

INTRODUCED BY: Eric L. Buckson  
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**Ordinance 20-06  
2018 Building Codes**

An Ordinance to amend Kent County Code, Vol. I, Chapter 105: Building Construction, Article I, International Building Code, §105-1. Adoption of Standards and Article II, International Residential Code, §105-4. Adoption of Standards by replacing the existing building codes and supplement with the 2018 International Codes and supplemental administrative regulations and renumbering sections as appropriate.

**WHEREAS**, Kent County Levy Court is empowered to adopt permitting, construction, and inspection standards for residential and nonresidential structures pursuant to 9 Del. Code, Chapter 44;

**WHEREAS**, minimum construction standards are necessary to protect the health, safety, and welfare of Kent County citizens; and

**WHEREAS**, copies of the 2018 International Codes and supplemental regulations are available in the Department of Planning Services – Division of Inspection and Enforcement for review

**NOW, THEREFORE, THE LEVY COURT OF KENT COUNTY, DELAWARE, HEREBY ORDAINS:**

**Section 1.** That the Kent County Code, Vol. I, Chapter 105: Building Construction, is hereby amended deleting the words shown below in brackets and strike-through marks and adding the following underlined language:

**Article I.  
General Provisions**

**§105-1. General**

- A. Title. These regulations, including the International Codes herein adopted, shall be known as the Kent County Building Code.
- B. Authority. This article is adopted pursuant to the powers conferred upon the Levy Court of Kent County, Delaware, in 9 Del. C. § 4414.
- C. Purpose. This Chapter shall apply to the unincorporated area of Kent County, Delaware and may apply to incorporated municipalities if by appropriate action of its governing body any

such governing body elects to be included in its application.

D. Scope. The provisions of this chapter shall apply to design, construction, quality of materials, workmanship, alteration, movement, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal and demolition of all premises, buildings, swimming pools, spas, systems, and structures. The specific scope of the technical codes herein adopted and enforced is as follows:

1. Building. The provisions of the International Building Code shall apply to the construction, alteration, movement, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.
2. Residential. The provisions of the International Residential Code for One and Two Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of detached one and two family dwellings and townhouses not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures.
3. Manufactured Home Installation. The provisions of the State of Delaware Manufactured Home Installation Code shall apply to the installation, enlargement, replacement, repair, equipment, use and occupancy, location, removal, and demolition of manufactured homes.
4. Mechanical. The provisions of the International Mechanical Code shall apply to the installation, alterations, repairs and replacement of mechanical systems, including equipment, appliances, fixtures, fittings and/or appurtenances, including ventilating, heating, cooling, air-conditioning and refrigeration systems, incinerators and other energy-related systems. The International Mechanical Code is governed by the State of Delaware and may be subject to a different edition of the code.
5. Plumbing. The provisions of the International Plumbing Code shall apply to the installation, alteration, repair and replacement of plumbing systems, including equipment, appliances, fixtures, fittings and appurtenances where connected to a water or sewage system and all aspects of a medical gas system. The provisions of the International

Private Sewage Disposal Code shall apply to private sewage disposal systems. The International Plumbing Code is governed by the State of Delaware and may be subject to a different edition of the code.

6. Gas. The provisions of the International Fuel Gas Code shall apply to the installation of gas piping from the point of delivery, gas appliances and related accessories as covered in this code. These requirements apply to gas piping systems extending from the point of delivery to the inlet connections of appliances and the installation and operation of residential and commercial gas appliances and related accessories. The International Fuel Gas Code is governed by the State of Delaware and may be subject to a different edition of the code.
7. Existing Building. The provisions of the International Existing Building Code shall apply to the repair, alteration, change of occupancy, addition to, and relocation of existing buildings. A building or portion of a building that has not been previously issued a certificate of occupancy or used for its intended purpose shall comply with the provisions of the International Building Code. Detached one and two family dwellings and townhouses not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures shall comply with the International Residential Code.
8. Energy Conservation. The provisions of the Statewide Energy Conservation Code shall apply to the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use, or maintenance of the building envelope, mechanical, lighting, and power systems. The International Energy Conservation Code is governed by the State of Delaware and may be subject to a different edition of the code
9. Accessibility. The International Code Council has partnered with the American National Standards Institute (ANSI) to establish standards for accessibility. These standards are governed by the State of Delaware and may be subject to a different edition of the code.
10. Property maintenance. The provisions of the International Property Maintenance Code shall apply to existing structures and premises; equipment and facilities; light, ventilation, space heating, sanitation, life and fire safety

hazards; responsibilities of owners, operators and occupants; and occupancy of existing premises and structures.

11. Fire prevention. The provisions of the International Fire Code shall apply to matters affecting or relating to structures, processes and premises from the hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices; from conditions hazardous to life, property or public welfare in the occupancy of structures or premises; and from the construction, extension, repair, alteration or removal of fire suppression, automatic sprinkler systems and alarm systems or fire hazards in the structure or on the premises from occupancy or operation. The International Fire Code is governed by the State of Delaware and may be subject to a different edition of the code.
  12. Swimming Pools and Spa. The provisions of the International Swimming Pool and Spa Code shall apply to the construction, alteration, movement, renovation, replacement, repair, and maintenance of aquatic recreation facilities, pools, and spas. The pools and spas covered by this Code are either permanent or temporary and shall be only those that are designed and manufactured to be connected to a circulation system and/or that are intended for swimming, bathing, or wading.
- E. Existing Structures. The legal occupancy of any structure existing on the date of adoption of this Chapter shall be permitted to continue without change except as is specifically covered in this Chapter, the International Existing Building Code, the Property Maintenance Code, or as is deemed necessary by the Code Official for the general safety and welfare of the occupants and the public.
  - F. Moved pools and spas. Systems that are a part of a pool, spa, or system moved into or within the jurisdiction shall comply with the provisions of this Chapter for new installations.
  - G. Conflict. Where in any specific case different sections of this Chapter specify different materials, methods of construction, or other requirements the most restrictive shall govern. Where there is conflict between a general requirement and a specific requirement, the specific requirement shall be applicable. Where there is 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. Where enforcement of a code provision would violate the conditions of the listing of the

equipment or appliance, the conditions of the listing and manufacturer's instructions shall apply.

- H. Other laws. The provisions of the above referenced codes shall not be deemed to nullify any provisions of local, state, or federal law.
- I. Matters not provided. Any requirements that are essential for the safety of an existing or proposed building or structure or for the safety of the occupants thereof which are not specifically provided for by this Chapter shall be determined by the Code Official. The Code Official shall rely on the language and intent of the adopted International Codes when issuing orders and decisions under this Chapter.
- J. Partial invalidity. In the event that any part or provisions of this code is held to be illegal or void, this shall not have the effect of making void or illegal any of the other parts or provisions.
- K. No liability created. Nothing in this Chapter shall create any liability for loss or damage resulting from the failure of the County to perform any responsibility set forth in this Chapter or obligate the County to make any appropriation or expend any money for any purpose set forth in this Chapter.

## Article II

### **Administration and Enforcement**

**§105-2. Creation of enforcement agency.** The Department of Planning Services is hereby established as the official enforcement agency for Kent County, Delaware, and the Director of Planning Services is hereby appointed by Levy Court as the Building Official. The Building Official shall have the authority to hire technical staff, inspectors, plan examiners and other employees in accordance with the adopted budget and the prescribed procedures of Kent County. Such employees shall report to and have powers as delegated by the Building Official.

#### **§105-3. Duties and powers of building official**

- A. General. The building official is hereby authorized and directed to enforce the provisions of this code. The building official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.
- B. Applications and permits. The building official shall receive applications, review construction documents and issue permits for the erection, alteration, demolition, and moving of buildings and structures; inspect

the premises for which such permits have been issued; and enforce compliance with the provisions of this code.

- C. Notices and orders. The building official shall issue all necessary notices or orders to ensure compliance with this code.
- D. Inspections. The building official shall make all of the required inspections, or the building official shall have the authority to accept reports of inspection by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The building official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.
- E. Identification. The building official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.
- F. Right of entry. Where it is necessary to make an inspection to enforce the provisions of this code, or where the building official has reasonable cause to believe that there exists in a structure or upon a premises a condition that is contrary to or in violation of this code which makes the structure or premises unsafe, dangerous or hazardous, the building official is authorized to enter the structure or premises at reasonable times to inspect or to perform the duties imposed by this code, provided that if such structure or premises be occupied that credentials be presented to the occupant and entry requested. If such structure or premises is unoccupied, the building official shall first make a reasonable effort to locate the owner or other person having charge or control of the structure or premises and request entry. If entry is refused, the building official shall have recourse to the remedies provided by law to secure entry.
- G. Department records. The building official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for retention of public records.
- H. Liability. The building official, member of the Board of Appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally and is hereby relieved from personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties. Any suit instituted against an officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by legal representative of the jurisdiction until the final termination of the

proceedings. The building official or any subordinate shall not be liable for cost in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

- I. Approved materials and equipment. Materials, equipment and devices approved by the building official shall be constructed and installed in accordance with such approval.
  1. Used materials and equipment. The use of used materials which meet the requirements of this code for new materials is permitted. Used equipment and devices shall not be reused unless approved by the building official.
- J. Modifications. Wherever there are practical difficulties involved in carrying out the provisions of this code, the building official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the building official shall first find that special individual reason makes the strict letter of this code impractical; the modification is in compliance with the intent and purpose of this code; and that such modification does not lessen health, accessibility, life and fire safety, or structural requirements. The details of action granting modifications shall be recorded and entered in the files of the Division of Inspections & Enforcement.
  1. Flood hazard areas. Kent County Board of Adjustment shall not grant modifications to any provision required in flood hazard areas as established by Section 1612.3 or Table R301.2(1) unless a determination has been made that:
    - a. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards of Section 1612 inappropriate.
    - b. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
    - c. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing laws or ordinances.
    - d. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
    - e. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

- K. Alternative materials, design and methods of construction and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material, design or method of construction shall be approved where the building official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Compliance with the specific performance-based provisions of the International Codes in lieu of specific requirements of this code shall also be permitted as an alternative.
1. Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.
  2. Tests. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the building official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the building official shall approve the testing procedures. Tests shall be performed by an approved agency. Reports of such tests shall be retained by the building official for the period required for retention of public records.

#### §105-4 Permits

- A. Required. Any owner or authorized agent who intends to construct, enlarge, alter, repair, move, demolish, or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any electrical, gas, mechanical or plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the building official and obtain the required permit.
1. Annual permit. In lieu of an individual permit for each alteration to an already approved electrical, gas, mechanical or plumbing installation, the building official is authorized to issue an annual permit upon application therefore to any person, firm or corporation regularly employing one or more qualified trade persons in the building, structure or on the premises owned or operated by the applicant for the permit.



2. Annual permit records. The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The building official shall have access to such records at all times or such records shall be filed with the building official as designated.
  3. Delaware Department of Transportation approval. The building official may require an entrance/exit permit from the Delaware Department of Transportation upon application for a building permit for all non-residential and residential buildings on State maintained roads.
  4. Public sewage disposal. The plot plan shall include the location of public sewer utilities and points at connections are to be made and accompanied by a sewer lateral permit, issued by the sewer utility, when public sewer is not available.
  5. Permits for historic structures. Permits for historic structures shall comply with the regulations set forth in the Kent County Zoning Ordinance.
  6. Other permit approvals. Before a building permit is issued, ADDITIONAL AGENCY approvals may be required. Such Agency approvals include but are not limited to; Delaware State Fire Marshall, Kent Conservation District, Delaware Division of Public Health, Delaware Department of Natural Resources and Environmental Control, and a Delaware recognized electrical inspection agency.]
  7. Energy code compliance. An energy code compliance certificate shall be submitted with each single family dwelling permit application, or meet the prescriptive requirements of Section 402 of the International Energy Conservation Code currently adopted by the State of Delaware.
- B. Exemptions. Exemptions from permit requirements of this code shall not be deemed to grant authorization for any work to be done in any manner in violation of the provisions of this code or any other laws or ordinances of this jurisdiction. Permits shall not be required for the following:
1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area is not greater than 300 square feet.
  2. Fences not over 7 feet in height.
    - a. Exceptions:
      - (1) Fences required for pools.

- (2) Fences required by the State of Delaware for home-based daycares.
- (3) Fences required by Kent County Planning Services as part of an approved subdivision application or land development application.
3. Retaining walls that are not over 4 feet (1219 mm) in height measured from the bottom of the footing to the top of the wall, unless supporting a surcharge or impounding Class I, II or IIIA liquids.
4. Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons (18,925 L) and the ratio of height to diameter or width is not greater than 2:1.
5. Sidewalks and driveways.
6. Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.
7. Temporary motion picture, television and theater stage sets and scenery.
8. Prefabricated swimming pools accessory to a Group R-3 occupancy that are less than 24 inches (610 mm) deep high, are not greater than 5,000 gallons (18,925 L) and are installed entirely above ground.
9. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.
10. Swings and other playground equipment accessory to detached one- and two-family dwellings.
11. Window awnings in Group R-3 and U occupancies, supported by an exterior wall that do not project more than 54 inches (1,372 mm) from the exterior wall and do not require additional support.
12. Non-fixed and movable fixtures, cases, racks, counters and partitions not over 5 feet 9 inches (1,753 mm) in height.
13. Replacement of any roof sheathing less than 25% of the roof area.
14. Repairs and maintenance: Minor repair work, including the replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles.
15. Radio and television transmitting stations: The provisions of this code shall not apply to electrical equipment used for radio and television transmissions, but do apply to equipment and wiring for a power supply and the installations of towers and antennas.

16. Temporary testing systems: A permit shall not be required for the installation of any temporary system required for the testing or servicing of electrical equipment or apparatus.
17. Portable heating appliances.
18. Replacement of any minor part that does not alter approval of equipment or make such equipment unsafe.
19. Portable ventilation equipment.
20. Portable cooling units.
21. Steam, hot or chilled water piping within any heating or cooling equipment regulated by this code.
22. Replacement of any part that does not alter its approval or make it unsafe.
23. Portable evaporative coolers.
24. Self-contained refrigeration systems containing 10 Pounds (5 kg) or less of refrigerant and actuated by motors of 1 horsepower (746 W) or less.
25. The stopping of leaks in drain, water, soil, waste or vent pipe, provided, however, that if any concealed trap, drain pipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
26. The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures and the removal and reinstallation of water closets, provided such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.
27. Emergency repairs. Where equipment replacements and repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day to the building official.
28. Repairs. Application or notice to the building official is not required for ordinary repairs to structures, replacement of lamps or the connection of approved portable electrical equipment to approved permanently installed receptacles. Such repairs shall not include the cutting away of any wall, partition or portion thereof, the removal or cutting of any structural beam or load-bearing support, or the removal or change of any required means of egress, or rearrangement of parts of a structure affecting the egress requirements; nor shall ordinary repairs include addition to, alteration of, replacement or relocation of any standpipe, water

supply, sewer, drainage, drain leader, gas, soil, waste, vent or similar piping, electric wiring or mechanical or other work affecting public health or general safety.

29. Public service agencies. A permit shall not be required for the installation, alteration or repair of generation, transmission, distribution or metering or other related equipment that is under the ownership and control of public service agencies by established right.
  30. Agricultural and farm buildings. All farm buildings, except dwellings used exclusively for farming or agriculture of any nature on a parcel of at least 5 acres and with a reasonable expectation of a minimum gross annual farm income of \$2,500 are exempt from this code, except that a plot plan shall be provided showing the location of the building to be constructed and Agricultural Building Use Permit obtained from the Division of Inspections & Enforcement at the cost as approved by the Kent County Levy Court.
- C. Application for permit. To obtain a permit, the applicant shall first file an application therefore in writing on a form furnished by the Division of Inspections & Enforcement for that purpose. Such application shall:
1. Identify and describe the work to be covered by the permit for which application is made.
  2. Describe the land on which the proposed work is to be done by legal description, street address or similar description that will readily identify and definitely locate the proposed building or work.
  3. Indicate the use and occupancy for which the proposed work is intended.
  4. Be accompanied by construction documents and other information as required in Section 107 of the IBC.
  5. State the valuation of the proposed work.
  6. Be signed by owner of record or contractor (agent) for the project; otherwise a written approval from the owner of record will be supplied.
  7. Give such other data and information as required by the building official.
- D. Action on application. The building official shall examine or cause to be examined applications for permits and amendments thereto within a reasonable time after filing. If the application or the construction documents do not conform to the requirements of pertinent laws, the building official may reject such application in writing, stating the reasons therefore, or approve such application with conditions. If the building official is satisfied that the proposed work conforms to the

requirements of this code and laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable.

- E. Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the building official is authorized to grant one or more extensions of time for additional periods not exceeding 90 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- F. Validity of permit. The issuance or granting of a permit shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or of any other ordinance of the jurisdiction. Permits presuming to give authority to violate or cancel the provisions of this code or other ordinances of the jurisdiction shall not be valid. The issuance of a permit based on construction documents and other data shall not prevent the building official from requiring the correction of errors in the construction documents and other data. The building official is also authorized to prevent occupancy or use of a structure where in violation of this code or of any other ordinances of this jurisdiction.
- G. Expiration. Every permit issued shall become invalid unless the work on the site authorized by such permit is commenced within 180 days after its issuance, or if the work authorized on the site by such permit is suspended or abandoned for a period of 180 days after the time the work is commenced. The building official is authorized to grant, in writing, one or more extensions of time, for periods not more than 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.
- H. Time limitation of permit. Provided work has commenced, except for those specified below, permits shall be valid for one (1) year from the date of issuance.
  - 1. Manufactured home placement and replacement. Placement or replacement of a manufactured home must complete all required inspections including the final inspection, meeting the requirements set forth in the State of Delaware Manufactured Home Installation Code within ninety (90) days of issuance of the placement permit with an automatic inspection after thirty (30) days.
  - 2. Pool permits. Pool permits shall be valid for a period of ninety (90) days from the date of issuance. An automatic inspection will be performed thirty (30) days from the date of issuance.
  - 3. Demolition permits. A demolition permit shall be valid for one hundred eighty (180) days from the date of issuance. An automatic inspection will be performed sixty (60) days from the date of issuance.

- I. Completion of construction. Except as specified above, 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. After the first twelve (12) months, a permit may be renewed for one additional twelve (12) month period for a renewal fee as reflected in the Kent County Code Fee Ordinance 04-05, §6.3. On single family dwellings, an inspection will be conducted by the Division prior to renewal.
- J. Suspension or revocation. The building official is authorized to suspend or revoke a permit issued under the provisions of this code and all other applicable County codes wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code and all other applicable County codes.
  - 1. Stop work orders. For every permit issued in error or in violation of the provision of this code or other ordinance(s) of Kent County or without proper authority, the building official shall immediately issue a stop work order pursuant to Section 115 and 116, setting forth the nature of the violation, setting forth the conditions under which work will be permitted to resume and/or prescribing the appropriate acts, procedures or methods by which the error of violation may be appealed. Performing work after the expiration of a building permit is the same as building without a permit, and is therefore subject to the aforementioned penalties.
- K. Placement of permit. The building permit or copy shall be kept on the site of the work and posted in a prominent location visible from the street until the completion of the project.
- L. Responsibility. It shall be the duty of every person who performs work for the installation or repair of building, structure, electrical, gas, mechanical or plumbing systems, for which this code is applicable, to comply with this code.

#### **§105-5. Floor and Roof Design Loads**

- A. Live loads posted. In commercial or industrial buildings, for each floor or portion thereof designed for live loads exceeding 50 psf (2.40 kN/ m<sup>2</sup>), such design live loads shall be conspicuously posted by the owner in that part of each story in which they apply, using durable signs. It shall be unlawful to remove or deface such notices.
- B. Issuance of certificate of occupancy. A certificate of occupancy required by Section 111 shall not be issued until the floor load signs, required by Section 106.1, have been installed.
- C. Acceptable datum. The Department of Planning Services shall obtain, review, and reasonably utilize any base flood elevation and floodway data available from a federal, state, or other source as criteria for

requiring that new construction, substantial improvements, or other development in Zone A comply with the provisions of this chapter.

- D. Restrictions on loading. It shall be unlawful to place, or cause or permit to be placed, on any floor or roof of a building, structure or portion thereof, a load greater than is permitted by this code.

#### **§105-6. Submittal Documents**

- A. General. Submittal documents consisting of construction documents, statement of special inspections, geotechnical reports 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 currently licensed in the State of Delaware with either the Delaware Association of Professional Engineers as a Professional Engineer or with the State of Delaware Division of Professional Regulations as a Registered Architect. 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. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by a registered design professional.

- 1. The following are exempt from submitted sealed plans:

- a. Single and two-family dwellings, any additions, alterations and renovations thereto, shed and garages incidental to such dwellings.
- b. Commercial accessory structures, two (2) units maximum per property (square footage not to exceed 300 square feet each), shall be used exclusively for low hazard storage purposes. Structures shall be leveled and secured with tie downs or equivalent of manufactured home fastening devices; one (1) anchor installed at each corner. Structures twenty (20) feet or more in length shall have two (2) additional anchors installed; one on each side mid-span. All lumber and wood siding is to be pressure treated from grade to eight (8) inches above finished grade.
- c. Farm structures used exclusively for farm use.
- d. Home occupations that have been approved by the Department of Planning Services for their stated use.

- 2. 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.

- B. Construction documents. Construction documents shall comply with the following provisions:
1. Information on construction documents. Construction documents shall be dimensioned and drawn upon suitable material. Electronic media documents are permitted to be submitted when approved by the building official. Construction documents shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that it will conform to the provisions of this code and relevant laws, ordinances, rules and regulations, as determined by the building official.
  2. Fire protection system shop drawings. Shop drawings for the fire protection system(s) shall be submitted to indicate conformance to this code and the construction documents and shall be approved prior to the start of system installation. Shop drawings shall contain all information as required by the referenced installation standards in Chapter 9 of the International Building Code.
  3. Means of egress. The construction documents shall show in sufficient detail the location, construction, size and character of all portions of the means of egress including the path of the exit discharge to the public way in compliance with the provisions of this code. Except for occupancies in Groups R-2, R-3, and I-1, the construction documents shall designate the number of occupants to be accommodated on every floor, and in all rooms and spaces.
  4. Exterior wall envelope. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this code. The construction documents shall provide details of the exterior wall envelope as required, including flashing, intersections with dissimilar materials, corners, end details, control joints, intersections at roof, eaves or parapets, means of drainage, water-resistive membrane and details around openings.
    - a. The construction documents shall include manufacturer's installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that was tested, where applicable, as well as the test procedure used.
    - b. Exterior Balconies and elevated walking surfaces. Where balconies or other elevated walking surfaces are exposed to water from direct or blowing rain, snow, or irrigation, and the structural framing is protected by an impervious moisture barrier, the construction documents shall include details for all elements of the impervious moisture barrier system. The



construction documents shall include manufacturer's installation instructions.

5. Site plan. The construction documents submitted with the application for permit shall be accompanied by a site plan showing to scale the size and location of new construction and existing structures on the site; distances from lot lines; the established street grades and the proposed finished grades; and, as applicable, flood hazard areas, floodways, and design flood elevations; and it shall be drawn in accordance with an accurate boundary line survey map. In the case of demolition, the site plan shall show construction to be demolished, and the location and size of existing structures and construction that are to remain on the site or plot. The building official is authorized to waive or modify the requirement for a site plan when the application for permit is for alteration or repair, or when otherwise warranted.
  - a. Design flood elevations. Where design flood elevations are not specified, they shall be established in accordance with Section 1612.3.1 or R322.1.4.1 of the International Building Code.
  - b. Additional requirements. For flood zone determination, a site plan shall accompany the permit application.
6. Manufacturer's installation instructions. Manufacturer's installation instructions, as required by this code, shall be available on the job site at the time of inspection.
  - a. Addition attachments. Any addition to manufactured homes, including decks, other than ones that are self-supporting, is required to be designed and sealed by a design professional licensed in the State of Delaware.
7. Information for construction in flood hazard areas. For buildings and structures located wholly or partially in flood hazard areas as established by Table R301.2 (1) of the International Building Code, construction documents shall include:
  - a. Delineation of flood hazard areas, floodway boundaries and flood zones and the design flood elevation, as appropriate;
  - b. The elevation of the proposed lowest floor, including basement; in areas of shallow flooding (AO zones), the height of the proposed lowest floor, including basement, above the highest adjacent grade;
  - c. The elevation of the bottom of the lowest horizontal structural member in coastal high hazard areas (V Zone); and
  - d. If design flood elevations are not included on the community's Flood Insurance Rate Map (FIRM), the building official and the applicant shall obtain and reasonably utilize the best available

design flood elevation and floodway data available from other sources.

8. Examination of documents. The building official shall examine, or cause to be examined, the accompanying submittal documents and shall ascertain by such examinations whether the construction indicated and described is in accordance with the requirements of this code and other pertinent laws or ordinances.
  - a. Approval of construction documents. When the building official issues a permit, the construction documents shall be approved, in writing or by stamp, as "Reviewed for Code Compliance." One set of construction documents so reviewed shall be retained by the building official. The other set shall be returned to the applicant, shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.
  - b. Previous approvals. This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.
  - c. Phased approval. The building official is authorized to issue a permit for the construction of foundations or any other part of a building or structure before the construction documents for the whole building or structure have been submitted, provided that adequate information and detailed statements have been filed complying with pertinent requirements of this code. The holder of such permit for the foundation or other parts of a building or structure shall proceed at the holder's own risk with the building operation and without assurance that a permit for the entire structure will be granted.
  - d. Design professional in responsible charge. Where it is required that documents be prepared by a registered design professional, the building official shall be authorized to require the owner to engage and designate on the building permit application a registered design professional who shall act as the registered design professional in responsible charge. If the circumstances require, the owner shall designate a substitute registered design professional in responsible charge who shall perform the duties required of the original registered design professional in responsible charge. The building official shall be notified in writing by the owner if the registered design professional in responsible charge is changed or is unable to continue to perform the duties. The registered design professional in responsible charge shall be responsible for reviewing and coordinating submittal documents prepared by others, including

phased and deferred submittal items, for compatibility with the design of the building.

- (1) Deferred submittals. Deferral of any submittal items shall have the prior approval of the building official. The registered design professional in responsible charge shall list the deferred submittals on the construction documents for review by the building official.
  - (2) Documents for deferred submittal items shall be submitted to the registered design professional in responsible charge who shall review them and forward them to the building official with a notation indicating that the deferred submittal documents have been reviewed and found to be in general conformance to the design of the building. The deferred submittal items shall not be installed until the deferred submittal documents have been approved by the building official.
- C. Amended construction documents. Work shall be installed in accordance with the approved construction documents, and any changes made during construction that are not in compliance with the approved construction documents shall be resubmitted for approval as an amended set of construction documents.
- D. Retention of construction documents. One set of approved construction documents shall be retained by the building official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

#### **§105-7. Temporary Structures and Uses**

- A. General. The building official is authorized to issue a permit for temporary structures and temporary uses. With regard to and pursuant to a variance granted by the Board of Adjustment or under the provisions of the Kent County Zoning Ordinance, the building official shall issue a permit for temporary uses. Such permits shall be limited as to the time of service granted by the variance or the time limits specified in the Kent County Code.
- B. Conformance. Temporary structures and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure public health, safety and general welfare.
- C. Temporary power. The building official is authorized to give permission to temporarily supply and use power in part of an electric installation before such installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified by any of the approved State Electrical Inspection Agencies.

- D. Termination of approval. The building official is authorized to terminate such permit for a temporary structure or use and to order the temporary structure or use to be discontinued.

#### **§105-8. Fees**

- A. Payment of fees. A permit shall not be valid until the fees prescribed by law have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.
- B. Schedule of permit fees. For buildings, structures, electrical, gas, mechanical and plumbing systems or alterations requiring a permit, a fee for each permit shall be paid as required, in accordance with the schedule as established by the applicable governing authority. See Kent County Code Chapter 128, Fees.
- C. Building permit valuations. The applicant for a permit shall provide an estimated permit value at time of application. Permit valuations shall include total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical and/or other permanent systems, as well as plumbing equipment. If, in the opinion of the building official, the valuation is underestimated on the application, the permit shall be denied, unless the applicant can show detailed estimates to meet the approval of the building official. Final building permit valuation shall be set by the building official. When deemed necessary, Marshall & Swift Valuation Service will be used to cost out the project.
- D. Work commencing before permit issuance. Any person who commences any work on a building, structure, electrical, gas, mechanical or plumbing system before obtaining the necessary permits shall be subject to a fee established by the building official that shall be in addition to the required permit fees.
- E. After-the-Fact permitting. After-the-Fact permitting for structures constructed prior to the issuance of a Kent County building permit shall be double the base building permit fee.
- F. Related fees. The payment of the fee for the construction, alteration, removal or demolition for work done in connection to, or concurrently with, the work authorized 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.
- G. Refunds. See Kent County Policy 22-10, Refund Policy.

#### **§105-9. Inspections**

- A. General. Construction or work for which a permit is required shall be subject to inspection by the building official, and such construction or work shall remain accessible and exposed for inspection purposes until approved. Approval as a result of an inspection shall not be construed to

be an approval of a violation of the provisions of this code or of other ordinances of the jurisdiction. Inspections presuming to give authority to violate or cancel the provisions of this code or of other ordinances of the jurisdiction shall not be valid. It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Neither the building official nor the jurisdiction shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.

- B. Preliminary inspection. Before issuing a permit, the building official is authorized to examine or cause to be examined buildings, structures and sites for which an application has been filed.
- C. Required inspections. The building official, upon notification, shall make the inspections set forth below:
  - 1. Footing and foundation inspection. Footing and foundation inspections shall be made after excavations for footings are complete and any required reinforcing steel is in place. For concrete foundations, any required forms shall be in place prior to inspection. Materials for the foundation shall be on the job, except where concrete is ready mixed in accordance with ASTM C 94. In this case, the concrete need not be on the job.
  - 2. Concrete slab and under-floor inspection. Concrete slab and under-floor inspections shall be made after in-slab or under-floor reinforcing steel and building service equipment, conduit, piping accessories and other ancillary equipment items are in place, but before any concrete is placed or floor sheathing installed, including the subfloor.
  - 3. Lowest floor elevation. In flood hazard areas, upon placement of the lowest floor, including the basement, and prior to further vertical construction, the elevation certification required in Section 1612.4 shall be submitted to the building official.
  - 4. Frame inspection. Framing inspections shall be made after the roof deck or sheathing and all framing, fire-blocking and bracing are in place; pipes, chimneys and vents to be concealed are complete; and the rough electrical, plumbing, heating wires, pipes and ducts are approved.
  - 5. Fire- and smoke-resistant penetrations. Protection of joints and penetrations in fire-resistance rated assemblies, smoke barriers and smoke partitions shall not be concealed from view until inspected and approved.
  - 6. Energy efficiency inspections. Inspections shall be made to determine compliance with the current State adopted International Energy Conservation Code or ANSI/ASHRAE/IES Standard 90.1, and shall include, but not be limited to, inspections for: envelope insulation R- and U-values, fenestration U-value, duct system R-

value, and HVAC and waterheating equipment efficiency. An Energy Compliance sticker completed by the applicant or agent shall be completed and attached in the electrical panel prior to the issuance of the certificate of occupancy.

7. Other inspections. In addition to the inspections specified herein, the building official is authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced by the Division of Inspections & Enforcement.
8. Special inspections. For special inspections, see Chapter 17 of the International Building Code.
9. 10 Fire-resistance-rated construction inspection. Where fire-resistance-rated construction is required between dwelling units or due to location on property, the building official shall require an inspection of such construction after all lathing and/or wallboard is in place, but before any plaster is applied, or before wallboard joints and fasteners are taped and finished.
  - a. Exception: Gypsum board that is not part of a fire-resistance-rated assembly or a shear assembly.
10. Waterproofing inspection. A waterproofing inspection will be required for all dwellings with basements. The inspection will be required before the basement is backfilled.
11. Final inspection. The final inspection shall be made after all work required by the building permit is completed and all other applicable agency approvals have been acquired.
  - a. Flood hazard documentation. If located in a flood hazard area, documentation of the elevation of the lowest floor as required in Section 1612.5 shall be submitted to the building official prior to the final inspection.
- D. Inspection agencies. The building official is authorized to accept reports of approved inspection agencies, provided such agencies satisfy the requirements as to qualifications and reliability.
- E. Inspection requests. It shall be the duty of the holder of the building permit or their duly authorized agent to notify the building official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.
- F. Approval required. Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the building official. The building official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit

holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the building official.

**§105-10. Certificate of Occupancy**

- A. Use and occupancy. No building or structure shall be used or occupied, and no change in the existing occupancy classification of a building or structure or portion thereof shall be made, until the building official has issued a certificate of occupancy therefore as provided herein. Issuance of a certificate of occupancy shall not be construed as an approval of a violation of the provisions of this code, or of other ordinances of the jurisdiction. Exception: Certificates of occupancy are not required for work exempt from permits.
- B. Certificate issued. After the building official inspects the building or structure and finds no violations of the provisions of this code or other laws that are enforced by the Division of Inspections & Enforcement, the building official shall issue a certificate of occupancy that contains the following:
  - 1. The building permit number.
  - 2. The address of the structure.
  - 3. The name and address of the owner.
  - 4. A description of that portion of the structure for which the certificate is issued.
  - 5. A statement that the described portion of the structure has been inspected for compliance with the requirements of this code for the occupancy and division of occupancy and the use for which the proposed occupancy is classified.
  - 6. The name of the building official.
  - 7. The edition of the code under which the permit was issued.
  - 8. The use and occupancy, in accordance with the provisions of Chapter 3 of the International Building Code.
  - 9. The type of construction as defined in Chapter 6 of the International Building Code.
  - 10. The design occupant load.
  - 11. If an automatic sprinkler system is provided, whether the sprinkler system is required.
  - 12. Any special stipulations and conditions of the building permit.

- C. Temporary occupancy. The building official is authorized to issue a temporary certificate of occupancy before the completion of the entire work covered by the permit, provided that such portion or portions shall be occupied safely. The building official shall issue the temporary certificate of occupancy in thirty (30) day increments. A separate fee applies for each thirty (30) days.
- D. Revocation. The building official is authorized to, in writing, suspend or revoke a certificate of occupancy or completion issued under the provisions of this code wherever the certificate is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

#### **§105-11. Service Utilities**

- A. Connection of service utilities. No person shall make connections from a utility source of energy, fuel or power to any building or system that is regulated by this code for which a permit is required.
- B. Temporary connection. The building official shall have the authority to authorize the temporary connection of the building or system to the utility source of energy, fuel or power.
- C. Authority to disconnect service utilities. The building official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property, or when such utility connection has been made without the approval required. The building official shall notify the serving utility, and wherever possible the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

#### **§105-12. Board of Appeals**

- A. General. In order to hear and decide appeals of orders, decisions or determinations made by the building official relative to the application and interpretation of this code, there shall be and is hereby created a Board of Appeals. The Board of Appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.
- B. Application for appeals. Any application for an appeal shall be in writing and shall be received by the building official within ten (10) days of receipt of the written decision of the building official.



- C. Limitations on authority. 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 this code do not fully apply, or an equally good or better form of construction is proposed. The Board shall have no authority to waive requirements of this code.
- D. Qualifications. The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction.
- E. Appointment. During the term of the appointment of a member of the Kent County Board of Appeals properly appointed, any change of residency from within that Levy Court district to a different Levy Court district will have no effect on the validity of the appointment, and the person so appointed may continue to serve until they resign or the appointing Levy Court Commissioner or their successor appoints a new person for that district. Failure to reside in Kent County, DE, shall be automatic resignation.
- F. Administration. The building official shall take immediate action in accordance with the decision of the Board.

#### **§105-13. Variances**

- A. Criteria for issuance of a variance in areas prone to flooding. A variance shall be issued by the Kent County Board of Adjustment only upon:
  - 1. A showing of good and sufficient cause that the unique characteristics of the size, configuration or topography of the site render the elevation standards in Section 1612 or R322 of the International Building Code and International Residential Code as inappropriate.
  - 2. A determination that failure to grant the variance would result in exceptional hardship by rendering the lot undevelopable.
  - 3. A determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, cause fraud on or victimization of the public, or conflict with existing local laws or ordinances.
  - 4. A determination that the variance is the minimum necessary to afford relief, considering the flood hazard.
  - 5. Submission to the applicant of written notice specifying the difference between the design flood elevation and the elevation to which the building is to be built, stating that the cost of flood insurance will be commensurate with the increased risk resulting from the reduced floor elevation, and stating that construction below the design flood elevation increases risks to life and property.

6. The County shall maintain record all decisions, including justification for their issuance, and report such decisions issued in its annual report submitted to the Federal Insurance Administration.

#### §105-14. Violations

- A. Unlawful acts. It shall be unlawful for any person, firm or corporation to erect, construct, alter, extend, repair, move, remove, demolish or occupy any building, 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.
- B. Notice of violation. The building official is authorized to serve a notice of violation or order on the person responsible for the erection, construction, alteration, extension, repair, moving, removal, demolition or occupancy of a building or structure in violation of the provisions of this code, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.
- C. Prosecution of violation. If the notice of violation is not complied with promptly, the building official is authorized to request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the building or structure in violation of the provisions of this code or of the order or direction made pursuant thereto.
- D. 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 or repairs a building or structure in violation of the approved construction documents or directive of the building official, or of a permit or certificate issued under the provisions of this code, shall be charged with a violation of this section and shall be fined according to the following schedule:
  1. \$100.00 for any first offense;
  2. \$250.00 for any second offense;
  3. \$500.00 for any third offense;
  4. No less than \$1,000.00 nor more than \$10,000.00 for any fourth and subsequent offense, or by imprisonment not exceeding ten (10) days, or both such fine and imprisonment.
- E. Repeat offenders shall not receive warnings and shall instead be subject to progressively increasing fines according to the foregoing schedule. Each day that any violation continues shall constitute a separate offense. The \$100.00 minimum fine is mandatory and not subject to suspension. If there are any health and safety risks, then the appeal of the Kent County Community Board of Appeals shall not operate as a stay of any

administrative or enforcement action taken by the Division of Inspections & Enforcement to correct these risks, unless together the Chairman of said Board and the building official jointly agree with the stay. Said agreement will be in writing with the copies presented to said Board.

#### **§105-15. Stop Work Order**

- A. Authority. Whenever the building official finds any work regulated by this code being performed in a manner either contrary to the provisions of this code or any other provisions of the Kent County Code, including §205-415.1, or in a dangerous or unsafe condition, the building official is authorized to issue a stop work order.
- B. Issuance. 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. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order, and the conditions under which the cited work will be permitted to resume.
- C. Unlawful continuance. 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 according to the following schedule:
  - 1. \$100.00 for any first offense;
  - 2. \$250.00 for any second offense;
  - 3. \$500 for any third offense;
  - 4. No less than \$1,000.00 nor more than \$10,000.00 for any fourth and subsequent offense.
- D. Repeat offenders shall not receive warnings and instead shall be subject to progressively increasing fines according to the foregoing schedule. Each day that any violation continues shall constitute a separate offense.

#### **§105-16. Unsafe Structures and Equipment**

- A. Conditions. Structures or existing equipment that are or hereafter become unsafe, insanitary or deficient because of inadequate means of egress facilities, inadequate light and ventilation, or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or that involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. Unsafe structures shall be taken down and removed or made safe, as the building official deems necessary and as provided for in this section. A vacant structure that is not secured against entry shall be deemed unsafe.

- B. Record. The building official shall cause a report to be filed on an unsafe condition. The report shall state the occupancy of the structure and the nature of the unsafe condition.
- C. Notice. If an unsafe condition is found, the building official shall serve on the owner, agent or person in control of the structure, a written notice that describes the condition deemed unsafe and specifies the required repairs or improvements to be made to abate the unsafe condition, or that requires the unsafe structure to be demolished within a stipulated time. Such notice shall require the person thus notified to declare immediately to the building official acceptance or rejection of the terms of the order.
- D. Method of service. Such notice shall be deemed properly served if a copy thereof is (a) delivered to the owner personally; (b) sent by certified or registered mail addressed to the owner at the last known address with the return receipt requested; or (c) delivered in any other manner as prescribed by local law. If the certified or registered letter is returned showing that the letter was not delivered, a copy thereof shall be posted in a conspicuous place in or about the structure affected by such notice. Service of such notice in the foregoing manner upon the owner's agent or upon the person responsible for the structure shall constitute service of notice upon the owner.
- E. Restoration. The structure or equipment determined to be unsafe by the building official is permitted to be restored to a safe condition. To the extent that repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2, Chapter 34 of the IBC, and Appendix J of the IRC.

#### **§105-17. Contractor Licensing**

- A. Contractor's license. All contractors shall possess a current business license with the State of Delaware.
- B. Manufactured home licensing. See Delaware Code, Title 24, Professions and Occupations; Chapter 44, Manufactured Home Installation; Subchapter III Manufactured Home Installation Code.

#### **§105-18. Toilet Facilities for Workers**

- A. General. Toilet facilities shall be provided for construction workers and such facilities shall be maintained in a sanitary condition. Construction worker toilet facilities of the non-sewer type shall conform to ANSI Z4.3.
- B. Employee toilet requirements for commercial projects. All worksites shall be supplied with employee toilets. The required number of toilets shall be:
  - 1. 1 commode for 20 or fewer employees; or

2. 1 commode and 1 urinal, per 40 workers, for 20 or more employees.
- C. Employee toilet requirements for residential developments. Toilet facilities shall be provided for construction workers in residential developments and shall be located a minimum of every one thousand (1,000) curb feet.

#### **§105-19. Emergency Communication Systems**

- A. Emergency communication systems. All newly constructed buildings in excess of 25,000 square feet of gross floor area, or renovations to existing structures where such renovations substantially affect in excess of 25,000 square feet of gross floor area, shall be designed, constructed and/or renovated so that emergency public safety personnel may send and receive emergency communications from within all areas of those buildings; or alternatively, all such buildings shall be equipped with emergency communications equipment so that emergency public safety personnel may send and receive emergency communications from all areas within the building.
- B. Certificate of occupancy. Prior to the issuance of a certificate of occupancy, a certification from the State of Delaware, Department of Safety and Homeland Security, as noted in Chapter 49, Title 9 of the Delaware Code, §4927 is required.

#### **§105-20. Site Address**

- A. Address numbers. Commercial Buildings shall have approved address numbers, building numbers or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. These numbers shall contrast with their background.

Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall be a minimum of 8 inches (203.2 mm) high with a minimum stroke width of 3/4 inch (69.7 mm). Where access is by means of a private road and the building address cannot be viewed from the public way, a monument, pole or other sign or means shall be used to identify the structure. The remainder of the chapter is adopted without changes or additions.

### **Article III**

#### **International Building Code**

##### **§105-21. Adoption of the International Building Code**

That certain document, on file in the Department of Planning Services, Division of Inspection and Enforcement, being marked and designated as the International Building Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Building Code of Kent County.

All the regulations, provisions, conditions, and terms of the International Building Code, 2018 edition and any supplements, referenced codes, and standards are hereby referred to, adopted, and made part of this Chapter as if fully set out in this legislation with the additions, insertions, deletions, and changes prescribed in §105-21 below.

#### **§105-22. Amendments to the International Building Code**

The following sections of the International Building Code, 2018 edition are revised as follows. References to the International Fire Code, 2018 edition as published by the International Code Council specifically are not adopted. Provisions of the International Fire Code are addressed through the adoption of the National Fire Prevention Association (NFPA) Codes and Standards and the Delaware Fire Prevention Regulations as adopted by the Delaware State Fire Marshal's Office.

##### **A. Chapter 1 Administration**

1. Chapter 1 Administration is amended by deleting the chapter in its entirety. Refer to Article II of this Chapter.

##### **B. Chapter 3 USE AND OCCUPANCY CLASSIFICATIONS**

1. 305.2 Group E, day care facilities. This group includes buildings and structures or portions thereof occupied by more than five children older than 2½ years of age who receive educational or personal care services, or supervision for fewer than 24 hours per day.
  - a. 305.2.1 Within places of religious worship. Rooms and spaces within places of religious worship providing such day care during religious functions shall be classified as part of the primary occupancy.
  - b. 305.2.2 Five or fewer children. A facility having five or fewer children receiving such day care shall be classified as part of the primary occupancy.
  - c. 305.2.3 Five or fewer children in a dwelling unit. A facility such as the above within a dwelling unit and having five or fewer children receiving such day care shall be classified as a Group R-3 occupancy or shall comply with the International Residential Code/2018 and this code.

(1) Exception: Those buildings approved by the Department of Planning Services as a Family Child Care Home, caring for nine children or less, shall be classified as a Group R-3 or shall comply with the International Residential Code/2018. Compliance with any applicable provisions of Title III of the Americans with Disabilities Act shall be the responsibility of the applicant.

2. 308.5 Group I-4, day care facilities. This group shall include buildings and structures occupied by persons of any age who receive custodial care for less than 24 hours by individuals other than parents or guardians relatives by blood, marriage or adoption and in a place other than the home of the recipient of care.

C. Section 429 - Home Occupations

1. 429.1 General. Home based occupations as defined by Chapter 205, Zoning, shall be classified as Group R-3 occupancy and shall comply with the residential requirements of this code. Compliance with any applicable provisions of Title III of the Americans with Disabilities Act shall be the responsibility of the applicant.
  - a. Exception: The building official or designee may determine that specific home occupations including but not limited to auto repair shops, cabinet shops, and welding shops, may be required to comply with other provisions of this code pertaining to life and safety (e.g. building structural loads, ventilation, etc.).

D. Chapter 16 STRUCTURAL DESIGN

1. 1612.3 Establishment of flood hazard areas. To establish flood hazard areas, the applicable governing authority shall adopt a flood hazard map and supporting data. The flood hazard map shall include, at a minimum, areas of special flood hazard as identified by the Federal Emergency Management Agency (FEMA) in an engineering report entitled "The Flood Insurance Study for Kent County, Delaware" date most recently enacted, as amended or revised with the accompanying Flood Insurance Rate Map (FIRM) and Flood Boundary and Floodway Map (FBFM), along with any related supporting data pertaining to any revisions. The adopted flood hazard map and supporting data are hereby adopted by reference and declared to be part of this section.

E. Appendix H SIGNS

1. Section H101 – General

- a. H101.2 Signs exempt from permits. The following signs are exempt from the requirements to obtain a permit before erection:
  - (1) Painted non-illuminated signs.
  - (2) Temporary signs announcing the sale or rent of property.
  - (3) Signs erected by transportation authorities.
  - (4) Projecting signs not exceeding 2.5 square feet (0.23m<sup>2</sup>).

- (5) The changing of moveable parts of an approved sign that is designed for such changes, or the repainting or repositioning of display matter shall not be deemed an alteration.
- (6) Public and quasi-public signs.
- (7) Signs forming an integral part of fuel dispensing pumps, vending machines or service appliances.
- (8) Directional signs measuring less than six (6) square feet in area that only guide or direct traffic on the property that it is placed. See also Kent County Code Chapter 205, Zoning.

## **Article IV**

### **Residential Code**

#### **§105-23. Adoption of the International Residential Code**

That certain document, on file in the Department of Planning Services, Division of Inspection and Enforcement, being marked and designated as the International Residential Code, 2018 edition, as published by the International Code Council, be and is hereby adopted as the Residential Code of Kent County. All the regulations, provisions, conditions, and terms of the International Residential Code, 2018 edition and any supplements, referenced codes, and standards are hereby referred to, adopted, and made part of this Chapter as if fully set out in this legislation with the additions, insertions, deletions, and changes prescribed in §105-23 below.

#### **§105-24. Amendments to the International Residential Code**

~~The following sections of the International Residential Code, 2018 edition are revised as follows. Note: Although the International Residential Code does not identify sections with a "R" designation, such a designation is utilized to avoid any confusion as to which Code the amendment relates.~~

##### **A. Chapter 1 ADMINISTRATION**

1. Chapter 1 ADMINISTRATION is amended by deleting the chapter in its entirety. Refer to Article II of this Chapter.

##### **B. Chapter 3 BUILDING PLANNING**

1. Table R301.2(1) Climate and Geographic Design Criteria



*Table R301.2(1), Climatic and Geographic Design Criteria, is filled in as follows:*

GROUND SNOW LOAD	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed	Topographic effects	Special Wind region	Wind-borne debris zone		Weathering	Frost line depth	Termite					
25 lbs./sq.ft	115 mph	No	No	No	A	Severe	24"	Yes	18°F	No	3/15/1978 7/7/2014	596	54°F
MANUAL J DESIGN CRITERIA													
Elevation		Latitude		Winter heating	Summer cooling	Altitude correction factor		Indoor design temperature	Design temperature cooling	Heating temperature difference			
23 ft		39°		18°F	89°F	1.0		72°F	75°F	56°F			
Cooling temperature difference		Wind velocity heating		Wind velocity cooling	Coincident wet bulb	Daily range		Winter humidity	Summer humidity				
14°F		15 mph		7.5 mph	75	M		50%	50%				

2. Section R310 Emergency Escape and Rescue Openings

- a. R310.2.5.1 Replacement Window. At least one Emergency Escape and Rescue opening complying with Section 310.2 is required in any sleeping room that is being added or gutted due to renovation to a structure.

3. Section R311 Means of Egress

- a. R311.7.5 Stair treads and risers. Stair treads and risers shall meet the requirements of this section. For the purposes of this section all dimensions and dimensioned surfaces shall be exclusive of carpets, rugs or runners.
- b. R311.7.5.1 Risers. The maximum riser height shall be 8-1/4 inches (209.6 mm). The riser shall be measured vertically between leading edges of the adjacent treads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The riser height at landings with hinged doors shall be measured from the landing vertically to the top of the threshold (not the compression strip). The riser height at landings with sliding doors shall be measured from the landing vertically to the top of the highest projection of the door track. Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 6-inch-diameter (102 mm) sphere.

- c. Exceptions:
    - (1) The opening between adjacent treads is not limited on spiral stairways.
    - (2) The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.
  - d. R311.7.5.2 Treads. The minimum tread depth shall be 9 inches (229 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).
4. Section R313 Automatic Fire Sprinklers Systems.
- a. R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system may be installed in townhouses.
  - b. R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic residential fire sprinkler system may be installed in one- and two-family dwellings.
5. Section R315 Carbon Monoxide Alarms
- a. R315.2.1 New Construction. For new construction, carbon monoxide alarms shall be provided in dwelling units.
6. Section R324 Solar Energy Systems
- a. R324.6 Roof Access and Pathways. Delete as written and add, Roof access, pathways and setback requirements shall be provided in accordance with sections R324.6.1 and R324.6.2, through R324.6.2.1 Access and minimum spacing shall be required to provide emergency access to the roof, to provide pathways to specific areas of the roof, provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.
  - b. R324.6.1 Pathways. Delete as written and add, A 36" pathway shall be provided on all edges, Valleys and Hips of roofs. Pathways on townhomes shall maintain at least 18" from the property line if the roof on either side of the property line shares the same plane. If the plane of the roof is different a 36" pathway shall be provided on each side.

- c. R324.6.2 Setback at Ridge. Delete as written and replace with A 36" clear setback is required on each side of the horizontal ridge.
- d. R324.6.2.1 Alternative setback at ridge, delete as written.

C. Chapter 4 FOUNDATIONS

1. Section R403 Footings

a. R403.1.1 Minimum Size.

(1) Delete: The minimum width, W, and thickness, T, for concrete footings shall be in accordance with Tables R403.1 (1) through R403.1 (3) and Figure R403.1 (1) or R403.1.3, as applicable. The footing width shall be based on the load-bearing value of the soil in accordance with Table R401.4.1.

(2) Replace with: All continuous footings shall be a minimum of 8" depth by 16" width. Footings shall be sized to support the imposed loads. Footing projections, P, shall be not less than 2 inches (51mm) and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R1001.2. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with details set forth in Section R403.2, and Figures R403.1 (2) and R403.1 (3). Footings for precast foundations shall be in accordance with the details set forth in Section R403.4, Table R403.4, and Figures R403.4 (1) and R403.4 (2).

(3) Exception:

(a) Minimum footings for single story decks shall be 3 times the widest nominally measured side of the post. Footings must also be sized to support the imposed loads, interior post locations support more weight than perimeter posts.

(b) Decks having vertical members spaced 6 feet (1289 mm) on center or less may be placed on a 4 inch (101 mm) concrete pad, provided the vertical members are placed 12 inches (305 mm) inside the perimeter of the pad and are anchored on all corners with approved anchoring devices. Decks 20 feet (6096 mm) or more in length shall have two additional anchors installed on each side mid-span.

(c) Residential accessory structures less than 300 square feet (27 square meters) in area, with the exception of a pole building and garage, shall be leveled and secured

with tie-downs or equivalent manufactured home anchoring devices, one in each corner. Structures 20 feet (6096 mm) or more in length shall have two additional anchors installed on each side mid-span. All lumber and wood siding is to be pressure treated from grade to 8 inches (203mm) above finished grade. Pressure treated lumber shall meet the requirements set forth in Section R317.

(d) 4. Prefabricated room enclosures are to be placed on an approved support system per the manufacturer's installation instruction.

## 2. Section R405 Foundation Drainage

a. R405.1 Concrete or Masonry foundations. Drains shall be provided around concrete or masonry foundations that retain earth and enclose crawl space/basements of habitable or usable spaces located below grade. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or materials shall be installed at or below the top of the footing or below the bottom of the slab and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend not less than 1 foot (305 mm) above the top of the footing and be covered with an approved filter membrane material. The top of open joints of drain ties shall be protected with strips of building paper. Except where otherwise recommended by the drain manufacturer, perforated drains shall be surrounded with an approved filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on not less than 2 inches (51 mm) of washed gravel or crushed rock not less than one sieve size larger than the tile joint opening or perforation and covered with not less than 6 inches (152 mm) of the same material.

(1) Exception: A drainage system is not required where the foundation is installed on well-drained ground or sand-gravel mixture soils according to the Unified Soil Classification System, Group 1 soils, as detailed in Table R405.1

b. R405.2.3 Drainage Systems. In other than Group 1 soils, a sump shall be provided to drain the porous layer and footings. The Sump shall be not less than 24 inches (610 mm) n Diameter or 20 inches square (0.0129m<sup>2</sup>), shall extend not less than 24 inches (610 mm) below the bottom of the crawl space or basement floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an approved sewer system or to daylight.

D. Chapter 5 FLOORS

1. Section R502 Wood Floor Framing

- a. R502.3 Allowable joist spans. Spans for floor joists shall be in accordance with Tables R502.3.1 (1) and R502.3.1 (2). For other grades and species and for other loading conditions, refer to the AWC STJR.
- b. R502.3.4 Deck floor joist spans. Deck floor joist spans shall be in accordance with the American Forest and Paper, Design for Acceptance #6, Prescriptive Residential Wood Deck Construction Guide.
- c. R502.5 Allowable girder and Header Spans. The allowable spans of girders and headers fabricated of dimension lumber shall not exceed the values set forth in Tables R602.7 (1), and R602.7 (2) and R602.7. (3)
- d. R502.5.1 Deck girder spans. Deck girder spans shall be in accordance with the American Forest and Paper, Design for Acceptance #6, Prescriptive Residential Wood Deck Construction Guide.

E. Chapter 6 Wall Construction

1. Section R602 Wood Wall Framing

- a. R602.10 Wall bracing. Buildings shall be braced in accordance with this section or, when applicable, Section R602.12. Where a building, or portion thereof, does not comply with one or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with Section R301.1.  
  
(1) Exception: Porches with roofs and screen porches shall not be required to comply with the requirements of R602.10, Wall Bracing, when constructed with approved translucent or transparent plastic not more than 0.125 inch (3.2 mm) in thickness.

2. Section R611 Pole Building Construction

- a. R611.1 Definitions. POST FRAME BUILDING: A structural building frame consisting of a wood truss or rafters connected to vertical timber columns or sidewall posts, which function as the principal gravity and load resisting elements of the building. A building used for motor vehicles is considered a garage and must meet the requirements in section R309 as well as Section 614 of this code.

- b. R612.1 Design loads. Plans are required to meet the minimum design loads noted in Table R301.2 (1). Uplift reaction forces involved are required to be provided.
- c. R612.2 Truss design drawings. Truss design drawings are required at the time of plan submittal. The building plans should specify the permanent bracing for cords and webs to meet the bracing requirements shown on the truss design drawings.
- d. R612.3 Size, grade, and species of wood members. All lumber shown on the submitted drawings should identify the size, grade and species or species group. Any engineered lumber should be identified by the product name, size and stress grade.
- e. R612.4 Isolation of siding. Methods and materials to isolate steel siding from preservative treated lumber should be specified 26 and detailed on the submitted plans.
- f. R612.5 Connection of truss carrier to bearing post. Submitted plans shall specify a bearing notch, properly designed bearing block, or other means for positive load transfer.
- g. R612.6 Fastener schedule. Submitted plans are required to include a fastener schedule completely describing the fasteners and quantities required at each connection. Power driven nails should specify the type, diameter and length.
- h. R612.7 Roofing and siding diaphragms. Submitted plans shall include metal roof and wall panel thickness, fastener type and size, and the fastener pattern for roof and siding panels. If stitch screws are required to attach metal sheet-to-sheet, the plans should show the locations. Shingled roofs shall meet the requirements of Section R905.
- i. R613.1 Footing depth. Footings for post frame structures shall extend a minimum of 40 inches (914 mm) below grade.
- j. R613.2 Footing size. Footings for all post frame structures shall be sized to support the loads imposed. Minimum footing sizes for all post frame structures shall be 18 inches (457 mm) diameter and a minimum of 12 inches (203 mm) thick concrete under the support posts.
- k. R613.3 Resistance to uplift. A lumber cleat shall be attached to the bottom of all vertical support posts to resist uplift. Exception: Other means to resist uplift may be used and should be noted on the submitted plans.
- l. R614.1 Preservative treatment. All wood in contact with the ground shall be preservative treated meeting the requirements of Section R319.

- m. R614.2 Support posts. Support posts fabricated from multiple plies shall have the number of plies of lumber, lumber species, grade, and connection system between plies noted.
- n. R614.3 Truss carrier spans. The allowable spans for truss carriers shall support the load of the proposed roof structure and floor system if present. Fabricated of dimensional lumber shall not exceed the values set forth in Tables R617.4 (1) through R617.4 (3). Spans exceeding the values set forth in Tables R617.4 (1) through R617.4 (3) shall be engineered.

F. Adopted Appendices

The following appendices to the International Residential are adopted:

- 1. Appendix C Exit Terminals Of Mechanical Draft And Direct-Venting Systems without changes or additions.
- 2. Appendix E Manufactured Housing Used as Dwellings without changes or additions.
- 3. Appendix J Existing building and Structures without changes or additions.
- 4. Appendix Q Tiny Houses without changes or additions.
- 5. Appendix R Light Straw-Clay Construction without changes or additions.
- 6. Appendix S Strawbale Construction without changes or additions.

**Article V**  
**Building Permit Fee Surcharge**

**§ 105-25 Surcharge established; applicability.**

- A. All applications for building permits, shall be subject to a surcharge of 1.16% of the proposed construction valuation for the local school district and 0.09% of the proposed construction valuation for POLYTECH School District as the construction valuation shall be determined by the Department of Planning Services. The purpose of the surcharge is to establish financial assistance to individual school districts, disbursements limited to capital improvements.
- B. The surcharge on building permits for construction of buildings not involving residential use and occupancy shall be limited to the first \$1,000,000 of construction value.
- C. The surcharge on building permits for construction of buildings for residential use and occupancy shall not be limited. Notwithstanding the above, applications for building permits where the proposed construction value as determined by the Department of Planning

Services is less than \$60,000 and such application is submitted following the issuance of the original certificate of occupancy shall be exempted from this article.

- D. Exemptions. The following shall be exempt from the building permit surcharge:
- (1) Building permits applied for by an organization exempt from tax under § 501(c)(3) of the Federal Internal Revenue Code which provides owner-occupied housing to low-income households by rehabilitation of residential properties and reselling said properties without profit, nor to the Delaware State Housing Authority nor to any applicant funded by the Delaware State Housing Authority;
  - (2) Building permits applied for by any state or local government department or agency;
  - (3) Building permits applied for by any organization exempt from tax under § 501(c)(3) of the Federal Internal Revenue Code regardless of the residential or nonresidential use of the proposed structure. Such organizations shall provide proof of tax-exempt status at the time of building permit application; and
  - (4) Buildings and structures, other than residential structures, devoted primarily to agricultural or public safety uses, including, but not limited to, fire and ambulance companies and state and local police organizations, which shall be considered public safety uses.
  - (5) The surcharge provided for herein for local school districts shall not be added to building permits for residential structures or additions and renovations thereto or accessory structures on residential properties located within a subdivision or land development for which a per unit mitigation fee subject to the County's Adequate Public Facilities-Schools regulations [§ 187-90.2F(4)] has been paid. The surcharge provided for herein for POLYTECH School District shall be collected regardless of payment of a per unit mitigation fee.
  - (6) Existing structures destroyed or demolished will not be assessed a surcharge for the reconstruction, provided that the replacement structure has the same or less square footage and occurs within 24 months of the demolition. If the square footage is greater than the original structure, the surcharge shall be assessed based upon the value of the additional square footage.
- E. The fund shall be known as the "School District Capital Improvement Fund" (SDCIF) and shall be held by the County in the



name of each of the following individual school districts: Capital, Caesar Rodney, Lake Forest, Milford, Smyrna, Woodbridge, and POLYTECH.

**§ 105-26 Collection of funds.**

Proceeds of the SDCIF shall be collected on a continuous basis by the Kent County Levy Court and shall be held in a reserved account for each school district. Funds collected for building permits issued in each school district shall be accounted for by the school district.

**§ 105-27 Disbursement of funds.**

A. The Kent County Levy Court shall, as part of its annual budgeting process, distribute to each school district the funds collected during the preceding fiscal year provided that:

(1) The school district has capital improvements for the ensuing fiscal year that are eligible for state matching funds pursuant to a certificate of necessity issued by the State Department of Education (DOE) for such capital improvements.

(2) The SDCIF proceeds have been qualified as the school district's matching local share towards capital improvements for purposes of the certificate of necessity in Subsection **A(1)** above.

B. Funds not expended in the manner set forth above shall continue to be held in a restricted reserve account for the school district from year to year until such time as they are expended. Kent County may retain interest, if any accruing on such accounts, as an administration fee; provided, however, said administration fee shall not exceed \$100,000 per year. School districts seeking disbursements of the funds shall file an application with the County Department of Finance identifying the qualifying capital improvement project and committing the school district to expend the funds in accordance with the application. **[Amended 10-9-2012 by Ord. No. 12-17]**

**§ 105-28 School district location.**

Kent County Department of Planning Services shall determine the school district location of each property for which a building permit is issued for purposes of calculating the collection and disbursement of funds to the various eligible school districts.

**§ 105-29 Rules, procedures and regulations.**

The Kent County Levy Court is authorized to promulgate such rules, procedures and regulations deemed to be necessary for the purpose of giving full force and effect to the provisions of this article.

**§ 105-30 Donor credits.**

The Kent County Levy Court, at the request of the school district, may allow an acceptable credit from a donor for the SDCIF surcharge for in-kind contributions to the school district.

**§ 105-31 Effective date.**

This article shall be effective on July 12, 2006; provided; however, that § **105-25** shall become effective for all contracts entered into after July 11, 2006, for which building permits or certificates of occupancy are sought after July 11, 2006, and no provision of this article shall be construed to affect transactions resulting from contracts entered into prior to July 12, 2006, so long as a copy of the contract accompanied by an affidavit verifying the existence and validity of the contract shall be submitted to the Director of the Department of Planning Services at the time of making the application for a building permit.

**Section 2. Severability.**

The provisions of this Ordinance are severable and if any of its provisions or any sentence, clause, or paragraph or the application thereof to any person or circumstance shall be held unconstitutional or violative of the Laws of the State of Delaware by any court of competent jurisdiction, the decision of such court shall not affect or impair any of the remaining provisions which can be given effect without the invalid provision or application.

**Section 3. Effective Date.**

This Ordinance shall be effective 45 days following adoption and any construction pursuant to a permit approved and issued prior to the effective date of this ordinance may proceed in accordance with the previous Code for as long as the subject permit is considered valid. Nothing in this ordinance shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or caused of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired, or affected by this ordinance.

ADOPTED BY THE LEVY COURT OF KENT COUNTY,  
DELAWARE

\_\_\_\_\_  
President, Kent County Levy Court

This \_\_\_\_ day of \_\_\_\_\_, 20\_\_

ATTEST: \_\_\_\_\_  
Clerk of the Peace

**Synopsis:** This ordinance adopts the 2018 International Building and 2018 International Residential Codes as well as a new administration section.