

CITY OF DOVER
ORDINANCE #2010-02

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN COUNCIL MET:

That Chapter 22 - Buildings and Building Regulations, Article III- Building Code, be amended to read as follows:

ARTICLE III BUILDING CODE

Sec. 22-61 Adopted.

(a) *International Building Code adopted.* Certain documents, three (3) copies of which are on file in the licensing and permitting office of the city being marked and designated as “The International Building Code, 2009 Edition” as published by the International Code Council be and is hereby adopted as the Building Code of the City of Dover in the State of Delaware; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Building Code, are hereby referred to, adopted and made a part hereof as if fully set out in this section, with the additions, insertions, deletions and changes as follows:

Section 101.1 *Title.* Insert “City of Dover, DE” in place of “[NAME OF JURISDICTION]”

105.2 Work exempt from permit.

Building:

1. One-story detached *accessory structures* used as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet.
2. Oil derricks.
3. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.
4. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.
5. Temporary motion picture, television and theater stage sets and scenery.
6. Prefabricated swimming pools accessory to a Group R-3 occupancy provided that the swimming pools are not designed to retain a depth of 24” (610 mm) or more, and do not exceed 5,000 gallons (18925L) and installed entirely above ground.
7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
8. Swings and other playground equipment accessory to a one or two-family dwelling.
9. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U Occupancies.
10. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1753 mm) in height.

Section 105.5. Expiration. Insert the following text following the word “demonstrated” at the end of the section: “and does not exceed the 3 year time limit as stated in 105.5.2.”; and insert the following subsections:

105.5.1

Time limitation of permit. A permit for any activity for which a permit is required shall be valid for 180 days from the date of issuance. One 180-day extension may be granted without additional charge to the permit holder. Additional 180-day extensions may be granted with payment of a renewal fee as specified in Appendix F: Fees and Fines.

105.5.2

Completion of construction. All construction for which a building permit is required must be completed and pass final inspection within three (3) years after issuance of the building permit. If not completed within three (3) years, a new building permit must be obtained and any associated fees paid incurred by the previous submission.

SECTION 107 SUBMITTAL DOCUMENTS

107.1 Submittal documents. Insert: "Construction documents, statement of special inspections, structural observation programs and other data, for new construction, alterations, repairs, expansion, additions or modifications of buildings or structures, which involve the practice of architecture or engineering, as defined by the professional registration laws of the State of Delaware shall be prepared by a registered design professional consistent with the professional registration laws of the State of Delaware. Construction documents shall include the name, address and license or registration number of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration or licensing laws, statutes, regulations or administration provisions of the State of Delaware." in place of "Submittal documents consisting of construction documents, statement of special inspections, geotechnical report and other data shall be submitted in two or more sets with each permit application. The construction documents shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed."

Section 109.3 Insert: “see Section 22-65 Fees for permits” in place of “in accordance with the schedule as established by the applicable governing authority”. New construction valuation will be confirmed using the most current ICC valuation chart information unless otherwise approved by the authority having jurisdiction.

Section 113 BOARD OF APPEALS. See Chapter 22 – Buildings and Building Regulations, Article I – In General, Sec. 22-1 Construction code appeals committee.

Section 114.4 *Violation Penalties*. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, repairs, a building or structure in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate issued under the provisions of this code shall be charged with a violation of this code and be guilty of a misdemeanor, punishable by a fine as provided for in Appendix F--Fees and Fines, or by imprisonment thirty (30) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 114.3 Unlawful continuance. Insert: "Any person who shall continue any work after having

been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be charged with a violation of this section and shall be fined as provided for in Appendix F--Fees and Fines. Repeat offenders shall not receive warnings and shall instead be subject to progressively increasing fines as provided for in Appendix F--Fees and Fines. Each day that a violation continues shall be deemed a separate offense." in place of: "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform a violation or unsafe condition, shall be subject to penalties as prescribed by law."

Section 1612.3 Establishment of flood hazard areas. Insert "Kent County" in place of, "[INSERT NAME OF JURISDICTION]" and "May 5, 2003" in place of "[INSERT DATE OF ISSUANCE]"

Section 3410.2 Applicability. Insert "April 4, 1984" in place of [DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION].

(b) International Residential Code Adopted. That certain documents, three (3) copies of which are on file in the licensing and permitting office in the city, being marked and designated as the International Residential Code 2009 edition, as published by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building, mechanical, plumbing and electrical systems in the City of Dover and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, as referenced in the Building Code adopted in subsection(a), published by the International Code Council, on file in the office of the city are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections of the International Residential Code are hereby revised:

Section 101.1 Title. Insert "City of Dover, DE" in place of "[NAME OF JURISDICTION]"

Section R105.2. Work exempt from permit, Building - 1. Insert "120" in place of "200". Delete numbers 2 through 5 in their entirety. Replace number 7 with the following: "Prefabricated swimming pools accessory to a Group R-3 occupancy provided that the swimming pools are not designed to retain a depth of 24" (610 mm) or more, and do not exceed 5,000 gallons (18925L) and installed entirely above ground.

SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Insert: "Construction documents, statement of special inspections, structural observation programs and other data, for new construction, alterations, repairs, expansion, additions or modifications of buildings or structures, shall be submitted in 2 sets and as defined by the professional registration laws of the State of Delaware and be prepared by a registered design professional consistent with the professional registration laws of the State of Delaware. Construction documents shall include the name, address and license or registration number of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration or licensing laws, statutes, regulations or administration provisions of the State of Delaware." in place of "shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed". Where special conditions

exist, the building official is authorized to require additional construction documents as described here.

Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional *if* it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.

SECTION R108 FEES

R108.2 Schedule of permit fees. Insert “see Section 22-65 Fees for permits” in place of “in accordance with the schedule as established by the applicable governing authority”.

SECTION R112 BOARD OF APPEALS See Chapter 22 – Buildings and Building Regulations, Article I – In General, Sec. 22-1 Construction code appeals committee.

SECTION R113 VIOLATIONS

Section 113.4 Violation Penalties. Insert "See Section 22-61 (a) Section 113.4 Violation Penalties" in place of "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, repairs, a building or structure in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

SECTION R114 STOP WORK ORDER

Section R114.2 Unlawful continuance. Insert: “See Section 22-61 (a) International Building Code, Section 114.3 Unlawful continuance" in place of "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform a violation or unsafe condition, shall be subject to penalties as prescribed by law."

TABLE R301.2(1) CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

Ground Snow Load	Wind Design		Seismic Design Category	Subject to Damage From			Winter Design Temp °	Ice Barrier Underlayment Required ^b	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temperature ^j
	Speed ^d (mph)	Topographic effects ^k		^a Weathering	Frost line Depth	Termite ^c					
25	95 gust 77 fastest	NO	A	Severe	24"	Moderate To Heavy	14°	NO	May 5, 2003	450	55°

Table R301.5 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS. Insert the following at the end of footnote “c”: Calculations demonstrating compliance with the minimum live load shall be provided by a registered design professional for stairs and fire escapes that do not have additional “stringer” or “carriage” support located and equally distributed in the middle section of the stair width.

SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS – Delete this section in its entirety.

CHAPTER 4 FOUNDATIONS

SECTION R403 FOOTINGS

R403.1.1 Minimum size. Insert “The minimum thickness of a footing shall be the nominal width of the wall but not less than 8 inches. The nominal width of the footings shall be twice the nominal thickness of the wall. Two story sections of a building shall have a minimum footing width of 24 inches and a minimum footing depth of 10 inches.” in place of “ Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width, W, shall be based on the load-bearing value of the soil in accordance with Table 401.4.1. Spread footings shall be at least 6 inches in thickness. Footing projections, P, shall be at least 2 inches and shall not exceed the thickness of the footing.” Insert “, but in all cases shall be a minimum of 24 inches x 24 inches x 12 inches deep.” at the end of the following sentence: “The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table 401.4.1.”

R403.1.2 Continuous footings in Seismic Design Categories D1 and D2. *Delete in its entirety and Insert:* R403.1.2 Footing reinforcement. Footings shall be reinforced with a minimum of two #4 rebar wired together with a minimum 15” overlap; pier footings with a minimum of two #4 rebar wired together in two directions, and column footings with three #4 rebar wired together in two directions.

R403.1.3 Seismic reinforcing. *Delete in its entirety*

R403.1.4 Minimum Depth. Insert “24” in place of “12”.

Amend R403.1.4.1 Frost protection - Exceptions to read:

1. Frost Protection of freestanding residential accessory / utility structures with an area of 240 square feet or less and an eave height of 10 feet or less, except for pole buildings and garages, shall not be required to be frost protected. Freestanding accessory structures (sheds) between 120 sf and 240 sf shall be secured with tie-downs or equivalent manufactured home fastening devices on each corner. Structures 20 feet or more in length shall have additional anchors attached in the center of each side unless frost protection applies as stated herein. All accessory / utility structures greater than 240 square feet, all pole buildings and all garages shall have frost protection (footings).
2. Decks not supported by a dwelling shall also be provided with footings that extend below the frost line. Single story supported in part by a dwelling and with 4” x 4” posts shall have footings that are a minimum of 8 inches in diameter; with 6” x 6” posts a minimum of 12” diameter is required; the bottom of all such footings shall be a minimum of 24” below finished grade and be at least 6” deep.
3. Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.

(c) *The ICC Performance Code for Buildings and Facilities.* That certain documents, three (3) copies of which are on file in the licensing and permitting office of the city being marked and designated as “The ICC Performance Code for Buildings and Facilities 2009 Edition” as published by the International Code Council be and is hereby adopted as the Performance Code of the City of Dover in the State of Delaware; for, regulating and governing the performance-based design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building and/or fire protection systems in the City of Dover.

- (d) *The International Existing Building Code.* That certain documents, three (3) copies of which are on file in the licensing and permitting office of the city being marked and designated as “The International Existing Building Code 2009 Edition” as published by the International Code Council be and is hereby adopted as the Existing Building Code of the City of Dover in the State of Delaware; for, regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided.
- (e) *The International Energy Conservation Code.* That certain documents, three (3) copies of which are on file in the licensing and permitting office of the city being marked and designated as “The International Energy Conservation Code 2009 Edition” as published by the International Code Council be and is hereby adopted as the Energy Conservation Code of the City of Dover in the State of Delaware; for, regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided.

BE IT FURTHER ORDAINED:

That Chapter 22 - Buildings and Building Regulations, Article V - Mechanical Code, be amended to read as follows:

ARTICLE V MECHANICAL CODE

Sec. 22-141. Adopted.

(a) Certain documents, three (3) copies of which are on file in the licensing and permitting office of the city, being marked and designated as the International Mechanical Code 2009 Edition, including appendix chapter "A", as referenced in the building code adopted in 22-61(a), published by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the city and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, as referenced in the building code adopted in section 22-61(a), published by the International Code Council, on file in the office of the city are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections of the International Mechanical Code are hereby revised:

Section 101.1 Title. Insert "City of Dover, DE" in place of "[NAME OF JURISDICTION]"

106.5 Fee Schedule. Insert "See DCO Section 22-145 Heating, air conditioning, and heat pump permit fees" in place of “The fees for all mechanical work shall be as indicated in the following schedule:”

Section 106.5.3 Fee refunds. Delete in its entirety.

SECTION 108 VIOLATIONS

Section 108.4 Violation Penalties. Insert "See Section 22-61(a) International Building Code Section 113.4, Violation Penalties" in place of "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alters, or repair, a plumbing work in violation of the approved construction documents or

directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT], or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."

Section 108.5 Stop work orders. Insert "See 22-61(a) International Building Code, Section 114.3 Unlawful continuance" in place of "Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous and unsafe manner such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to remove a violation or unsafe condition, shall be charged with a violation of this section and shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars"

SECTION 109 MEANS OF APPEAL Delete Section in its entirety.

(b) If any section, subsection, sentence, clause or phrase of this section is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have passed the ordinance from which this section derives, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

BE IT FURTHER ORDAINED:

That Chapter 22- Buildings and Building Regulations, Article VI - Plumbing Code be amended to read as follows:

ARTICLE VI. PLUMBING CODE

Sec. 22-181. Adopted.

(a) Certain documents, three (3) copies of which are on file in the licensing and permitting office in the city, being marked and designated as International Plumbing Code 2009, including appendix chapters B, C, D, E, F, G, as referenced in the building code adopted in 22-61(a), published by the International Code Council, be and is hereby adopted as the code of the City of Dover for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the city and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, as referenced in the building code adopted in 22-61(a), published by the International Code Council, on file in the office of the City of Dover are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections are hereby revised:

Exception: The 2009 International Private Sewage Disposal portion of this code is not adopted, as enforced by other authorities having jurisdiction.

Section 101.1 Title. Insert “City of Dover, DE” in place of “[NAME OF JURISDICTION]”

Section 106.6.2 Fee Schedule. Insert “See Section 22-65 Permit Fees” in place of “The fees for all plumbing work shall be as indicated in the following schedule:

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]”.

Section 106.6.3 Fee refunds. Delete in its entirety.

Section 108.4 Violation Penalties. Insert: “See Section 22-61(a) International Building Code Section 113.4, Violation Penalties” in place of “Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alters, or repair, a plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.”

Section 108.5 Stop work orders. Insert “See Section 22-61(a) International Building Code, Section 114.3 Unlawful continuance” in place of “Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous and unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner’s agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be charged with a violation of this section and shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars”

(b) *International Fuel and Gas Code*. That certain documents, three (3) copies of which are on file in the licensing and permitting office of the city being marked and designated as “The International Fuel and Gas Code, 2009 Edition” as published by the International Code Council be and is hereby adopted as the Fuel and Gas Code of the City of Dover in the State of Delaware; for regulating and governing fuel gas systems and gas fired appliances as herein provided.

(c) That if any section, subsection, sentences, clause or phrase of this section is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have passed the ordinance from which this section derives, and each section, subsection, clause and phrase therefore, irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

BE IT FURTHER ORDAINED:

That Chapter 22 Buildings and Building Regulations, Article VII - Property Maintenance Code , Sec. 22-221. Adopted, be amended to read as follows:

ARTICLE VII. PROPERTY MAINTENANCE CODE

Sec. 22-221 Adopted.

(a) A certain document, three (3) copies of which are on file in the licensing and permitting office of the city, being marked and designated as "The International Property Maintenance Code, 2009" as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Dover, in the State of Delaware; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section 101.1 Title. Insert "City of Dover, DE" in place of "[NAME OF JURISDICTION]"

SECTION 111 MEANS OF APPEAL See Chapter 22 – Buildings and Building Regulations, Article VII – Property Maintenance Code, Sec. 22-225 Property maintenance code board of appeals.

Section 304.14 Insect screens. Insert "March 1st to November 30th" in place of "[date] to [date]".

Section 602.3 Heat supply. Insert "September 15th to May 1st" in place of "[date] to [date]".

Section 602.4. Occupiable work spaces. Insert "September 15th to May 1st" in place of "[date] to [date]".

(b) It shall be unlawful for any person to violate any of the provisions of the publication adopted in subsection (a).

BE IT FURTHER ORDAINED:

That Chapter 46 - Fire Prevention and Protection, Article III - Fire Codes, sec. 46-121. Adopted, be amended to read as follows:

Sec 46-121 Adopted

(a) *International Fire Code adopted.* A certain document, three (3) copies of which are on file in the licensing and permitting office of the city, being marked and designated as "International Fire Code, 2009 Edition," as published by the International Code Council, be and is hereby adopted as the Fire Prevention Code of the City of Dover in the State of Delaware; for the control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fire Code, are hereby referred to, adopted and made part hereof as if fully set out in this section, with additions, insertions, deletions and changes as follows:

(b)

Section 101.1 Insert "City of Dover", in place of [NAME OF JURIDICATION].

Delete in their entirety: Sections 105.6 Required operational permits, through 105.7.12 Temporary membrane structures, tents, and canopies.

(b) National Fire Codes adopted. There is hereby adopted the most recently published edition of the National Fire Prevention Association's (NFPA) National Fire Codes (excluding NFPA Codes 11C, 13E, 402M, -41s, 422, 424M-473, 901-906, 1001-1041, 1201-1410, 1452-1999, 5000), three (3) copies of which are on file in the office of the fire marshal.

(c) The more restrictive provisions of the International Fire Codes as set forth in subsection (a) above or the National Fire Codes as set forth in subsection (b) above shall apply whenever they may be in conflict.

(d) It shall be unlawful for any person to violate any of the provisions of the publications adopted in subsection (a) or (b).

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, Chapter 22- Buildings and Building Regulations be amended by inserting the text shown in blue, bold and deleting the text shown in red, bold, strike-through, as follows:

<i>Chapter 22--Buildings and Building Regulations, Article III--Building Code</i>		
<i>Fines not paid within 14 days of the day the fine was issued, including the day the fine was issued, shall be automatically doubled in amount.</i>		
Sec. 22-61	Adopted (<i>International Building Code</i>)	
Sec. 105.5.1	Expiration; Additional 180 day extensions may be granted with payment of a renewal fee...	\$25.00 per 180-day extension
Sec. 113.4	Violation penalties; Each day that a violation continues shall be deemed a separate offense.....	Fine of not less than \$100.00 or more than \$10,000.00
Sec. 114.3	Unlawful continuance	
	First offense.....	\$100.00
	Second offense.....	\$250.00
	Third offense.....	\$500.00
	Fourth and subsequent offenses.....	No less than \$1,000.00 and no more than \$10,000.00

ADOPTED: MAY 10, 2010