress for its review.

References in text. — "This act," referred to in the introductory language, and paragraphs (3), (4), (6)(A) through (6)(G), (8) through (11), (13), and (14), is D.C. Law 6-216.

Establishment of Building Code Advisory Committee. — See Mayor's Order 89-257, November 7, 1989.

Persons protected. — Nothing in this chapter or its regulations creates a special class of persons protected by the building code other than the general public. District of Columbia v. Forsman, App. D.C., 580 A.2d 1314 (1990), cert. denied, — U.S. —, 112 S. Ct. 173, 116 L. Ed. 2d 136 (1991).

§ 5-1302. Approval.

The Council approves the Construction Codes. (Mar. 21, 1987, D.C. Law 6-216, § 3, 34 DCR 1072.)

Legislative history of Law 6-216. — See note to § 5-1301.

§ 5-1303. Scope.

(a) The Construction Codes shall control:

(1) Matters concerning the construction, reconstruction, alteration, addition, repair, removal, demolition, use, location, occupancy, and maintenance of all buildings, structures, signs, advertising devices, and premises in the District and applies to existing or proposed buildings and structures;

(2) The construction, prefabrication, alteration, repair, use, occupancy, and maintenance of detached 1 or 2 family dwellings not more than 3 stories in height, and their accessory structures;

(3) The design, construction, installation, maintenance, alteration, conversion, change, repair, removal, and inspection of electrical conductors, equipment, and systems in buildings or structures and on public space within the District, for the transmission, distribution, and use of electrical energy for power, heat, light, radio, television, signaling, and for other purposes;

(4) The design, installation, maintenance, alteration, and inspection of mechanical systems, including heating systems, ventilating systems, cooling systems, steam and hot water heating systems, water heaters, process piping, boilers and pressure vessels, appliances using gas, liquid, or solid fuel, chimneys and vents, mechanical refrigeration systems, fireplaces, barbecues, incinerators, crematories, and air pollution systems;

(5) The design, installation, repair, or removal of plumbing fixtures intended to receive and discharge water, liquid, or water-carried wastes into the drainage system with which they are connected; the introduction, maintenance, and extension of a supply of water through a pipe or pipes, or any appurtenance thereof, in any building, lot, premises, or establishment; connection or repair of any system of drainage whereby foul, waste, and surplus water, gas, vapor, or other fluid is discharged or proposed to be discharged through a pipe or pipes from any building, lot, premises, or establishment into any public or house sewer, drain, pit, box, filter bed, or other receptacle, or into any natural or artificial watercourse flowing through public or private property; ventilation of any building, sewer, or any fixture or appurtenance connected therewith; excavation of any public or private street, highway, road, court, alley, or space for the purpose of connecting any building, lot, premises, or establishment with any service pipe house sewer, public water main, private water main, public sewer, private sewer, subway, conduit, or other underground structure; the performance of all classes of work usually done by plumbers and drain layers including the removal of plumbing fixtures, pipes, and fittings;

(6) Minimum requirements to safeguard life, property, or public welfare from the hazards of fire and explosion arising from the storage, handling, or use of substances, materials, and devices, and from conditions hazardous to life, property, or public welfare in the use or occupancy of buildings, structures, sheds, tents, lots, or premises;

(7) Minimum maintenance standards for all structures and premises for basic equipment and facilities for light, ventilation, space heating, and sanitation; for safety from fire; for space, use, and location; for safe and sanitary maintenance of all structures and premises now in existence; for minimum requirements for all existing buildings and structures for means of egress, fire protection systems, and other equipment and devices necessary for life safety from fire; for rehabilitation and reuse of existing structures and for allowing differences between the application of the code requirements to new construction and to alterations and repairs and for fixing the responsibilities of owners, operators, and occupants of all structures; and

(8) The design and construction of the exterior envelopes and the selection of heating, ventilating, air conditioning, service water heating, electrical distribution and illuminating systems, and equipment required for the effective use of energy.

(b) The Construction Codes shall apply to those buildings occupied by or for any foreign government as an embassy or chancery to the extent provided for in § 5-1206(g).

(c) The Construction Codes shall not apply to public buildings or premises owned by the United States government, including appurtenant structures and portions of buildings, premises, or structures, that are under the exclusive control of an officer of the United States government in his or her official capacity. If a lessor is responsible for maintenance and repairs to property leased to the United States government, the property shall not be deemed to be under the exclusive control of an officer of the United States government.

(d)(1) No permit required under the Construction Codes shall be issued if it is determined by the Mayor that:

(A) The permit affects an area in close proximity to the official residence of the President or the Vice President of the United States; and

(B) The United States Secret Service has established that the issuance of the permit would adversely impact the safety and security of the President or the Vice President of the United States;

(2) This subsection shall apply to each permit application that has not been granted by the Mayor by February 27, 1990. (Mar. 21, 1987, D.C. Law 6-216, § 4, 34 DCR 1072; Jan. 30, 1990, D.C. Law 8-58, § 2, 36 DCR 7382; Feb. 27, 1990, D.C. Law 8-70, § 2, 36 DCR 7744; Feb. 5, 1994, D.C. Law 10-68, § 14, 40 DCR 6311.)

Effect of amendments. — D.C. Law 10-68 substituted "by" for "on" in (d)(2).

Legislative history of Law 6-216. — See note to § 5-1301.

Legislative history of Law 8-58. — Law 8-58, the "Construction Codes Temporary Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-344, which was retained by Council. The Bill was adopted on first and second readings on July 11, 1989 and September 26, 1989, respectively. Signed by the Mayor on October 13, 1989, it was assigned Act No. 8-88 and transmitted to both Houses of Congress for its review.

Legislative history of Law 8-70. — Law 8-70, the "Construction Codes Temporary Amendment Act of 1989," was introduced in Council and assigned Bill No. 8-345, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on October 10, 1989, and October 24, 1989, respectively. Signed by the Mayor on November 2, 1989, it was assigned Act No. 8-107 and transmitted to both Houses of Congress for its review.

Legislative history of Law 10-68. — D.C. Law 10-68, the "Technical Amendments Act of 1993," was introduced in Council and assigned Bill No. 10-166, which was referred to the Committee of the Whole. The Bill was adopted on first and second readings on June 29, 1993, and July 13, 1993, respectively. Signed by the Mayor on August 23, 1993, it was assigned Act No. 10-107 and transmitted to both Houses of Congress for its review. D.C. Law 10-68 became effective on February 5, 1994.

Establishment of Building Code Advisory Committee. — See Mayor's Order 89-257, November 7, 1989.

Noncompliant order reversed. — Judge's order to issue building permit was proscribed by the explicit and unambiguous terms of subdivision (d)(2) of this section, and since his order could not be reconciled with the plain language of the statute, reversal was required. District of Columbia v. Wical Ltd. Partnership, App. D.C., 630 A.2d 174 (1993).

§ 5-1304. Intent.

The Construction Codes shall be construed to secure their expressed intent, which is to ensure public safety, health, and welfare by building construction, through structured strength, energy and water conservation, accessibility to the physically handicapped, adequate egress facilities, sanitary equipment, light, ventilation, and fire safety; and, in general, to secure safety to life and property from all hazards incident to the design, erection, repair, removal, demolition, or use and occupancy of buildings, structures, or premises. (Mar. 21, 1987, D.C. Law 6-216, § 5, 34 DCR 1072.)

Legislative history of Law 6-216. — See note to § 5-1301.

Establishment of Building Code Advisory Committee. — See Mayor's Order 89-257, November 7, 1989.

Persons protected. — Nothing in this chapter or its regulations creates a special class of persons protected by the building code other than the general public. District of Columbia v. Forsman, App. D.C., 580 A.2d 1314 (1990), cert. denied, — U.S. —, 112 S. Ct. 173, 116 L. Ed. 2d 136 (1991).

§ 5-1305. Conflicts.

(a) If conflict arises between the provisions of this act and the D.C. Supplement, the Model Codes, or their reference standards, the provisions of this act shall take precedence.

(b) If conflict arises between the D.C. Supplement, the Model Codes, and their reference standards:

(1) The provisions of the D.C. Supplement shall take precedence over the Model Codes and their reference standards, except as provided in paragraphs (2) and (3) of this subsection;

(2) The provisions of the BOCA Basic/National Existing Structures Code/1984, 1st Edition, and the CABO One and Two Family Dwelling Code, 1983 Edition, shall take precedence over the D.C. Supplement, other Model Codes, and their reference standards with regard to existing structures and Use Group R-4 buildings;

(3) The most stringent provisions of the BOCA Basic/National Existing Structures Code/1984, 1st Edition or the CABO One and Two Family Dwell-

ing Code, 1983 Edition, shall take precedence when a building is both an existing structure and in Use Group R-4;

(4) The provisions of the 1985 Supplement to the BOCA Basic/National Building Code, Basic/National Fire Prevention Code, Basic/National Mechanical Code, and Basic/National Plumbing Code shall take precedence over the provisions of the other Model Codes that they amend; and

(5) The provisions of the Model Codes other than their reference standards shall take precedence over their reference standards. (Mar. 21, 1987, D.C. Law 6-216, § 6, 34 DCR 1072.)

Legislative history of Law 6-216. — See note to § 5-1301.

References in text. — "This act," referred to in subsection (a), is D.C. Law 6-216.

Establishment of Building Code Advisory Committee. — See Mayor's Order 89-257, November 7, 1989.

§ 5-1306. Penalties.

(a) Except as provided in subsection (b) of this section, any person who violates any of the provisions of the Construction Codes or orders issued under the authority of the Construction Codes shall, upon conviction, be subject to a fine not to exceed $300, or imprisonment not to exceed 10 days, or both, for each violation.

(b) Any person who violates any of the provisions of the Fire Prevention Code, Articles 14, 15, and 17 of the Building Code, Article 9 of the Existing Structures Code, or orders issued under the authority of these provisions shall, upon conviction, be subject to a fine not to exceed $300, or imprisonment not to exceed 90 days, or both, for each violation.

(c) Civil fines, penalties, and fees may be imposed as alternative sanctions for any infraction of the provisions of the Construction Codes, including the provisions of the Fire Prevention Code, pursuant to subchapters I through III of Chapter 27 of Title 6 ("Civil Infractions Act"). Adjudication of any infraction shall be pursuant to the Civil Infractions Act. (Mar. 21, 1987, D.C. Law 6-216, § 7, 34 DCR 1072; Mar. 8, 1991, D.C. Law 8-237, § 30, 38 DCR 314.)

Section references. — This section is referred to in § 5-537.

Legislative history of Law 6-216. — See note to § 5-1301.

Legislative history of Law 8-237. — Law 8-237, the "Department of Consumer and Regulatory Affairs Civil Infractions Act of 1985 Technical and Clarifying Amendments Act of 1990," was introduced in Council and assigned Bill No. 8-203, which was referred to the Committee on Consumer and Regulatory Affairs. The Bill was adopted on first and second readings on December 4, 1990, and December 18, 1990, respectively. Signed by the Mayor on December 27, 1990, it was assigned Act No. 8-320 and transmitted to both Houses of Congress for its review.

§ 5-1307. Injunctions.

Whenever it appears that any person, association, or business entity has engaged, is engaged, or is about to engage in acts or practices constituting a violation or infraction of any provision of the Construction Codes or orders issued under the authority of the Construction Codes, the Corporation Counsel may bring an action in the Superior Court of the District of Columbia to

enjoin those acts or practices, and upon a proper showing, an ex parte, interlocutory, or permanent injunction may be granted without bond. The Superior Court of the District of Columbia may also issue a mandatory injunction commanding compliance with any provision of or order issued under the authority of the Construction Codes. (Mar. 21, 1987, D.C. Law 6-216, § 8, 34 DCR 1072.)

Legislative history of Law 6-216. — See note to § 5-1301.

§ 5-1308. Documents Act.

The editorial standards for numbering, grammar, and style required by the District of Columbia Office of Documents Act, § 1-1612(5), shall not apply to the Construction Codes. The Construction Codes shall be consolidated by the District of Columbia Office of Documents into a single new title of the District of Columbia Municipal Regulations to be designated by the District of Columbia Office of Documents. Each component part of the Construction Codes shall be available for sale separately. (Mar. 21, 1987, D.C. Law 6-216, § 9, 34 DCR 1072.)

Legislative history of Law 6-216. — See note to § 5-1301.

§ 5-1309. Amendments; supplements; editions.

All future amendments, supplements, and editions of the Construction Codes shall be adopted only upon authority of the government of the District of Columbia. The Mayor may issue proposed rules to amend the Construction Codes and to adopt new supplements and editions of the Model Codes in whole or in part pursuant to subchapter I of Chapter 15 of Title 1. The proposed rules shall be submitted to the Council for a 45-day period of review, excluding Saturdays, Sundays, legal holidays, and days of Council recess. If the Council does not approve or disapprove the proposed rules, in whole or in part by resolution within this 45-day review period, the proposed rules shall be deemed approved. The rules shall not take effect until approved or deemed approved by the Council. (Mar. 21, 1987, D.C. Law 6-216, § 10, 34 DCR 1072.)

Section references. — This section is referred to in § 5-1301.

Legislative history of Law 6-216. — See note to § 5-1301.

Delegation of authority pursuant to Law 6-216. — See Mayor's Order 87-259, November 13, 1987.

for the installation of plumbing systems shall not be required for the following:

1. Repairs which involve only the working parts of a faucet or valve.
2. Clearance of stoppages.
3. Repairing of defective faucets or valves, provided alterations are not make in the existing piping and fixtures.
4. Minor repairs as defined in Section 104.0.
5. Minor repairs not involving the removal or setting of any plumbing fixtures.

111.1.4.2 Gasfitting installation permits not required: Permits for the installation of gas systems and equipment shall not be required for minor repairs not involving any cutting into, plugging, extension, relocation or removal of any gas pipe.

111.1.5 Postcard permits: Application for permits for repairs and minor alterations to existing plumbing (including the installation of not more than one new fixture) may be made by postcard or letter addressed to the Director, c/o Plumbing Division, Department of Consumer and Regulatory Affairs.

111.1.5.1 Post card permit limitations: Postcard permits shall be limited to:

1. Residential work that does not require plan review;
2. Residential, commercial, or industrial work involving replacement of fixtures or appliances only;
3. Gas-fitting work involving connection of gas appliances or testing of gas lines only;
4. No more than one address, lot and square per postcard permit.

111.1.5.2 Postcard permit fees: Fees for postcard permits shall be the same as for regular permits.

111.1.5.3 Postcard permit inspections: The master plumber or gasfitter shall be responsible to arrange for inspection of work under postcard permits.

111.1.5.4 Other departments: Permits requiring approval by other departments of the District of Columbia shall not be accepted as postcard permits.

111.1.5.5 Postcard permit a privilege: Failure of any plumber to submit postcards promptly, or to misuse postcard permits as a means to avoid complete application for more than one new

fixture, shall result in denial of the privilege of postcard permits.

111.1.6 Permits required for mechanical work: New mechanical work, addition to or alteration of existing mechanical system shall not be commenced until a building permit has been issued by the code official. Installation, replacement or repair of refrigerating or cooling equipment, pressure vessels or boilers, other than equipment exempt under Section 111.1.6.1, shall not be done until a permit for installation of supplemental mechanical systems has been issued by the code official. Installation or replacement of fuel gas fired mechanical equipment, or any replacement of or repair to the gas line serving such appliances shall not be done until a gasfitting installation permit has been issued by the Director. Electrical work in connection with the installation of mechanical equipment shall not be done until a permit for installation of electrical systems, as required by Section 111.1.7, has been issued by the code official. Equipment and appurtenances referred in items 7, 8, 10, and 14 of Section 111.1.6.1 shall be installed under the scope of the respective building permit. Equipment referred in item 9 of Section 111.1.6.1 shall be installed under the scope of a plumbing installation permit.

111.1.6.1 Mechanical installation permits not required: Permits for the installation of mechanical systems shall not be required for the following:

1. Any portable heating appliance.
2. Any portable ventilation equipment.
3. Any portable cooling unit.
4. Replacement of any minor part which does not alter approval of equipment or make it unsafe.
5. Any portable evaporative cooler.
6. Any self-contained refrigerating system with a refrigerating effect of 24,000 Btu/h (7,034 W) or less.
7. Distribution, exhaust, and make-up air systems ductwork and appurtenant devices, such as dampers, connectors, louvers, diffusers, grilles, or insulation.
8. Air circulation, supply, or exhaust fans.
9. Water pressure booster pumps or recirculation pumps.
10. Air compressors or suction pumps.
11. Any water or space heating appliance other than boilers.
12. Boilers in single family dwellings.
13. Gas fired hot water boilers with a gas input rating of less than 525,000 Btu/h (154 kW).
14. Unfired pressure vessels with a capacity of less than 15 gallons (0.057 m^3), or operating at a working pressure of 60 psig (414 kPa) or less.