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# DELAWARE STATE FIRE PREVENTION REGULATIONS

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## Appendix A

### Explanatory Material

This Appendix is not part of the requirements of this Regulation, but is included for informational purposes only.

The material contained in Appendix A of the Delaware State Fire Prevention Regulations is interspersed among the verbiage of Regulation 701 through 706 and, therefore, Appendix A is not repeated here.

Appendix A material is shown as a "Note" directly after the paragraph in which it addresses.

## Appendix B

### Delaware Statutes Governing State Fire Prevention Commission and State Fire Marshal

#### 16 Delaware Code - Chapter 64

#### Amusement Rides Safety Inspection and Insurance Act

##### § 6401. Short title.

This chapter may be cited as the Amusement Ride Safety Inspection and Insurance Act. (64 Del. Laws, c. 409, § 1.)

##### § 6402. Definitions.

As used in this chapter:

(1) "Amusement ride" means any mechanical device or devices that carry or convey passengers along, around or over a fixed or restricted route or course or within a defined area for the purpose of giving its passengers amusement, pleasure or excitement, but such term does not include:

a. Any single-passenger coin-operated ride that is manually, mechanically or electrically operated and customarily placed in a public location and that does not normally require the supervision or services of an operator; or

b. Nonmechanized playground equipment, including but not limited to swings, seesaws, stationary spring-mounted animal features, rider-propelled merry-go-rounds, climbers, slides, trampolines and physical fitness devices.

(2) "Office" means the Office of the State Fire Marshal. (64 Del. Laws, c. 409, § 1.)

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### **§ 6403. Administration; enforcement.**

The Fire Marshal shall administer and enforce this chapter. The Fire Marshal shall establish reasonable and necessary fees in an amount not to exceed \$20 per year for each amusement ride covered by this chapter; provided, however, no owner shall have to pay a fee in excess of \$100. Funds raised through said fees shall be deposited in the State Treasury and shall be credited to the account of the Fire Marshal for administration of this chapter. (64 Del. Laws, c. 409, § 1.)

### **§ 6404. Amusement ride operation requirements.**

A person may not operate an amusement ride unless the person:

(1) Has the amusement ride inspected at least once annually for safety by an insurer or a person with whom the insurer has contracted and obtains from that insurer or person a written certificate that the inspection has been made and that the amusement ride meets the standards for coverage and is covered by the insurance required by subdivision (2) of this section;

(2) Has an insurance policy currently in force written by an insurance company authorized to do business in this State, a surplus lines insurer, as defined by Chapter 19 of Title 18, or an independently procured policy in an amount of not less than \$1,000,000 per occurrence insuring the owner or operator against liability for injury to persons arising out of the use of the amusement ride; and

(3) Files with the Fire Marshal in the manner required by this chapter, the inspection certificate and the insurance policy required by this section or a photocopy of such a certificate or policy authorized by the Fire Marshal. (64 Del. Laws, c. 409, § 1; 70 Del. Laws, c. 186, § 1.)

### **§ 6404A. Requirements for commercial bungee jumping operations.**

(a) A person operating a bungee jump for use by paying customers shall file with the office of the State Fire Marshal, in the manner required by this chapter, the inspection certificate and insurance policy required by this section, or a photocopy of such a certificate or policy authorized by the Fire Marshal.

(b) Any person operating a bungee jump for use by paying customers which has been registered with the Fire Marshal shall be periodically inspected by a representative of the office of the State Fire Marshal.

(c) The office of the State Fire Marshal shall promulgate regulations relating to safety standards for the operation of commercial bungee jumps. (68 Del. Laws, c. 448, § 1.)

### **§ 6405. Insurance filing requirements.**

The documents required by subdivision (3) of § 6404 of this title must be filed with the Fire Marshal before June of each year, but if the amusement ride is inspected under subdivision (1) of § 6404 more than once a year, the inspection certificate must be filed not later than 15 days after each inspection and the insurance policy must be filed before June of each year. (64 Del. Laws, c. 409, § 1.)

### **§ 6406. Insurance information request.**

The Fire Marshal may request from the sponsor, lessor, landowner or other person responsible for an amusement ride being offered for use by the public, information concerning whether or not insurance in the amount required by this chapter is in effect on the amusement ride. The sponsor, lessor, landowner or other person to whom the information request is made shall respond to the Fire Marshal within 15 days after the request is made. (64 Del. Laws, c. 409, § 1.)

### **§ 6407. Denial of entry to amusement rides.**

The owner or operator of an amusement ride may deny entry to the ride to any person if in the owner's or operator's opinion the entry may jeopardize the safety of the person who desires to enter or the safety of other patrons of the amusement ride. (64 Del. Laws, c. 409, § 1.)

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### **§ 6408. Injunctions.**

The Attorney General, on request of the Fire Marshal or 1 of the Fire Marshal's deputies, may seek an injunction against any person operating an amusement ride, including bungee jumps, in violation of this chapter, Fire Marshal's regulations, or which are otherwise deemed by the Fire Marshal to present an imminent risk to public health and safety including, but not limited to, the risk to public health and safety posed by the interruption of traffic flow. (64 Del. Laws, c. 409, § 1; 68 Del. Laws, c. 448, § 2; 70 Del. Laws, c. 186, § 1.)

### **§ 6409. Penalties.**

(a) A person commits an offense if the person fails to comply with any requirement under § 6404 or § 6405 of this title.

(b) A sponsor, lessor, landowner or other person responsible for an amusement ride being offered for use by the public commits an offense if the person fails to provide the required information or provides false information under § 6406 of this title.

(c) An offense under this chapter is a class C misdemeanor.

(d) Each day a violation of this chapter is committed constitutes a separate offense. (64 Del. Laws, c. 409, § 1; 70 Del. Laws, c. 186, § 1.)

## **16 Delaware Code - Chapter 66. Fire Prevention.**

### **Subchapter I.**

#### **State Fire Marshal and State Fire Prevention Commission.**

### **§ 6601. State Fire Prevention Commission -- Appointment; qualifications; cause for removal; term of office; members to serve without compensation.**

(a) The State Fire Prevention Commission shall consist of 7 persons who shall be qualified by experience and training to deal with the matters which are the responsibilities of the Commission. Three members of the Commission shall be appointed by the Governor and shall be representatives of industry from New Castle County, Kent County and Sussex County. Three members, 1 from each county, shall be members of paid or volunteer fire companies and shall be appointed by the Governor from a list of 3 names of members in good standing submitted by the Volunteer Firefighters' Association of the county in which a vacancy exists. The seventh member of the Commission shall be the immediate past President of the State Volunteer Firefighters' Association and shall be appointed by the Governor.

(b) Members may be removed by the Governor for continued neglect of the duties required by this chapter, or for refusal to act, misconduct, incompetency or other sufficient cause.

(c) Members of the Commission shall be appointed to serve for 6-year terms, but no member may be appointed to more than 2 successive full terms. Succeeding appointments shall be made, and any vacancy on the Commission shall be filled for the duration of the term, in the same manner as the prior appointment.

(d) Members shall serve without compensation but shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. (16 Del. C. 1953, § 6601; 49 Del. Laws, c. 335; 52 Del. Laws, c. 5, § 1; 63 Del. Laws, c. 381, § 1; 70 Del. Laws, c. 186, § 1.)

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### **§ 6602. Same -- Organization and meetings.**

(a) The State Fire Prevention Commission shall select a Chairperson and Vice Chairperson from among its members and shall hold regular meetings at least once a month. Special meetings may be called by the Chairperson, by the Vice Chairperson in the absence of the Chairperson or by 3 members of the Commission.

(b) No business shall be transacted by the State Fire Prevention Commission in the absence of a quorum which shall be 4 members, 1 of which must be the Chairperson or Vice Chairperson. (16 Del. C. 1953, § 6602; 49 Del. Laws, c. 335; 52 Del. Laws, c. 5, § 1; 63 Del. Laws, c. 381, § 2; 70 Del. Laws, c. 186, § 1.)

### **§ 6603. Same -- Promulgation of regulations.**

(a) The State Fire Prevention Commission shall have the power to promulgate, amend and repeal regulations for the safeguarding of life and property from the hazards of fire and explosion. Such regulations, amendments or repealers shall be in accordance with standard safe practice as embodied in widely recognized standards of good practice for fire prevention and fire protection and shall have the force and effect of law in the several counties, cities and political subdivisions of the State. Whenever such regulations and amendments require the issuance of permits or licenses, the Commission is authorized to issue such permits or licenses according to the provisions and schedules in § 6607 of this title. Such regulations and amendments shall not apply to existing installations, plants or equipment unless the State Fire Prevention Commission has duly found that the continuation thereof constitutes a hazard so inimicable to the public welfare and safety as to require correction; nor shall such regulations and amendments limit or prohibit the shipment, transportation, handling or storage incident to transportation of any explosive, combustible or other dangerous article in solid, liquid or gas form by rail, water or highway, when such articles are in conformity with regulations of the Interstate Commerce Commission; nor shall such regulations, insofar as they purport to prohibit the sale, purchase or domestic use of gasoline, kerosene or other fuel burning home appliances for heating or cooking apply to any person whose personal faith or belief prevents the use of any alternative heating or cooking appliance recommended by the State Fire Prevention Commission, the burden of proof is upon the person claiming relief from such regulation. In their interpretation and application the regulations promulgated under this chapter shall be held to be the minimum requirements for the safeguarding of life and property from the hazards of fire and explosion. Whenever the provisions of any other statute or local regulation are more stringent or impose higher standards than are required by any regulations promulgated under this chapter, such statute or local regulation shall govern, provided they are not inconsistent with the state Code and are not contrary to recognized standards and good engineering practices.

(b) The State Fire Prevention Commission shall promulgate regulations consistent with the following language: The State Fire Marshal shall require that all persons involved in the inspection and testing of water-based fire protection systems maintain current certification in the National Institute for Certification in Engineering Technologies (NICET II) "Inspection and Testing of Water-based Systems" certification program or a substantially similar and equivalent course of instruction, as determined by the State Fire Marshal, as a condition of permit renewal after July 1, 2009.

(c) The State Fire Prevention Commission shall promulgate regulations consistent with the following language: The State Fire Marshal shall require that persons involved in the inspection and testing of water-based fire protection systems shall complete 16 contact hours of continuing education or similar course of instruction during each biennial period of renewal. Any and all continuing education requirements completed pursuant to subsection (b) of this section may be used to meet the continuing education requirements as called for under this section.

16 Del. C. 1953, § 6603; 49 Del. Laws, c. 335; 52 Del. Laws, c. 5, § 1; 57 Del. Laws, c. 672; 57 Del. Laws, c. 727; 68 Del. Laws, c. 408, § 1; [76 Del. Laws, c. 330, §§ 1-3](#);

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### **§ 6604. Same -- Public hearing and notices.**

Prior to the promulgation, amendment or repeal of any regulation, the State Fire Prevention Commission shall hold at least 1 public hearing on each regulation, amendment or repealer to be separately submitted, notice of which hearing shall be published 15 days before the date of the hearing in a newspaper or newspapers of general circulation throughout the State. A copy of such notice shall be sent at the same time to every person, firm or corporation who shall have registered with the State Fire Prevention Commission a request to be so notified. The notice shall contain the time and place of hearing, subjects to be discussed, and shall specify the place and times at which the proposed regulation, amendment or repealer may be examined. (16 Del. C. 1953, § 6604; 49 Del. Laws, c. 335; 52 Del. Laws, c. 5, § 1.)

### **§ 6605. Same -- Powers in conduct of public hearing.**

For the purpose of any public hearing or inquiry made under this chapter, the Commission or any subcommittee of the Commission shall have the power to summon witnesses and documents and administer oaths for the purpose of giving of testimony, and issue orders requiring strict compliance with the decisions made under this chapter. (16 Del. C. 1953, § 6605; 50 Del. Laws, c. 469, § 1; 52 Del. Laws, c. 5, § 1; 63 Del. Laws, c. 381, § 3.)

### **§ 6606. State Fire Marshal -- Appointment; term; salary.**

(a) The office of State Fire Marshal is established. The State Fire Prevention Commission shall appoint a person qualified by person's previous training and experience in endeavors similar to those herein prescribed as State Fire Marshal. The State Fire Marshal shall be a citizen of this State and a resident for at least 5 years prior to appointment. The State Fire Marshal shall receive such salary as may be set by the Commission within the limits set by the annual appropriation to the Commission. The State Fire Marshal shall devote Marshal's whole time to the duties of Marshal's office. Whenever a vacancy shall occur in the office of State Fire Marshal for any reason other than the expiration of a term, the vacancy shall be filled by the State Fire Prevention Commission for the balance of the unexpired term. The office of the State Fire Marshal shall be located at the state Capitol in quarters provided by the State.

(b) The State Fire Marshal, with the consent and approval of the State Fire Prevention Commission, shall appoint all authorized personnel pursuant to Merit System rules and regulations and administer the usual oath as required. Salaries of all personnel to include appropriate position classifications, upgrading and promotions shall be in compliance with Chapter 59 of Title 29.

(c) The Fire Marshal of any political subdivision of this State, having such an office duly created by ordinance or resolution before January 1, 1959, shall serve as an Assistant State Fire Marshal. Within the limits of the said political subdivision, Fire Marshal shall have exclusive jurisdiction exercising the duties and powers of the State Fire Marshal but Fire Marshal shall serve without compensation.

(d) The State Fire Marshal, with the consent and approval of the State Fire Prevention Commission, shall employ or acquire such office and clerical employees as may be necessary for the orderly administration of Marshal's office. The State Fire Marshal shall acquire such equipment, furniture, supplies and paraphernalia as may be necessary for the orderly administration of Marshal's office.

(e) The State Fire Marshal, the Marshal's Deputy or Deputies, and other members of the Marshal's office, in addition to their salaries, shall be reimbursed for their actual and necessary expenses incurred in the performance of their duties. (16 Del. C. 1953, § 6606; 50 Del. Laws, c. 469, § 1; 52 Del. Laws, c. 5, § 1; 53 Del. Laws, c. 189; 53 Del. Laws, c. 423, § 1; 56 Del. Laws, c. 340, § 1; 60 Del. Laws, c. 551, § 1; 64 Del. Laws, c. 336, §§ 1, 2; 70 Del. Laws, c. 186, § 1.)

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### **§ 6607. Same -- Duties and powers.**

(a) The State Fire Marshal, or the Marshal's Deputy or Deputies, shall enforce all laws and ordinances of the State and the several counties, cities and political subdivisions thereof having to do with:

(1) Prevention of fires;

(2) The storage, sale and use of any explosive, combustible or other dangerous article in solid, liquid or gas form;

(3) The installation and maintenance of equipment of all sorts intended for fire control, detection and extinguishment;

(4) The means and adequacy of exit, in case of fire, from buildings and all other places in which numbers of persons work, live or congregate from time to time for any purpose, except buildings used wholly as dwelling houses containing no more than 2 families;

(5) The suppression of arson.

(b) The State Fire Marshal, or the Marshal's Deputy or Deputies, shall assist any chief of any recognized fire company upon request of such chief.

(c) The State Fire Marshal, or the Marshal's Deputy or Deputies, shall enforce the regulations promulgated by the State Fire Prevention Commission as authorized by § 6603 of this title.

(d) The State Fire Marshal, or the Marshal's Deputy or Deputies, shall require the administrative heads of public and private schools and educational institutions to have at least 1 fire drill each month when said schools are in session and to keep all doors and exits unlocked during school hours.

(e) The State Fire Marshal, or the Marshal's Deputy or Deputies, shall inspect all state and county owned institutions, all schools, theatres, churches and other places of public assembly as to fire exits and reasonable safety standards and report the Marshal's findings and recommendations to the proper administrative heads.

(f) The State Fire Marshal, or the Marshal's Deputy or Deputies, may at any time investigate as to the origin or circumstances of any fire or explosion occurring in the State and may at all reasonable hours enter any building or premises within the Marshal's jurisdiction for the purpose of making an inspection or investigation, which, under this chapter, they may deem necessary to be made.

(g)(1) The State Fire Marshal, or the Marshal's designee(s) shall review all plans and specifications, with the exception of those political subdivisions having exclusive jurisdiction under § 6606(c) of this title for conformance to the requirements of subsections (a) and (c) of this section, prior to actual construction for:

a. All new buildings and additions; for any building undergoing a change in occupancy; or any part of a building suffering damage from fire, explosion, or any other cause; with the exception of buildings used wholly as dwelling houses containing no more than 2 families and buildings used wholly for farming purposes.

b. Alarm systems, fire protection systems, flammable and combustible liquid or gas installation or other miscellaneous installations falling under the State Fire Prevention Rules and Regulations.

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c. Subdivision plans.

(2) The State Fire Marshal is authorized to establish a schedule of plan review fees to be paid by the submitter of the plans reviewed under paragraph (1) of this subsection, except that no fees shall be charged for projects financed in excess of 50 percent by state funds, housing developed by an organization exempt from tax under § 501(c)(3) of the Federal Internal Revenue Code [26 U.S.C. § 501(c)(3)], and projects financed under Chapters 40 and 45 of Title 31.

(3) The plan review fees shall be based on actual costs with the initial payment being based on the estimated cost of construction of the building, additions, renovation, alarm system, fire protection systems, or flammable or combustible liquid or gas installations or other miscellaneous installations required to be approved and shall not exceed the following schedule:

a. 7/10 of 1% on July 1, 2009;

b. 3/10 of 1% over \$1,000,000 of cost;

c. With respect to the provisions of paragraphs (g)(3) a. and b. of this section, the minimum fee for any plan review shall be no less than \$150.

d. The Fire Marshal must provide a schedule of reduced fees for low life hazard occupancies such as warehouses.

(4) Subdivision plan review fees shall be set at \$150.

(5) The State Fire Marshal, with the approval of the State Fire Prevention Commission, where such regulations or amendments duly promulgated under the authority of the State Fire Prevention Commission require the issuing of a permit, license or certificate, is authorized to issue such permits, licenses or certificates and to establish a schedule of fees not to exceed the following schedule:

a. A maximum of \$100 per fire alarm signalling system or fire suppression system, where a license is issued under the preceding provision of this section, for wholly owned or proprietary fire alarm signalling systems or fire suppression systems, serviced by the system owner.

b. A maximum of \$50 for a license to service portable unit fire suppression appliances.

c. A maximum of \$25 for all other permits, licenses and certifications as required in the State Fire Prevention Regulations.

d. The fees as authorized in this paragraph shall be the maximum so charged by the State Fire Prevention Commission and every 2 years shall be reviewed by the Department of Finance, the Controller General and the State Fire Marshal.

e. All fees associated with the permitting, licensing or certification processes shall be annual fees, payable on a date as scheduled by the State Fire Marshal.

(6) It is expressly provided that said fees collected by the State Fire Marshal shall not affect the State appropriation or be deducted therefrom, but shall be so much additional monies available for carrying out the provisions of this subsection, and the said fees shall be paid to the State Treasurer for accounting and deposited in a special fund in the State Treasury. Said fees included in this subsection shall not be

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charged for projects financed in excess of 50 percent by state funds, and projects financed under Chapters 40 and 45 of Title 31.

(7) The fees as authorized for the plan review process shall be the maximum allowed by the State Fire Prevention Commission and will be a cap, that every 2 years, by September 15, a review shall be conducted by the Budget Director, the Controller General and the State Fire Marshal, based upon the revenue experience and the anticipated funding needs of the Technical Services Division of the State Fire Marshal's Office, to revise the fees according to the anticipated funding needs of the State Fire Marshal's Office Technical Services Division, incorporating the plan review, licensing and additional consultative services.

(8) The permit, licensing and plan review fee requirements of this chapter shall not apply to municipalities, towns or other subdivisions of this State or to fire companies that wish to construct improvements upon their fire stations.

(h) The State Fire Marshal, or the Marshal's Deputy or Deputies, shall have the authority to issue subpoenas in the enforcement of this chapter. (16 Del. C. 1953, § 6607; 50 Del. Laws, c. 469, § 1; 52 Del. Laws, c. 5, § 1; 53 Del. Laws, c. 423, § 2; 65 Del. Laws, c. 474, § 1; 68 Del. Laws, c. 408, §§ 2-10; 69 Del. Laws, c. 283, § 1; 69 Del. Laws, c. 291, § 273; 70 Del. Laws, c. 186, § 1; 73 Del. Laws, c. 149, § 1.)

### **§ 6608. Appeals to the State Fire Prevention Commission -- Procedure.**

(a) Appeals to the State Fire Prevention Commission may be taken by any person aggrieved by an order or decision of the State Fire Marshal, or the Marshal's Deputy or Deputies, based upon or made in the course of the administration or enforcement of this chapter. Appeals to the State Fire Prevention Commission may be taken by any officer, department, board or bureau of the State and the several counties, cities and political subdivisions thereof affected by an order or decision of the State Fire Marshal, or the Marshal's Deputy or Deputies, in the course of the administration or enforcement of this chapter.

(b) Appeals by any person aggrieved by an order or decision of the State Fire Marshal, the Marshal's Deputy or Deputies, or Assistant State Fire Marshals based upon or made in the course of the administration or enforcement of this chapter or local regulations incorporating the State Fire Prevention Commission Regulations shall be taken to the State Fire Prevention Commission. Appeals by any officer, department, board or bureau of the State and the several counties, cities and political subdivisions thereof affected by an order or decision of the State Fire Marshal, or the Marshal's Deputy or Deputies or Assistant Fire Marshals, in the course of the administration or enforcement of this chapter or local regulations incorporating the State Fire Prevention Commission Regulations shall be taken to the State Fire Prevention Commission.

(c) The time within which such appeal must be made and the effect, form or other procedure relating thereto shall be as specified in regulations promulgated by the State Fire Prevention Commission following notice and public hearings as provided in §§ 6604 and 6605 of this title. (16 Del. C. 1953, § 6608; 52 Del. Laws, c. 5, § 1; 53 Del. Laws, c. 423, § 3; 70 Del. Laws, c. 186, § 1; 71 Del. Laws, c. 183, § 1.)

### **§ 6609. Same -- Powers upon appeals.**

Upon appeals the State Fire Prevention Commission shall have the following powers:

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(1) To hear and decide appeals where it is alleged by the appellant that there is error in any order, requirement, decision or refusal made by the State Fire Marshal, or the Marshal's Deputy or Deputies, based on or made in the enforcement of this chapter;

(2) To hear and decide, in accordance with any duly adopted regulation, requests for special exceptions or for interpretation of regulations or for decisions upon other special questions upon which the Commission is required by any regulation to pass;

(3) To authorize a variance from particular provisions of the regulations duly promulgated under § 6603 of this title where strict compliance with such provisions would entail practical difficulties or unnecessary hardships, provided such relief may be granted without substantial detriment to the public safety and without substantially impairing the intent and purpose of the regulations promulgated under § 6603 of this title;

(4) All decisions, authorizations or interpretations made by the State Fire Prevention Commission hereunder shall be written and signed by the Chairperson or Vice-Chairperson and filed in the office of the State Fire Marshal, or the Marshal's Deputy or Deputies, within 20 days following the appeal. (16 Del. C. 1953, § 6609; 52 Del. Laws, c. 5, § 1; 53 Del. Laws, c. 423, § 4; 70 Del. Laws, c. 186, § 1.)

### **§ 6610. Court review of decision of State Fire Prevention Commission; procedure.**

(a) Any person jointly or severally aggrieved by any decision of the State Fire Prevention Commission made in the exercise of its appellate function under § 6609 of this title or any officer, department, board or bureau of the State and the several counties, cities and political subdivisions thereof may present to the Superior Court of the county in which the property in question or the party aggrieved, or either, shall be located or of which such party shall be a resident, a duly verified petition setting forth that such decision is illegal in whole or in part, specifying the grounds of the illegality. The petition shall be presented to the Court within 30 days after the filing of the decision in the office of the State Fire Marshal.

(b) Upon the presentation of the petition, the Court may allow a writ of certiorari, directed to the State Fire Prevention Commission, to review the decision of the State Fire Prevention Commission and shall prescribe therein the time within which a return thereto must be made and served upon the petitioner's attorney, which shall not be less than 10 days and may be extended by the Court.

(c) The allowance of the writ shall not stay proceedings upon the decision appealed from, but the Court may, on application, on notice to the Commission and on due cause shown, grant a restraining order.

(d) The State Fire Prevention Commission shall not be required to return the original papers acted upon by it, but it shall be sufficient to return certified or sworn copies thereof or of such portions thereof as may be called for by the writ. The return shall concisely set forth such other facts as may be pertinent and material to show the grounds of the decision appealed from and shall be verified.

(e) If, upon the hearing, it shall appear to the Court that testimony is necessary for the proper disposition of the matter, it may take evidence, or appoint a referee to take such evidence as it may direct and report the same to the Court with the referee's findings of fact and conclusions of law, which shall constitute a part of the proceedings upon which the determination of the Court shall be made.

(f) The Court may reverse or affirm, wholly or partly, or may modify the decision brought up for review.

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(g) Costs shall not be allowed against the Commission unless it shall appear to the Court that it acted with gross negligence or in bad faith or with malice in making the decision appealed from. (16 Del. C. 1953, § 6610; 52 Del. Laws, c. 5, § 1; 70 Del. Laws, c. 186, § 1.)

### **§ 6611. Maintenance of fire hazard, violations of regulations or chapter; enforcement; remedies and penalties.**

(a) No person shall erect, construct, reconstruct, alter, maintain or use any building, structure or equipment or use any land in such a way to endanger life or property from the hazards of fire or explosion or in violation of any regulation or any provision of or any change thereof promulgated by the State Fire Prevention Commission under the authority of this chapter.

(b) Whoever knowingly violates such regulations, provisions or change or any provision of this chapter with the exception of exceeding the posted occupant load in a place of assembly as outlined in subsection (c) of this section shall be fined not more than \$100 or imprisoned not more than 10 days or both.

(c) Whoever knowingly violates the regulation of exceeding the posted occupant load in a place of assembly, as defined in the Delaware State Fire Prevention Regulations, shall be fined at least \$10.00 but not more than \$100 per person exceeding the posted occupant load as determined by the State Fire Marshal.

(d) Each and every day during which such illegal erection, construction, reconstruction, alteration, maintenance or use continues after knowledge or official notice that same is illegal shall be deemed a separate offense.

(e) In case any building, structure or equipment is or is proposed to be erected, constructed, reconstructed, altered, maintained or used, or any land is or is proposed to be used in such a way to endanger life or property from the hazards of fire or explosion or in violation of this chapter or of any regulation or provision of any regulation or change thereof promulgated by the State Fire Prevention Commission under the authority granted by this chapter, the State Fire Prevention Commission, the State Fire Marshal or the Attorney General may, in addition to other remedies provided by law, institute injunction, mandamus, abatement or any other appropriate action or actions, proceeding or proceedings to prevent, enjoin, abate or remove such unlawful erection, construction, reconstruction, alteration, maintenance or use.

(f) The State Fire Marshal, or the Marshal's Deputy or Deputies, may make arrests of persons violating offenses under this section or of persons violating any of the laws of this State relating to fires or burning.

(g) Justices of the peace shall have jurisdiction over offenses under this section.

(h) All moneys derived from a violation of subsection (c) of this section shall be placed in a special fund to be used by the State Fire Marshal to carry out the provisions of this chapter. Fines that are a result of violations of this chapter that occur within the jurisdiction of the Jurisdictional Fire Marshals shall be placed in a separate special fund to be used in that jurisdiction to carry out the provisions of this chapter. (16 Del. C. 1953, § 6611; 52 Del. Laws, c. 5, § 1; 55 Del. Laws, c. 169; 55 Del. Laws, c. 170; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 34, §§ 1-3.)

### **§ 6612. Annual report; financial statement; budget.**

(a) The State Fire Prevention Commission shall annually, on or before the 30th day of September, transmit to the Governor a full report of its proceedings under this chapter and such statistics as it may

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wish to include therein. It shall also recommend any amendments to the law which in its judgment shall be desirable.

(b) Along with the annual report, the State Fire Prevention Commission shall transmit a financial statement showing all expenditures and income of the State Fire Prevention Commission covering the preceding 12 months, starting July 1 and ending June 30.

(c) In the even numbered years the State Fire Prevention Commission shall submit to the Budget Commission a budget showing proposed expenditures for the biennium beginning July 1 next succeeding.

(d) The Commission shall be given the authority to reimburse volunteer fire companies which incur extraordinary expenses, an amount not to exceed the amount specified in the annual appropriations act, upon request from a volunteer fire company. An "extraordinary expense" under the provisions of this section shall be defined as an expense for which a volunteer fire company would not normally prepare for in its company budget and is not covered by said company's own private insurance. (16 Del. C. 1953, § 6612; 52 Del. Laws, c. 5, § 1; 73 Del. Laws, c. 309, § 3.)

### **§ 6613. State fire school -- Location; supervision; purposes.**

There is established in the Dover-Camden-Wyoming area a state institution to be known as the Delaware State Fire School. The school shall be under the supervision and control of the State Fire Prevention Commission to effectuate the following purposes:

(1) To provide professional and volunteer firefighters with needful professional instruction and training at a minimum cost to them and their employers;

(2) To develop new methods and practices of fire fighting;

(3) To provide facilities for testing fire fighting equipment;

(4) To disseminate information relative to fires, techniques of fire fighting and other related subjects to all interested agencies and individuals throughout the State;

(5) To undertake any project and engage in any activity which in the opinion of the Fire Prevention Commission will serve to protect the public safety. (16 Del. C. 1953, § 6613; 54 Del. Laws, c. 318, § 1; 70 Del. Laws, c. 186, § 1.)

### **§ 6614. Same -- Commission's powers and duties.**

(a) The State Fire Prevention Commission shall have complete jurisdiction over, and complete management and control of, the Delaware State Fire School and is invested with full power and authority:

(1) To make all rules and regulations necessary for the governing of said institution;

(2) To appoint a director and such instructors, experimental helpers, secretaries and laborers as may be necessary, and to remove the same at their judgment and discretion;

(3) To fix compensations and provide for payment thereof;

(4) To have full management, possession and control of the lands, buildings, structures and property belonging thereto;

(5) To provide for the courses of study and curriculum of the institution;

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(6) To make rules and regulations for the admission of trainees to said institution;

(7) To visit and inspect said institution and every department thereof, and to provide for the proper keeping of accounts and records thereof;

(8) To make and prepare all necessary budgets of expenditures for the enlargement, proper furnishings, maintenance, support and conduct of said institution;

(9) To select and purchase all property, furniture, fixtures and paraphernalia necessary for said institution from time to time;

(10) To build, construct, change, enlarge, repair and maintain any and all buildings or structures of said institution that may at any time be necessary for said institution;

(11) To purchase and acquire all lands and property necessary for same, of every nature and description whatsoever;

(12) To care for and maintain the same and to do and perform every other matter or thing requisite to the proper management, maintenance, support and control of said institution necessary or requisite to carry out fully the purpose of §§ 6613-6618 of this title, and for raising it to and maintaining it at the proper efficiency and standard as required in the interest of public safety.

(b) The State Fire Prevention Commission, subject to the limitations and restrictions imposed under this chapter, may

1) Acquire any real or personal property by purchase, gift or donation and have water rights;

(2) Make contracts and execute instruments necessary or convenient;

(3) Undertake by contract or contracts, or by its own agent and employees, and otherwise than by contract, any project or projects, and operate and maintain such projects;

(4) Accept grants of money or materials or property of any kind from a federal agency, private agency, county, city, town, corporation, partnership or individual upon such terms and conditions as the grantor may impose;

(5) Perform all acts and do all things necessary or convenient to carry out the power granted herein.

(c) The State Fire Prevention Commission shall be permitted to conduct any live burn operation at the Delaware State Fire Service Center necessary to carry out the purposes and duties of this chapter, notwithstanding any other provision of the Code, any county or municipal ordinance or any rules or regulations prohibiting the same to the contrary. (16 Del. C. 1953, § 6614; 54 Del. Laws, c. 318, § 1; 66 Del. Laws, c. 145, § 1.)

### **§ 6615. Same -- School attendance fees.**

The State Fire Prevention Commission may fix and collect admission fees and other fees that it may deem necessary to be charged for training given, and it is expressly provided that all such fees so collected by the Commission shall not affect the state appropriation or be deducted therefrom, but shall be so much additional moneys available for the operation and maintenance of said institution, and the

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said fees shall be paid to the State Treasury for accounting and deposit in a special fund in the State Treasury. (16 Del. C. 1953, § 6615; 54 Del. Laws, c. 318, § 1.)

### **§ 6616. Same -- Director and employees.**

The State Fire Prevention Commission shall employ a Director for the State Fire School who shall be especially trained and qualified in fire fighting and fire experimental work and shall employ, on the recommendations of said Director, such other instructors, experimental helpers, secretaries and laborers as may be necessary to the proper conduct of said institution and may proceed with the erection and detailed operation of said institution. (16 Del. C. 1953, § 6616; 54 Del. Laws, c. 318, § 1.)

### **§ 6616A. Same -- Liability in the performance of instructional service.**

(a) No full-time or part-time instructor certified, assigned, approved or contracted by the Delaware State Fire School who in good faith provides instructional services shall be liable for any civil damages as a result of issuing such instructions, unless guilty or gross of wilful negligence.

(b) No university, college or medical facility, nor any other entity nor any of its faculty members, participating in good faith as part of an approved Delaware State Fire School training or educational program, shall be liable for any civil damages as a result of any primary or continuing training or educational practice by any enrolled students unless guilty of gross or wilful negligence. (66 Del. Laws, c. 34, § 1.)

### **§ 6617. Same -- Buildings and equipment.**

The State Fire Prevention Commission shall have the power to prescribe and shall make the necessary rules and regulations for the use of the buildings, equipment and other facilities of the institution when they are not in use for the purpose set forth. (16 Del. C. 1953, § 6617; 54 Del. Laws, c. 318, § 1.)

### **§ 6618. Advisory boards.**

(a) Fire School Advisory Board. -- The Delaware Volunteer Firemen's Association shall appoint from its members a 6-person Fire School Advisory Board. Two members shall come from New Castle County, 2 from Kent County and 2 from Sussex County. The State Fire Prevention Commission may consult the advisory board on any Fire School matters whether administrative or technical and receive recommendations thereon.

(b) Fire Marshal's Advisory Board. -- The Delaware Volunteer Firemen's Association shall appoint from its members a 6-person Fire Marshal's Advisory Board. Two members shall come from New Castle County, 2 from Kent County and 2 from Sussex County. The State Fire Prevention Commission and the Fire Marshal may consult the advisory board on any Fire Marshal matters whether administrative or technical and receive recommendations thereon. (16 Del. C. 1953, § 6618; 54 Del. Laws, c. 318, § 1; 65 Del. Laws, c. 246, § 1; 65 Del. Laws, c. 400, §§ 1, 2; 70 Del. Laws, c. 186, § 1.)

### **§ 6619. Power of Commission to authorize new fire companies or substations; resolve boundary and other disputes; prohibit cessation of necessary fire protection services.**

(a) The State Fire Prevention Commission, with the advice of the advisory board, is empowered to promulgate, amend and repeal regulations related to the exercise of Commission powers and responsibilities defined in this section.

(1) Except as provided in subsection (c) of this section, the Commission shall determine whether any new fire companies or substations shall be authorized in any part of the State. In making such determination the Commission shall consider among other things the ability, financial or otherwise, of the company seeking authorization to maintain an effective fire company and the fire protection needs of the area involved. The Commission, however, shall not authorize the establishment of a new fire company

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within 4 miles of an existing fire company unless the Commission determines that an existing company is not reasonably equipped, manned, organized, financed or disciplined to deliver, or is not actually delivering, adequate fire protection in accordance with recognized safety standards to the area it serves.

(2) Except as provided in subsection (c) of this section, the Commission shall have authority to prohibit the suspension of fire protection services in this state by any fire company or substation thereof when the ability, financial or otherwise, of the company or substation seeking to suspend such service does not warrant such suspension. In making this determination the Commission shall consider, among other things, the fire protection needs of the area involved, whether the company or substation seeking to suspend fire protection services is inadequately financed, equipped, manned, organized or disciplined, and whether a new fire company should be authorized to deliver fire protection services to the area.

(3) The Commission shall have authority, acting on behalf of the State, to enter into agreements to confirm the established geographical boundaries of areas served by all existing fire companies in the State and to resolve boundary disputes between or among such fire companies.

(4) The Commission shall have authority to enter binding orders resolving disputes or grievances within or between fire companies.

(b) The Delaware Volunteer Firemen's Association shall designate from its members a 9-member advisory board to advise and make recommendations to the State Fire Prevention Commission in connection with the Commission's responsibilities under this section. The advisory board shall consist of the President, First Vice-President, Second Vice-President and the 6 members of the Board of Directors, excluding the immediate past President who serves as a Commissioner, of the Delaware Volunteer Firemen's Association.

(c) Paragraphs (1) and (2) of subsection (a) of this section shall not be applied with respect to any fire company in municipalities with a population greater than 50,000 as established in the official 1980 federal census. (16 Del. C. 1953, § 6619; 55 Del. Laws, c. 149; 63 Del. Laws, c. 381, § 4; 68 Del. Laws, c. 437, § 1; 70 Del. Laws, c. 186, § 1.)

### **§ 6620. Reports from insurance companies; reports of investigations by Fire Commission.**

(a) Each fire insurance company or association doing business in this State shall, within 30 days after the adjustment of any loss sustained by it, report to the State Fire Commission, upon forms furnished by it, such information regarding the amount of insurance, the value of the property insured and the amount of claim as adjusted, as in the judgment of the State Fire Commission it is necessary for it to know. This report shall be in addition to any such information required by the Insurance Commissioner.

(b) Upon the request of the owner or insurer of any property destroyed or injured by fire or explosion, or in which an attempt to cause a fire or explosion may have occurred, the State Fire Commission, upon approval of the Attorney General's office, may make a written report to the person requesting the same of the result of the examination made by the Commission regarding the property. (16 Del. C. 1953, § 6620; 56 Del. Laws, c. 82.)

### **§ 6621. Injunctive relief.**

The Fire Prevention Commission may in its discretion bring an action in the Court of Chancery to temporarily restrain or enjoin any act or practice which constitutes a violation of an order of the Commission or of any provision of this chapter and to enforce compliance with any order of the Commission or provision of this chapter. (63 Del. Laws, c. 381, § 5.)

### **§§ 6622-6624. Residential smoke detectors – Required; installation; penalty.**

Repealed by 69 Del. Laws, c. 170, § 2, eff. July 8, 1993.

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**§ 6625. Protection of records.**

Any and all records and reports compiled by the State Fire Marshal's office resulting from the State's Juvenile Fire Setter Intervention Program, including, but not limited to, case histories, interviews and findings, shall be considered confidential and privileged and shall not be disclosed directly or indirectly to anyone other than Family Court, the Attorney General and the Deputies Attorney General and the employees of the State Fire Marshal's office in the discharge of their official duties. Such records and reports shall not be subject to the Freedom of Information Act pursuant to Chapter 100 of Title 29 and shall not be subject to any subpoena powers of any court. (69 Del. Laws, c. 395, § 1.)

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### Subchapter II. Smoke Detectors

#### § 6631. Smoke detectors required.

(a) Each owner of a residential occupancy, used wholly or in part as a home, residence, dwelling or sleeping place for 1 or more persons, either permanent or transient, including but not limited to any 1-family and 2-family dwelling, mobile home, modular home, townhouse; lodging, rooming or boarding house; hotel, motel, bed and breakfast facility; dormitory, apartment or multi-family dwelling; board and care facility; or a residential occupancy by any other name, be it rented, leased or owned, shall install, within such occupancy, smoke detection devices and/or smoke detection systems, either photo-electric or ionization types, capable of automatically sensing visible or invisible particles or products of combustion, and which activate an alarm sufficiently audible to warn the occupants of the building of an impending danger of fire or hazard to life.

(b) The requirement for the installation of smoke detecting devices and/or smoke detection systems as provided for in this section shall apply to all new and existing occupancies, buildings and/or structures listed in subsection (a) of this section, regardless of when any such occupancy, building or structure was built.

(c) It shall be the responsibility of the owner of a residential occupancy listed in subsection (a) of this section to install and maintain smoke detection devices as required by this chapter, with the following exception: Where there is a tenant of a rented or leased occupancy, structure or building required to have smoke detection devices and/or smoke detection systems, as required in this subchapter, and the rental, lease agreement or contract is for a period of 1 month or more, such tenant shall be responsible for the maintenance of any smoke detection devices, with respect to maintaining an operable battery in the smoke detection device, within the individual rented or leased unit.

(d) All smoke detection devices and/or smoke detection systems which are required to be installed under this subchapter shall be installed in accordance with the applicable provisions of the State Fire Prevention Regulations.

(e) When the standards of the State Fire Prevention Regulations and the building codes change with respect to the number and location of smoke detectors in new construction, such standards shall be the minimum to be utilized for determining compliance with this statute for new construction. A listing of all updated standards and their effective dates shall be maintained in the State Fire Marshal's Office.

(f) It shall not be the duty of a real estate salesperson or broker, licensed under Chapter 29 of Title 24 to verify the compliance of any person or residential occupancy with the provisions of this subchapter. (69 Del. Laws, c. 170, § 2; 71 Del. Laws, c. 219, § 1.)

#### § 6632. Smoke detector installation in 1- and 2-family dwellings; mobile homes; modular homes; townhouses.

(a) Each 1-family and 2-family dwelling, mobile home, modular home, and townhouse shall have smoke detection devices and/or smoke detection systems installed according to the following requirements:

(1) For each new building or occupancy built after July 8, 1993, smoke detection devices shall be installed in accordance with the provisions of the State Fire Prevention Regulations and the building codes in effect at the time of new construction.

(2) For all buildings or occupancies erected or built prior to July 8, 1993, each required smoke detection device shall be installed outside each sleeping area in the immediate vicinity of the bedrooms

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and shall be installed on each additional story of the family living unit, including basements, but excluding crawl spaces and unfinished attics, if nothing is stored or kept in such area; but the smoke detection devices in existing buildings or occupancies may be single-station, individual smoke detection devices, approved by Underwriters Laboratories or the Factory Mutual Association, and powered by a monitored battery power supply in accordance with Delaware Fire Prevention Regulations.

(b) Nothing contained in this section shall prohibit the owner of any 1-family or 2-family dwelling, mobile home, modular home or townhouse from installing an inter-connected smoke detection system, hard-wired to the building's electrical system. (69 Del. Laws, c. 170, § 2; 71 Del. Laws, c. 219, §§ 2, 3.)

### **§ 6633. Smoke detector installation; other residential occupancies.**

(a) Each lodging, rooming or boarding house; hotel, motel, bed and breakfast facility; dormitory; apartment or multi-family dwelling; board and care facility; or a residential occupancy by any other name shall have smoke detection devices and/or smoke detection systems installed in conformance to the standards of the State Fire Prevention Regulations and the building codes pursuant to the specifications for the individual occupancies or use.

(b) Where there is a conflict between installation requirements, this section shall be interpreted to require the more strict of the installation specifications, for a particular occupancy.

(c) All required smoke detection devices and/or smoke detection systems listed in subsection (a) of this section, except as otherwise specified herein, shall be inter-connected, so that operation of any smoke detection device shall cause the alarm-sounding devices in all smoke detection devices within the building, occupancy or within a separate zoned area to sound; or that will initiate the building fire alarm system to provide an audible warning to all occupants of the building, and all such smoke detection devices and/or systems shall be hard-wired into the electric system of the building, in accordance with the National Electric Code.

(d) With approval of the Fire Marshal, smoke detection devices in individual sleeping rooms may be excepted from the requirement that smoke detection devices be interconnected if such building or occupancy is provided with an automatic smoke detection system in the hallways, corridors or stairwells, or is connected to a building fire alarm system which will activate an alarm which is sufficiently audible to warn the occupants of the building of the impending danger of fire or hazard to life.

(e) For all buildings or occupancies which under subsection (a) of this section are required to install smoke detection devices and/or smoke detection systems, and for such buildings or occupancies that do not have an auxiliary, emergency or back-up power system in accordance with State Fire Prevention Regulations, each smoke detection device or smoke detection system shall utilize the type of smoke detection device that has a built-in battery back-up power supply.

(f) The plans and specifications for all smoke detection devices and/or systems required by this subsection shall be submitted to the State Fire Marshal's Office, prior to installation, for review and approval in accordance with § 6607 of this title. (69 Del. Laws, c. 170, § 2; 71 Del. Laws, c. 219, § 4.)

### **§ 6634. Smoke detectors; compliance dates.**

(a) For each newly erected or constructed 1-family and 2-family dwelling, mobile home, modular home or townhouse listed in § 6631 of this title, the compliance date shall be July 8, 1993.

(b) For all existing 1-family and 2-family dwellings, mobile homes, modular homes or townhouses listed in § 6631 of this title, erected or constructed prior to July 8, 1993, the compliance date shall be July 1, 1994.

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(c) For all other residential occupancies listed in § 6633 of this title, constructed after July 8, 1993, the required smoke detection devices and/or smoke detection systems shall be installed at time of construction.

(d) For all other existing residential occupancies listed in § 6633 of this title, newly erected or constructed prior to July 8, 1993, the compliance date shall be July 1, 1996. (69 Del. Laws, c. 170, § 2.)

### **§ 6635. Smoke detectors, penalties for noncompliance.**

(a) Each owner and/or tenant of every building or occupancy required to have smoke detection devices and/or smoke detection systems in accordance with this subchapter, whether an individual or a body corporate, who fails to comply with this subchapter regarding smoke detection devices and/or smoke detection systems, shall be fined not less than \$100 nor more than \$500 for each offense. The Justice of the Peace Courts shall have jurisdiction over any violation of this subchapter.

(b) Anyone who tampers with, damages, destroys or renders inoperative any smoke detection device and/or smoke detection system, shall be fined not less than \$100 nor more than \$500 for each offense. The Justice of the Peace Courts shall have jurisdiction over these violations.

(c) Where a fire department responds to an alarm of any type at a building or occupancy required to have smoke detection devices and/or smoke detection systems as required by this subchapter or by the State Fire Prevention Regulations, and such building does not have a functional, working smoke detection device and/or the smoke detection system is not operable, is not in service, or is not installed or maintained as required by this chapter or by the State Fire Prevention Regulations; or the Fire Marshal's Office becomes aware of such building or occupancy, the State Fire Marshal's Office shall have authority to investigate. The State Fire Marshal may issue a summons, where necessary, to the owner and/or occupant of such building or occupancy, for an appearance in the nearest Justice of the Peace Court.

(d) Each fine specified in this section of this title shall be remitted to the State Fire Marshal's Office in accordance with § 6607(g)(5) of this title, which provisions shall be complied with in implementing the requirements of this chapter. All receipts shall be used to subsidize the costs of providing a greater public awareness of the ramifications of not having smoke detectors; and to provide smoke detection devices, where possible and/or permissible, for 1-family and 2-family dwellings, mobile homes, modular homes or townhouses, where enforcement action takes place with respect to the owner and/or occupant of the 1-family and 2-family dwelling, mobile home, modular home or townhouse.

(e) In the enforcement of this subchapter with respect to smoke detection devices and/or smoke detection systems, where the fines are collected within the jurisdictions of the cities of Wilmington, Newark, Dover or New Castle, such fines shall be remitted to the appropriate political subdivision, and shall be utilized for the purposes stated in subsection (d) of this section.

(f) The State Fire Marshal's Office shall be the state-wide manager and agency for all public awareness programs generated by the proceeds of the fines collected under this section.

(g) With the exception of subsection (f) of this section, where any reference is made to the State Fire Marshal or the State Fire Marshal's Office, such reference shall be interpreted to also apply to the Assistant State Fire Marshals of the cities of Wilmington, Newark, Dover and New Castle for the enforcement actions of these provisions.

(h) The State Fire Marshal or the Attorney General may, in addition to other remedies provided by this section, institute injunction, mandamus, abatement or any other appropriate action or actions or proceedings to prevent any continued violations of this chapter. (69 Del. Laws, c. 170, § 2.)

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## DELAWARE STATE FIRE PREVENTION REGULATIONS

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**§ 6636. Exceptions; claims of negligence.**

Failure to comply with this subchapter shall not be considered as evidence of either comparative or contributory negligence in any civil suit or insurance claim adjudication arising out of any injury or death arising from a fire or the direct consequences of a fire; nor shall failure to comply with this subchapter be admissible as evidence in any trial of any civil action or insurance claim adjudication. (69 Del. Laws, c. 170, § 2.)

**§ 6637. Fire Detection Fund.**

(a) This section shall be referred to as the "Delaware Fire Detection Fund."

(b) A special fund of the State is hereby created to be known as the "Delaware Fire Detection Fund." All moneys, including gifts, bequests, grants or other funds from private or public sources specifically designated for the Delaware Fire Detection Fund shall be deposited or transferred to the Fire Detection Fund. Moneys in the Delaware Fire Detection Fund may be saved and deposited in an interest bearing savings or investment account. Interest or other income earned on the moneys in the Delaware Fire Detection Fund shall be deposited or transferred into the Delaware Fire Detection Fund. The Delaware Fire Detection Fund shall not lapse or revert to the General Fund.

(c) Moneys from the Delaware Fire Detection Fund shall be expended for the purpose of providing hard-wired smoke detectors with battery back up to Delaware residences lacking fire detection devices; provided, however, any moneys received from State-appropriated funds shall only be used for owner-occupied residences. Any moneys derived from private sources may be used for any Delaware residences. Any moneys derived from private sources may be used for any Delaware residences.

(d) The State Fire Marshal is authorized to identify and maintain an approved contractor list of licensed master electricians and licensed fire alarm signaling system companies for the purpose of installing hard-wired smoke detectors. The State Fire Marshal will maintain this approved list in each county in order to minimize costs and maximize efficiency consistent with public safety. This approved list will be furnished to those owners identified as lacking fire detection devices as outlined in subsection (c) of this section.

(e) The State Fire Prevention Commission (Commission) is authorized to adopt rules and regulations necessary to administer the program in accordance with this section. The Commission will establish a priority list to distribute the hard-wired smoke detectors.

(f) The State Fire Marshal shall supervise and administer the program in accordance with any rules and regulations adopted by the Commission through the State Fire Marshal's Office Quality Assurance Program.

(g) The objective of the Fund is to ensure the installation of working smoke detectors in every private residence in the State. (73 Del. Laws, c. 237, § 1.)

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### Subchapter III. False Fire Alarms Effective Jan. 1, 2004

#### § 6638. Definitions - Effective Jan. 1, 2004.

As used in this subchapter:

(a) "Alarm Activation Report" means a designated form issued by the State Fire Marshal for use by the Fire Chief indicating the alarm signal was found to be the result of a false alarm.

(b) "Alarm signal" means the activation of a fire alarm signaling system or a fire suppression system that requests a response by a fire department.

(c) "Audible alarm" means any device, bell, horn, or siren which is attached to the interior or exterior of a building, emits a warning signal outside the building and is designed to attract attention when activated by a fire.

(d) "Dispatch center" means a location specifically configured for the primary purpose of providing emergency communications services, public safety answering point services, and dispatch of fire apparatus to emergency situations.

(e) "False alarm" means the activation of a fire alarm signaling system or any audible alarm which results in a response by the fire department and which is not the result of a fire or other emergency.

(1) "False alarm" includes:

- a. Negligently or accidentally activated alarm signals; and
- b. Alarm signals that are the result of faulty, malfunctioning, or improperly installed or maintained equipment.

(2) "False alarm" does not include:

- a. Alarm signals activated by severe weather conditions;
- b. Alarm signals activated during the initial 30-day period following new installation; or
- c. Alarm signals knowingly activated pursuant to § 1245(1) of Title 11, falsely reporting an incident.

(f) "Fire alarm contractor" means a person or company licensed by the State Fire Marshal's Office and engaged in installing, maintaining, monitoring, altering, or servicing fire alarm signaling or fire suppression systems.

(g) "Fire alarm signaling monitoring company" means a station or building located remote from the protected premises where fire alarm signals from one or more protected premises are received and from where, upon receipt of such signal, a dispatch center is notified.

(h) "Fire alarm signaling system" means an automatic or manual fire alarm or fire suppression system in accordance with the State Fire Prevention Regulations. For the purpose of this legislation, "fire alarm signaling system" does not include typical household single-station smoke detectors in 1- and 2-family dwellings.

(i) "Fire Chief" means the Fire Chief or officer in charge of the responding fire department.

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## DELAWARE STATE FIRE PREVENTION REGULATIONS

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(j) "Monitored System" means the process by which a fire alarm signaling monitoring company receives signals from a fire alarm system and notifies the dispatch center.

(k) "Owner" means any person who owns the premises where the fire alarm signaling system or fire suppression system is installed or the person or persons who lease, operate, occupy, manage the premises, or are bound by the contract for services provided by the fire alarm signaling monitoring company.

(l) "Premises" means any building or structure where a fire alarm signaling system is installed. (74 Del. Laws, c. 21, § 1.)

### **§ 6639. Initial installation requirements - Effective Jan. 1, 2004.**

(a) Upon the installation of a new fire alarm signaling system, the fire alarm contractor shall furnish the owner with written operating instructions and training to enable the owner to use the fire alarm signaling system properly. The fire alarm contractor shall notify the owner of the provisions of this chapter and of the State Fire Prevention Regulations upon completion of the installation of the fire alarm signaling system.

(b) A "Record of Completion" form, designated by the Office of the State Fire Marshal, containing owner and system information shall be submitted by the fire alarm contractor to the State Fire Marshal for all new fire alarm signaling systems. (74 Del. Laws, c. 21, § 1.)

### **§ 6640. Fire alarm signaling monitoring companies - Effective Jan. 1, 2004.**

(a) All fire alarm signaling monitoring companies are responsible for directing the call reporting the fire alarm signal to the appropriate dispatch center, and for providing the dispatch center with accurate location information.

(b) All fire alarm signaling monitoring companies shall maintain a current contact list of 3 representatives or designees of the owners of which 1 will respond to the premises within 30 minutes to assist the fire department in gaining access to the building. The fire alarm signaling monitoring company shall have current contact information for each representative or designee of the owner. The contact list must be updated on an annual basis.

(c) Where an owner is unable to provide a minimum of 3 representatives or designees who can respond within 30 minutes, in accordance with subsection (b) of this section, a lock box containing keys for fire department access shall be provided as specified in the State Fire Prevention Regulations.

(d) A \$100 civil penalty will be charged if an owner fails to provide either a minimum of 3 representatives or designees who can respond within 30 minutes or a lock box approved by the Office of the State Fire Marshal.

(e) A \$100 civil penalty shall be charged each time a fire alarm signaling monitoring company violates a provision of this section.

(f) For a fire alarm system installed in a single-family dwelling, the fire alarm contractor is responsible to solicit an updated contact list on an annual basis from the owner. It is an affirmative defense if the owner fails to comply with the fire alarm contractor's requests for information. (74 Del. Laws, c. 21, § 1.)

### **§ 6641. Testing of fire alarm signaling systems-Effective Jan. 1, 2004.**

(a) No person shall conduct any test or demonstration of a fire alarm signaling system without first contacting the appropriate fire dispatch center and fire alarm signaling monitoring company. The fire

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dispatch center and fire alarm signaling monitoring company shall also be contacted when the fire alarm test or demonstration is completed.

(b) A violation of this section shall be punished as follows:

(1) First offense; written warning; no fine.

(2) Second offense: \$100 civil penalty.

(3) Third and subsequent offenses: \$500 civil penalty for each offense.

(c) For purposes of this section, a fire alarm contractor that employs a person who violates this section will be held accountable for the offense.

(d) The offenses will be cumulative for all of the fire alarm contractor's employees who violate this section within a calendar year.

(e) The term "calendar year" shall be January 1, 2004 through December 31, 2004 for the first year and shall be January 1 through December 31 for each subsequent year. (74 Del. Laws, c. 21, § 1.)

### **§ 6642. Inspection and maintenance of fire alarm signaling systems -Effective Jan. 1, 2004.**

(a) The owner shall ensure that the fire alarm signaling system is inspected and tested in accordance with the State Fire Prevention Regulations.

(b) The owner shall ensure that the fire alarm signaling system is maintained per manufacturer's specifications. (74 Del. Laws, c. 21, § 1.)

### **§ 6643. Fire alarm activation - Effective Jan. 1, 2004.**

(a) The owner shall be responsible for the activation of a fire alarm signaling system.

(b) A response to the activation of a fire alarm signaling system shall result when the fire department is dispatched to the premises where the fire alarm signaling system has been activated.

(c) In the event that the dwelling fire alarm system, as defined in NFPA 72, is a Monitored System, the fire alarm signaling monitoring company shall be permitted to verify residential alarm signals prior to reporting them to the dispatch center, provided that the verification process does not delay the reporting by more than 90 seconds.

(d) Upon determining that a false alarm has occurred at the premises, the Fire Chief will submit an "Alarm Activation Report" to the State Fire Marshal's Office.

(e) Resetting an alarm panel by any person prior to the Fire Chief's authorization shall be prohibited, and shall be considered a false alarm if the Fire Chief cannot determine the cause and nature of the alarm activation. (74 Del. Laws, c. 21, § 1.)

### **§ 6644. Excessive false alarms prohibited -Effective Jan. 1, 2004.**

(a) Owners of a premise protected by a fire alarm signaling system shall not cause more than 3 false alarms within a calendar year.

(b) The State Fire Marshal will record the number of "Alarm Activation Reports" for each premise.

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(c) An owner that is in violation of subsection (a) of this section will be subject to a civil penalty as follows:

- (1) Fourth alarm: \$100 civil penalty.
- (2) Fifth alarm: \$200 civil penalty.
- (3) Sixth and subsequent alarms: \$250 civil penalty for each offense.

(d) The term "calendar year" shall be January 1, 2004 through December 31, 2004 for the first year and shall be January 1 through December 31 for each subsequent year. (74 Del. Laws, c. 21, § 1.)

**§ 6645. Civil penalties and appeals - Effective Jan. 1, 2004.**

- (a) The State Fire Marshal shall assess all civil penalties as outlined in this subchapter.
- (b) All civil penalties will be paid within 30 days of assessment.
- (c) All moneys derived from the civil penalties shall be placed in the Fire Detection Fund pursuant to § 6637 of this title.
- (d) An owner or a fire alarm contractor may appeal the assessment of a civil penalty to the State Fire Prevention Commission in accordance with the State Fire Prevention Regulations.
- (e) The Justice of the Peace Court shall have jurisdiction over all unpaid civil penalties. (74 Del. Laws, c. 21, § 1.)

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## DELAWARE STATE FIRE PREVENTION REGULATIONS

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### 16 Delaware Code - Chapter 71a

#### Reduced Ignition Propensity Cigarettes.

##### § 7116. Definitions.

As used in this chapter:

(1) "Agent" shall mean any person authorized by the State to purchase and affix tax stamps on packages of cigarettes.

(2) "Cigarette" means:

a. Any roll for smoking whether made wholly or in part of tobacco or any other substance, irrespective of size or shape and whether or not such tobacco or substance is flavored, adulterated or mixed with any other ingredient, the wrapper or cover of which is made of paper or any other substance or material other than leaf tobacco; or

b. Any roll for smoking wrapped in any substance containing tobacco which, because of its appearance the type of tobacco used in the filler or its packaging and labeling, is likely to be offered, or purchased by, consumers as a cigarette as described in paragraph (2)a. of this section above.

(3) "Manufacturer" shall mean:

a. Any entity which manufactures or otherwise produces cigarettes or causes cigarettes to be manufactured or produced anywhere that such manufacturer intends to be sold in this State, including cigarettes intended to be sold in the United States through an importer; or

b. The first purchaser anywhere that intends to resell in the United States cigarettes manufactured anywhere that the original manufacturer or maker does not intend to be sold in the United States; or

c. Any entity that becomes a successor of an entity described in paragraph (3)a. or (3)b. of this section.

(4) "Quality control and quality assurance program" shall mean the laboratory procedures implemented to ensure that operator bias systematic and nonsystematic methodological errors and equipment-related problems do not affect the results of the testing. This program ensures that the testing repeatability remains within the required repeatability values stated in § 7117(a)(6) of this title for all test trials used to certify cigarettes in accordance with this chapter.

(5) "Repeatability" shall mean the range of values within which the repeat results of cigarette test trials from a single laboratory will fall 95 percent of the time.

(6) "Retail dealer" shall mean any person other than a manufacturer or wholesale dealer engaged in selling cigarettes or tobacco products.

(7) "Sale" means in addition to its usual meaning, any sale, transfer, exchange, theft, barter, gift or offer for sale and distribution, in any manner or by any means whatsoever.

(8) "Sell" shall mean to sell or to offer or agree to do the same.

(9) "State Fire Marshal" shall mean the Delaware State Fire Marshal or the State Fire Marshal's deputies.

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## DELAWARE STATE FIRE PREVENTION REGULATIONS

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(10) "Wholesale dealer" shall mean any person who sells cigarettes or tobacco products to retail dealers or other persons for purposes of resale, and any person who owns, operates or maintains 1 or more cigarette or tobacco product vending machines in, at or upon premises owned or occupied by any other person.

76 Del. Laws, c. 100, § 1; 70 Del. Laws, c. 186, § 1.;

### **§ 7117. Test method and performance standard.**

(a) Except as provided in subsection (g) of this section, no cigarettes may be sold or offered for sale in this State or offered for sale or sold to persons located in this State unless such cigarettes have been tested in accordance with the test method and meet the performance standard specified in this subsection; and a written certification has been filed by the manufacturer with the State Fire Marshal in accordance with § 7118 of this title, and the cigarettes have been marked in accordance with § 7119 of this title.

(1) Testing of cigarettes shall be conducted in accordance with the American Society of Testing and Materials (ASTM) standard E2187-04 "Standard Test Method for Measuring the Ignition Strength of Cigarettes."

(2) Testing shall be conducted on 10 layers of filter paper.

(3) No more than 25 percent of the cigarettes tested in a test trial in accordance with this subsection shall exhibit full-length burns. Forty replicate tests shall comprise a complete test trial for each cigarette tested.

(4) The performance standard required by this subsection shall only be applied to a complete test trial.

(5) Written certification shall be based upon testing conducted by a laboratory that has been accredited pursuant to standard ISO/IEC 17025 of the International Organization for Standardization (ISO), or other comparable accreditation standard required by the State Fire Marshal.

(6) Laboratories conducting testing in accordance with this section shall implement a quality control and quality assurance program that includes a procedure that will determine the repeatability of testing results. The repeatability value shall be no greater than 0.19.

(7) This section does not require additional testing if cigarettes are tested consistent with this chapter for any other purpose.

(8) Testing performed or sponsored by the State Fire Marshal to determine a cigarette's compliance with the performance standard required shall be conducted in accordance with this section.

(b) Each cigarette listed in a certification submitted pursuant to § 7118 of this title that uses lowered permeability bands in the cigarette paper to achieve compliance with the performance standard set forth in this section shall have at least 2 nominally identical bands on the paper surrounding the tobacco column. At least 1 complete band shall be located at least 15 millimeters from the lighting end of the cigarette. For cigarettes on which the bands are positioned by design there shall be at least 2 bands fully located at last 15 millimeter from the lighting end and 10 millimeters from the filter end of the tobacco column, or 10 millimeters from the labeled end of the tobacco column for a nonfiltered cigarette.

(c) The manufacturer or manufacturers of a cigarette that the State Fire Marshal determines cannot be tested in accordance with the test method prescribed in subsection (a) of this section shall propose a test method and performance standard for such cigarette to the State Fire Marshal. Upon approval of the

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## **DELAWARE STATE FIRE PREVENTION REGULATIONS**

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proposed test method and a determination by the State Fire Marshal that the performance standard proposed by the manufacturer or manufacturers is equivalent to the performance standard prescribed in paragraph (a)(3) of this section, the manufacturer or manufacturers may employ such test method and performance standard to certify such cigarette pursuant to § 7118 of this title. If the State Fire Marshal determines that another state has enacted reduced cigarette ignition propensity standards that include a test method and performance standard that are the same as those contained in this chapter, and the State Fire Marshal finds that the officials responsible for implementing those requirements have approved the proposed alternative test method and performance standard for a particular cigarette proposed by a manufacturer as meeting the fire safety standards of that state's law or regulation under a legal provision comparable to this section, then the State Fire Marshal shall authorize that manufacturer to employ the alternative test method and performance standard to certify that cigarette for sale in this State, unless the State Fire Marshal demonstrates a reasonable basis why the alternative test should not be accepted under this chapter. All other applicable requirements of this section shall apply to such manufacturer or manufacturers.

(d) In order to ensue compliance with the performance standard specified in subsection (a) or (c) of this section, data from testing conducted by manufacturers to comply with this performance standard shall be kept on file by such manufacturers for a period of 3 years and shall be sent to the State Fire Marshal upon its request, and to the Office of the Attorney General upon its request. Any manufacturer who fails to make copies of these reports available within 60 days of receiving a written request shall be subject to a civil penalty not to exceed \$10,000 for each day after the sixtieth day that the manufacturer does not make such copies available.

(e) The State Fire Marshal may adopt a subsequent ASTM Standard Test Method for Measuring Ignition Strength of Cigarettes upon a finding that such subsequent method does not result in a change in the percentage of full-length burns exhibited by any tested cigarette when compared to the percentage of full-length burns the same cigarette would exhibit when tested in accordance with ASTM Standard E2187-04.

(f) As of January 1, 2010, and at least every 3 years thereafter, the State Fire Marshal shall undertake a review of the effectiveness of this chapter and report its findings to the legislature. Based upon such review, the State Fire Marshal may recommend legislation to improve the effectiveness of this chapter. The report and legislative recommendations shall be submitted no later than June 30 following the conclusion of each 3-year period.

(g) The requirements of subsection (a) of this section shall not prohibit:

(1) Wholesale or retail dealers from selling their existing inventory of cigarettes on or after January 1, 2009, if the wholesale or retailer dealer can establish that state tax stamps were affixed to the cigarettes prior to January 1, 2009, and if the wholesale or retail dealer can establish that the inventory was purchased prior to January 1, 2009, in comparable quantity to the inventory purchased during the same period of the prior year.

(2) The sale of cigarettes solely for the purpose of consumer testing. For purposes of this subsection, the term "consumer testing" shall mean an assessment of cigarettes that is conducted by a manufacturer (or under the control and direction of a manufacturer), for the purpose of evaluating consumer acceptance of such cigarettes, utilizing only the quantity of cigarettes that is reasonably necessary for such assessment, and in a controlled setting where the cigarettes are either consumed on-site or returned to the testing administrators at the conclusion of testing.

(h) This chapter shall be implemented in accordance with the implementation and substance of the New York Fire Safety Standards for Cigarettes.

## **DELAWARE STATE FIRE PREVENTION REGULATIONS**

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76 Del. Laws, c. 100, § 1.;

### **§ 7118. Certification of compliance by manufacturers.**

(a) Each manufacturer shall submit to the State Fire Marshal a written certification attesting that:

(1) Each cigarette listed in the certification has been tested in accordance with § 7117 of this title;

(2) Each cigarette listed in the certification meets the performance standard set forth under § 7117(a)(3) of this title;

(3) Each cigarette listed in the certification shall be described with the following information:

a. Brand (i.e., the trade name on the package);

b. Style (i.e., light, ultra light);

c. Length in millimeters;

d. Circumference in millimeters;

e. Flavor (e.g., menthol, chocolate), if applicable;

f. Filter or nonfilter;

g. Package description (e.g., soft pack, box);

h. Marking approved in accordance with § 7119 of this title.

i. The name, address and telephone number of the laboratory, if different than the manufacturer that conducted the test; and

j. The date that the testing occurred.

(b) Such certifications shall be made available to the Attorney General and the Division of Revenue for the purposes of ensuring compliance with this section. Each cigarette certified under this section shall be recertified every 3 years.

(c) For each cigarette listed in a certification a manufacturer shall pay to the State Fire Marshal a \$250 fee. The State Fire Marshal shall have the power to adjust this fee to an amount sufficient only to provide for processing, testing, enforcement and oversight activities related to this chapter.

(d) There is hereby established in the custody of the State Comptroller a special nonlapsing fund to be known as the "Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund." Such fund shall consist of all certification fees submitted by manufacturers, and shall, in addition to any other moneys made available for such purpose, be available to the State Fire Marshal's Office and shall be used solely to support State processing testing, enforcement and oversight activities related to this chapter. All payments from the Cigarette Fire Safety and Firefighter Protection Act Enforcement Fund shall be made on the audit and warrant of the State Treasurer on vouchers certified and submitted by the State Fire Marshal.

(e) If a manufacturer has certified a cigarette pursuant to this section, and thereafter makes any change to such cigarette that is likely to alter its compliance with the reduced cigarette ignition propensity standards required by this chapter, that cigarette shall not be sold or offered for sale in this State until the

## **DELAWARE STATE FIRE PREVENTION REGULATIONS**

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manufacturer retests the cigarette in accordance with the testing standards set forth in § 7117 of this title and maintains records of that retesting as required by § 7117 of this title. Any altered cigarette which does not meet the performance standard set forth in § 7117 of this title may not be sold in this State.

76 Del. Laws, c. 100, § 1.;

### **§ 7119. Package markings.**

(a) Cigarettes that are certified by a manufacturer in accordance with § 7118 of this title shall be marked to indicate compliance with the requirements of § 7117 of this title. Such marking shall be in 8 point font type or larger and consist of:

(1) Modification of the product UPC code to indicate a visible mark printed at or around the area of the UPC code. Such mark may consist of alphanumeric or symbolic character or characters permanently stamped, engraved, embossed or printed in conjunction with the UPC code; or

(2) Any visible combination of alphanumeric or symbolic character or characters permanently stamped, engraved, or embossed upon the cigarette package or cellophane wrap; or

(3) Printed, stamped, engraved or embossed test that indicates that the cigarettes meet the standards of this section; or

(4) The letters "FSC", which signifies Fire Standards Compliant appearing in 8 point type or larger and permanently printed, stamped, engraved or embossed on the package at or near the UPC code.

(b) A manufacturer must use only 1 marking and must apply this marking uniformly for all packages (including, but not limited to, packs, cartons and cases) and brands marketed by that manufacturer.

(c) The State Fire Marshal must be notified as to the marking that is selected.

(d) Prior to the certification of any cigarette, a manufacturer shall present its proposed marking to the State Fire Marshal for approval. Upon receipt of the request, the State Fire Marshal shall approve or disapprove the marking offered, except that the State Fire Marshal shall approve:

(1) Any marking in use and approved for sale in New York State pursuant to New York Fire Safety Standard for Cigarettes, or

(2) The letters "FSC", which signifies Fire Standards Compliant appearing in 8 point type or larger and permanently printed, stamped, engraved or embossed on the package at or near the UPC code.

(e) Proposed markings shall be deemed approved if the State Fire Marshal fails to act within 10 business days of receiving a request for approved.

(f) No manufacturer shall modify its approved marking unless the modification has been approved by the State Fire Marshal in accordance with this § 7119.

(g) Manufacturers certifying cigarettes in accordance with § 7118 of this title shall provide a copy of such certifications to all wholesale dealers and agents to which they sell cigarettes, and shall also provide sufficient copies of an illustration of the package markings utilized by the manufacturer pursuant to this § 7119 for each retailer to which the wholesale dealers or agents sell cigarettes. Wholesale dealers and agents shall provide a copy of these package markings received from manufacturers to all retail dealers to which they sell cigarettes. Wholesale dealers, agents and retail dealers shall permit the State Fire

## **DELAWARE STATE FIRE PREVENTION REGULATIONS**

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Marshal, the Director of the Division of Revenue, the Office of the Attorney General, or employees thereof, to inspect markings of cigarette packaging marked in accordance with this section.

76 Del. Laws, c. 100, § 1.;

### **§ 7120. Enforcement and penalties.**

(a) A manufacturer, wholesale dealer, agent or any other person or entity who knowingly sells or offers to sell cigarettes, other than through retail sale, in violation of § 7117 of this title shall be subject to a civil penalty not to exceed \$100 for each pack of such cigarettes sold or offered for sale provided that in no case shall the penalty against any such person or entity exceed \$100,000 during any 30-day period.

(b) A retail dealer who knowingly sells or offers to sell cigarettes in violation of § 7117 of this title shall be subject to a civil penalty not to exceed \$100 for each pack of such cigarettes sold or offered for sale provided that in no case shall the penalty against any retail dealer exceed \$25,000 during any 30-day period.

(c) In addition to any penalty prescribed by law, any corporation, partnership, sole proprietor, limited partnership or association engaged in the manufacture of cigarettes that knowingly makes a false certification pursuant to § 7118 of this title shall be subject to a civil penalty of at least \$75,000, and not to exceed \$250,000 for each such false certification.

(d) Any person violating any other provision in this chapter shall be subject to a civil penalty for a first offense not to exceed \$1,000, and for a subsequent offense subject to a civil penalty not to exceed \$5,000, for each such violation.

(e) Any cigarettes that have been sold or offered for sale that do not comply with the performance standard required by § 7117 of this title shall be subject to forfeiture. Cigarettes forfeited pursuant to this section shall be destroyed; provided, however, that prior to the destruction of any cigarette forfeited pursuant to these provisions, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarette.

(f) The State Fire Marshal is authorized to enforce this chapter and to promulgate regulations as necessary to implement and administer this law.

(g) The State Fire Marshal may, in consultation with the Director of the Division of Revenue and/or the Attorney General, promulgate regulations to conduct random inspections of wholesale dealers, agents, and retail dealers to ensure that only cigarettes complying with this chapter are sold in the State.

(h) In addition to any other remedy provided by the law, the Attorney General may file an action in state court for a violation of this chapter, including petitioning for injunctive relief or to recover any costs or damages suffered by the State government because of a violation of this section, including enforcement costs relating to the specific isolation and attorney's fees. In any such action, the Attorney General shall have the same authority to investigate and to obtain remedies if the action were brought (under authorizing statutes and authorities). Each violation of this chapter or of the rules adopted under this section constitutes a separate civil violation for which the Attorney General may obtain relief.

(i) Whenever any law-enforcement personnel or duly authorized representative of the State Fire Marshal shall discover any cigarettes that have not been marked in the manner required by § 7119 of this title, such personnel is hereby authorized and empowered to seize and take possession of such cigarettes. Such cigarettes shall be turned over to the Department of Finance, and shall be forfeited to the State. Cigarettes seized pursuant to this section shall be destroyed; provided, however, that prior to the destruction of any cigarette seized pursuant to these provisions, the true holder of the trademark rights in the cigarette brand shall be permitted to inspect the cigarette.

## **DELAWARE STATE FIRE PREVENTION REGULATIONS**

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76 Del. Laws, c. 100, § 1.;

### **§ 7121. Fire Prevention and Public Safety Fund.**

(a) The State Fire Marshal shall assess all civil penalties as outlined in this chapter.

(b) All civil penalties will be paid within 30 days of assessment.

(c) The moneys derived from the civil penalties will be split equally between the State Fire Marshal for enforcement of this section, and the Fire Detection Fund pursuant to § 6637 of this title.

76 Del. Laws, c. 100, § 1.;

### **§ 7122. Exemptions.**

This chapter shall not be construed to affect the making or manufacturing of cigarillos. A cigarillo shall mean a small cigar or cigarette wrapped in tobacco instead of paper.

76 Del. Laws, c. 100, § 1.;

### **§ 7123. Sale outside of Delaware.**

Nothing in this chapter shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the requirements of § 7117 of this title if the cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States, and that person or entity has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in this State.

76 Del. Laws, c. 100, § 1.;

### **§ 7124. Effective date.**

This chapter shall take effect on January 1, 2009, and the requirement that only cigarettes certified as compliant with the performance standard herein may be sold shall not prohibit wholesale dealers or retail dealers from selling their existing inventory of cigarettes on or after January 1, 2009, if the wholesale dealer or retailer can establish that state tax stamps were affixed to the cigarettes prior to January 1, 2009, and if such wholesale dealer or retailer can establish that such inventory was purchased prior to January 1, 2009, in comparable quantity to the inventory purchased during the same period of the prior year. Nothing in this chapter shall be construed to prohibit any person or entity from manufacturing or selling cigarettes that do not meet the requirements of § 7117 of this title if such cigarettes are or will be stamped for sale in another state or are packaged for sale outside the United States and has taken reasonable steps to ensure that such cigarettes will not be sold or offered for sale to persons located in this State.

76 Del. Laws, c. 100, § 1.;

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## DELAWARE STATE FIRE PREVENTION REGULATIONS

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### 16 Delaware Code - Chapter 88

#### Student Dormitories and Student Residential Housing Fire Suppression Systems

##### **§ 8801. Legislative findings; purpose.**

The General Assembly finds and declares that:

(1) Education plays a vital role in the economic development of the nation and the State by providing the education and training of the work force of the future;

(2) The safety of students housed in dormitories at boarding schools and at institutions of higher education is a vital concern, as these students represent our State's and our country's future;

(3) Automatic fire suppression systems installed in buildings within the State have been a very effective method of preventing injury, death and widespread property damaged; and

(4) It shall be deemed to be in the public interest and to have a public purpose to construct, reconstruct or renovate, develop and/or improve dormitory safety facilities, including fire prevention, smoke and fire alarms, and sprinkler systems. (73 Del. Laws, c. 391, § 1.)

##### **§ 8802. Definitions.**

(a) "Common areas" mean those areas within a building which are normally accessible to all residents, including the corridors, and lounge or lobby areas, and areas which contain elements of fire hazards, such as boiler rooms or storage areas.

(b) "Dormitories" shall mean buildings or portions thereof containing rooms which are provided as residences for overnight sleeping for individuals and all residential occupancies for student housing owned by the schools, colleges or universities. This definition does not apply to residential occupancies used exclusively for staff or faculty residences.

(c) "Equipped throughout" means installed in the common areas as well as in the areas utilized for sleeping within a dormitory. (73 Del. Laws, c. 391, § 1.)

##### **§ 8803. Dormitories to have automatic fire suppression systems, compliance rate.**

All buildings used as dormitories, in whole or in part, to house students at a public or private school or public or private institution of higher education within the State shall be equipped throughout with an automatic fire suppression system in accord with the provisions of this chapter within 7 years of enactment. This provision also requires the retrofitting of all existing buildings used as dormitories, in whole or in part, which do not have an existing automatic fire suppression system within 7 years of enactment. (73 Del. Laws, c. 391, § 1.)

##### **§ 8804. Rules and regulations promulgation by State Fire Prevention Commission.**

All fire protection systems as required under the provisions of this chapter shall meet the minimum standards and specifications of the State Fire Prevention Regulations as promulgated by the State Fire Prevention Commission. (73 Del. Laws, c. 391, § 1.)

## **DELAWARE STATE FIRE PREVENTION REGULATIONS**

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### **§ 8805. Office of the State Fire Marshal to assist with plan review and technical assistance.**

The office of the State Fire Marshal shall assist educational institutions with dormitories in their compliance with this act in accord with § 6607(g)(1)(b) of this title. (73 Del. Laws, c. 391, § 1.)

### **§ 8806. Automatic fire suppression system; penalties for noncompliance.**

Each owner of a dormitory required to comply under this chapter who willfully fails to comply with the installation of automatic fire systems pursuant to this chapter, whether an individual or body corporate, shall be fined not less than \$100 nor more than \$500 for each offense. The Justice of the Peace Courts shall have jurisdiction over any violations of this chapter. (73 Del. Laws, c. 391, § 1.)

### **§ 8807. Exceptions, claims of negligence.**

Failure to comply with this chapter shall not be considered as evidence of either contributory or comparative negligence in any civil suit or insurance claim adjudication arising out of injury or death arising from a fire or the direct consequences of a fire; nor shall failure to comply with this chapter to be admissible as evidence in any trial of any civil action or insurance claim. (73 Del. Laws, c. 391, § 1.)

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# DELAWARE STATE FIRE PREVENTION REGULATIONS

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## Appendix C

### Cross Reference of Statutes Applicable to Fire Regulations

Delaware Code cross reference for those sections applicable to the Delaware State Fire Prevention Regulations.

## TITLE 7 CONSERVATION

### Chapter 5. Regulations and Prohibitions Concerning Game and Fish

§ 713 Fire Regulations, Penalty

## TITLE 11 CRIMES AND CRIMINAL PROCEDURE

### Chapter 5. Specific Offenses

§ 501 Criminal Solicitation in the third degree  
§ 502 Criminal Solicitation in the second degree  
§ 503 Criminal Solicitation in the first degree  
§ 511 Conspiracy in the first degree  
§ 512 Conspiracy in the second degree  
§ 513 Conspiracy in the third degree  
§ 531 Attempt to Commit a Crime  
§ 603 Reckless Endangering in the second degree  
§ 604 Reckless Endangering in the first degree  
§ 621 Terroristic Threatening  
§ 622 Hoax Device  
§ 801 Arson in the third degree  
§ 802 Arson in the second degree  
§ 803 Arson in the first degree  
§ 804 Reckless Burning  
§ 805 Cross or Religious Symbol Burning  
§ 843 Theft False Pretense  
§ 846 Extortion  
§ 871 Falsifying Business Records  
§ 913 Insurance Fraud  
§ 1243 Obstructing Fire Fighting Operations  
§ 1244 Hindering Prosecution  
§ 1245 Falsely Reporting an Incident  
§ 1323 Obstructing Public Passages  
§ 1338 Bombs, Incendiary Devices, Molotov Cocktails, and Explosive Devices  
§ 1444 Possessing a Destructive Weapon

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# DELAWARE STATE FIRE PREVENTION REGULATIONS

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## TITLE 16 HEALTH AND SAFETY

### Chapter 64. Amusement Rides Safety Inspection and Insurance Act

- § 6401 Short Title
- § 6402 Definitions
- § 6403 Administration; Enforcement
- § 6404 Amusement Ride Operation Requirements
- § 6404A Requirements for Commercial Bungee Jumping Operations
- § 6405 Insurance Filing Requirements
- § 6406 Insurance Information Request
- § 6407 Denial of Entry to Amusement Rides
- § 6408 Injunctions
- § 6409 Penalties

### Chapter 65. Fires

- § 6501 Liability for Negligent Burning

### Chapter 66. Fire Prevention

- § 6601 State Fire Prevention Commission - Appointment; qualifications; cause for removal; term of office; members to serve without compensation
- § 6602 Same - Organizations and Meetings
- § 6603 Same - Promulgation of Regulations
- § 6604 Same - Public Hearings and Notices
- § 6605 Same - Powers in Conduct of Public Hearing
- § 6606 State Fire Marshal - appointment; term; salary
- § 6607 State Fire Marshal - Duties and Powers
- § 6608 Appeals to the State Fire Prevention Commission - Procedure
- § 6609 Same - Powers upon appeal
- § 6610 Court Review of decision of State Fire Prevention Commission; procedure
- § 6611 Maintenance of fire hazard, violations of regulations or chapter; enforcement; remedies and penalties
- § 6612 Annual report; financial statement; budget
- § 6613 State Fire School - Location; supervision; purposes
- § 6614 Same - Commission's powers and duties
- § 6615 Same - School attendance fees
- § 6616 Same - Director and employees
- § 6616A Same - Liability in the performance of instructional service.
- § 6617 Same - Building and equipment
- § 6618 Advisory Boards
- § 6619 Power of Commission to authorize new fire companies or substations; resolve boundary and other disputes; prohibit cessation of necessary fire protection services
- § 6620 Reports from insurance companies; reports of investigations by Fire Commission
- § 6621 Injunctive relief
- § 6622-6624 Residential smoke detectors – Required; installation; penalty.
- § 6625 Protection of Records
- § 6631 Smoke Detectors Required

## **DELAWARE STATE FIRE PREVENTION REGULATIONS**

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- § 6632 Smoke detection installation in one- and two-family dwellings; mobile homes; modular homes; townhouses
- § 6633 Smoke detector installation: other residential occupancies
- § 6634 Smoke detectors: compliance dates
- § 6635 Smoke detectors, penalties for noncompliance
- § 6636 Exceptions: claims of negligence
- § 6637 Fire Detection Fund
- § 6638 Definitions
- § 6639 Initial installation requirements
- § 6640 Fire alarm signaling monitoring companies
- § 6641 Testing of fire alarm signaling systems
- § 6642 Inspection and maintenance of fire alarm signaling systems
- § 6643 Fire alarm activation
- § 6644 Excessive false alarm prohibited
- § 6645 Civil penalties and appeals

### **Chapter 69. Fireworks**

- § 6901 Selling or possessing fireworks; exceptions
- § 6902 Discharging rifle or other explosives; exceptions
- § 6903 Permit for public display of fireworks; actions by injured persons
- § 6904 Confiscation of illegally stored fireworks or explosives

### **Chapter 70. Storage of Explosives**

- § 7001 Signs on premises containing stored explosives
- § 7002 Exceptions
- § 7003 Storage within residential district prohibited
- § 7004 Penalties

### **Chapter 71.**

#### **Sale, Purchase, Receipt, Possession, Transportation, Use, Safety and Control of Explosive Materials**

- § 7101 Scope
- § 7102 Definitions
- § 7103 General Provisions
- § 7104 Purchase, receipt and possession
- § 7105 Sale
- § 7106 Licensed blasters
- § 7107 Administration
- § 7108 Authority to purchase in contiguous states
- § 7109 Records
- § 7110 Safety
- § 7111 Notice to affected persons
- § 7112 Transportation
- § 7113 Penalties
- § 7114 Limitation on legislation

# DELAWARE STATE FIRE PREVENTION REGULATIONS

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## Chapter 71a. Reduced Ignition Propensity Cigarettes

- § 7116. Definitions.
- § 7117. Test method and performance standard.
- § 7118. Certification of compliance by manufacturers.
- § 7119. Package markings.
- § 7120. Enforcement and penalties.
- § 7121. Fire Prevention and Public Safety Fund.
- § 7122. Exemptions.
- § 7123. Sale outside of Delaware.
- § 7124. Effective date.
- § 7125. Effect of Federal regulation.

## Chapter 72. Liquefied Petroleum Gas Containers

- § 7201. Definitions.
- § 7202. Unlawful use, filling or refilling of containers.
- § 7203. Presumptive evidence of unlawful use.
- § 7204. Arrest for violation.
- § 7205. Penalty and jurisdiction.
- § 7206. Disposition of fines and costs.
- § 7207. Nonapplicability to small containers.
- § 7208. Ownership of liquefied petroleum gas containers.

## Chapter 73. Products Utilizing Petroleum Derivatives

- § 7301. Selling without fire test; method of testing
- § 7302. Tests by State Chemist; fees
- § 7303. Report of test failures to Attorney General
- § 7304. Civil liability
- § 7305. Legislative intent
- § 7306. Definitions
- § 7307. Sale and use of portable oil-fueled heaters
- § 7308. Requirements for approved portable oil-fueled heaters
- § 7309. Storage of kerosene
- § 7310. Authority of State Fire Prevention Commission
- § 7311. Penalties; jurisdiction
- § 7312. Kerosene labeling requirements
- § 7313. Kerosene inspection, sampling and testing
- § 7314. Penalties

## Chapter 75. Fire Escapes and Exits

- § 7501. Buildings requiring fire escapes; exceptions
- § 7502. Inspections and certificates of compliance; fee

## **DELAWARE STATE FIRE PREVENTION REGULATIONS**

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§ 7503 Regulation of doors in public places

§ 7504 Penalties

### **Chapter 88.**

#### **Student Dormitories and Student Residential Housing Fire Suppression Systems**

§ 8801 Legislative Finding; purpose

§ 8802 Definitions

§ 8803 Dormitories to have automatic fire suppression systems, compliance rate

§ 8804 Rules and regulations promulgation by State Fire Prevention Commission

§ 8805 Office of the State Fire Marshal to assist with plan review and technical assistance

§ 8806 Automatic fire suppression system; penalties for non compliance

§ 8807 Exceptions, claims of negligence

## **TITLE 21 MOTOR VEHICLES**

### **Chapter 70. Fire Lanes**

§ 7001 Stopping, standing, or parking in fire lanes; penalty

§ 7002 Immunity for enforcement; exception

§ 7003 Owner prima facie responsible

## **TITLE 29 STATE GOVERNMENT**

### **Chapter 82. Department of Safety and Homeland Security**

§ 8222 Short title. Hazardous Materials Transportation Act of 1979

§ 8223 Declaration of policy; findings and fact

§ 8224 Definitions

§ 8225 Adoption of Federal requirements

§ 8227 Remedies (enforcement State Fire Marshal)

§ 8228 Penalties

§ 8229 Exclusive state regulation; general repealer

# DELAWARE STATE FIRE PREVENTION REGULATIONS

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## APPENDIX D NFPA Publications For Guidance Numerical Listing

The following Standards, Recommendations, Recommended Practices, Manuals, Guides, and Model Laws are included here for reference and guidance in the application of the State of Delaware Fire Prevention Rules and Regulations when a particular problem is not otherwise covered by a Code, Standard, or Law Provision. The Fire Marshal may use the provisions of these Standards, Recommendations, Recommended Practices, Manuals, Guides, and Model Laws as appropriate criteria for meeting the intent of the State of Delaware Fire Prevention Rules and Regulations in those cases.

<b>NFPA NO.</b>	<b>DATE OF PUBLICATION</b>	<b>TITLE</b>
11C	1995	Mobile Foam Apparatus, Standard for
43D	1994	Code for the Storage of Pesticides
46	1996	Recommended Safe Practice for Storage of Forest Products
49	1994	Hazardous Chemicals Data
53	2004	Guide on Fire Hazards in Oxygen Enriched Atmospheres
68	2007	Guide for Venting of Deflagrations
70B	2006	Recommended Practice for Electrical Equipment Maintenance
70E	2009	Standard for Electrical Safety Requirements for Employee Workplaces
77	2007	Recommended Practice on Static Electricity
80A	2007	Recommended Practice for Protection of Buildings from Exterior Fire Exposures
85	2007	Boiler and Combustion Systems Hazards Code
97	1996	Standard Glossary of Terms Relating to Chimneys, Vents, and Heat-Producing Appliances
99B	2005	Standard for Hypobaric Facilities
101A	2007	Guide on Alternative Approaches to Life Safety
105	2007	Standard for the Installation of Smoke Door Assemblies
115	2008	Standard for Laser Fire Protection
130	2007	Standard for Fixed Guideway Transit Systems
203	1995	Guide for Roof Coverings and Roof Deck Construction
204	2007	Standard for Smoke and Heat Venting
231E	1996	Recommended Practice for the Storage of Baled Cotton
232	2007	Standard for Protection of Records
251	2006	Standard Methods of Tests of Fire Resistance of Building Construction and Materials
252	2008	Standard Methods of Fire Tests of Door Assemblies
253	2006	Standard Method of Test for Critical Radiant Flux of Floor Covering Systems Using a Radiant Heat Energy Source
255	2006	Standard Method of Test of Surface Burning Characteristics of Building Materials
256	2003	Standard Methods of Fire Tests of Roof Coverings
257	2007	Standard on Fire Test for Window and Glass Block Assemblies
258	2001	Standard Research Test Method for Determining Smoke Generation of Solid Materials
259	2009	Standard Test Method for Potential Heat of Building Materials
260	2009	Standard Methods of Tests and Classification System for Cigarette Ignition Resistance of Components of Upholstered Furniture
261	2009	Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to Ignition by Smoldering Cigarettes
262	2007	Standard Method of Test for Flame Travel and Smoke of Wires and Cables for Use in Air-Handling Spaces
263	1994	Heat and Visible Smoke Release Rates for Materials and Products, Standard Method of Test for

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## DELAWARE STATE FIRE PREVENTION REGULATIONS

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264	1995	Standard Method of Test of Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter
264A	1994	Method of Test for Heat Release Rates for Upholstered Furniture Components or Composites and Mattresses Using an Oxygen Consumption Calorimeter
265	2007	Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls
268	2007	Standard Test Method for Determining Ignitibility of Exterior Wall Assemblies Using a Radiant Heat Energy Source
269	2007	Standard Test Method for Developing Toxic Potency Data for Use in Fire Hazard Modeling
291	2007	Recommended Practice for Fire Flow Testing and Marking of Hydrants
295	1991	Standard for Wild Fire Control
297	1995	Guide on Principles and Practices for Communications Systems
299	1991	Standard for Protection of Life and Property from Wildfire
318	2009	Standard for the Protection of Semiconductor Fabrication Facilities
325	1994	Guide to Fire Hazard Properties of Flammable Liquids, Gases, and Volatile Solids
328	1992	Recommended Practice for the Control of Flammable and Combustible Liquids and Gases in Manholes, Sewers, and Similar Underground Structures
329	2005	Recommended Practice for Handling Releases of Flammable and Combustible Liquids and Gases
419	1992	Guide for Master Planning Airport Water Supply Systems for Fire Protection
423	2004	Standard for Construction and Protection of Aircraft Engine Test Facilities
424	2008	Guide for Airport/Community Emergency Planning
491M	1991	Manual of Hazardous Chemical Reactions
497	2008	Recommended Practice for the Classification of Flammable Liquids, Gases, or Vapors and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas
497M	1991	Manual for Classification of Gases, Vapors, and Dusts for Electrical Equipment in Hazardous (Classified) Locations
499	2008	Recommended Practice for the Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas
512	1994	Standard for Truck Fire Protection
555	2009	Guide on Methods for Evaluating Potential for Room Flashover
600	2005	Standard on Industrial Fire Brigades
601	2005	Standard for Security Service in Fire
701	2004	Standard Methods of Fire Tests for Flame Propagation of Textiles and Films
705	2009	Recommended Practice for a Field Flame Test for Textiles and Films
801	2008	Standard for Facilities Handling Radioactive Materials
802	1993	Recommended Practice for Fire Protection for Nuclear Research and Production Reactors
803	1993	Standard for Fire Protection for Light Water Nuclear Power Plants
804	2006	Standard for Fire Protection for Advanced Light Water Reactor Electric Generating Plants
805	2006	Performance-Based Standard for Fire Protection for Light Water Reactor Electric Generating Plants
820	2008	Standard for Fire Protection in Wastewater Treatment and Collection Facilities
850	2005	Recommended Practice for Fire Protection for Electric Generating Plants and High Voltage Direct Current Converter Stations
851	2005	Recommended Practice for Fire Protection for Hydroelectric Generating Plants
901	2006	Standard Classifications for Incident Reporting and Fire Protection Data
914	2007	Code for Fire Protection of Historic Structures
1141	2008	Standard for Fire Protection in Planned Building Groups
1600	2007	Standard on Disaster/Emergency Management and Business Continuity Programs

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## APPENDIX D NFPA Publications For Guidance Alphabetical Listing

The following Standards, Recommendations, Recommended Practices, Manuals, Guides and Model Laws are included here for reference and guidance in the application of the State of Delaware Fire Prevention Rules and Regulations when a particular problem is not otherwise covered by a Code, Standard, or Law Provision. The Fire Marshal may use the provisions of these Standards, Recommendations, Recommended Practices, Manuals, Guides and Model Laws as appropriate criteria for meeting the intent of the State of Delaware Fire Prevention Rules and Regulations in those cases.

<b>NFPA NO.</b>	<b>DATE OF PUBLICATION</b>	<b>TITLE</b>
423	2004	Aircraft Engine Test Facilities, Standard for Construction and Protection of
424	2008	Airport/Community Emergency Planning, Guide for
419	1992	Airport Water Supply Systems for Fire Protection, Guide for Master Planning
101A	2007	Alternative Approaches to Life Safety, Guide on
231E	1996	Baled Cotton, Recommended Practice for the Storage of
85	2007	Boiler and Combustion Systems Hazards Code
251	2006	Building Construction and Materials, Standard Methods of Tests of Fire Resistance of
259	2003	Building Materials, Standard Test Method for Potential Heat of
255	2006	Building Materials, Standard Method of Test of Surface Burning Characteristics of
491M	1991	Chemical Reactions, Hazardous, Manual of
49	1994	Chemicals Data, Hazardous
97	1996	Chimneys, Vents, and Heat-Producing Appliances, Standard Glossary of Terms Relating to
260	2009	Cigarette Ignition Resistance of Components of Furniture, Standard Methods of Tests and Classification System for
297	1995	Communications Systems, Guide on Principals and Practices for
1600	2007	Standard on Disaster/Emergency Management and Business Continuity Programs
252	2008	Door Assemblies, Standard Methods of Fire Tests of
497M	1991	Electrical Equipment in Hazardous (Classified) Locations, Manual for Classification of Gases, Vapors, and Dusts for
70B	2006	Electrical Equipment Maintenance, Recommended Practice for
850	2005	Electric Generating Plants and High Voltage Direct Current Converter Stations, Recommended Practice for Fire Protection for
804	2006	Electric Generating Plants, Standard for Fire Protection for Advanced Light Water Reactor
805	2006	Reactor Electric Generating Plants, Performance-Based Standard for Fire Protection for Light Water
497	2008	Electrical Installations in Chemical Process Areas, Recommended Practice for the Classification of Flammable Liquids, Gases, or Vapors and of Hazardous (Classified) Locations for
499	2008	Recommended Practice for the Classification of Combustible Dusts and of Hazardous (Classified) Locations for Electrical Installations in Chemical Process Areas
70E	2009	Electrical Safety Requirements for Employee Workplaces, Standard for
80A	2007	Exterior Fire Exposures, Recommended Practice for Protection of Buildings from
268	2007	Exterior Wall Assemblies, Standard Test Method for Determining Ignitibility of, Using a Radiant Heat Energy Source
705	2009	Field Flame Test for Textiles and Films, Recommended Practice for a
269	2007	Fire Hazard Modeling, Standard Test Method for Developing Toxic Potency Data for Use in

## DELAWARE STATE FIRE PREVENTION REGULATIONS

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329	2005	Flammable and Combustible Liquids and Gases, Recommended Practice for Handling Releases of
328	1992	Flammable and Combustible Liquids and Gases in Manholes, Sewers, and Similar Underground Structures, Recommended Practice for the Control of
325	1994	Flammable Liquids, Gases, Volatile Solids, Guide to Fire Hazard Properties of
555	2009	Flashover, Room, Guide on Methods for Evaluating Potential for
253	2006	Floor Covering Systems Using a Radiant Heat Energy Source, Standard Method of Test for Critical Radiant Flux of
46	1996	Forest Products, Recommended Safe Practice for Storage of
263	1994	Heat and Visible Smoke Release Rates for Materials and Products, Standard Method of Test for
264	1995	Heat and Visible Smoke Release Rates for Materials and Products Using an Oxygen Consumption Calorimeter, Standard Method of Test for
914	2007	Historic Structures, Code for Fire Protection of
291	2007	Hydrants, Recommended Practice for Fire Flow Testing and Marking of
851	2005	Hydroelectric Generating Plants, Recommended Practice for Fire Protection for
99B	2005	Hypobaric Facilities, Standard for
901	2006	Incident Reporting and Fire Protection Data, Standard Classifications for
261	2009	Ignition by Smoldering Cigarettes, Standard Method of Test for Determining Resistance of Mock-Up Upholstered Furniture Material Assemblies to
600	2005	Industrial Fire Brigades, Standard on
115	2008	Laser Fire Protection, Standard for
11C	1995	Mobile Foam Apparatus, Standard for
803	1993	Nuclear Power Plants, Light Water, Standard for Fire Protection for
802	1993	Nuclear Research and Production Reactors, Recommended Practice
53	2004	Oxygen Enriched Atmospheres, Guide on Fire Hazards in
43D	1994	Pesticides, Code for the Storage of
1141	2008	Planned Building Groups, Standard for Fire Protection in
801	2008	Radioactive Materials, Standard for Facilities Handling
232	2007	Standard for Protection of Records
203	1995	Roof Coverings and Roof Deck Construction, Guide on
256	2003	Roof Coverings, Standard Methods of Fire Tests of
601	2005	Security Service in Fire Loss Prevention, Standard for
318	2009	Semiconductor Fabrication Facilities, Standard for the Protection of
105	2007	Smoke Door Assemblies, Standard for the Installation of
204	2007	Smoke and Heat Venting, Standard for
258	2001	Smoke Generation of Solid Materials, Standard Research Test for Determining
77	2007	Static Electricity, Recommended Practice on
265	2007	Standard Methods of Fire Tests for Evaluating Room Fire Growth Contribution of Textile Coverings on Full Height Panels and Walls
701	2004	Textiles and Films, Standard Methods of Fire Tests for Flame Propagation of
130	2007	Transit Systems, Fixed Guideway, Standard for
512	1994	Truck Fire Protection, Standard for
264A	1994	Upholstered Furniture Components or Composites and Mattresses Heat Release Rates for
68	2007	Venting of Deflagrations, Guide for
820	2008	Wastewater Treatment and Collection Facilities, Standard for Fire Protection in
295	1991	Wild Fire Control, Standard for
299	1991	Wildfire, Standard for Protection of Life and Property from
262	2007	Wires and Cables for Use in Air-Handling Spaces, Standard Method of Test for Flame Travel and Smoke of
257	2007	Window and Glass Block Assemblies, Standard on Fire Test for

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# DELAWARE STATE FIRE PREVENTION REGULATIONS

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## Appendix E

### Permits, Licenses, and Other Fees

**Amusement Ride Fees.** The cost of any fee for amusement rides shall be \$20.00 per year, not to exceed a total of \$100.00. (16 Del. C. §6403)

**Blaster's License.** The cost of a Blaster's License shall be \$10.00 per year. (16 Del. C. §7107(b)).

**Certificate Of Inspection For Fire Alarm Signaling Systems Fees.** The cost of an Annual Certificate of Inspection shall be as follows:

(a) Apartment or other multi-family dwellings:

(1) Five (5) or less buildings per complex: \$25.00 for each fire alarm system;

The term "complex" as is referenced in these portions of the Delaware State Fire Prevention Regulation, is to indicate apartments or multi-family buildings that are located in the same general geographic area and owned by the same individual(s) or management group or other business entity.

(2) More than five (5) buildings per complex: \$15.00 for each fire alarm system up to a maximum of twenty (20) buildings. Maximum fee per complex not to exceed \$300.00 for fire alarm systems.

(b) All other occupancies - \$25.00 per system

(16 Del. C. §6607(g)(5)c.).

**Certificate Of Inspection For Fire Suppression Systems Fees.** The cost of an Annual Certificate of Inspection shall be as follows:

(a) Apartment or other multi-family dwellings:

(1) Five (5) or less buildings per complex: \$25.00 for each fire suppression system;

The term "complex" as is referenced in these portions of the Delaware State Fire Prevention Regulation, is to indicate apartments or multi-family buildings that are located in the same general geographic area and owned by the same individual(s) or management group or other business entity.

(2) More than five (5) buildings per complex: \$15.00 for each fire suppression system up to a maximum of twenty (20) buildings. Maximum fee per complex not to exceed \$300.00 for fire suppression systems.

(b) All other occupancies - \$25.00 per system

(16 Del. C. §6607(g)(5)c.).

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**Explosives Storage.** The cost of a license to store explosives shall be \$10.00 per year. (16 Del. C. §7101(b)).

**Fire Alarm Central Station, Remote Station, or Monitoring Service or Company License.** The cost of an annual license for a Fire Alarm Central Station, Remote Station, or Monitoring Service or Company shall be \$25.00.

**Fire Alarm Signaling System Company License.** The cost of an annual license for a Fire Alarm Signaling System Company shall be \$25.00.

**Fire Alarm Signaling System Certificate Holder.** The cost of an annual certificate for a CERTIFICATE HOLDER of a Fire Alarm Signaling System Company shall be \$25.00.

**Fire Suppression System Company License.** The cost of an annual license for a Fire Suppression System Company shall be \$25.00.

**Fire Suppression System Certificate Holder.** The cost of an annual certificate for a CERTIFICATE HOLDER of a Fire Suppression System Company shall be \$25.00.

**In-House License Fees.** Where a Fire Alarm Signaling System In-House or Fire Suppression System In-House License is issued, a maximum of \$100.00 per Fire Alarm Signaling or Fire Suppression System shall be charged for each system serviced by the system owner (16 Del. C. §6607 (g)(5)a.)

**Licenses/Permits That Require An On-Site Inspection Prior To Issuing A License Or Permit.** \$25.00 per license or permit. (16 Del. C. §6607(g)(5)c.).

**Licenses/Permits That Do Not Require An On-Site Inspection Prior To Issuing A License Or Permit.** \$10.00 per license or permit. (16 Del. C. §6607(g)(5)c.).

**License To Service Portable Fire Extinguishers.** The cost of a License to service portable fire extinguishers shall be \$50.00 per year (16 Del. C. §6607(g)(5)b.).

**Plan Review User Fee Schedule.** The State Fire Marshal, under the provisions 16 Del. C. §6607(g)(1) - §6607(g)(4), hereby establishes the below listed Plan Review User Fee to be paid by the submitter of plans to the State of Delaware, Office of State Fire Marshal.

(a) Effective July 1, 2009: .007/.003

7/10 of 1% of construction costs up to the first million dollars of construction costs.

3/10 of 1% of construction costs in excess of one million dollars of construction costs.

Minimum Plan Review Fee of \$150.00 on all plans.

(b) Sub-Division Plan Reviews

1. Major Subdivisions - \$150.00
2. Minor Subdivisions - \$150.00

(c) Special Fees For Warehouses

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When calculating the fee schedule for warehouses and similar low use buildings, the submitter shall have the choice of using the fee schedule listed in A and B above or, he may use the following calculation:

$$\text{Gross Square Footage} \times \$30 = \text{Construction Cost}$$

Then apply the percentages listed in A and B above to this calculated construction cost.

(d) Revision Of Fees.

The fees as authorized by 16 Del. C. §6607 shall be the maximum allowed by the State Fire Prevention Commission, and shall be reviewed every two years.

### **Detailed Fee List**

#### **Annual Certificate/License Required**

<u>Annual Certificate/License</u>	<u>Annual Fee</u>
Covered Malls	\$ 25.00
Explosives	\$ 10.00
Fire Alarm Central Station, Remote Station, or Monitoring Service or Company License	\$25.00
Fire Alarm Certificate Holder	\$ 25.00
Fire Alarm Certificate of Inspection per System	\$ 25.00
<i>Exception: Apartment or other multi-family dwellings:</i>	
(1) Five (5) or less buildings per complex: \$25.00 for each fire alarm system;	
(2) More than five (5) buildings per complex: \$15.00 for each fire alarm system up to a maximum of twenty (20) buildings. Maximum fee per complex not to exceed \$300.00 for fire alarm systems.	
Fire Alarm Company License	\$ 25.00
Fire Extinguisher License	\$ 50.00
Fire Suppression Certificate Holder	\$ 25.00
Fire Suppression Certificate of Inspection per System	\$ 25.00
<i>Exception: Apartment or other multi-family dwellings:</i>	
(1) Five (5) or less buildings per complex: \$25.00 for each fire suppression system;	
(2) More than five (5) buildings per complex: \$15.00 for each fire suppression system up to a maximum of twenty (20) buildings. Maximum fee per complex not to exceed \$300.00 for fire suppression systems.	

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Fire Suppression Company License	\$ 25.00
Fireworks Shooters	\$ 25.00
Flammable/Combustible Liquids	\$ 25.00
Fun House	\$ 25.00
In-House Fire Alarm Signaling System License (per system)	\$100.00
In-House Fire Suppression System License (per system)	\$100.00
Liquified Petroleum Gas	\$ 25.00
Places of Assembly	\$ 25.00
Public Accommodations	\$ 25.00

### Permit Required For Single Event

<u>Single Event</u>	<u>Event Fee</u>
Amusement Rides (Not to exceed \$100.00)	\$ 20.00 per ride
Amusement Attraction	\$ 25.00
Bowling Lanes	\$ 25.00
Burning	\$ 25.00
Exhibits, Craft, Trade Shows	\$ 25.00
Explosives	\$ 25.00
Fireworks	\$ 25.00
Impairment of Fire Protection	\$ 25.00
Place of Assembly Special Events	\$ 25.00

## DELAWARE STATE FIRE PREVENTION REGULATIONS

### Appendix F - Table One Owner Performed

#### Testing, Inspection, and Maintenance of Fire Suppression Systems As Required by Regulation 703, Chapter 1 and the Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems NFPA 25, 2008 Edition

This brief summary of periodic tests, inspections, and maintenance is not all inclusive, and, to assist in the performance of these services, the user is advised to purchase the applicable documents from NFPA (1-800-344-3555). These periodic tests, inspections, and maintenance **may** be performed by the owner or the owner's maintenance staff. A log book **must** be maintained by the owner for each system. The log book **must** include the date the service was performed, the type of service performed, and the person performing the service. An asterisk (\*) denotes servicing which **must** be performed **at least annually** (once a year) by a company licensed by the Office of State Fire Marshal, Licensing Division, (302) 739-4394.

Item	Activity	Frequency	Service	Section #
<b>General</b>				
Gauges, Pressure	Inspection	*Monthly	Wet System	§5.2.4
	*Weekly		Dry, Preaction, Deluge Systems	§5.2.4
Control Valves	Inspection	*Weekly	Valves (not supervised or secured)	§13.3.2.1
		*Monthly	supervised and secured Valves	§13.3.2.1.1
	Testing	*Annual	Operated through its full range	§13.3.3.1
Alarm Devices	Testing	*Semiannual	Vane type devices	§5.3.3.
	Testing	*Quarterly	Wet System: flow water thru inspectors test	§5.3.3.3
			Dry/Preaction/Deluge: use bypass connection	§5.3.3.5
Fire Dept Conn.	Inspection	*Quarterly	Visible, accessible, operating condition	§13.7.1
Alarm Valves	Inspection	*Monthly	Free of damage, leakage, in proper position	§13.4.1.1
<b>Backflow Prevention Assemblies</b>				
Reduced Pressure	Inspection	*Weekly	Differential sensing valve relief port	§13.6.1.2
R.P. Detector	Inspection	*Weekly	Differential sensing valve relief port	§13.6.1.2 Main
Drain	Testing	*Quarterly	Test to check condition of water supply	§13.6.1 Water
Flow Alarm	Testing	*Quarterly	Test in accordance with manufacturer	§13.2.7
<b>Preaction/Deluge Valves</b>				
Enclosure	Inspection	Daily	In cold weather only, maintain 40 degrees	§13.4.3.1
Valve Exterior	Inspection	*Monthly	Free of damage, leakage, trim valves set properly, electrical components operational	§13.4.3.1.6
<b>Dry Valves/Quick-Opening Devices</b>				
Enclosure	Inspection	Daily	In cold weather only, maintain 40 degrees	§13.4.4.1.1
Valve Exterior	Inspection	*Monthly	Free of damage, leakage, trim valves set properly, electrical components operational	§13.4.4.1.4
<b>Pressure Regulating and Relief Valves Sprinkler System</b>				
	*Quarterly		Valves open, no leakage, proper pressure	§13.5.1.1
Hose Connection	Inspection	*Quarterly	Valves okay, no leakage, all parts present	§13.5.2.1
Hose Rack	Inspection	*Quarterly	Valves okay, no leakage	§13.5.3.1
<b>Fire Pump Relief Valves</b>				
Circulation	Inspection	*Weekly	Water flows thru valve at churn	§13.5.6.1
Pressure	Inspection	*Weekly	Water flows thru valve at rated pressure	§13.5.6.2
<b>Standpipes</b>				

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Piping	Inspection	*Quarterly	All parts present, operable, in good condition	§6.2.1
	Inspection	Monthly	See Table 6.1	§6.2.1
Hose Valve Outlets	Inspection	*Quarterly	All parts present & in good condition	§13.5.6.1
	Inspection	Monthly	See Table 6.1	§13.5.6.1
<b>Fire Pumps</b>				
Pump House	Inspection	*Weekly	In cold weather, see Tables 8.1	§8.1
System	Inspection	*Weekly	See Table 8.5.3	§8.2
Pump Operation				
No Flow	Testing	*Weekly	Electric: auto start and run 10 minutes min.	§8.3.1
			Diesel: auto start and run 30 minutes min.	§8.3.1
<b>Foam Water Sprinkler System</b>				
Discharge Devices	Inspection	*Monthly	No damage/corrosion, in place w/proper aim	§11.2.5
Strainer	Inspection	*Quarterly	Blow-down Valve, blankets/screens	§11.2.9.2
Drainage	Inspection	*Quarterly	Free of blockage, embankments good repair	§11.2.8
Fittings/Piping	Inspection	*Quarterly	No damage/corrosion/missing parts	§11.2.3
Hangers/Support	Inspection	*Quarterly	No damage/corrosion, attachments secure	§11.2.4
<b>Foam Water Sprinkler Proportioning System</b>				
Standard Pressure	Inspection	*Monthly	No corrosion, ball drip valves free/opened	§11.2.9.5.1
Bladder Tank	Inspection	*Monthly	No corrosion, water control valves in position	§11.2.9.5.2
Line Proportioner	Inspection	*Monthly	No corrosion, pressure vacuum vent operable	§11.2.9.5.3
Standard Balanced	Inspection	*Monthly	Pressure vacuum vent, sensing lines, gauges	§11.2.9.5.4
In-Line Balanced	Inspection	*Monthly	Pressure vacuum vent, sensing lines, gauges	§11.2.9.5.5
Orifice Plate	Inspection	*Monthly	Pressure vacuum vent, sensing lines, gauges	§11.2.9.5.6
<b>Private Fire Service Mains</b>				
Hose House	Inspection	Quarterly	Accessible, free of damage, all parts present	§7.2.2.7
	Maintenance	Annually	Hoses and all parts in usable condition	§7.4.1
Hydrant House	Inspection	Quarterly	Accessible, free of damage, all parts present	§7.2.2.7
	Maintenance	Annually	Hoses and all parts in usable condition	§7.2.2.7
Hydrant: Wall/Dry	Inspection	Annually	Accessible, no water in barrel, operable	§7.2.2.4
	Testing	Annually	Flow Test, minimum one minute	§7.3.2
	Maintenance	Annually	Lubricate stems, caps, plugs, threads	§7.4.2
Hydrant: Wet	Inspection	Annually	Accessible, free of damage, operable	§7.2.2.5
	Testing	Annually	Flow Test, minimum one minute	§7.3.2
	Maintenance	Annually	Lubricate stems, caps, plugs, threads	§7.4.2
Monitor Nozzle	Inspection	2 Times/Year	Free of damage, no leakage, no corrosion	§7.2.2.6
	Testing	Annually	Full range oscillation and movement	§7.3.3
	Testing	Annually	When attached to hydrants, per NFPA 25	§7.3.3.1
	Maintenance	Annually	Lubricate	§7.4.3

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Mainline Strainer	Inspection	Annually	Clean, free of damage and corrosion	§7.2.2.3
	Maintenance	Annually	Clean annually & after each use	§7.5.1
Piping:				
Exposed	Inspection	Annually	Free of damage, no leakage, no corrosion	§7.2.2.1
	Testing	Every 5 Years	Fire Flow Test for internal conditions	§7.3.1
Underground	Testing	Every 5 Years	Fire Flow Test for internal conditions	§7.3.1
<b>Water Spray Fixed System</b>				
Drainage	Inspection	Monthly	Free of blockage, embankments good repair	§10.2.8
Fittings/Piping	Inspection	*Quarterly	No damage/corrosion/rust/missing parts	§10.2.4.1
Hangers/Support	Inspection	*Quarterly	No damage/corrosion/rust/missing parts	§10.2.4.2
Heat/Valve Room	Inspection	*Monthly	Maintain 40 degrees F	§10.2.1.5
	Inspection	Weekly	In cold weather, inspect daily	§10.2.1.5
Nozzles	Inspection	*Monthly	No damage/corrosion, in place w/proper aim	§10.2.1
Strainers	Inspection	*Per Mfr	Flushed clear after each operation or test	§10.2.7
<b>Water Storage Tanks</b>				
Condition/Level	Inspection	Monthly	In cold weather only	§9.2.1
Level	Maintenance	Monthly	regardless if water level alarm is provided	§9.3
Level Alarm	Testing	*2 Times/Year	High and Low water level alarms tested	§9.3.5
Heating System	Inspection	Daily	In cold weather only	§9.2.6.6
Temperature	Inspection	Daily	In cold weather only maintain 40 degrees F	§9.2.3.2
Low Alarm	Testing	*Monthly	Where provided, test in cold weather	§9.3.3
High Alarm	Testing	Monthly	In cold weather, test limit switches	§9.3.4
Air Pressure	Inspection	*Monthly	In pressure tanks	§9.2.2.2
Tank Exterior,	Inspection	*Quarterly	Free of damage, no leakage, sound structure	§9.2.5.1
Tank Area/Yard	Inspection	Quarterly	Free of combustibles, corrosion, erosion, ice	§9.2.5.2
Hoops/Grillage	Inspection	Annually	In wooden tanks, no damage/deterioration	§9.2.5.4
Tank Surface	Inspection	Annually	Paint/Coat/Insulation no damage/deterioration	§9.2.5.5
	Maintenance	Per Mfr	Repaint steel tanks per manufacturer	§9.6.1
Tank Support	Maintenance	*Per Mfr	Embankment Supported Rubberized Fabric	§9.4.6
Expansion Joints	Inspection	*Annually	Where provided, no leaks, no cracks	§9.2.5
Sediment	Maintenance	*2 Times/Year	Drain and/or flush tank	§9.4.5

**Inspection:** A visual examination to verify an item is in operating condition and free of physical damage.

**Testing:** A procedure used to determine the status of a system operating as intended by conducting physical checks.

**Maintenance:** Work performed to keep equipment operable or to make repairs.

\*Servicing **may** be performed by an owner, but **must** be performed **at least** annually by a licensed company

## DELAWARE STATE FIRE PREVENTION REGULATIONS

### Appendix F Table Two Licensed Company Required Testing, Inspection, and Maintenance of Fire Suppression Systems As Required by Regulation 703, Chapter 1 and the Standard for the Inspection, Testing, and Maintenance of Water-Based Fire Protection Systems NFPA 25, 2008 Edition

This brief summary of periodic tests, inspections, and maintenance is not all inclusive, and, to assist in the performance of these services, the user is advised to purchase the applicable documents from NFPA (1-800-344-3555). These periodic services **must** be performed by a company licensed by the Office of State Fire Marshal, Licensing Division, (302) 739-4394. A log book **must** be maintained by the licensed company for each system. The log book **must** include the date the service was performed, the type of service performed, and the person performing the service. An asterisk (\*) denotes servicing which **may** be performed by an owner, but **must** be performed **at least annually** (once a year) by a licensed company. A licensed company must forward a Certificate of Inspection to the Office of State Fire Marshal within 30 days of the annual inspection.

Item	Activity	Frequency	Service	Section #	
<b>General</b>					
Gauges, Pressure	Inspection	*Monthly	Wet System	§5.2.4.1	
		*Weekly	Dry, Preaction, Deluge Systems	§5.2.4.2	
Control Valves	Testing	Every 5 Years	Calibration Test	§5.3.2	
	Inspection	*Weekly	Valves (not supervised or secured)	§12.3.2.1	
		*Monthly	Supervised/Secured Valves & Tamper Sws.	§12.3.2.1	
	Testing	Annually	Operate Valve - full range of motion	§12.3.3	
Alarm Devices	Maintenance	Annually	Oil/grease valve stems, open & close	§12.4.1.3	
	Inspection	*Quarterly	Free of damage/all connections secure	§5.3.3	
	Testing	*Quarterly	Wet System: flow water thru inspectors test Dry/Preaction/Deluge: use bypass connection	§5.3.3.3 §5.3.3.5	
Hangars	Inspection	Annually	Inspect for damaged or loose hangars	§5.2.3	
Piping	Inspection	Annually	No damage, leakage, corrosion, etc.	§5.2.2	
Sprinklers/Standard	Inspection	Annually	No corrosion, obstructions, paint, etc.	§5.2.1.1	
	Testing	After 50 Years	Submit samples to lab for operational test	§5.3.1.1.1	
	Testing	+10 Years	Repeat Every 10 years thereafter		
	Fast Response	Testing	After 20 Years	Submit samples to lab for operational test	§5.3.1.1.1.2
		Testing	+10 Years	Repeat Every 10 years thereafter	
High Temp.	Testing	Every 5 Years	Submit samples to lab for operational test	§5.3.1.1.1.3	
FD Connection	Inspection	*Quarterly	Visible, accessible, operating condition	§13.7.	
Alarm Valves	Inspection	*Monthly	Free of damage, leakage, in proper position	§13.4.1.1	
	Inspection	Every 5 Years	Internal inspection	§13.4.1.2	
Check Valves	Inspection	Every 5 Years	Internal inspection	§13.4.2.1	
<b>Backflow Prevention Assemblies</b>					
Reduced Pressure R.P. Detector	Inspection	*Weekly	Differential sensing valve relief port	§13.6.1.2	
	Inspection	*Weekly	Differential sensing valve relief port	§13.6.1.2	
Entire Assembly	Testing	Annually	Test in accordance with AHJ procedures	§13.6.2,	
Main Drain	Testing	*Quarterly	Test to check condition of water supply	§13.2.6	
Water Flow Alarm	Testing	*Quarterly	Test in accordance with manufacturer	§13.2.6	
<b>Preaction/Deluge Valves</b>					
Valve Exterior	Inspection	*Monthly	No damage, trim valves set properly, etc.	§13.4.3.1.6	
Valve Interior	Inspection	Annually	Internal inspection	§13.4.3.1.7	
Strainers/Filters	Inspection	Every 5 Years	Internal inspection	§13.4.3.1.8	
Priming Water	Testing	Quarterly	Test levels per manufacturer's instructions	§13.4.3.2.1	

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Low Press Alarm	Testing	Quarterly	Test per manufacturer's instructions	§13.4.3.2.12
Full Flow Test	Testing	Annually	In warm weather, test per manufacturer	§13.4.3.2.2
Valves	Testing	Annually	During Full Flow Test, clean & repair interior	§13.4.3.3.2
<b>Dry Valves/Quick-Opening Devices (Q.O.D.)</b>				
Valve Exterior	Inspection	*Monthly	No damage, trim valves set properly, etc.	§13.4.4.1.4
Valve Interior	Inspection	Annually	Internal Inspection	§13.4.4.1.5
Strainers/Filters	Inspection	Every 5 Years	Internal inspection	§13.4.4.1.6
Priming Water	Testing	Quarterly	Test levels per manufacturer's instructions	§13.4.4.2.1
Low Air Alarm	Testing	Quarterly	Test per manufacturer's instructions	§13.4.4.2.6
Q.O.D.	Testing	Quarterly	Test per manufacturer's instructions	§13.4.4.2.4
	Maintenance	Annually	During Trip Test, clean & repair interior	§13.4.4.3.2
Trip Test	Testing	Annually	In warm weather, test w/valve partially open	§13.4.4.2.2
Full Flow Test	Testing	Every 3 Years	In warm weather, test w/valve fully open	§13.4.4.2.2.2
<b>Pressure Regulating and Relief Valves</b>				
Sprinkler System	Inspection	*Quarterly	Valves open, no leakage, proper pressure	§13.5.1.1
	Testing	Annually	Flow test on each valve	§13.5.1.2
Hose Connection	Inspection	*Quarterly	Valves okay, no leakage, all parts present	§13.5.2.1
Hose Rack	Inspection	*Quarterly	Valves okay, no leakage	§13.5.3.1
<b>Fire Pump Relief Valves</b>				
Circulation	Inspection	*Weekly	Water flows thru valve at churn	§13.5.6.1
Pressure	Inspection	*Weekly	Water flows thru valve at rated pressure	§13.5.6.2
Circulation	Testing	Annually	Valve closes per manufacturer's listing	§13.5.6.1.2
Pressure Relief	Testing	Annually	Valve adjusted during Annual Fire Pump Test	§13.5.6.2.2
Hose Connections	Testing	Every 5 Years	Full Flow Test per manufacturer	§13.5.2.2
Hose Rack	Testing	Every 5 Years	Full Flow Test per manufacturer	§13.5.3.2
Obstruction	Maintenance	Every 5 Years	Investigate to ensure piping is free of debris	14.2.2
Anti-Freeze	Testing	Annually	Measure specific gravity of solution	§5.3.4
<b>Standpipes</b>				
Hose Valve Outlet	Inspection	*Quarterly	All parts present & in good condition	§6.2.1
Piping	Inspection	*Quarterly	All parts present, operable, in good condition	§6.2.1
Cabinet	Inspection	Annually	All parts present, operable, in good condition	§6.2.1
Hose	Inspection	Annually	All parts present, operable, in good condition	§6.2.1
	Testing	Every 5 Years	Per NFPA 1962	§6.3
	Testing	Every 3 Years	Per NFPA 1962	§6.3
Hose Storage	Inspection	Annually	All parts present, operable, in good condition	§6.2.1
	Testing	Annually	Test for smooth operation	§6.3
Hose Nozzle	Testing	Annually	Test for smooth operation	§6.3
Hydrostatic	Testing	Every 5 Years	200 psi for 2 hours	§6.3.2.1
Water Supply	Testing	Every 5 Years	Flow designed volume, pressure @ remote	§6.3.1.1
<b>Fire Pumps</b>				
Pump House	Inspection	*Weekly	In cold weather, see Tables 8.1 & 8.5.3	§8.2.2
	Inspection	*Weekly	See Table 8.5.3	§8.2.2
<b>Pump Operation</b>				
No Flow	Testing	*Weekly	Electric: auto start and run 10 minutes min.	§8.3.1.2
			Diesel: auto start and run 30 minutes min.	§8.3.1.3
Flow	Testing	Annually	Annual Flow Test	§8.3.3
Hydraulics, Transmission, Electrical Controller, Motor, and Diesel Parts	Maintenance	Annually	Establish preventive maintenance program, per manufacturer's instructions, on all components of the pump assembly	§8.5.3.4

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<b>Foam Water Sprinkler System</b>				
Discharge Devices	Inspection	*Monthly	No damage/corrosion, in place w/proper aim	§11.2.5
	Testing	Annually	Discharge patterns/proper location/position	§11.3.3.6
Strainer	Inspection	*Quarterly	Blow-down Valve, blankets/screens	§11.2.7
	Testing	Annually	After each test/remove/clean baskets/screens	§11.2.7.1
	Maintenance	Annually	Inspect and clean after each test	§11.4
Drainage	Inspection	*Quarterly	Free of blockage, embankments good repair	§11.2.9
Fittings/Piping	Inspection	*Quarterly	No damage/corrosion/missing parts	§11.2.3
Hangers/Support	Inspection	*Quarterly	No damage/corrosion, attachments secure	§11.-2.4
Complete System	Testing	Annually	Full Automatic & Manual Operational Test	§11.3.2
Concentrate Sample	Testing	Annually	During Annual Test, refractometric check	§11.3.5
	Maintenance	Annually	During Annual Test, submit sample per mfr	§11.2.10
Pump	Maintenance	Monthly	Pump run, circulate foam, maintenance/mfr	§11.4.1
<b>Foam Water Sprinkler Proportioning System</b>				
Standard Pressure	Inspection	*Monthly	No corrosion, ball drip valves free/opened	§11.2.9.5.1
	Maintenance	Every 5 Years	Disassemble/clean/reassemble ball drip valves	§11.4.3
	Maintenance	Every 10 Years	Drain/flush tank, hydro test	§11.4.3
Bladder Tank	Inspection	*Monthly	No corrosion, water control valves in position	§11.2.9.5.2
	Maintenance	Every 10 Years	Remove/clean sight glass, hydro test	§11.4.4
Line Proportioner	Inspection	*Monthly	No corrosion, pressure vacuum vent operable	§11.2.9.5.3
	Maintenance	Every 10 Years	Drain/flush tank, tank/piping corrosion check	§11.4.5
Standard Balanced	Inspection	*Monthly	Pressure vacuum vent, sensing lines, gauges	§11.2.9.5.4
	Maintenance	Every 5 Years	Flush valves, pump/drive train/driver per mfr	§11.4.6
In-Line Balanced	Inspection	*Monthly	Pressure vacuum vent, sensing lines, gauges	§11.2.9.5.5
	Maintenance	Every 5 Years	Flush valves, pump/drive train/driver per mfr	§11.4.7
	Maintenance	Every 10 Years	Internally inspect tank for corrosion	§11.4.7
Orifice Plate	Inspection	*Monthly	Pressure vacuum vent, sensing lines, gauges	§11.2.9.5.6
<b>Water Spray Fixed System</b>				
Fittings/Piping	Inspection	*Monthly	No damage/corrosion/rust/missing parts	§10.2.1&10.2.4.1
Hangers/Support	Inspection	*Monthly	No damage/corrosion/rust/missing parts	§10.2.4.2
Heat/Valve Room	Inspection	*Monthly	Maintain 40 degrees F	§10.2.1.5
Nozzles	Inspection	*Monthly	No damage/corrosion, in place w/proper aim	§10.2.1 / 10.2.5
\Strainers	Inspection	*Per Mfr	Flushed clear after each operation or test	§10.2.7
Operational Test	Testing	Annually	Full Manual & Automatic Operational Test	§10.1



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<b>Water Storage Tanks</b>				
Water Level	Inspection	*Quarterly	Where a water level alarm is provided	§9.2.1
Level Alarm	Testing	*2 Times/Year	High and Low water level alarms tested	§9.3.5
Level Indicators	Testing	Every 5 Years	Accuracy and freedom of movement	§9.3.1
Thermostats	Testing	Frequency per	manufacturer's specifications	§9.3.2
Low Temp Alarm	Testing	*Monthly	Where provided, test in cold weather	§9.3.3
Air Pressure	Inspection	*Monthly	In pressure tanks	§9.2.2
Tank Exterior,	Inspection	*Quarterly	Free of damage, no leakage, sound structure	§9.2.5.1
Tank Support	Maintenance	*Per Mfr	Embankment Supported Rubberized Fabric	§9.4.6
Expansion Joints	Inspection	*Annually	Where provided, no leaks, no cracks	§9.2.5.3
Interior	Inspection	Every 5 Years	Free of damage	§9.2.6.1
		Every 3 Years	Pressure tanks, & steel tanks w/out corrosion protection	§9.2.6.1
Sediment, Drain	Maintenance	*2 Times/Year	Drain and/or flush tank	§9.4.5
Cathode Protection	Maintenance	Annually	Where provided, per manufacturer	
Drain Valves	Maintenance	Annually	Cycled fully open and closed	
Vent Screens	Maintenance	Annually	Clean	

**Inspection:** A visual examination to verify an item is in operating condition and free of physical damage.

**Testing:** A procedure used to determine the status of a system operating as intended by conducting physical checks.

**Maintenance:** Work performed to keep equipment operable or to make repairs.

\*Servicing **may** be performed by an owner, but **must** be performed **at least** annually by a licensed company

## DELAWARE STATE FIRE PREVENTION REGULATIONS

### Appendix F - Table Three Owner Performed

#### Testing, Inspection, and Maintenance of Fire Alarm Signaling Systems As Required by Regulation 703, Chapter 1 and the National Fire Alarm Code, NFPA 72, 2007 Edition

This brief summary of periodic tests, inspections, and maintenance is not all inclusive, and, to assist in the performance of these services, the user is advised to purchase the applicable documents from NFPA (1-800-344-3555). These periodic tests, inspections, and maintenance **may** be performed by the owner or the owner's maintenance staff. A log book **must** be maintained by the owner for each system. The log book **must** include the date the service was performed, the type of service performed, and the person performing the service. An asterisk (\*) denotes servicing which **must** be performed **at least annually** (once a year) by a company licensed by the Office of State Fire Marshal, Licensing Division, (302) 739-4394.

Item	Activity	Frequency	Service	Section #/Table
<b>Control Equipment:</b>				
<b>Fire Alarm Systems Unmonitored for Alarm Supervisory, Trouble Signals</b>				
Fuses	Inspection	*Weekly	No damage or missing parts	Table 10.3.1
Interfaced Equip	Inspection	*Weekly	Wiring connections secure/No damage	Table 10.3.1
Lamps and LEDs	Inspection	*Weekly	All lamps and LEDs illuminated	Table 10.3.1
Primary (Main)	Inspection	*Weekly	Secured/Marked/No damage	Table 10.3.1
Power Supply				
<b>Batteries</b>				
Lead-Acid	Inspection	*Monthly	Electrolyte level/connections, No corrosion	Table 10.3.1
Nickel-Cadmium	Inspection	*2 Times/Year	No corrosion/leakage, Connections tight	Table 10.3.1
Primary (Dry Cell)	Inspection	*Monthly	No corrosion/leakage, Connections tight	Table 10.3.1
Sealed Lead-Acid	Inspection	*2 Times/Year	No corrosion/leakage, Connections tight	Table 10.3.1
<b>Transient Suppressors</b>				
Lightning Protection Equipment	Inspection	*2 Times/Year	Per mfr/After every lightning strikes/storms	Table 10.3.1 and NFPA 780
<b>Remote Annunciators</b>				
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
<b>Initiating Devices</b>				
Air Sampling	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Duct Detectors	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Electromechanical Releasing Device	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Suppression System Switches				
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Fire Alarm Boxes	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Heat Detectors	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Radiant Energy Fire Detectors				
	Inspection	*Quarterly	No damage/obstructions/proper position	Table 10.3.1
Smoke Detectors	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Supervisory Signal Devices	Inspection	*Quarterly	Secured/No damage or missing parts	Table 10.3.1
Waterflow Devices	Inspection	*Quarterly	Secured/No damage or missing parts	Table 10.3.1

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<b>Guard's Tour Equipment</b>				
	Inspection	*2 Times/Year	No damage or missing parts/equipment	Table 10.3.1
<b>Interface Equipment</b>				
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
<b>Alarm Notification Appliances</b>				
Audible Devices	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Speakers	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Visible Devices	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
<b>Supervising Station Fire Alarm Systems - Transmitters</b>				
DACT	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
DART	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
McCulloh	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
RAT	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
<b>Supervising Station Fire Alarm Systems - Receivers</b>				
DACR	Inspection	*Monthly	Secured/No damage or missing parts	Table 10.3.1
DARR	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
McCulloh	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Two-Way RF Multiplex				
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
RASSR	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
RARS	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Private Microwave	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
<b>Engine-Driven Generator</b>				
	Inspection	*Weekly	No damage or leakage	Table 10.3.1
	Testing	*Weekly	Verify operation	NFPA 110
<b>Uninterrupted Power Supply (UPS)</b>				
	Testing	*Per manufacturer and NFPA 111		Table 10.4.4

**Inspection:** A visual examination to verify an item is in operating condition and free of physical damage.

**Testing:** A procedure used to determine the status of a system operating as intended by conducting physical checks.

**Maintenance:** Work performed to keep equipment operable or to make repairs.

\*Servicing **may** be performed by an owner, but **must** be performed **at least** annually by a licensed company

## DELAWARE STATE FIRE PREVENTION REGULATIONS

### Appendix F - Table Four Licensed Company Required

#### Testing, Inspection, and Maintenance of Fire Alarm Signaling Systems As Required by Regulation 703, Chapter 1 and the National Fire Alarm Code, NFPA 72, 2007 Edition

This brief summary of periodic tests, inspections, and maintenance is not all inclusive, and, to assist in the performance of these services, the user is advised to purchase the applicable documents from NFPA (1-800-344-3555). These periodic services **must** be performed by a company licensed by the Office of State Fire Marshal, Licensing Division, (302) 739-4394. A log book **must** be maintained by the licensed company for each system. The log book **must** include the date the service was performed, the type of service performed, and the person performing the service. An asterisk (\*) denotes servicing which **may** be performed by an owner, but **must** be performed **at least annually** (once a year) by a licensed company. A licensed company must forward a Certificate of Inspection to the Office of State Fire Marshal within 30 days of the annual inspection.

Item	Activity	Frequency	Service	Section #/Table
<b>Control Equipment:</b>				
<b>Fire Alarm Systems <u>Unmonitored</u> for Alarm Supervisory, Trouble Signals</b>				
Fuses	Inspection	*Weekly	No damage or missing parts	Table 10.3.1
	Testing	Quarterly	Remove fuse & verify rating & supervision	Table 10.4.4
Interfaced Equip	Inspection	*Weekly	Wiring connections secure/No damage	Table 10.3.1
	Testing	Quarterly	Verify integrity & signals by operational test	Table 10.4.4
Lamps & LEDs	Inspection	*Weekly	All lamps and LEDs illuminated	Table 10.3.1
	Testing	Quarterly	All lamps and LEDs illuminated	Table 10.4.4
Primary (Main) Power Supply	Inspection	*Weekly	Secured/Marked/No damage	Table 10.3.1
	Testing	Quarterly	Disconnect secondary power, max load test	Table 10.4.4
Functions	Testing	Quarterly	Full Function Test	Table 10.4.4
Transponders	Testing	Quarterly	Full Function Test	Table 10.4.4
<b>Fire Alarm Systems <u>Monitored</u> for Alarm Supervisory, Trouble Signals</b>				
Fuses	Inspection	Annually	No damage or missing parts	Table 10.3.1
	Testing	Annually	Remove fuse & verify rating & supervision	Table 10.4.4
Interfaced Equip	Inspection	Annually	No damage or missing parts	Table 10.3.1
	Testing	Annually	Verify integrity & signals by operational test	Table 10.4.4
Lamps & LEDs	Inspection	Annually	No damage or missing parts	Table 10.3.1
	Testing	Annually	All lamps and LEDs illuminated	Table 10.4.4
Primary (Main)	Inspection	Annually	No damage or missing parts	Table 10.3.1
	Testing	Annually	Disconnect secondary power, max load test	Table 10.4.4
Power Supply	Testing	Annually	Disconnect secondary power, max load test	Table 10.4.4
Functions	Testing	Annually	Full Function Test	Table 10.4.4
Transponders	Testing	Annually	Full Function Test	Table 10.4.4

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<b>Batteries</b>				
Lead-Acid	Inspection	*Monthly	Electrolyte level/connections, No corrosion	Table 10.3.1
	Testing	2 Times/Year	Discharge, Load Voltage, Specific Gravity	Table 10.4.4
	Testing	Annually	Charger Test	Table 10.4.4
Nickel-Cadmium	Inspection	*2 Times/Year	No corrosion/leakage, Connections tight	Table 10.3.1
	Testing	2 Times/Year	Load Voltage	Table 10.4.4
Primary (Dry Cell)	Testing	Annually	Charger Test, Discharge (30 min) Test	Table 10.4.4
	Inspection	*Monthly	No corrosion/leakage, Connections tight	Table 10.3.1
	Testing	Monthly	Load Voltage	Table 10.4.4
Sealed Lead-Acid	Inspection	*2 Times/Year	No corrosion/leakage, Connections tight	Table 10.3.1
	Testing	2 Times/Year	Load Voltage	Table 10.4.4
	Testing	Annually	Charger Test, Discharge (30 min) Test	Table 10.4.4
<b>Transient Suppressors</b>				
Lightning Protection Equipment	Inspection	*2 Times/Year	Per mfr/After every lightning strikes/storms	Table 10.3.1 and NFPA 780
	Testing		Per mfr and NFPA 780	
<b>Remote Annunciators</b>				
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annual	Verify operation & identification	Table 10.4.4
<b>Initiating Devices</b>				
Air Sampling	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annually	Verify alarm & airflow via ports per mfr	Table 10.4.4
Duct Detectors	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annually	Verify per manufacturer	Table 10.4.4
Electromechanical Releasing Device				
Nonrestorable	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annually	Remove link, ensure operation, lubricate	Table 10.4.4
Restorable	Testing	Annually	Remove link, ensure operation, lubricate	Table 10.4.4
Suppression System Switches				
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annually	Mechanical/electrical operation of switch Verify signal receipt at panel	Table 10.4.4
Fire Alarm Boxes	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annually	Operate per manufacturer	Table 10.4.4
Heat Detectors/All	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annually	Heat test per manufacturer	Table 10.4.4
Fixed-Temp., Rate-of-Rise, Rate-of-Compensation, Restorable Line, Spot Type (excluding Pneumatic Tub Type)	Testing	Annually	Heat test per manufacturer	Table 10.4.4
	Fixed-Temp., Testing	Annually	Mechanical/electrical tests/Loop resistance	Table 10.4.4
Nonrestorable Line Type				
Fixed-Temp.,	Testing	After 15 Years	Replace all devices or Lab test 2 per 100	Table 10.4.4
Nonrestorable Spot Type				
Nonrestorable,	Testing	Annually	Mechanical/electrical function tests	Table 10.4.4
(General)				
Restorable Line,	Testing	Annually	Heat source or pressure pump	Table 10.4.4
Radiant Energy Fire Detectors				
	Inspection	*Quarterly	No damage/obstructions/proper position	Table 10.3.1
	Testing	2 Times/Year	Per manufacturer and Sensitivity Tests	Table 10.4.4

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Smoke Detectors	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annually	Functional Test	Table 10.4.4
	Testing	1st Year and Alternating Yrs	Sensitivity Test (IF within listed and marked sensitivity range)	Table 10.4.4
<b>Supervisory Signal Devices</b>				
	Inspection	*Quarterly	Secured/No damage or missing parts	Table 10.3.1
Control Valve	Testing	Quarterly	Operate valve per mfr/Verify signal receipt	Table 10.4.4
High-/Low-Air	Testing	Quarterly	Operate switch per mfr/Verify signal receipt	Table 10.4.4
Room Temp	Testing	Quarterly	Operate switch/Verify signal receipt	Table 10.4.4
Water Level	Testing	Quarterly	Operate switch/Verify signal receipt	Table 10.4.4
Water Temp	Testing	Quarterly	Operate switch/Verify signal receipt	Table 10.4.4
Water Flow	Testing	Quarterly	Flow water per NFPA 25	Table 10.4.4
Valve Tamper Switch	Testing	2 Times/Year	Operate switch per mfr/Verify signal receipt	Table 10.4.4
Waterflow Devices	Inspection	*Quarterly	Secured/No damage or missing parts	Table 10.3.1
	Testing	2 Times/Year	Operate switch per mfr/Verify signal receipt	Table 10.4.4
Fire-Gas & Other	Testing	Annually	Per manufacturer	Table 10.4.4
<b>Guard's Tour Equipment</b>				
	Inspection	*2 Times/Year	No damage or missing parts/equipment	Table 10.3.1
	Testing	Annual	Per manufacturer	Table 10.4.4
<b>Interface Equipment</b>				
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annual	Operational test/Verify signal receipt	Table 10.4.4
<b>Alarm Notification Appliances</b>				
Audible Devices	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annual	Measure sound level IAW ANSI S-1.4a	Table 10.4.4
Speakers	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annual	Measure sound level IAW ANSI S-1.4a Verify Voice Clarity	Table 10.4.4
Visible Devices	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annual	Per manufacturer	Table 10.4.4
<b>Supervising Station Fire Alarm Systems - Transmitters</b>				
All Equipment	Testing	Annual	Per mfr/operational test/verify signal receipt	Table 10.4.4
DACT	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
DART	Testing	Annual	2 lines/line seizure/trouble signal w/in 90 sec	Table 10.4.4
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
McCulloh	Testing	Annual	Trouble signal w/in 4 minutes	Table 10.4.4
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
RAT	Testing	Annual	3 rounds-3 impulses/end-end metallic/etc.	Table 10.4.4
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Annual	Fault indication/trouble signal	Table 10.4.4

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<b>Supervising Station Fire Alarm Systems - Receivers</b>				
All Equipment	Testing	Monthly	Per mfr/operational test/verify signal receipt	Table 10.4.4
DACR	Inspection	*Monthly	Secured/No damage or missing parts	Table 10.3.1
DARR	Testing	Monthly	Trouble signal/verify 24-hour signals	Table 10.4.4
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
McCulloh	Testing	Monthly	Verify signals for all 5 trouble conditions	Table 10.4.4
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Two-Way RF	Testing	Monthly	Verify signals for all 4 trouble conditions/etc.	Table 10.4.4
	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
Multiplex	Testing	Monthly	Per mfr/operational test/verify signal receipt	Table 10.4.4
RASSR and	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
RARSR	Testing	Monthly	Verify signals for all 3 trouble conditions	Table 10.4.4
Private Microwave	Inspection	*2 Times/Year	Secured/No damage or missing parts	Table 10.3.1
	Testing	Monthly	Verify signals for all 4 trouble conditions	Table 10.4.4
<b>Engine-Driven Generator</b>				
	Inspection	*Weekly	No damage or leakage	Table 10.3.1
	Testing	*Weekly	Verify operation	NFPA 110
<b>Uninterrupted Power Supply (UPS)</b>				
	Testing	*Per manufacturer and NFPA 111		Table 10.4.4
<b>Secondary (Standby) Power Supply</b>				
	Testing	Annually	Disconnect primary/verify trouble signal/etc.	Table 10.4.4
<b>Control Panel Trouble Signals</b>				
	Testing	Annually	Audible/Visible, Disconnect Switches, Ground-Faults, Signal Transmission Off-Site	Table 10.4.4
<b>Conductors</b>				
Metallic	Testing	Annually	Stray Voltage, Short Circuit Faults, Ground Faults, Loop Resistance	Table 10.4.4
Nonmetallic	Testing	Annually	Circuit Integrity, Supervision	Table 10.4.4
Fiber Optics/Fiber Optics Cable Power Testing		Annually	Audible/Visible, Disconnect Switches,	Table 10.4.4

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<b>Emergency Voice/Alarm Communications Equipment</b>				
Phone Set, Phone	Inspection	Annually	No damage or missing parts	Table 10.3.1
Jacks, Amplifier/Tone Generators, Call-In Signal Silence, Off-Hook Indicator (Ring Down), System Performance	Testing	Annually	Full Function Test	Table 10.4.4
<b>Special Hazard Equipment</b>				
Abort Switches, Cross-Zone Detection Circuits, Matrix-Type Circuit, Release Solenoid, Squibb Release Circuit, Verified/Sequential/Counting Zone Circuit, All other devices or circuits or combinations thereof.	Testing	Annually	Operate switches/sensors and verify	Table 10.4.4
<b>Special Procedures</b>				
	Inspection	2 Times/Year	No damage or missing parts	Table 10.3.1
	Testing	Annually	Alarm Verification/Multiplex Systems	Table 10.4.4
<b>Low Power Radio (Wireless Systems)</b>				
	Testing	Monthly	Per manufacturer	Table 10.4.4

**Inspection:** A visual examination to verify an item is in operating condition and free of physical damage.

**Testing:** A procedure used to determine the status of a system operating as intended by conducting physical checks.

**Maintenance:** Work performed to keep equipment operable or to make repairs.

\*Servicing **may** be performed by an owner, but **must** be performed **at least** annually by a licensed company