

INTRODUCED BY: Paul Davis
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PUBLIC HEARING DATE: September 14, 1999
PUBLIC HEARING TIME: 7:15 p.m.
ADOPTION DATE: September 14, 1999
EFFECTIVE DATE: September 14, 1999

ORDINANCE NO. 99-17

AN ORDINANCE TO AMEND THE KENT COUNTY BUILDING CODE SUPPLEMENT TO THE BOCA NATIONAL BUILDING CODE/1993 ADOPTED FEBRUARY 10, 1995, TO PROVIDE FOR A KENT COUNTY BUILDING CODE SUPPLEMENT TO THE BOCA NATIONAL BUILDING CODE 1996.

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/1996" as well as the "Kent County Building Code Supplement to the BOCA National Building Code/1996" - 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/1993 by deleting reference to the BOCA National Building CODE/1993 and adopting the BOCA National Building Code/1996 with changes provided in its supplement.

PROPOSED DRAFT OF
KENT COUNTY BUILDING CODE SUPPLEMENT
TO THE BOCA NATIONAL BUILDING CODE/1996

Chapter 1 ADMINISTRATION

SECTION 101.0 SCOPE

101.0 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. 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, this fact shall be stated in the application.

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 a 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 thirty dollars (\$30.00).

111.5.1 MANUFACTURED HOME PLACEMENT: Placement of a manufactured home must be completed and pass final inspection, meeting the requirements set forth in the Kent County manufactured home installation code 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 unreasonable 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

(except as other wise specifically set forth below in this section).

Certificate of Occupancy for mobile homes \$25.00

Certificate of Occupancy for buildings (except motels or hotels) with more than one rental dwelling unit \$ 15.00 per dwelling unit.

Certificate of Occupancy for a condominium \$ 25.00 per dwelling unit

Certificate of Occupancy for a motel or hotel \$ 5.00 per dwelling unit
Or a minimum of \$100.00.

Temporary Certificate of Occupancy \$25.00

Addressing and Numbering Fee (for any new construction or placement of dwelling units - does not apply to replacements of previously addressed units) \$25.00

Reinspection \$25.00
(for any reason, such as no show for appointment, footings not ready, no final electric, plumbing or fire marshal approval).

Manufactured or Mobile Home Parks
For manufactured homes 14' wide or less \$75.00
For manufactured homes 16' wide and double wide \$150.00

Fences Based on the valuation schedule.

Moving Buildings \$25.00
For moving a building or structure from one lot to another or to a new location on the same lot.

Plan review fee for commercial buildings \$0.003 for each dollar of value with
A minimum of \$20.00 and Maximum
Of \$750.00

Fees for inspections requested by owners on existing structures approved for occupancy by this department for more than 1 year \$50.00

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

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 \$100.00 or more than \$1,000.00.

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 spend 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

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 and additions.

CHAPTER 9
FIRE PROTECTION FINISHES

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 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

2701.0 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 NfiPA 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.

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

