
TITLE 1 AUTHORITIES, BOARDS AND COMMISSIONS

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701A Permits and Submissions

1.0 Licenses and Permits Required

1.1 General

- 1.1.1 It shall be unlawful to maintain, store, use or handle materials or to conduct processes which could produce conditions hazardous to life or property or to install equipment used in connection with these activities without first obtaining a license or permit to conduct these processes or install the equipment.
- 1.1.2 For the purposes of these regulations, a registered Delaware professional engineer with fire protection emphasis shall be recognized as a license or permit holder without further qualification, with respect to the preparation and submission of technical documents relating to fire suppression and fire alarm signaling systems.
- 1.1.3 The State Fire Marshal shall issue a license or permit upon satisfactory proof of compliance with the requirements of these regulations. No license or permit issued under these regulations shall take the place of another license or permit required by other codes or laws of the State of Delaware.
- 1.1.4 A license or permit issued under these regulations shall continue until revoked, suspended, or for the period of time designated therein at the time of the issuance of the license. The license or permit shall be issued to 1 person or business only and for the location or purpose described in the license or permit. A change which affects any of the conditions of the license or permit shall require a new license or permit.
- 1.1.5 Before issuance of a license or permit the State Fire Marshal may inspect the building, hazard, occupancy, premises, process, structure, system, or vehicle to be utilized.
- 1.1.6 All applications for a license or permit required by these regulations shall be made to the State Fire Marshal in form and detail as the State Fire Marshal shall prescribe. Applications for licenses or permits shall be accompanied by the plans as required by the State Fire Marshal.
- 1.1.7 Licenses and permits shall always be kept on the premises for which they are issued and shall, at all times, be subject to inspection by a representative of the State Fire Marshal.
- 1.1.8 One license or permit only shall be required by establishments dealing in, or using, 2 or more flammable, combustible, or explosive materials to be kept in the establishment, but each of the materials shall be listed in the license or permit.
- 1.1.9 The State Fire Marshal may revoke, suspend, or deny a license or permit issued under these regulations, for a violation of these regulations that is not corrected or for a false statement or misrepresentation as to a material fact in the application or plans on which the license or permit was issued.

1.2 License Required. An annual license shall be obtained from the State Fire Marshal to engage in the following businesses, operations, or services:

- 1.2.1 Automatic Fire Suppression Sprinklers Systems. Prepare technical documents; install; service; maintain; test.
- 1.2.2 LP-Gas. Retail dispensing of any size storage tank, tank installations applies to consumer sites, tanks with an aggregate water capacity of 1000 gallons or more.
- 1.2.3 Explosives. Transport, sale, storage, or individual blasters.
- 1.2.4 Fireworks Shooters.
- 1.2.5 Flammable/Combustible Liquids. Service stations, tank installations/fuel dispensing, or both.
- 1.2.6 Fire Extinguishers. Service, repair, or test.
- 1.2.7 Fixed Fire Suppression Systems Hood Systems. Prepare technical documents, install, service, maintain, or test.
- 1.2.8 Automatic Fire Suppression Special Hazard Systems. Prepare technical documents, install, service, maintain, or test.
- 1.2.9 Fire Alarm Signaling Systems. Prepare technical documents, install, service, maintain, or test.
- 1.2.10 Public Accommodations.
 - 1.2.10.1 Hotels and motels, except individually owned tenant spaces, such as condominiums that may be rented.
 - 1.2.10.2 Bed and breakfasts, country inns, guest houses, or similar occupancies by another name.
 - 1.2.10.3 Rooming, lodging, and boarding houses with 4 persons or more as residents.
- 1.2.11 Places of Assembly. License issued for specific use pursuant to the Life Safety Code, NFPA 101, State Fire Marshal review and approval process.
- 1.2.12 Covered Malls. License in addition to permit for each show, display, sidewalk sale, or other.
- 1.2.13 Fun Houses. Permanent.
- 1.2.14 Smoke/ Fire Damper, Fire Damper, Smoke Damper or Smoke Management. Prepare technical documents, install, service, maintain, or test.

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- 1.3 Permit Required. A permit shall be obtained from the State Fire Marshal to engage in the following businesses, operations, or services when limited to specific dates or event:
 - 1.3.1 Burning. A permit is required for special burning when all outdoor fires are prohibited.
 - 1.3.2 Explosives. A use permit on each job site.
 - 1.3.3 Special Amusement Attractions. Haunted houses.
 - 1.3.4 Fireworks. Transportation, public displays, or both.
 - 1.3.5 Places of Assembly. Circuses, carnivals, festivals, or other activities where 50 or more persons may congregate within 1 tent, canopy, or other structure as defined in the Standard for Grandstands, Folding and Telescopic Seating, Tents, and Membrane Structures, NFPA 102.
 - 1.3.6 Places of Assembly
 - 1.3.6.1 Class A and Class B.
 - 1.3.6.2 Special Events. A single event that increases the occupant load or creates a higher-level fuel load for a building that is beyond the scope of the building's intended use.
 - 1.3.7 Fumigation.
 - 1.3.8 Amusement Rides.
 - 1.3.9 Impairment Fire Protection.
 - 1.3.10 Bowling Lanes. Refinishing of lanes or pins.
 - 1.3.11 Exhibit, Craft, Trade Shows. Permit for each exhibit, craft shows, or sidewalk sale in covered malls.
 - 1.3.12 Outdoor Tire Storage and Disposal Sites.
- 1.4 Compliance Required
 - 1.4.1 In the issuing of a license, the State Fire Marshal may issue the license, setting forth specific and individual requirements under which the license or permit is issued.
 - 1.4.2 A license or permit issued with specific and individual requirements under these regulations shall be posted in a place within the occupancy that is readily visible to the public.
 - 1.4.3 In the event that the specific or individual requirements under which the license or permit is issued, are not complied with, then the State Fire Marshal will institute an action to suspend, revoke, or deny the license or permit.

2.0 Submittal of Plans

- 2.1 Requirement to Submit Plans
 - 2.1.1 Plans, specifications, and other required construction documentation shall be submitted to the Office of the State Fire Marshal for review and approval.
 - 2.1.1.1 Information provided on plans shall contain scale drawings and all specific technical details necessary to accurately perform a plans examination.
 - 2.1.1.2 Any required or non-required fire protection system submitted for review are required to meet these regulations and the applicable NFPA code or standard as adopted or modified by these regulations.
 - 2.1.2 Residential or commercial site plans, whether defined as a major or minor subdivision by a political subdivision's rule or regulations, shall be submitted to the Office of the State Fire Marshal for approval. Subdivision plans shall provide all information outlined in these regulations.
 - 2.1.3 Building plans providing all information outlined in these regulations shall be submitted to the Office of the State Fire Marshal for review and approval prior to actual construction with respect to the following:
 - 2.1.3.1 All new buildings and additions;
 - 2.1.3.2 A building undergoing a change in occupancy;
 - 2.1.3.3 A part of a building suffering damage from fire, explosion, or other cause;
 - 2.1.3.4 All dwelling units when attached in units of 3 or more, to verify the fire rated design of the required separation wall between units; or
 - 2.1.3.5 Plans must be submitted for a building undergoing alteration, renovation, or remodeling.
 - 2.1.4 Other plan submittals required for review and approval include:
 - 2.1.4.1 Fire Alarm signaling systems;
 - 2.1.4.2 All fire suppression and extinguishing systems;
 - 2.1.4.3 Standpipe systems;
 - 2.1.4.4 Fire pumps;
 - 2.1.4.5 Water supplies and distribution systems for firefighting purposes;
 - 2.1.4.6 Kitchen hood (Type I) and exhaust ducts;
 - 2.1.4.7 Emergency and exit lighting systems;
 - 2.1.4.8 Egress/exiting systems (including elevators and escalators);
 - 2.1.4.9 Access control systems;
 - 2.1.4.10 Subdivision entrance gates;

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- 2.1.4.11 Pool fence and gate hardware;
- 2.1.4.12 Smoke removal and smoke management systems;
- 2.1.4.13 Fire lanes;
- 2.1.4.14 Flammable and combustible liquid installations, including aboveground storage and dispensing;
- 2.1.4.15 Flammable gas installations; or
- 2.1.4.16 Other miscellaneous installations falling under the provisions of these regulations.
- 2.1.5 The following shall not require plan submittal by the Office of the State Fire Marshal:
 - 2.1.5.1 One and two family dwellings defined in these regulations as an individual, detached stand-alone dwelling unit, or when attached in units of not more than 2, commonly referred to as a duplex.
 - 2.1.5.2 Buildings used wholly for agricultural structure purposes as defined in [1 DE Admin. Code 701](#).
 - 2.1.5.3 Routine maintenance including siding, roofing, painting, and carpet replacement.
- 2.2 Requirement for Sealed or Signed Plans.
 - 2.2.1 All site plans, building plans, building systems plans and miscellaneous plans that are submitted for review and approval by the Office of the State Fire Marshal, must comply with the following:
 - 2.2.1.1 All site plans shall have the appropriate design professional's seal and signature affixed to each page.
 - 2.2.1.2 All building plans, building systems plans and miscellaneous plans shall have the appropriate design professional's seal and signature affixed to each page. All plans shall have the appropriate seal and signature affixed to each page.
 - 2.2.1.3 All fire protection system plans submitted for review and approval shall be submitted in accordance with the provisions of these regulations.
 - 2.2.1.3.1 All plans, drawn to scale, and documentation shall be prepared with sufficient clarity and detail to indicate the nature and character of the work.
 - 2.2.1.3.2 The design professional shall affix upon them the company name, Delaware license number, certificate holder's name, Delaware certificate number, and signature responsible for the submission.
 - 2.2.1.3.3 All plans shall have the company name, Delaware license number, certificate holder's name, Delaware certificate number, and signature affixed each page. Other documentation prepared by the design profession shall have same information affixed the top page.
 - 2.2.1.4 All miscellaneous plans, drawn to scale, specifications, and all documentation shall be prepared with sufficient clarity and detail to indicate the nature and character of the work. The drawings, specification and accompanying data shall have affixed upon them the official seal of an architect, engineer, or both legally registered or licensed under the applicable laws of the State of Delaware.
 - 2.2.2 The State Fire Marshal may accept plans that are not sealed or signed, when in the State Fire Marshal's opinion, the scope of the project being submitted for review does not warrant the need for sealed or signed plans.
 - 2.2.2.1 All plans shall have the date produced or date revised in the title block of the plan.
 - 2.2.2.2 If a professional signature is not required, the building owner or tenant owner shall sign the title block.
- 2.3 Application and Fee Required.
 - 2.3.1 All plans and other documents submitted under the provisions of this section shall be accompanied with a completed application as prescribed by the State Fire Marshal. Applications can be found on the following website: <https://statefiremarshal.delaware.gov> visit the technical services tab.
 - 2.3.2 All plans and other documents submitted under the provisions of this section shall be accompanied with a check or money order made payable to The State of Delaware in accordance with [16 Del.C. §6612](#). The amount of the fee shall be computed in accordance with the current plan review fee schedule as established by these regulations and found in the appendices.
- 2.4 Required Site Plan Information.
 - 2.4.1 Information required to accompany site plans shall include the following:
 - 2.4.1.1 Scale drawing showing all new and existing structures to include:
 - 2.4.1.1.1 Name of the building or subdivision;
 - 2.4.1.1.2 Plan date;
 - 2.4.1.1.3 Full address;
 - 2.4.1.1.4 Specific county's planning department reference number;
 - 2.4.1.1.5 Owner's name and address;
 - 2.4.1.1.6 Design professional's name and address;
 - 2.4.1.1.7 Applicant's name and address;
 - 2.4.1.1.8 Intended use of building or buildings;

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- 2.4.1.1.9 Name of water supplier;
- 2.4.1.1.10 Location of all fire hydrants;
- 2.4.1.1.11 Location and diameter of all water mains supplying fire protection water;
- 2.4.1.1.12 Maximum height of the building;
- 2.4.1.1.13 Proposed building construction;
- 2.4.1.1.14 Whether or not proposed buildings will be protected by automatic sprinklers;
- 2.4.1.1.15 Location of fire lanes and their widths; and
- 2.4.1.2 A plan note stating, "All fire lanes, fire hydrants, and fire department connections shall be marked in accordance with the State Fire Prevention Regulations."
- 2.4.1.3 When the plans submitted include single family homes arranged in a townhouse or rowhouse configuration, the following additional information shall be included:
 - 2.4.1.3.1 A plan note stating how the townhouse or rowhouse units are to be separated; and
 - 2.4.1.3.2 A cross section plan of a fire barrier wall indicating its construction and hourly fire rating; and
 - 2.4.1.3.2.1 The fire barrier wall shall be listed by a testing laboratory meeting the requirements of this regulation; and
 - 2.4.1.3.2.2 The laboratory testing information shall be included on the plan.
- 2.4.2 When sprinkler systems or fire hydrants are proposed, or at the request of the State Fire Marshal, water flow test results shall be submitted.
 - 2.4.2.1 The water flow test shall have been conducted within 12 months of the time of submittal.
 - 2.4.2.2 The water flow test shall be taken from the hydrant closest to the point where the building or subdivision water main is to be connected.
- 2.5 Required Building Plan Information.
 - 2.5.1 Information required to accompany building plans shall include:
 - 2.5.1.1 Name and address of building;
 - 2.5.1.2 Owner of the building;
 - 2.5.1.3 Name and address of applicant submitting plans;
 - 2.5.1.4 Design professional's name and address;
 - 2.5.1.5 Detailed construction information;
 - 2.5.1.6 Narrative description of building occupancy and operations;
 - 2.5.1.7 Full height cross sections or plan details of the building components. This includes vertical openings, shafts, enclosures, or wall sections.
 - 2.5.1.8 Note whether building is to be sprinklered and, if so, what areas;
 - 2.5.1.9 Detailed HVAC information;
 - 2.5.1.10 Specific information on all means of egress components including clear widths, fire resistance rating, direction swing of doors and locking mechanisms on exit doors;
 - 2.5.1.11 Location of all "hazardous" or "high hazard areas" as defined in the Life Safety Code, NFPA 101;
 - 2.5.1.12 Floor plan of seats, tables, displays, decorations, etc. in all places of assembly which do not have permanent seating or displays;
 - 2.5.1.13 Electrical plan including location of exit signs and emergency lighting when required;
 - 2.5.1.14 Detailed information pertaining to the detection or alarm systems to be installed including the make, type, and location of all associated equipment; and
 - 2.5.1.15 Narrative description of proposed method for sealing penetrations of fire rated assemblies;
 - 2.5.2 Additional information may be required to accompany building plans.
 - 2.5.2.1 Fire pump controller and motor electrical approval by an approved electrical inspection agency, when applicable;
 - 2.5.2.2 Preliminary sprinkler form and supporting documentation, when applicable.
- 2.6 Authority to Require Exposure or Stop Work Order.
 - 2.6.1 Authority to Inspect. The State Fire Marshal shall have the authority to inspect a job site during normal construction hours for determining compliance with the respective plan review and other applicable Delaware Fire Prevention Rules and Regulations.
 - 2.6.2 Exposure of Work. Whenever a building or installation that is subject to inspection, based upon a specific plan review requirement, is covered or concealed without first having been inspected, the State Fire Marshal may require by written notice that the work be exposed for inspection. The State Fire Marshal shall be notified when the installation is ready for inspection and the State Fire Marshal shall conduct the inspection within a period of 3 working days.
 - 2.6.3 Stop Work Order. When construction or installation work is being performed in a manner which does not conform to the plans and specifications as approved by the State Fire Marshal, a written notice shall be issued to the responsible party to stop work on that portion of the work which is in violation. The notice shall

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state the nature of the violation, and no work shall be continued on that portion until the violation has been corrected.

- 2.7 No building shall be occupied until the State Fire Marshal has conducted a final inspection and has determined the provisions of these regulations have been met.
 - 2.7.1 The State Fire Marshal may waive the requirement of a final inspection when the building is classified to be of a low life and low fuel loading hazard occupancy.
 - 2.7.2 The State Fire Marshal may waive the requirement for final inspection when the building code official is inspecting the same items.
 - 2.7.3 At the time of the final inspection conducted by the Office of the State Fire Marshal, for a building or structure, the individual or firm responsible for the original submission of plans shall provide an architectural/engineering grade plan of the site plan and building footprint for each story, in a pdf format that will detail the following:
 - 2.7.3.1 Name, address, location of the building;
 - 2.7.3.2 The location of all fire suppression system control valves;
 - 2.7.3.3 The location of all fire department connections for all fire suppression systems and standpipes;
 - 2.7.3.4 The location of all fire alarm signaling systems control and annunciation panels;
 - 2.7.3.5 The locations of all on site fire hydrants;
 - 2.7.3.6 Main entrances; and
 - 2.7.3.7 Name and phone number of personnel responsible, owner or manager, for responding during emergencies.
 - 2.7.4 The footprint drawing shall be transmitted to the fire chief of the local fire department, by the State Fire Marshal, along with the final inspection report.
- 2.8 Limitation of Plan Approval.
 - 2.8.1 Plans submitted for review, other than site plans, are valid for 2 years from the date of issue. If no construction has started by the end of this period, the plan review approval, non-approval, and permit issued shall be void.
 - 2.8.2 Prior to issuing a new permit, submittal of new plans and the payment of another fee shall be required.
- 2.9 Engineering Analysis Required
 - 2.9.1 When, in the opinion of the State Fire Marshal, a plan that is submitted for review constitutes or is in need of a level of advanced design or engineering criteria to ensure minimum compliance with these regulations, the State Fire Marshal may require a fire protection engineering analysis to be provided by the owner, developer, architect, engineer, or submitting person.
 - 2.9.2 The cost of a fire protection engineering analysis shall be the responsibility of the owner, developer, architect, engineer, or submitting person.
 - 2.9.3 The required fire protection engineering analysis shall provide a complete and documented report as to the compliance of the proposal with the required features and measures of fire protection.
 - 2.9.4 The required fire protection engineering analysis shall be prepared by and shall bear the seal of a State of Delaware registered professional engineer, with expertise in the field of fire protection engineering as demonstrated by the passing of the National Council of Examiners for Engineers and Surveyors - "Principals and Practice Examination" in the discipline of fire protection engineering.
 - 2.9.5 The fire protection engineering analysis shall be submitted to the Office of the State Fire Marshal prior to a plan review approval being issued by the Office of the State Fire Marshal.
 - 2.9.6 When the specifications and design standards from the fire protection engineering analysis have been incorporated into and made a part of the plan review approval by the Office of the State Fire Marshal, the registered professional engineer, shall, at the completion of the project, provide the certification as required by the Office of the State Fire Marshal that the standards and specifications that were incorporated into the plan review approval are in fact in conformance and in place as part of the project. This certification shall be provided prior to a final approval being granted by the Office of the State Fire Marshal.
 - 2.9.7 The submittal of a fire protection engineering analysis by a State of Delaware Register Fire Protection Engineer, as specified in this section, does not exclude the preparation of an engineering design analysis by a registered professional engineer with expertise in a special field of engineering applicable to the specific fire protection engineering analysis required, provided that:
 - 2.9.7.1 The registered professional engineer can provide documentation to the State Fire Marshal that the registered professional engineer is qualified by education, training, and experience in the specific field applicable to the issues of the Fire Protection Engineering Analysis; and
 - 2.9.7.2 The fire protection engineering analysis is submitted by and is the responsibility of the State of Delaware registered professional engineer.
- 2.10 Submission of As-Built Drawings and Specifications for Government Buildings.

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- 2.10.1 A complete set of as-built drawings and specifications for all new construction, renovations, alterations, or additions for all government buildings shall be provided to the Office of the State Fire Marshal or to the Bureau of Archives and Records Management for the State of Delaware.
- 2.10.2 The set of as-built drawings and specifications for all government buildings shall be submitted no later than 6 months after the final inspection of the building or structure by the Fire Marshal's Office having jurisdiction.
- 2.10.3 Government buildings as identified in these regulations shall mean:
 - 2.10.3.1 State buildings;
 - 2.10.3.2 Buildings on State owned property;
 - 2.10.3.3 Buildings or structures of all county, municipal or town governments; and
 - 2.10.3.4 Buildings funded by grants, moneys, or appropriations of State government, either in part or whole.
- 2.10.4 It is the responsibility of the Bureau of Archives and Records Management for the State of Delaware to advise the Office of the State Fire Marshal of the list of plans received every 6 months.
- 2.11 Submission of Fire Protection System Plans. Fire protection system technical documents, specifications, and design drawings or plans shall be unique and exclusive of all others including electrical, mechanical, and plumbing documents.

3.0 Listing and Approval of Testing Laboratories

- 3.1 The intent of this section is to ensure that the listing or testing of a product, appliance, or treatment reflects the intended application of the product and its use.
- 3.2 The purpose of this section is to establish necessary procedures for the State Fire Marshal to provide a list of testing laboratories which have been investigated and found to have the necessary equipment and personnel to perform testing in accordance with the applicable State regulations.
- 3.3 Listing, Approval, and Accreditation. Under this subsection listing, approval, and laboratory accreditation can be achieved as follows:
 - 3.3.1 Listing refers to equipment, materials, or services included in a list published by an organization that is acceptable to the authority having jurisdiction and concerned with evaluation of products or services, that maintains periodic inspection of production of listed equipment or materials or periodic evaluation of services, and whose listing states that either the equipment, material, or service meets appropriate designated standards or has been tested and found suitable for a specified purpose. Examples of accepted nationally recognized testing laboratories include:
 - 3.3.1.1 Underwriters Laboratory, Inc.;
 - 3.3.1.2 Factory Mutual, Inc.;
 - 3.3.1.3 Canadian Standards Association.
 - 3.3.2 Accreditation.
 - 3.3.2.1 The American Association for Laboratory Accreditation can be found through their website at <https://a2la.org/>.
 - 3.3.2.2 Accreditation through approval as a Nationally Recognized Testing Laboratory by the Federal Occupational Safety and Health Administration pursuant to criteria prescribed at 29 C.F.R. 1910.7 or an amendment to or substitution for these criteria.
 - 3.3.3 Approved shall denote, "Acceptable to the State Fire Marshal." It shall be unlawful for a person, directly or indirectly through an agent or otherwise, to sell or offer for sale in the State of Delaware any electrical equipment, device, or component or fire protection or fire safety equipment or product, either new or used, unless listed and labeled or marked by a nationally recognized, third party, independent testing laboratory including Underwriters Laboratories, Warnock Hersey, Omega Point, FM Global, or some other testing agency approved by the State Fire Marshal.

4.0 Sale of Fire Protection Systems and Equipment

- 4.1 Manufacturer's instructions. No seller of fire protection or suppression systems, devices equipment, appliances, material, product, or service shall, directly or through a sales agent, represent verbally or in writing, that fire protection or suppression systems, devices, equipment, appliance, material, product or service may be used other than in accordance with the manufacturer's instructions.
- 4.2 Laboratory listing, labeling, or approval. No seller of fire protection or suppression systems, devices, equipment, appliances, material, product, or service shall, directly or through a sales agent, represent verbally or in writing, that fire protection or suppression systems, devices, equipment, appliance, material, product or service may be used other than in accordance with nationally recognized testing laboratory's listing, label or approval.

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4.3 Altering of labels. No seller of fire protection or suppression systems, devices, equipment, appliances, material, product, or services shall alter the manufacturer's warning or instruction labels.

[29 DE Reg. 511 \(12/01/25\)](#)