

INTRODUCED BY: Harold "Jack" Peterman
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PUBLIC HEARING DATE: February 14, 1995
PUBLIC HEARING TIME: 7:15 P.M.
ADOPTION DATE: February 14, 1995
EFFECTIVE DATE: February 14, 1995

ORDINANCE NO. 95-02

AN ORDINANCE TO AMEND THE KENT COUNTY BUILDING CODE SUPPLEMENT TO THE BOCA NATIONAL BUILDING CODE/1990 ADOPTED MAY 10, 1994, TO PROVIDE FOR A KENT COUNTY BUILDING CODE SUPPLEMENT TO THE BOCA NATIONAL BUILDING CODE 1993.

THE LEVY COURT OF KENT COUNTY DELAWARE HEREBY ORDAINS:

Section 1. Kent County hereby adopts a new BOCA National Building Code for Kent County entitled, "The BOCA (Building Officials & Code Administrators International, Inc.) National Building Code/1993", as well as the "Kent County Building Code Supplement to the BOCA National Building Code/1993" - copies of which are attached hereto as Exhibit A and incorporated herein.

Section 2. This ordinance is adopted pursuant to the powers conferred upon the Levy Court of Kent County, Delaware, in the Delaware Code, Title 9, Section 4414.

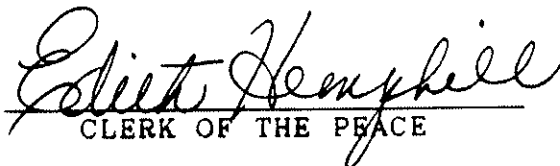
Section 3. If any section, paragraph, sentence, clause, or phrase of this ordinance shall be declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Ordinance which shall continue in full force and effect; and to this end, the provisions of this Ordinance are hereby declared as severable.

ADOPTED BY LEVY COURT
OF KENT COUNTY, DELAWARE



PRESIDENT, KENT COUNTY LEVY COURT

ATTEST:



CLERK OF THE PEACE

SYNOPSIS

This Ordinance amends the Kent County Building Code Supplement to the BOCA National Building Code/1990 by deleting reference to the BOCA National Building Code/1990 and adopting the BOCA National Building Code/1993 with changes provided in its supplement.

**KENT COUNTY BUILDING CODE SUPPLEMENT
TO THE BOCA NATIONAL BUILDING CODE/1993**

Chapter 1 ADMINISTRATION

Section 101.0 SCOPE

101.1 Title: These regulations shall be known as the Building Code of Kent County hereinafter referred to as "this code".

101.5 Terms: Whenever in the Building Code a jurisdiction is mentioned and no name given therefore, the jurisdiction shall be construed to mean Kent County; and when a state is mentioned, the same shall be the State of Delaware. Whenever in the Building Code, the Code Official is mentioned, it shall be construed to mean Director of Inspections and Enforcement.

101.6 Conflict: Where there is any conflict between the Kent County Building Code and any other code or regulation in and for Kent County or the State of Delaware, the most restrictive shall apply. All buildings and structures shall comply with the requirements of the fire prevention rules and regulations of the State of Delaware.

SECTION 107.0 APPLICATION FOR PERMIT

107.1 Permit application: An application shall be submitted to the code official for the following activities, and these activities shall not commence without a permit being issued in accordance with Section 108.0.

1. Construct, alter or place a structure.
2. Construct or place an addition.
3. Demolish or move a structure.
4. Make a change of occupancy.
5. Install or alter any equipment which is regulated by this code.
6. Move a lot line which affects an existing structure.

107.1.2 Roof Repairs: Application to the Code Official is required for replacement of any roof sheathing or rafters in excess of 25% of the roof area.

107.3 By whom application is made: Application for a permit shall be made by the owner or lessee of the building or structure, or agent of either, or by the registered design professional, or contractor employed in connection with the proposed work. ~~If the application is made by a person other than the owner in fee, it shall be accompanied by an affidavit of the owner or the qualified applicant or a signed statement of the qualified applicant witnessed by the code official or his designee to the effect that the proposed work is authorized by the owner in fee to make such application.~~ The full names and addresses of the owner, lessee, applicant, and of the President, Vice President, Secretary, Treasurer, and C.E.O., if the owner or lessee is a corporate body, shall be stated in the application.

107.5.1 Construction document requirements: No permit shall be issued for the erection of a new building or alterations to an existing building unless the plans

and specifications thereof have the seal of an architect currently registered with the State of Delaware, State Board of Examiners and Registrations of Architects, or by a Professional Engineer practicing in an appropriate discipline (i.e. structural design) and currently registered with the Delaware Professional Engineers.

Exceptions:

1. Single and two-family dwellings, and any additions, alterations, renovations, sheds, storage buildings and garages incidental to such dwellings.
2. Farm structures used exclusively for farm use.

107.5.2 Division of Highways Approval: The Building Official shall require an entrance/exit permit from the State Division of Highways upon application for a building permit for all non-residential buildings and residential buildings on State maintained roads.

107.6.2 Public Sewage Disposal: The plot plan shall indicate the location of public sewer utilities and points at which connections are to be made accompanied by a sewer lateral permit, issued by the sewer utility, when public sewer is available.

SECTION 108.0 PERMITS

108.10 Permits for Historic Structures: Permits for historic structures shall comply with the regulations set forth in the Kent County Zoning Ordinance.

SECTION 109.0 TEMPORARY STRUCTURES

109.1 General: Pursuant to a variance granted by the ~~board of appeals~~ under the provisions of ~~Section 121.0~~, Board of Adjustment or under the provisions of the Zoning Ordinance, the code official shall issue a permit for temporary construction as approved by the ~~board of appeals~~ Board of Adjustment or in compliance with the provisions of the Zoning Ordinance. Such permits shall be limited as to the time of service granted by the variance or allowed in the Zoning Ordinance, but such temporary construction shall not be permitted for more than one year.

SECTION 110.0 DEMOLITION OF STRUCTURES

110.4 Demolition of Historic Structures: Demolition of any structure and reconstruction of historic structures shall comply with the requirements of this subsection.

110.4.1 Historic Structures: The Building Official shall delay for ten (10) days the issuance of any demolition permit for any building or structure over seventy-five (75) years of age and refer the application for such a permit to the Kent County Historic Preservation Commission within two (2) working days of its receipt. If the Historic Preservation Commission determines that the building or structure is of historic significance for reasons it shall state in a written opinion to the Building Official, the Historic Preservation Commission may order an additional delay in the issuance of the permit up to sixty (60) days from the date of application for the permit. The issuance of the permit for any building or

structure appearing on or eligible for the Kent County Register of Landmarks and Historical Districts may be delayed by the Historic Preservation Commission for up to six (6) months from the date of application for the permit during which time it shall seek alternatives to demolition.

110.4.2 Penalties: Upon verification by the Historic Preservation Commission that a building or structure of historic significance has been demolished prior to the issuance of a demolition permit, the Building Official shall take immediate action for prosecution of said violation(s) with the intent of invoking the maximum penalties, as established in Section 116.4, against the person, firm or corporation responsible for the demolition.

110.4.3 Definition: "Demolish" - to alter a structure by rendering it unfit for the use to such an extent that repair is not feasible or is so costly as to be economically prohibitive. Alterations within the scope of an approved building permit shall not be regarded as demolitions as defined in this paragraph.

SECTION 111.0 CONDITIONS OF PERMIT

111.1.1 Time limitation of permit: A permit for any activity for which a permit is required shall be valid for one year from the date of issuance.

111.5 Completion of Construction: All construction for which a building permit is required must be completed and pass final inspection within two (2) years after issuance of a building permit, with one (1) renewal fee of twenty five dollars (\$25.00).

111.5.1 Manufactured Home Placement: Placement of a manufactured home must be completed and pass final inspection within six (6) months of issuance of the placement permit.

111.5.1.1 Manufactured Home Placement (public sewer): Permit requirements shall comply with the provisions set forth in Section 107.6.2.

111.5.2 Extension of Time: Application for extension must be made to the Building Official at least thirty (30) days prior to the construction completion deadline. Disposition of the application is based upon consideration of all pertinent surrounding circumstances including the reasons for the delay, plans for completion, and the appearance and safety of the structure. Approval of the application for extension shall not be unreasonably withheld; however, the failure to obtain financing to complete said construction shall not constitute sufficient reason for extension.

111.6 Errors: For every permit issued in error or in violation of the provisions of the Building Basic Code or other ordinance(s) of Kent County or without proper authority, the Building Official shall immediately issue a STOP WORK ORDER pursuant to 117.0, setting forth the nature of the error or violation, setting forth the conditions under which work will be permitted to resume and/or prescribing the appropriate acts, procedures or appeal by which the error of violation may be cured and a reasonable time of not less than thirty (30) days in which to comply. If after the expiration of the prescribed period the owner has failed to, in good faith, correct the error or violation, the permit shall become null and

void and the permit shall be the same as though it had never been issued.

SECTION 112.0 FEES

112.1 General: A permit to begin work for new construction, alteration, placement, removal, demolition or other building operation shall not be issued until the fees prescribed in this section shall have been paid to the Kent County Department of Inspection and Enforcement, nor shall an amendment to a permit necessitating an additional fee be approved until the additional fee has been paid.

112.2 Special fees: The payment of fee for the construction, alteration, placement, removal or demolition for all work done in connection with or concurrently with the work contemplated by a building permit shall not relieve the applicant or holder of the permit from the payment of other fees that are prescribed by law or ordinance for ~~water-taps, sewer-connections, electrical permits, erection of signs and display structures, marquees or other appurtenant structures, or fees of inspections, certificates of occupancy or other privileges or requirements, both within and without the jurisdiction of the department of building inspection~~ any approvals, permits, inspections or certificates required by any agency for the improvement, use or occupancy of the property for which the permit is issued.

~~112.3 - New construction and alterations: - The fees for plan examination, building permit and inspections shall be as prescribed in Section 112.3.1 and the code official is authorized to establish by approved rules a schedule of unit rates for buildings and structures of all use groups and types of construction as classified and defined in Chapters 1, 3 and 6.~~

112.3 Determination of Valuation and Permit Fee: The fee charged for permits shall be based upon standard construction values for type of construction as provided by Marshall Swift, or modified by the Building Official for particular applicability to Kent County. Standard construction values shall be updated annually in January to reflect changes in construction price indexes. The Building Official shall acquire input and consultation with local industry representatives prior to determination of standard construction values.

112.3.1 Fee Schedule: A fee for each permit shall be paid in accordance with the following schedule.

Fees for Building Permit

<u>Before receiving a permit, the owner or his agent shall pay the following fee:</u>	
<u>For a valuation \$0.00 to \$1,000.00</u>	<u>\$25.00</u>
<u>For a valuation not exceeding \$1,000,000 for each \$1,000 valuation or fraction thereof</u>	<u>\$5.50</u>
<u>Over \$1,000,000 for each additional \$1,000 or fraction thereof</u>	<u>\$1.75</u>

<u>The minimum fee for any permit shall be</u>	<u>\$25.00</u>
<u>Farm Buildings</u> <u>(Applies only to buildings used exclusively for farming or agriculture.)</u>	<u>\$25.00</u>
<u>Demolitions</u>	<u>\$25.00</u>
<u>Signs</u> <u>(for signs, billboards, and other display structures not exempted from the provisions of the regulations of the Kent County Zoning Ordinance.)</u>	<u>\$0.50 per sq.ft., with a \$25.00 minimum fee</u>
<u>Certificate of Occupancy</u> <u>(except as other wise specifically set forth below in this section.)</u>	<u>\$25.00</u>
<u>Certificate of Occupancy for mobile homes</u>	<u>\$25.00</u>
<u>Certificate of Occupancy for buildings (except motels or hotels) with more than one rental dwelling unit</u>	<u>\$15.00 per dwelling unit.</u>
<u>Certificate of Occupancy for a condominium</u>	<u>\$25.00 per dwelling unit.</u>
<u>Certificate of Occupancy for a motel or hotel</u> <u>a minimum of \$100.00.</u>	<u>\$5.00 per dwelling unit p</u>
<u>Temporary Certificate of Occupancy</u>	<u>\$25.00</u>
<u>Reinspection</u> <u>(for any reason, such as no show for appointment, footings not ready, no final electric, plumbing or fire marshal approval.)</u>	<u>\$25.00</u>
<u>Manufactured or Mobile Home Parks</u>	<u>\$25.00</u>
<u>The fee for inspection of Mobile homes within mobile home parks</u>	<u>\$25.00</u>
<u>Fences</u>	<u>Based on the valuation schedule.</u>
<u>Moving Buildings</u> <u>For moving a building or structure from one lot to another or to a new location on the same lot.</u>	<u>\$25.00</u>

112.4 Refunds: There shall be no refund of fees paid once the permit has been issued excepting permits in error.

SECTION 114.0 PROFESSIONAL ARCHITECTURAL AND ENGINEERING SERVICES.

114.1 General: The construction documents for new construction, alteration, repairs, expansion, addition or modification for buildings or structures shall be prepared by a registered design professional. All construction documents required for a building permit application shall be prepared by a registered design professional consistent with the professional registration laws of the State of Delaware. The construction documents shall include the name and address of

the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the registration laws of the State of Delaware.

Exceptions:

1. Single and two-family dwellings, and any additions, alterations, renovations, sheds, storage buildings and garages incidental to such dwellings.
2. Farm structures used exclusively for farm use.

SECTION 116.0 VIOLATIONS

116.1 Unlawful acts: It shall be unlawful for any person, firm or corporation to erect, construct, place, alter, extend, repair, remove, demolish or occupy any building or structure or equipment regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

116.4 Violation penalties: 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, construct, place, alter or repair a building or structure in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not less than \$100.00 nor more than \$10,000.00, or by imprisonment not exceeding ten days, or both such fine and imprisonment. The \$100.00 minimum fine is mandatory and not subject to suspension. Each day that a violation continues shall be deemed a separate offense.

116.6 Clean Hands: Any appeal to the Kent County Community Board of Appeals shall not operate as a stay of an administrative action or enforcement action taken to effectuate the provisions of this section.

SECTION 117.0 STOP WORK ORDER

117.1 Notice to owner: Upon notice from the code official that work on any building or structure is being prosecuted contrary to the provisions of this code, any other codes or ordinances enforced by Kent County or in an unsafe and dangerous manner, such work shall be immediately stopped. The stop work order shall be in writing and shall be given to the owner of the property involved, or to the owner's agent, or to the person doing the work; and shall state the conditions under which work will be permitted to resume.

117.2 Unlawful continuance: 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 liable to a fine of not less than \$100 or more than \$1,000.

SECTION 118.0 CERTIFICATE OF OCCUPANCY

118.4 Contents of Certificate Delete section

SECTION 119.0 UNSAFE STRUCTURES AND EQUIPMENT

119.3 Notice: If an unsafe condition is found the Code Official shall serve on the owner, agent, or person in control of the structure, a written notice, that describes the building or structure deemed unsafe, the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition or that requires the building to be demolished within a stipulated time. Such notice shall require the persons thus notified to appear within ten (10) days at a specified time in the Department of Inspections and Enforcement to declare to the code official acceptance or rejection of the terms of the order.

119.6 Disregard of notice: Upon refusal or neglect of the person served with the unsafe notice to comply with the requirements of the order to abate the unsafe condition, the Department of Inspections and Enforcement shall follow approved Kent County procedures to abate the violation or demolish the structure.

SECTION 121.0 MEANS OF APPEAL

121.1 Application for appeal: Any person shall have the right to appeal a decision of the code official to the Board of Appeals. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of the code do not apply, or an equivalent form of construction is to be used. The application for appeal shall be in writing and shall be received by the code official within ten days of receipt of the written decision of the code official.

121.2 Membership of board: The board of appeals shall consist of seven voting members: one appointee from each Levy Court district and one appointee at-large. The term of each appointee shall continue until a successor is named by the Levy Court Commissioner in whose district the appointee resides and is confirmed by the Levy Court. During the term of the appointment, a member must maintain residency within the Levy Court district from which appointed.

121.2.1 Qualifications: Delete in entirety

121.2.2 Alternate members: Delete in entirety

121.6 Board Decision: The board shall modify or reverse the decision of the code official by a concurring vote of four members.

SECTION 122.0 CONTRACTOR LICENSE

125.1 Business License: All contractors shall possess a current business license with the State of Delaware.

CHAPTER 2

DEFINITIONS

Adopt without changes or additions.

CHAPTER 3

USE OR OCCUPANCY

SECTION 312.0 USE GROUP U. UTILITY AND MISCELLANEOUS USE GROUP

312.1 General: Buildings and structures of an accessory character and miscellaneous structures not classified in any specific use group shall be constructed, equipped and maintained to meet the requirements of this code commensurate with the fire and life hazard incidental to their use and occupancy. Use Group U shall include fences, tanks, cooling towers, retaining walls and buildings such as private garages, carports and accessory structures.

SECTION 314.0 FARM BUILDINGS

314.1 Agricultural Exemption: All farm buildings except dwellings, used exclusively for farming or agriculture of any nature, as referenced in 9 Del. C. Chapter 32, Sections 8330, 8331, and 8332, are exempt from the Kent County Building Code, except that a plot plan be provided showing the location of the building to be constructed, and an Agricultural Building Use Permit be obtained from the Kent County Department of Inspections and Enforcement at the cost of a \$25 administrative fee.

314.2 Demolition and Moving of Farm Buildings: The fees listed in Section 112.3.1 for "Moving of Buildings" and "Demolition of Buildings" of the Kent County Supplement to the BOCA National Building Code shall apply to all farm buildings.

CHAPTER 4

SPECIAL USE AND OCCUPANCY

Adopt without changes or additions.

CHAPTER 5

GENERAL BUILDING LIMITATIONS

Adopt without changes or additions.

CHAPTER 6

TYPES OF CONSTRUCTION

Adopt without changes or additions.

CHAPTER 7

FIRE RESISTANT MATERIALS AND CONSTRUCTION

Adopt without changes or additions.

CHAPTER 8

INTERIOR FINISHES

Adopt without changes or additions.

CHAPTER 9

FIRE PROTECTION FINISHES

Adopt without changes or additions.

CHAPTER 10

MEANS OF EGRESS

Adopt without changes or additions.

CHAPTER 11

ACCESSIBILITY

Adopt without changes or additions.

CHAPTER 12

INTERIOR ENVIRONMENT

Adopt without changes or additions.

CHAPTER 13

ENERGY CONSERVATION

SECTION 1301.0 GENERAL

~~1301.2 Codes and standards: Compliance with the applicable provisions of ASHRAE 90A or 90B listed in Chapter 35 shall be deemed to meet the requirements of this chapter, unless otherwise specifically provide for herein. Compliance with the requirements of the CABO Model Energy Code listed in Chapter 35 is an acceptable alternative to the requirements of this chapter.~~ Buildings shall be designed and constructed in compliance with the CABO Model Energy Code listed in Chapter 35.

SECTION 1303.0 CONSTRUCTION DOCUMENTS - Delete

SECTION 1304.0 ALTERNATIVE SYSTEMS - Delete

SECTION 1305.0 EXTERIOR ENVELOPE REQUIREMENTS - Delete

SECTION 1306.0 ENERGY CONSERVATION IN ELECTRICAL DISTRIBUTION SYSTEMS - Delete

SECTION 1307.0 MECHANICAL SYSTEMS - Delete

SECTION 1308.0 WATER HEATING - Delete

CHAPTER 14

EXTERIOR WALL COVERINGS

Adopt without changes or additions.

CHAPTER 15

ROOFS AND ROOF STRUCTURES

Adopt without changes or additions.

CHAPTER 16

STRUCTURAL LOADS

Adopt without changes or additions.

CHAPTER 17

STRUCTURAL TESTS AND INSPECTIONS

Adopt without changes or additions.

CHAPTER 18

FOUNDATIONS AND RETAINING WALLS

Adopt without changes or additions.

CHAPTER 19

CONCRETE

Adopt without changes or additions.

CHAPTER 20

LIGHTWEIGHT METALS

Adopt without changes or additions.

CHAPTER 21

MASONRY

Adopt without changes or additions.

CHAPTER 22

STEEL

Adopt without changes or additions.

CHAPTER 23

WOOD

Adopt without changes or additions.

CHAPTER 24

GLASS AND GLAZING

Adopt without changes or additions.

CHAPTER 25

GYPSUM BOARD AND PLASTER

Adopt without changes or additions.

CHAPTER 26**PLASTIC**

Adopt without changes or additions.

CHAPTER 27**ELECTRIC WIRING, EQUIPMENT AND SYSTEMS**

Delete Chapter 27 in entirety; replace as follows:

SECTION 2701.0 GENERAL

2701.1 Scope: The provisions of this chapter shall control the design and construction of all new installations of electrical conductors, equipment and systems in buildings or structures; and all alterations to existing wiring systems therein to insure safety. All such installations shall conform to the provisions of the current editions of NFPA 70A utilized by third party inspection agencies approved by the State of Delaware.

SECTION 2702.0 INSPECTIONS AND TESTS

2702.1 During installation: During the installation of electric systems and equipment, third party inspection agencies approved by the State of Delaware shall make inspections to insure compliance with this chapter.

2702.2 Concealing work: Work in connection with an electric system shall not be covered or concealed until such work has been inspected and permission to conceal such work has been approved.

2702.3 Final inspection: On completion of the work a final inspection and approval shall be performed prior to the building final inspection and issuance of a Certificate of Occupancy.

CHAPTER 28**MECHANICAL SYSTEMS**

Adopt without changes or additions.

CHAPTER 29**PLUMBING SYSTEMS**

Delete Chapter 29 in its entirety; replace as follows:

SECTION 2901.0 GENERAL

2901.1 Scope: The design and installation of plumbing systems, including sanitary and drainage, sanitary facilities, water supplies and sewage disposal in buildings, shall comply with the requirements of this chapter and to the current editions of the applicable codes enforced by the State of Delaware Department of Health and Social Services, Division of Public Health and the State of Delaware Department of Natural Resources and Environmental Control.

SECTION 2902.0 PERMITS AND CERTIFICATES OF APPROVAL

2902.1 Plumbing permit: Plumbing work requiring a permit, as determined by the Plumbing Code of the State of Delaware shall not be commenced until a permit has been obtained from the Division of Public Health.

2902.2 Well permit: Before a permit may be issued for construction, placement or occupancy the property owner, or an authorized representative, must obtain the necessary permit for the withdrawal of groundwater from the Department of Natural Resources and Environmental control.

2902.3 Septic permit: Before a permit may be issued for construction, placement or occupancy the property owner, or an authorized representative, must obtain the necessary permit for the underground discharge of wastewater from the Department of Natural Resources and Environmental Control.

SECTION 2903.0 INSPECTIONS AND TESTS

2903.1 During Installation: During the installation of plumbing systems, including sanitary drainage, sanitary facilities, water supplies and sewage disposal systems the appropriate inspection agencies shall be contacted to perform the necessary inspections to insure code compliance.

2903.2 Concealing work: Work in connection with any installation of plumbing systems, including sanitary drainage, sanitary facilities, water supplies and sewage disposal systems shall not be covered or concealed until such work has been inspected and permission to conceal such work has been approved.

2903.3 Final inspection: On completion of such work a final inspection and approval shall be performed prior to the building final inspection and issuance of a Certificate of Occupancy.

CHAPTER 30

ELEVATORS AND CONVEYING SYSTEMS

Adopt without changes or additions.

CHAPTER 31

SPECIAL CONSTRUCTION

Adopt without changes or additions.

CHAPTER 32

CONSTRUCTION IN THE PUBLIC RIGHT OF WAY

Adopt without changes or additions.

CHAPTER 33

SITE WORK DEMOLITION AND CONSTRUCTION

SECTION 3305.5 FIRE HAZARDS

3305.4 Housekeeping: Combustible rubbish shall not be disposed of by burning on the premises or in the immediate vicinity. The entire premises and area adjoining and around the operation shall be kept in a safe and sanitary condition.

SECTION 3316.0 SANITATION

3316.1 General: Every building in the course of demolition, erection or repair shall be provided with toilet facilities.

CHAPTER 34

EXISTING STRUCTURES

Adopt without changes or additions.

CHAPTER 35

REFERENCED STANDARDS

Adopt without changes or additions.