Substitute No. 1 to Ordinance No. 19-037

AN ORDINANCE TO AMEND CHAPTER 4 OF THE CITY CODE TO APPROVE THE ADOPTION OF THE 2018 INTERNATIONAL CODE COUNCIL'S BUILDING, RESIDENTIAL, MECHANICAL AND PLUMBING CODES, TOGETHER WITH OTHER TECHNICAL CODES AND STANDARDS, AND THE CITY'S AMENDMENTS THERETO

Rev. 1
#4690

Sponsor:

Council Member Dixon

Co-Sponsor:

Council Member Gray

WHEREAS, Council of the City of Wilmington ("Council") in 2014 approved the "The International Building Code of 2012," "The Residential Building Code of 2012," "The International Mechanical Code of 2012," and "The International Plumbing Code of 2012," each with amendments that appear in Chapter 4 of the City of Wilmington Code (the "Code"); and

WHEREAS, Council deems it necessary and proper to adopt the successor codes, together with other technical codes and standards, specifically: "The International Building Code of 2018," "The International Residential Code for One and Two-Family Dwellings of 2018," "The International Mechanical Code of 2018," "The International Plumbing Code of 2018," "The International Fuel Gas Code of 2018," "The ICC/ANSI A117.1-2017 Accessibility Code of 2017," "The International Existing Building Code of 2018," "The International Energy Conservation Code of 2018," "The International Property Maintenance Code of 2018," and "The International Swimming Pool and Spa Code of 2018," with amendments to appear in Chapter 4 of the Code as recommended by the Department of Licenses & Inspections and a Building Code Review Committee; and

WHEREAS, Council deems it appropriate to move forward with the adoption of said building, residential, mechanical, plumbing, fuel gas, energy, accessibility, property maintenance, and swimming pool and spa codes for the City of Wilmington.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:

SECTION 1. Chapter 4 of the Code is hereby amended by striking § 4-26 in its entirety and by adding the underlined language to read as follows:

Sec. 4-26. Building Code adopted.

There is hereby adopted by the city for the purposes set forth in § 4-1 and to establish provisions applicable to the construction, addition, alteration, removal, demolition, maintenance, accessibility, use, occupancy, location and maintenance, of buildings (new or existing), structures and premises, together with provisions applicable to fuel gas, energy, swimming pools, and equipment, those certain codes known as The International Building Code of 2018, The International Fuel Gas Code of 2018, The International Mechanical Code of 2018, The International Plumbing Code of 2018, The International Fire Code of 2018, the International Swimming Pool and SPA Code of 2018, the ICC/ANSI A117.1-2017 Accessibility Code of 2017, The International Energy Conservation Code of 2018, The International Existing Building Code of 2018 and The International Property Maintenance Code of 2018, copies of which have been and are now on file in the City Clerk's Office, and which are incorporated in this chapter and subchapter by reference, and all of the nationally recognized standards referred to and incorporated into those codes, together with any and all supplements thereto, but except such articles and sections that are deleted, modified, or amended and as otherwise set forth in this chapter and subchapter, are adopted as the building code of the City of Wilmington.

SECTION 2. Section 4-27 of the Code, constituting amendments to "The International Building Code of 2012," is hereby deleted in its entirety and in lieu thereof there is substituted the new provisions of § 4-27 of the Code set forth in Exhibit "A," attached hereto and made a part hereof, constituting amendments to "The International Building Code of 2018."

SECTION 3. Chapter 4 of the Code is hereby amended by amending § 4-32 by deleting the language within brackets and by adding the underlined language to read as follows:

Sec. 4-32. Residential Code adopted.

The document entitled "The International Residential [~~Building~~] Code for One and Two-Family Dwellings of 201[~~2~~]8 ", copies of which have been and are now on file in the City Clerk's Office [~~and in the Department of Licenses & Inspections and in the Fire Department,~~] and which is incorporated in this subchapter by reference, and all of the nationally recognized standards referred to and incorporated into that code, together with any and all supplements thereto, but except as such articles and sections are deleted, modified, or amended and as otherwise set forth in this subchapter and this chapter, are adopted as the residential building code of the City of Wilmington.

SECTION 4. Section 4-33 of the Code, constituting amendments to "The Residential Building Code of 2012," is hereby deleted in its entirety and in lieu thereof there is substituted the new provisions of § 4-33 of the Code set forth in Exhibit "B," attached hereto and made a part hereof, constituting amendments to "The International Residential Code for One and Two-Family Dwellings of 2018."

SECTION 5. Chapter 4 of the Code is hereby amended by amending § 4-76 by deleting the language within brackets and by adding the underlined language to read as follows:

Sec. 4-76. Mechanical Code [~~A~~]adopted.

The document entitled "The International Mechanical Code, 201[~~2~~]8 Edition", copies of which are and have been on file in the city clerk's office [~~and in the department of licenses and inspections, and in the fire department~~] is incorporated in this subchapter by reference and together with the changes made in this subchapter is hereby adopted in its entirety as the mechanical code of the city. The purpose of this section and the code hereby adopted is to provide minimum standards to safeguard life, limb, health, property and public welfare insofar as they are affected by the design, construction, quality of materials, workmanship, use and occupancy, location and maintenance of all buildings and structures and appurtenances and service equipment in the city.

SECTION 6. Section 4-81 of the Code, constituting amendments to "The

International Mechanical Code of 2012," is hereby deleted in its entirety and in lieu thereof there is substituted the new provisions of § 4-81 of the Code set forth in Exhibit "C," attached hereto and made a part hereof, constituting amendments to "The International Mechanical Code of 2018."

SECTION 7. Chapter 4 of the Code is hereby amended by amending § 4-126 by deleting the language within brackets and by adding the underlined language to read as follows:

> Sec. 4-126. Plumbing Code [~~A~~]dopted.
>
> The document entitled "The International Plumbing Code, 201[~~2~~]8 Edition", copies of which are and have been on file in the city clerk's office [~~and in the department of licenses and inspections, and in the fire department~~] is incorporated in this subchapter by reference and together with the changes made in this subchapter is hereby adopted in its entirety as the plumbing code of the city, in order that they may provide minimum standards to safeguard life, limb, health, property and public welfare as they are affected by the design, construction, materials, workmanship, use and occupancy, location and maintenance of all structures, appurtenance and service equipment in the city.

SECTION 8. Section 4-131 of the Code, constituting amendments to "The International Plumbing Code of 2012," is hereby deleted in its entirety and in lieu thereof there is substituted the new provisions of § 4-131 of the Code set forth in Exhibit "D," attached hereto and made a part hereof, constituting amendments to "The International Plumbing Code of 2018."

SECTION 9. Pursuant to §§ 1-7 and 1-8 of the City Code, the City Solicitor and the Law Department are hereby authorized to coordinate with the Municipal Code Corporation editors in the preparation of the Code Supplement in which the Amendments to the Building, Mechanical and Plumbing Codes will appear.

SECTION 10. During the time period between the effective date of this

ordinance and December 31, 2019, the Department of Licenses and Inspections may continue to accept projects design using the "The International Building Code of 2012," "The Residential Building Code of 2012," "The International Mechanical Code of 2012," and "The International Plumbing Code of 2012," each with amendments that currently appear in Chapter 4 of the Code.

SECTION 11. This ordinance shall be deemed effective upon signing by the Mayor.

First Reading..... July 1, 2019
Second Reading..... July 1, 2019
Third Reading ..... October 3, 2019

Passed by City Council, October 3, 2019

President of City Council

ATTEST: Maribel Seijo
City Clerk

Approved this 4 day of Oct, 2019

Mayor

SYNOPSIS:
This Substitute Ordinance amends Chapter 4 of the Wilmington City Code (the Building Code) by adopting "The International Building Code of 2018," "The International Residential Code for One and Two-Family Dwellings of 2018," "The International Mechanical Code of 2018," "The International Plumbing Code of 2018," "The International Fuel Gas Code of 2018," "The ICC/ANSI A117.1-2017 Accessibility Code of 2017," "The International Existing Building Code

of 2018," "The International Energy Conservation Code of 2018," "The International Property Maintenance Code of 2018," and "The International Swimming Pool and Spa Code of 2018," with any amendments thereto, to appear in Chapter 4 of the Code. This Substitute Ordinance deletes any references to their predecessor codes, and the amendments thereto, where such references and amendments exist in Chapter 4. This Substitute Ordinance authorizes the City Solicitor and the Law Department to coordinate with the Municipal Code Corporation editors in preparation of the Code Supplement in which the Building, Residential, Mechanical, Plumbing, and Accessible Code provisions will appear.

EXHIBIT A

Sec. 4-27. - Amendments.

INTERNATIONAL BUILDING CODE 2018

CHAPTER 1 ADMINISTRATION

Section 101 Title, is amended and shall read as follows:

101.1 Title These regulations shall be known as the Building Code of the **CITY OF WILMINGTON** hereinafter referred to as "this code."

Section 101 Title, is amended by adding a new subsection and shall read as follows:

101.1.1 Terms,

Whenever, in this building code, a jurisdiction is mentioned without name, it shall mean the City of Wilmington. Whenever a state is mentioned, it shall mean the State of Delaware. Whenever the term "building official" is mentioned, it shall mean "The Commissioner of Licenses and Inspection or their authorized representative."

Section 101.2.1 Appendices, is amended by adding the following appendix:

Provisions in the appendices shall not apply unless specifically adopted.

The City of Wilmington adopts:

Appendix E *Accessibility Requirements*

Appendix F *Rodentproofing*

Appendix G *Flood Resistance Construction*

Appendix J *Grading*

SECTION 103 DEPARTMENT OF BUILDING SAFETY

Section 103.1 Creation of enforcement agency, is amended and shall read as follows:

The Department of Licenses and Inspections is hereby created and the building official in charge thereof shall be known as the Commissioner of Licenses and Inspections.

Section 103.2 Appointment is amended and shall read as follows:

The building official shall be appointed by Mayor of the City of Wilmington, the chief appointing authority of the jurisdiction.

Section 103.3 Deputies is amended and shall read as follows:

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Mayor shall have the authority to appoint a deputy building official and the human resources department shall have the authority to select the related technical officers, inspectors, plan examiners and other employees. Such employees shall have powers as delegated by the building official. For the maintenance of existing properties, see Chapter 34 of the Wilmington City Code and the International Property Maintenance Code.

SECTION 104 DUTIES AND POWERS OF BUILDING OFFICIAL

Section 104.1 General. Is amended by adding new subsection Section 104.1.1 and shall read as follows:

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.

Section 104.1.1 - General Qualifications of building official:

The qualifications of the building official and assistants shall be as determined by the Human Resource Department.

Section 104.7 Department records, is amended and shall read as follows:

Section 104.7 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. "Building plans and specifications may, at the discretion of the building official be destroyed three years after the completion of the project, except where retention is mandated to preserve vital records and plans with the state bureau of archives for permanent storage."

SECTION 105 PERMITS

Section 105.1 Required is amended by deleting Section 105.1.1 and Section 105.1.2 in its entirety

105.1.1 Annual permit. (Delete) Not applicable

105.1.2 Annual permit records. (Delete) Not applicable

Section 105.2 Work exempt from permit is amended and shall read as follows:

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:

Building:

Permits will be issued only to general contractors with a current City of Wilmington business license, except that permits may be issued to owners, tenants or their authorized agents, for buildings, additions and alterations, not exceeding a cost of $10,000.00. It shall be unlawful for any of the aforesaid persons to proceed with work without having first obtained the permits required by this code and any other provisions of the Wilmington City Code. <u>No permit shall, however, be required for the following items, subject to the exception as noted:</u>

1. Storm doors (except in city historic districts)
2. Front doors (except in city historic districts)
3. Down spouts
4. Gutters
5. Roof maintenance, minor repairs only are exempted. Re-roofing, re-shingling, roof tear off, 90 lb mineral surface, and hot and cold tar roofing requires a permit.
6. Dry wall (less than 100 square feet or three sheets, whichever is larger); for partitions of a non-structural non-fire related nature only, are exempted.

7. Floor underlayment
8. Carpeting
9. Interior and exterior painting
10. Windows - a permit is not required for Vinyl Replacement Windows in a one or two family dwelling, not affecting any framing or structural element, unless in an Historical District. Commercial windows are required to have a permit.
11. Nonstructural doors (except in historic districts).
12. Installation of plumbing fixtures including faucets, vanities, water closets, tubs, and shut-off valves for water lines where no in wall piping is affected.
13. Aluminum or vinyl wrapping of windows, soffits and trim(except in historic districts).
14. Concrete sidewalks and/or concrete slabs located on private property (maximum of 150 sq. ft.)

Plumbing:

1. The stopping of leaks in drains, 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 an inspection made as provided in this code.
2. 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.

Section 105.2.1 Emergency repairs is amended and shall read as follows:

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. Any persons performing emergency repairs must be a City of Wilmington license holder.

Section 105.3.1 Action on application is amended and shall read as follows:

Section 105.3.1. Action on application. The building official shall examine or cause to be examined all 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 all pertinent laws, the building official shall reject such application in writing, stating the reasons therefore. If the building official is satisfied that the proposed work conforms to the requirements of this Code and all laws and ordinances applicable thereto, the building official shall issue a permit therefore as soon as practicable. In any instance in which the building official considers an application for a building permit upon which there has been a recommendation made to the building official by the design review and preservation commission ("DRPC") and the building official decision is at variance with such recommendation by the DRPC, then no permit shall be issued as a result of a decision by the building official until the expiration of the period of time for the filing of any appeal of the building official's decision directing the building official to issue such permit. Any such appeals from the building official's decision shall proceed as provided in the Zoning Code and in the rules of the zoning board of adjustment and no action shall be taken pursuant to such building permit until there has been a decision by the zoning board of adjustment and the expiration of the 30-day appeal period following such decision.

Section 105.3.2 Time limitation of application is amended and shall read as follows:

An application for a permit for any proposed work shall be deemed to have been abandoned 90 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.

Section 105.4 Validity of permit is amended by adding new subsections Section 105.4.1, Section 105.4.2, Section 105.4.3, Section 105.4.4, Section 105.4.5, Section 105.4.6 and shall read as follows:

Section 105.4.1 Issuing permits. Permits will be issued only to general contractors with a current City of Wilmington business license, except that permits may be issued to owners, ~~tenants~~ or their authorized agents, for buildings, additions and alterations, not exceeding a cost of $10,000.00. It shall be unlawful for any of the aforesaid persons to proceed with work without having first obtained the permits required by this code and any other provisions of the Wilmington City Code. Work items exempt for permits see Section 105.2.

Section 105.4.2. Plans. No permit will be issued for construction, alteration, repair, addition, or modification unless the plans and specifications have been professionally prepared by and have the signature and seal of the appropriate design professional, expert in that discipline, as defined by the professional registration and licensing laws of the State of Delaware, licensed by the City of Wilmington, and registered with the State Board of Architects or registered with the Delaware Association of Professional Engineers except:

(a) Any single family dwellings, and any sheds (100 sq/ft), storage buildings and garages incidental to such dwellings, not exceeding 2 ½ stories and 1,500 square feet. ~~on the first floor~~.

(b) Alterations to any building, the cost of which does not exceed $25,000.00, do not require change of use, structural changes involving design or change of structural beams, support, columns or slabs, do not affect other safety features of the structure, and alterations do not, as required by the building official, endanger the life or health of the building's occupants. Sealed and signed plans are required for any/all commercial roofing projects.

Section 105.4.3. Denial of permit. The building official may deny a permit application for the following reasons:

(1) The building official has reason to believe that the work described in the application cannot be performed in a safe and workmanlike manner or within a reasonable time;

(2) The building official believes that the work described in the permit application cannot be completed in conformance with this code, or other applicable laws;

(3) The applicant has demonstrated to the building official an inability to complete work described in other permits within a reasonable time or in a safe and workmanlike manner; or

(4) The applicant has submitted false or misleading information on the application for the permit.

Section 105.4.4. Denial of demolition permit. No demolition permit shall be issued for the demolition of any dwelling which is subject to the provisions of the housing code requiring the annual registration of such dwelling and the payment of vacant dwelling registration fees if, as determined by the code official, the dwelling has not been so registered or such registration fees have not been paid; provided, however, the building official may issue a demolition permit if in his judgment the immediate demolition of the dwelling is required for the safety of nearby residents, or in an emergency, or if the code official determines that rehabilitation of such dwelling is not financially feasible. Upon proper registration of such dwelling and payment of vacant dwelling registration fees, the code official may issue a demolition permit.

Section 105.4.5. Revocation of permits. The building official may revoke a permit or approval issued under this code for the following reasons:

(1) The building official has discovered any false statement or misrepresentation on the application or plans on which the permit or approval was based;

(2) The building official has reason to believe that the work for which the permit has been taken cannot be completed in a safe and workmanlike manner, or within a reasonable time;

(3) The building official becomes aware that the permit holder is no longer able to complete the work;

(4) The building official discovers that the authorized work is not substantially commenced within 90 days after the permit is issued, or that the authorized work is suspended or abandoned, or that no substantial work is performed for a period of 90 days after the work has commenced; or

(5) The permit or approval was issued in error, or on the basis of incorrect information supplied, or in violation of any ordinance or regulation or any of the provisions of this code. Further, the issuance or granting of a permit or approval of plans and specifications 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 city. No permit presuming to give authority to violate or cancel any provisions of this code shall be valid.

Section 105.4.6. City-sponsored housing program authorization. The City of Wilmington, acting through its Department of Real Estate and Housing ("Department") shall be authorized to conduct a city-sponsored housing program, to be coordinated by that department with the Department of Licenses and Inspections, the Finance Department, and other departments as may be necessary, to waive building permit fees that are otherwise required by the Building Official, provided that each relevant permit itself is obtained for each of the dwellings that are part of the city-sponsored housing program, for dwellings that are being, or will be, constructed or substantially rehabilitated as part of city-sponsored programs, conducted throughout the year and coordinated on behalf of the City by the Department of Real Estate and Housing. Such work may include, but shall not be limited to carpentry, electrical work, painting, new construction or rehabilitation of dwellings in the city-sponsored housing project or program. The authorization for waiver of building permit fees shall apply only to permits for work conducted as part of the city-sponsored housing projects or program.

Section 105.7 Placement of permit is amended and shall read as follows:

The building permit or copy shall be kept on the site of the work until the completion of the project. All permits should be posted at the site and visible to the building official and the general public.

SECTION 107 SUBMITTAL DOCUMENTS

Section 107.1 General is amended and shall read as follows:

Section 107.1 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 and one in electronic format as required by the code official. The construction documents shall be prepared by a registered design professional licensed by the State of Delaware—where required by the statutes of the City of Wilmington. Where special conditions exist, the building official is authorized to require additional construction documents to be prepared by the registered design professional. When it is required that documents, including but not limited to construction documents for new construction, change of occupancy, alteration, repairs, expansion, addition or modification for buildings or structures, including mechanical, electrical, and plumbing work which involve the practice of architecture or engineering, as defined by the professional registration or licensing laws of the State of Delaware, are to be prepared by a registered design professional consistent with the professional registration of licensing laws of the State of Delaware, the Code 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 Code Official shall be notified in writing by the applicant if the registered design professional in responsible charge is changed or is unable to continue to

perform the duties. With a job valuation of $25,000 and up, sealed and signed plans are required for building, structural, mechanical, electrical, and plumbing drawings. Separate mechanical, electrical, and plumbing drawings with a value under $25,000 may be required to be sealed/signed as, required by the building official, e.g. kitchen hood plans, ventilation air, etc.

For projects that have civil components, approvals must be received by the Department of Licenses and Inspections from the Department of Public Works in order for final permit issuance.

For projects that have Fire Protection Systems, approvals must be received by the Department of Licenses and Inspections from the Fire Marshal's Office in order for final permit issuance.

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

Section 107.1.1 **Contract Requirements** A copy of the executed contract between the contractor and the owner or responsible party, signed by both parties, shall include labor, materials and construction fees inclusive of the proposed work. A list of the trades included in the contract shall accompany the signed contract. Alternately, a letter that serves as notice to proceed on the owner's, or responsible party's letterhead which shall include a list of trades associated with project and all items listed previously in this section and signed by the contractor may be submitted.

Section 107.2. Construction Documents is amended and shall read as follows:

Section 107.2 Construction Documents. Construction documents shall be in accordance with Section 107.2.1 through 107.2.5. The application for permit shall be accompanied by not less than two or more sets with each permit application and one in electronic format as required by the code official. However, at the discretion of the Building Official, ~~and~~ an archival grade DVD-R may be substituted in lieu of a third set of drawings at the time of permit issuance. The disc shall be a color copy of the "Approved" red stamped drawings for permit; stamped, signed, and dated by the City of Wilmington Plans Examiner. This disc will be a permanent record of the approved drawings issued for permit. The applicant ~~may~~ shall pick up the "contractor copy " of the approved drawings for reproduction, and return the DVD-R to the Department of Licenses and Inspections; and, after receipt of the DVD-R to the Department, the permit will be issued. . The Code Official is permitted to waive the requirements for filing construction documents when the scope of the work is of a minor nature. When the quality of the materials is essential for conformity to this code, specific information shall be given to establish such quality, and this code shall not be cited, or the term "legal" or its equivalent used as a substitute for specific information.

Section 107.2.1.1. Information on Construction documents

Construction documents shall be dimensioned and drawn to suitable scale (for example ¼"=1'0") upon suitable materials, no smaller than 11" high X 17" wide and no larger than 30" high X 48"wide and shall be sufficient clarity and size to indicate the location , nature, and extent of the work proposed and show in detail that the work will conform to the provision of the adopted codes as determined by the Building Official. the Building Official shall have the authority to reject plans based on size and /or legibility of the construction documents.

Section 107.2.1.2 Minimum Design Requirements for Non-residential construction documents Including Multi Unit Apartments and Hotels

Any requirements that are not applicable to a specific project shall list the requirement and define as not applicable on the construction documents.

1. Code data
   i. Project name and address.
   ii. Design professional name and contact number.
   iii. Building code(s) and edition utilized.
   iv. Occupancy type
   v. Building/Construction type.
   vi. If an automatic sprinkler system is provided and whether the sprinkler system is required.
   vii. The allowable and actual building height.
   viii. The allowable and actual building area.
   ix. Occupant load as defined in Table B1004.1.2 of the International Building Code.
   x. The egress width required and provided.
   xi. The plumbing fixtures required and provided.

2. *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 in compliance with the provisions of this Code. In other than 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.

3. *Exterior wall envelope*. Construction documents for all buildings shall describe the exterior wall envelope in sufficient detail to determine compliance with this Chapter. The construction documents shall provide details of the exterior wall envelope, including windows, doors, 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. The construction documents shall include manufacturing installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the wind and the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that shall be tested, where applicable, as well as the test procedure used.

4. Minimum design requirements for swimming pools. Construction documents shall accurately show dimensions and construction of the pool and appurtenances and properly established distances to lot lines, buildings, walks and fences, as well as details of the water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed construction documents of structures, vertical elevations and sections through pool showing depth shall be included.

5. *Minimum design requirements for non-residential Mechanical documents*. The Mechanical construction documents shall include, but are not limited to:

i. Plans must be drawn to scale. Plans shall be no smaller than 11" X 17" and no larger than 30" X 48".
ii. Equipment schedules to include, but not limited to: listing of equipment, number of units, location of units and equipment capacity (B.T.U., KW etc.).
iii. Information shall be provided on any clearance reduction methods in use.
iv. Ventilation schedule shall list amount of outside air (c.f.m.) supplied to each room or space, and indicate (c.f.m.) amounts at each duct/diffuser outlet.
v. Outside air calculations for ventilation are shall be included.
vi. Energy calculation worksheets.
vii. Outside air intakes shown on the layout.
viii. Duct construction details, including supports, hanger details, sheet metal thickness and information on flexible ducts or flexible duct connectors.
ix. Information on duct linings and insulating materials including flame spread and smoke development ratings.
x. Exhaust fan ductwork layout and termination outside. This includes dryer and toilet room exhausts.
xi. Boiler and water heater equipment and piping details shall include, but not be limited to:
    a. safety controls
    b. distribution piping layouts, indicating locations of backflow protection devices and provide listings of all backflow protection devices.

c. gas and fuel oil piping layouts, ,materials, demand of gas appliances, sizes and locations of valves, indicating design pressures (high or low).
d. locations of all fire and smoke dampers and access panels for fire dampers and/or equipment.
e. Boiler installations may require final inspections from the State of Delaware.

xii. Non-residential kitchen exhaust shall include, but not be limited to:
a. equipment details, including hoods
b. listings, clearances to combustibles, fan information, discharge location and duct work layout for intake and exhaust ducts
c. percentage of makeup air and general design calculations such as are velocity
d. locations, spacing or cleanouts, listings of cleanouts, pitch of horizontal ductwork, gauge of all metal used
e. details on chimney and chimney connector or vent connector details and connector gauges and clearances
f. mechanical refrigeration equipment data and details
g. solid fuel burning equipment details including fireplaces, wood ovens, and grills and equipment listings with manufactures' listings for all appliances

6. Minimum design requirements for non-residential Plumbing documents. The Plumbing construction documents shall include, but not limited to:

1. Plans must be drawn to scale. Plans shall be no smaller than 11" X 17" and no larger than 30" X 48".
2. Sewer and water service details shall be provided on civil plans.
3. Exterior water meter settings based on the water purveyor standard details.
4. Plumbing fixture schedule shall include the calculated occupant load used to determine the number of required plumbing fixtures.
5. Plumbing plan layout shall include, but not be limited to:
   a. pitch of drainage lines
   b. locations of cleanouts
   c. size of traps
   d. Drainage fixture count (DFU) and complete riser diagrams
6. Water supply distribution plans and water riser diagrams shall include:
   a. pipe sizes
   b. water demand calculations
   c. water supply fixture counts
   d. materials used and backflow protection devices, including listings of backflow protection devices
7. Water heater details and locations of relief valve drainage and thermal expansion tanks and defining if unit(s) are gas or electric.
8. Venting information for all gas-fired equipment.
9. Piping hangar support and spacing details.
10. Storm drain details shall include, but not be limited to:
    a. roof drain sizes
    b. downspout/leader sizes
    c. secondary (emergency) roof drains where the roof perimeter extends above the roof surface
    d. calculations
11. Grease/oil interceptors to include venting. Note: Grease traps shall be located outside the building and easily accessible for inspection, cleaning, and maintenance. The applicant of such work shall provide a maintenance plan to the Department of Public works.
12. Kitchen equipment layout to include details on indirect or direct drainage. Indicate if discharge will be through an air gap or an air break.
13. Dishwashing machines, autoclaves, and similar equipment to include details on wastewater discharge temperatures and if chemicals are used in the cleaning process.
14. Floor drains, trap seal primers, and hub drains and waste receptors.
15. All sinks and drains that will receive chemicals (including those found in lab or industrial occupancies). Neutralizing devices to include manufactures' cut sheets. Certifications from the building owner/tenant relating to chemicals used and discharged may be requested.
16. Note: Boiler installations may require final inspection from the State of Delaware.

7. *Site plan.* The construction documents submitted with the application for permit shall be accompanied by two (2) sets of a site plans, and in an electronic format as required by the Building Official, 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. The site plan shall be drawn in accordance with an accurate boundary line survey. 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. All site plans shall be dated including the date of any and all revisions.

A plot or mortgage survey plan bearing the seal of a Delaware registered land surveyor or professional engineer will be accepted to accommodate structures under four hundred eighty (480) square feet, however applications for in-ground pools must be accompanied by a site plan regardless of pool size.

SECTION 108 TEMPORARY STRUCTURES AND USES

Section 108.1 General is amended and shall read as follows:

Section 108.1 General. The building official is authorized to issue a permit for temporary structures and temporary uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 30 days. The building official is authorized to grant extensions for demonstrated cause.

SECTION 109 FEES

Section 109.1 Payment of fees is amended by adding new subsection Section 109.1.1 and shall read as follows:

Section 109.1.1 Fees.

(a) No permit to begin work for new construction, alterations, removal, demolition or other building operation will be issued until the fees prescribed in this section are paid to the City of Wilmington.

(b) Should an increase in the estimated cost of work require an additional fee, a new permit shall be issued based on the cost of the additional work as established in Section 109.2.1 below.

(c) Surcharge will charged to the applicant for failure to obtain a permit for the required work. If that work has proceeded without required permits, the Department of Licenses and Inspection will charge:

1. $250.00 flat fee for residential construction work
2. $500.00 flat fee for commercial construction work

The payment of these fees shall not relieve the applicant or holder of the permit from paying other fees that are required under this article, this chapter, the Wilmington City Code or other applicable laws.

Section 109.2 Schedule of permit fees is amended by adding new subsections Section 109.2.1, Section 109.2.2, Section 109.2.3, Section 109.2.3.1, Section 109.2.4, Section 109.2.5, Section 109.2.6, Section 109.2.7, Section 109.2.8, Section 109.2.9, Section 109.2.10, Section 109.6 and shall read as follows:

Section 109.2.1 Establishing cost base for permit fee. Each applicant shall specify the total cost of the proposed building or improvements, including general conditions, labor, and contractor fees, for all building, plumbing, electrical and mechanical work, and including all equipment, devices and other materials that have been or will be incorporated in the project under the applicant's contract regardless of who installs such equipment, devices or other materials. The fee for such permit shall be based on

the total value of such work, as determined by the code official based upon the estimates submitted by the applicant and the code official's own knowledge, and then shall be calculated in accordance with Section 109.2.2.

Section 109.2.2. New buildings, additions and alterations. The fee for every new building or addition or alterations to an existing building shall be based on the value of all work involved to complete the project. Permit fee is $12.00 per every $1,000.00 rounded up to the next $1,000.00.

Section 109.2.2.1 Other fees, generally. Additional permit fees shall be paid for the following related work in connection with any building permit:

a. Plumbing $20.00

b. Heating installation $20.00

c. Air conditioning system $20.00

d. Mechanical ventilation $20.00

e. Electrical work $20.00

f. Fire suppression $20.00

g. Alarm system $20.00

h. Access Controls/card reader $20.00

i. Refrigeration equipment $20.00

Section 109.2.3. Mechanical equipment. For all alterations of mechanical equipment that require the filing of a special application, the permit fee shall be based upon the total value of such work, determined under Sections 109.2.1 and 109.2.3. This includes, among others, elevators, dumbwaiters, moving stairways, man lifts, material lifts, automotive lifts, conveyors, brick pointing, sandblasting, termite protection, re-roofing and roof repairs, signs and billboards.

Section 109.2.4. Demolition of building and structures: In addition to and not in lieu of the aforesaid fee, prior to issuance of any demolition permit for any structure which is in whole or in part a residential structure, the general contractor or demolition contractor, as agent for the person, firm, corporation, partnership, association, or other entity who or which owns the structure for the demolition of which the permit is sought, shall pay a 'housing preservation fee' equal to three percent of the estimated fair market value of the structure at the time of application for such demolition permit. The estimated fair market value shall be based upon the assessments for tax purposes maintained by the county board of assessment and adopted for tax purposes by the city pursuant to 22 Del. C. and section 44-31 of the Wilmington City Code.

Payment of the housing preservation fee shall not be required if the demolition is part of an incidental to the construction of a new residential structure or structures on the same lot or land as that on which the structure to be demolished is situate and for which new residential construction plans have been submitted to and approved by the building inspector and a building permit for the same has been obtained; nor shall payment of the aforesaid fee be required prior to any demolition of a residential structure which has been ordered by the department of licenses and inspections for reasons of the public health, safety and welfare; provided, however, that if the costs of such demolition are not paid by the owner or agent for the owner of such structure and are incurred by the city, the housing preservation fee shall be imposed and shall be added to the costs of demolition and become a part of the lien upon such lands and premises upon which the structure was situate. If any building permit for new residential construction on the same lot or premises upon which a demolished residential structure was situate is subsequently revoked, the housing preservation fee shall be imposed upon the owner or agent for the owner of the demolished residential structure.

Section 109.2.5. Miscellaneous permit fees.

a. The fee for temporary building and structures is $50.00.

b. Tents for religious, educational or recreational purposes only, and not exceeding 30 days, a fee of $10.00.

c. The fee for the annual permit for electrical installations, as provided by Section 2704.3 is $30.00.

Section 109.2.6. Inspection of annual license permits.

Theaters $50.00

Moving picture theaters $50.00

Assembly halls $50.00

Section 109.2.7. Fees for certificates and applications.

(a) For certificates of use and occupancy/compliance, the fees shall be as follows:

Dwellings and two-family houses $75.00

Private accessory buildings $75.00

All other buildings $100.00

New construction or alterations where more than one final inspection is requested $100.00

Open lot auto parking $100.00

Open lot auto sales $100.00

Lumberyards $100.00

Junkyards $100.00

Premises for other storage use $100.00

Change of occupancy $100.00

Duplicate certificates $50.00

Certificates requested by owner of an existing building $100.00

Certificate of compliance $50.00

Temporary certificate of occupancy

Residential $100.00

Commercial $250.00

(b) For certificate of registration and operations, the fees shall be as follows:

For certificate of registration $50.00

For each elevator $50.00

For each run of moving stairway $50.00

For each manlift $50.00

For material lifts, conveyors and power dumbwaiter $50.00

For duplicate certificates $25.00

(c) For applications to the zoning board of adjustment for permission for any purpose, the fees shall be as follows:

For residential property or use, for each requested variance or special exception\$100.00

For commercial property or use $250.00

(d) For any appeals to the Board of License and Inspection Review, the nonrefundable fee to be paid at the time of filing of the appeal shall be $50.00

Section 109.2.8. Exemptions from permit fees; waiver of permit fees for government buildings.

a. A building permit shall be required for work to be done as part of the federal weatherization program, but there shall be an exemption from payment of each permit fee otherwise applicable. Inspection of work performed under such program will be done by the department of licenses and inspections. However, any contractor performing any work as part of such program shall hold a valid city business license and provide the department of licenses and inspections with the address of any property at which location he is working under the program. Similarly, a building permit shall be required for work to be done as part of new construction or improvements to existing structures for federal, state, county or city governmental buildings, but there shall be authorized a waiver of the building permit fees otherwise applicable. Inspection of work performed shall be done by the department of licenses and inspections, except in connection with federal property, in which cases inspection shall be done by the federal government. However, any contractor performing any work as part of any federal, state, county or city building construction or improvements shall hold a valid city business license and provide the department of licenses and inspections with the address of any property owned by federal, state, county or city government at which the contractor is performing any work. Any violation of the provisions of this subsection shall be cause for issuance of a stop work order by the department of licenses and inspections.

b. **For purposes of this subsection only, "government building" shall mean:**

i. A building occupied by the city, county, state, or the United States Government, or any other agency or subdivision of the city county, state, or United States Government; or

ii. Government building project owned by the City of Wilmington, or by any other municipal corporation, or the State of Delaware, the United States Government wherein:

(1) The project is financed in excess of 50 percent by city, county, state or federal funds or any combination thereof; and

(2) The project is of or for a governmental or non-profit organization performing public functions to the extent that such are not engaged in residential, commercial, or industrial activities.

Section 109.6 Refunds, is amended and shall read as follows:

The code official shall have the authority to charge a plan review fee if the project has been canceled and the code official has reviewed the project in its entirety. The cost of the plan review fee will be determined by the code official and deducted from any fees refunded.

SECTION 111 CERTIFICATE OF OCCUPANCY

Section 111.3 Temporary occupancy is amended and shall read as follows:

Section 111.3.1 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, if such portion or portions shall be occupied safely. The building official shall set a time period during which the temporary certificate of occupancy is valid. Temporary certificate of occupancies shall be issued in 30-day increments.

SECTION 113 BOARD OF APPEALS

SECTION 113 BOARD OF APPEALS is amended by adding a new subsection Section 113.4 and shall read as follows:

Section 113.4 Board of Standards and Appeals.

Board of standards and appeals. Pursuant to City Charter sections 3-904 and 5-707, the board of standards and appeals shall be comprised of the Commissioner of Licenses and Inspections and the architect and the engineer on the committee. The member of the Board of Standards and Appeals who is a builder shall serve in an advisory capacity to the board of standards and appeals.

SECTION 114 VIOLATIONS

Section 114.4 Violation penalties is amended by adding new subsection Section 114.4.1 and shall read as follows:

Section 114.4.1 Violations and penalties.

(a) Any person who violates a provision of this Code or fails to comply with any of the requirements thereof, or who erects, constructs, alters or repairs any service equipment or appliance for which a permit is required either without first having obtained that permit, or in violation of an approved plan or directive of the code official, or of a permit or certificate issued under the provisions of this chapter shall be guilty of a misdemeanor, punishable by a fine of not less than $250.00 and not more than $1,000.00 or by imprisonment not exceeding six months, or both such fine and imprisonment, for the first conviction. A corporation may be fined by the court an amount not exceeding $5,000.00. Each day that a violation continues shall be deemed a separate offense. For any conviction of a violation that is the second conviction for the same violation as a previous violation which has not been corrected, the minimum fine for any person or corporation shall be not less than $500.00, and not more than $5,000.00; for the third conviction $1,000.00, which shall not be suspended; for the fourth conviction $1,500.00; and for the fifth and subsequent conviction of the same violation that still has not been corrected the minimum fine for each conviction shall be not less than $5,000.00 which shall not be suspended. Upon conviction of a violation of this chapter, the court may order the defendant to correct the violation by a date certain. If the defendant fails to correct the violation by the court ordered date, the court may impose a fine of $50.00 per day to be calculated from the date of conviction to the date by which the court had ordered the violation to be corrected.

(b) Pursuant to title 25, chapter 29 of the Delaware Code, any fines imposed by any court for violations of this chapter shall give rise to a lien(s). The unpaid amounts of such fines may be added to local property tax billings for the property which was the subject of said violation. "Fines" shall also include any civil judgment entered pursuant to section 4101 of title 11 of the Delaware Code.

(c) Issuance of warnings. At the discretion of the Commissioner of Licenses and Inspections or any of his designees who are authorized by the commissioner to do so, a written warning may be issued on a form approved by the commissioner and the city solicitor to the owner, agent, or person in control of any building or structure concerning violations of any provision of this chapter that is not a life-threatening violation. If any violation concerning which any such warning has been issued has not been corrected within the time allowed, then the

department of licenses and inspections shall proceed to obtain compliance as provided in this chapter.

(d) Continuing violations. After conviction and sentencing for violation of any such order of the commissioner of licenses and inspections based upon and issued pursuant to the provisions of this chapter or any provision of any rule or regulation promulgated by the department of licenses and inspections for the enforcement or implementation of this chapter, if such person shall continue in violation of such order, then such person shall be liable for further prosecution, conviction, sentencing, and punishment upon such same order, without any necessity of the commissioner of licenses and inspections issuing a new order until there is full compliance with such order.

(e) Separate offenses. Each day's failure to comply with any order of the commissioner of licenses and inspections based upon and issued pursuant to the provisions of this chapter or the provisions of any rule or regulation promulgated by the department of licenses and inspections for the enforcement and implementation of this chapter, and each day's failure to comply with any provision of this chapter or any such rule or regulation shall constitute a distinct and separate offense and be punishable as such.

(f) The building official is hereby authorized to make inspections to determine the condition of buildings, dwellings, and premises including the land on which the same are located and including vacant lots, located within this city, in order that he may perform his duty of safeguarding the health and safety of the occupants of buildings, dwellings and land, and the general public. For the purpose of making such inspections, the building official is hereby authorized to enter, examine and survey between the hours of 8:00 a.m. and 5:00 p.m. all buildings, dwellings, lands and premises. The owner or occupant of every building, dwelling, land and premises, or the person in charge thereof, shall give the building official free access to such building, dwelling, land and premises during such time for the purpose of such inspection, examination and survey; provided, that such inspection, examination or survey shall not have for its purpose the undue harassment of such owner or occupant and that such inspection, examination or survey shall be made so as to cause the least amount of inconvenience to such owner or occupant consistent with the efficient performance of the duties of the code official.

(g) Nothing in this section shall be construed to prohibit the entry of the building official:

(1) At any time when an actual emergency which tends to create an immediate danger to public safety exists, or

(2) At any time when such an inspection, examination or survey may be requested by such owner or occupant; provided, however, that any such requested inspection, examination or survey is otherwise authorized and, further, that nothing herein shall be construed to mean that the building official is required to perform such requested inspection, examination or survey.

(h) For purposes of this section and the enforcement of the provisions of this code, "code official" shall mean and include the officer or other designated authority charged with the administration and enforcement of this code and chapter, and a duly authorized representative, including the city fire marshal and any duly authorized representative of the fire marshal for purposes of the enforcement of the more stringent of any provisions involving fire safety in this code and chapter and in chapter 12, "fire prevention and protection" of the city Code. Any person who opposes or impedes a building official of the city in the execution of his duty hereunder shall be deemed guilty of a violation of this chapter. In addition, if a code official of the city is denied entrance to a building, dwelling, land or premises for purposes of inspection, he may, upon a showing of probable cause, obtain a warrant for purposes of entering and inspecting the building, dwelling, land or premises.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT

Section 116.1 Conditions is amended by adding new subsections Section 116.1.1, Section 116.1.2, Section 116.1.3 Section 116.1.4, Section 116.1.5 Section 116.1.6, and shall read as follows:

Section 116.1.1 Building maintenance, etc. - Responsibilities of owner. No person shall own any building within the city which does not comply with the following requirements, particularly in connection with any evidence of decay of any of the items herein enumerated such as to render the building unsafe:

(a) Foundations, exterior walls and roofs. Every foundation, exterior wall and roof shall be weathertight, watertight, rodentproof and insectproof. Any evidence of decay of a foundation, exterior wall or roof shall be a violation of this section.

(b) Interior partitions, walls, floors, and ceilings. Every interior partition, wall, floor and ceiling shall be capable of affording privacy and shall be kept in a good state of repair and in a clean and sanitary condition. Any evidence of decay shall be a violation of this section.

(c) Drainage and removal of rainwater from roofs. All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings or floors of any habitable room or of any bathroom. Any evidence of decay of a roof shall be a violation of this section.

(d) Windows, exterior doors and basement hatchways. Every window, exterior door and basement hatchway shall be weathertight and rodentproof. Any evidence of decay of a window, exterior door or basement hatchway shall be a violation of this section.

(e) Exterior wood metal surfaces, and public structures, including bridges and appurtenances. All exterior wood metal surfaces, and public structures, including bridges and appurtenances, shall be protected from the elements and against decay by paint or other approved protective coating applied in a workmanlike fashion. Any evidence of decay such as cracking, scaling, peeling or loose paint or decay of any other protective coating shall be a violation of this section.

(f) Stairways, porches, etc. Every inside and outside stairway, every porch, and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon. Any evidence of decay of a stairway, porch, etc., shall be a violation of this section.

(g) Plumbing fixtures; water and waste pipes. Every supplied plumbing fixture and water and waste pipe shall be properly installed and maintained in good sanitary working condition. Any evidence of decay of such plumbing fixture, water pipe or waste pipe shall be a violation of this section.

(h) Chimneys and smoke pipes. Every chimney and every supplied smoke pipe shall be adequately supported.

(i) Toilet room and bathroom floors. Every toilet room, floor surface and bathroom floor surface shall be maintained so as to be impervious to water and shall be kept in a clean and sanitary condition.

(j) Facilities, equipment and utilities generally. Every supplied facility, piece of equipment or utility which is required under this chapter shall be so constructed or installed that it will function properly and shall be maintained in good working condition.

(k) Removing, discontinuing, etc., services, facilities, equipment or utilities. No owner or operator shall cause any service, facility equipment or utility which is required to be supplied under the provisions of this chapter to be removed from, shutoff from or discontinued for any

occupied building, except for such temporary interruption as may be necessary while actual repairs, replacements or alterations are in the process of being made.

(l) Pest control. Every owner of a building shall be responsible for the extermination of insects, rodents or other pests on the premises. Whenever infestation exists in any building or any part of any building, extermination thereof shall be the responsibility of the owner.

(m) Cleanliness, etc., of communal, shared or public areas. Every owner of a building shall be responsible for maintaining in a clean and sanitary condition all communal, shared or public areas of the building and the premises thereof.

(n) Cleanliness, etc., of occupied buildings generally. No owner shall occupy or rent to any other person for occupancy or allow any other person to occupy any vacant building or any part thereof, unless it is clean, sanitary and in compliance with all provisions of this chapter and all rules and regulations promulgated pursuant thereto.

(o) Open ditches or excavations. All open ditches or excavations that present a safety or health hazard shall be filled or protected to eliminate such hazard.

(p) Drainage generally. All parts of all buildings and premises shall be so drained as to prevent unsanitary accumulation of water in cellars or basements or any nuisance to or excessive drainage upon sidewalks and adjoining properties

(q) Structural Analysis - When in the opinion that that the structural integrity is comprised, a structural analysis must be conducted by a licensed structural engineer to determine the integrity of the structure and must submit a detailed report on how to repair the current hazardous situation

(r) Fences

Section 116.1.2 Safeguards. When, in the opinion of the building official, there is actual and immediate danger of collapse or failure of a building or structure or any part thereof that would endanger life, the code official shall cause the necessary work to be done, whether it be by demolition, shoring, or other method as determined by the building official in order to render such building, or structure, or part thereof, temporarily or permanently safe, whether or not the legal procedure herein prescribed has been instituted.

Section 116.1.3. Disclosure of environmental conditions applies to any interior or exterior greater than 160 sq/ft. Every owner or agent for the owner of a property for which a demolition permit application is filed with the Department of Licenses and Inspections, shall provide full disclosure with such demolition permit application of any pending environmental assessment, review, remediation, or voluntary compliance action that has been issued, ordered or approved by the U.S. Environmental Protection Agency, or by the Delaware Department of Natural Resources and Environmental Control (DNREC). No demolition permit shall be issued or approved until such full environmental disclosure has been filed with the department of licenses and inspections to the satisfaction of the Commissioner of Licenses and Inspections. The purpose and intent of this section is to prevent any property owner, builder, contractor, developer or other person from obtaining a demolition permit from the city without fully disclosing and informing the city officials of known environmental hazards on the site for which an application for a demolition permit has been made. 160 square feet

Section 116.1.4. Abatement of public nuisances; governmental demolitions.

(a) Nuisances; definitions.

(1) "Nuisance" is defined as any condition of the land, or of the buildings erected thereon, or of the trade or business conducted therein or thereon, or of unsightly articles collected thereon or therein, or of obnoxious odors arising thereon, therein, or therefrom, or any other condition that arises from the unreasonable, or unlawful use by a person of his own property, real or personal, or from his improper conduct that works as an injury to the right of the public, and produces material annoyance, inconvenience,

discomfort or hurt, or that is injurious to the health, or is indecent or offensive to the senses, so as to interfere with a person's comfortable enjoyment of life or property or so as to constitute a menace to the public health.

(2) "Public nuisance building" is defined as any of the following:

(A) Any building that, by reason of its condition, endangers public health, life, limb, safety, or property, and is likely to cause harm, inconvenience, damage or injury to one or more persons.

(B) Any building that, by reason of continued vacancy and the lack of reasonable maintenance, has deteriorated to the point that it is a blighting influence on nearby properties, and poses a threat to the public health, safety, and welfare.

(b) Emergency demolitions. When, in the opinion of the code official, a building is in such condition that it constitutes a public nuisance building posing an imminent threat to the public health, safety and welfare, such that it requires immediate action and no less drastic means or means short of substantial reconstruction are available on an emergency basis, the code official may eliminate the dangerous condition, demolish the building, or contract with other persons to do so. Prior to taking measures to eliminate the dangerous condition, the code official will make reasonable efforts to notify the ~~record owner~~ owner of record of the emergency condition, the intent to demolish the building or otherwise to eliminate the dangerous condition, and the estimated timeframe within which the dangerous condition must and shall be abated.

The department of licenses and inspections, in addition to invoking any other sanctions and procedures~~, may,~~shall, with the approval of the law department, collect the costs incurred by the city from the owner of the building by lien, as authorized in 25 Del. C. § 4601 or as may otherwise be authorized by law.

(c) Nonemergency demolitions. When in the opinion of the code official, a building is in a condition such that it constitutes a public nuisance building, but does not pose an imminent threat to the public health, safety and welfare such as would require immediate action, the code official may eliminate the dangerous condition or demolish the building, or contract with other persons to do so, there being no less drastic measures that are reasonable and available.

(1) Procedures: In all instances of nonemergency demolitions of buildings as authorized pursuant to the provisions of this section, the owner(s) of the building that is the object of the nuisance abatement shall be provided with notice and an opportunity to be heard. Written notice shall be provided by mailing of a certified letter, return receipt requested, to the last known address of the record owner, owners or record lien holder(s) notifying them of the address of the building to be demolished and including the following:

(A) A list of specific conditions of the building that constitute violations of the building code.

(B) Notice that failure or refusal to correct the conditions within a specified period of time following the mailing of the notice may lead to demolition of the building.

(C) A concise statement that the owners or lien holders, as the case may be, have appellate rights to an administrative hearing before the board of license and inspection review wherein they may be represented by counsel, introduce evidence, examine and cross-examine witnesses, and receive a decision in writing, which decision shall include detailed findings of fact.

(D) A concise statement of notice that, if the building is demolished, the city ~~may~~shall lien the property for the costs incurred by the city in accordance with the provisions of 25 Del. C. §§ 4601 and 4602.

(E) A concise statement of notice that the demolition notice and its receipt by the owner or lien holder do not preclude criminal prosecution of the owner or lien holder.

(F) Following the determination by the code official that a building is a public nuisance building, but that it does not present an emergency, the city council by resolution shall specifically direct the abatement of the nuisance.

(d) In any demolition, whether governmental or private, whether emergency or non-emergency, there shall be landscaping of the affected lot by improvement with top soil and grass seeding during the growing season in which the completion of the demolition occurs, or in the next immediate growing season thereafter, and the development of the turf to a level acceptable to the city, which normally would mean four inches of topsoil with good germination of grass seeding. In addition, there shall be submitted within 30 days of the completion of the demolition, a detailed development plan for the site, which shall be submitted to the department of licenses and inspections.

Section 116.1.5 Right of condemnation. All buildings or structures that are or hereinafter shall become unsafe, unsanitary or deficient in adequate exit facilities or which constitute a fire hazard or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper use, occupancy or maintenance, shall be deemed unsafe buildings or structures and public nuisances. All such unsafe structures are declared to be illegal and shall be abated by repair and rehabilitation or by demolition in accordance with this chapter. A vacant building, unguarded or open at the door or window, or partially or completely boarded up for a period exceeding 45 days, shall be deemed to be unsafe within the meaning of this code, a fire hazard and a public nuisance.

Section 116.1.6. Boarding of vacant structures in excess of 45 days It shall be within the discretion of the department of licenses and inspections to grant an extension of time to permit a vacant building to remain boarded in excess of 45 days, but no more than six months, if active rehabilitation of the structure is ongoing and the following requirements are met:

(1) The owner of the property must submit a written letter to the department of licenses and inspections stating the specific work taking place or to take place, including a time table for each aspect of the rehabilitation;

(2) All necessary building permits must be acquired, or if previously acquired, must be active; and

The work being performed must be continual throughout the entire period the building remains boarded.

Section 116.3 Notice is amended with new subsection Section 116.3.1 added and shall read as follows:

Section 116.3.1 Notice of unsafe structure and hearing. If an unsafe condition is found in the building or structure, the building official shall give written notice, by either mail or service or other form of delivery, to the owner, agent or person in control of the structure, describing the structure deemed unsafe and stating the required repairs or improvements to be made to render the structure safe and secure, or requiring the unsafe structure or portion thereof to be demolished within a specified time. If the owner, agent or person in control cannot be found, a copy of the notice shall be posted in a conspicuous place on the premises and such a procedure shall be deemed the equivalent of personal service. Any notice herein required shall, if mailed, be deemed to be effective upon mailing.

Such notice shall provide that the person so notified may appeal the violation notice to the board of licenses and inspections review. The appeal shall be in writing and filed within ten days after the receipt of the violation notice. Any appeal to the board of licenses and inspections review shall be accompanied with a nonrefundable fee in the amount required by this chapter at the time of filing. The board of licenses and inspections review shall hear and decide appeals in accordance with its duly prescribed and promulgated rules, regulations and procedures.

SECTION 116 UNSAFE STRUCTURES AND EQUIPMENT is amended by adding new subsection Section 116.6 and Section 116.7 and shall read as follows:

Section 116.6. Disregard of unsafe notice. Upon the failure or neglect of the person served with an unsafe notice to comply with the requirements of the order to abate the unsafe condition, the jurisdiction shall institute the appropriate action in the courts to compel compliance, or the building official, with the approval of council, shall have full power to remove the unsafe building or structure and whatever expense shall be incurred in relation thereto shall be paid by the city treasurer out of monies in the treasury; and the owner or owners shall be jointly and severally liable to the city for the full amount so expended. The city may maintain an action of law in debt or assumpsit against such owner or owners to recover the sums of money so expended, plus lawful interest and cost. When any person is found guilty, whether by trial or admission, of violating any provision of section 119.0, in instances in which such person, at the time of sentencing for such violation, also has not reimbursed the city for the costs incurred by the city in securing and boarding up the open areas of any building or structure regarding which such person or persons have been found guilty, as provided, the court having jurisdiction shall order such person or persons to make full restitution to the city for such costs in addition to and not in lieu of any fines which the court may impose.

Section 116.7. Vacant building.

(a) Rehabilitation or demolition of vacant and boarded buildings. It shall be unlawful and a violation for which the owner of the property or the person responsible for the property shall be liable for any vacant building 116.1.4(b) to determine if an emergency demolition is required because the building is an imminent threat, as provided therein, or subsection 116.1.4(c) to determine if a nonemergency demolition is required because the building constitutes a public nuisance.

(b) Secure open areas of building.

(1) Violations. It shall be unlawful for any owner, agent, or person in control of any building or structure which is vacant and open or otherwise unsafe to fail to secure and board up the open areas of any such building. If, after a reasonable time, the building or structure is not secured, but rather it remains vacant and open or otherwise unsafe, the building official or authorized agent or employee of the city may enter upon the premises, building or structure and secure or board up the open areas of such building or structure, or cause the same to be done. If the building official or authorized agent or employee of the city is denied entrance to a premises, building or structure for purposes of securing and boarding up the open areas of such building or structure, he may, upon a showing of probable cause, obtain a warrant for purposes of entering and securing and boarding up the subject building or structure.

(2) Costs incurred. The owner or owners of the subject building or structure shall be jointly and severally liable to the city for the full amount so expended in securing and boarding it up. The owner, agent or person in control of such building or structure shall reimburse the city for all costs incurred by the city in so securing or boarding up such building or structure. The city may maintain an action of law in debt or assumpsit against such owner or owners to recover the amount of money so expended, plus lawful interest, and costs.

(3) Reimbursement of city at time of sentencing of violator. When any persons are found guilty, whether by trial or by admission, of violating provisions of this section, in instances in which such person, at the time of sentencing for such violation, also has not reimbursed the city for the costs incurred by the city in securing and boarding up the open areas of any building or structure regarding which such person or persons shall be found guilty, as provided, the court having jurisdiction shall order such person or persons to make full restitution to the city for such costs in addition to and not in lieu of any fine which the court may impose.

CHAPTER 1 SCOPE AND ADMINISTRATION is amended by adding new Section 117 and shall read as follows:

Section 117.0 Nonresidential structures maintenance standard is amended by adding Section 117.0 and subsections. Nonresidential structure maintenance standards is amended by adding new subsections Section 117.1, Section 117.2, Section 117.3, Section 117.4, Section 117.5, Section 117.6 and shall read as follows:

The following standards apply to all structures or portions thereof, used or most recently used for nonresidential purposes, which are located in commercial or residential districts, as described in chapter 48, articles IV and V of the Wilmington City Code.

Section 117.1 All exterior surfaces of wood or other fibrous materials shall have a continuous, tightly adhering, unbroken protective coating of paint or similar material.

Section 117.2 All exterior metal surfaces which are not inherently and permanently resistant to corrosion shall have a continuous, tightly adhering, protective coating of a material appropriate to the metal.

Section 117.3 All openings, except chimneys, shall be made weathertight.

Section 117.4 Glass panes larger than one square foot which are cracked or broken shall be replaced.

Section 117.5 Materials used to cover or weatherproof doors, windows, or other exterior openings shall conform to the standards contained in sections 122.1 and 122.2. The materials shall be sturdy and shall be maintained in good repair, with any defacing to be eradicated or covered.

Section 117.6. All loose, corroded, rotted or otherwise deteriorated elements of every structure shall be removed and replaced when necessary to maintain the building in watertight and weatherproof condition.

CHAPTER 1 SCOPE AND ADMINISTRATION is amended by adding new Section 118 and shall read as follows:

Section 118.0. Residential uses in buildings within the downtown area. In order to encourage innovative and safe residential uses of the upper floors of structures or buildings within the downtown area bounded by the centerline of Second Street on the south, the centerline of King Street on the east, the centerline of Ninth Street on the north, and the centerline of West Street on the west, the following requirements and standards shall be applicable to all such structures or portions thereof, used or most recently used for nonresidential purposes or for mixed nonresidential and residential purposes, when, as, and if such parts of such buildings or structures are renovated for residential uses, compliance with which shall be shown prior to the issuance of a certificate of occupancy.

The floors above the street level floor of any building or structure within the downtown area as aforesaid may be apartments of not less than 150 square feet of sleeping area for the first occupancy thereof and at least 100 additional square feet for every additional occupancy thereof, and not less than 40 square feet of bathroom area, the floor space to be calculated on the basis of total habitable floor area, exclusive of stairways.

CHAPTER 1 SCOPE AND ADMINISTRATION is amended by adding new Section 119 and shall read as follows:

Section 119.0. Authorizations of improvements to exteriors of vacant buildings or structures; procedures; liens for the costs incurred.

(a) Authorization. The Department of Licenses and Inspections is authorized to initiate the making of improvements to the exteriors of vacant buildings or structures in accordance with this section and pursuant to the provisions of 25 Del. C. ch. 29 (§ 2901 et seq.) and 25 Del. C. ch. 46 (§ 4601 et seq.).

1. Eligible buildings or structures. If the owner has failed to rehabilitate or demolish:

   (1) A building that is vacant or abandoned and deemed to be unsafe, or

   (2) Any other building or structure that is vacant and amendable to rehabilitation if made secure, the commissioner of licenses and inspections may recommend that exterior improvements be made or caused to be made to such building or structure so as to render the building or structure safe and secure and to prevent further structural damage from rain and other natural causes, and that a lien be duly recorded in order that the city may recover the costs incurred by public expenditure for the same.

2. Types of improvements. Exterior improvements, authorized herein, may include, but are not limited to: Repairs to or replacement of any of the structural components of such buildings or structures, sidewalks in the right-of-way or on the lot on which the building or structure is located, steps, porches, railings, columns, windows, doors, exterior painting, brick pointing and roofing, and any other repairs or replacements deemed appropriate to protect and secure the structural integrity of the building or structure and to prevent further damage that would render the building or structure unsafe. The costs incurred by the city for any such improvements shall be referred to as "exterior improvement costs." Such exterior improvement costs incurred by the city shall be recorded by lien in accordance with the provisions of 25 Del. C. ch. 46 (§ 4601 et seq.).

3. Approval and certification of improvements to be made. The commissioner of licenses and inspections, his duly authorized designee, the director of real estate and housing and the director of planning and development, or the duly authorized designee of each of the same, shall by majority approval of a written authorization certify that specific exterior improvements shall be made to a building or structure, identified by street address and tax parcel number, in accordance with this subsection. Such written authorization shall be forwarded to the procurement and records division and to the finance director with specifications prepared for the particular improvements authorized to be made and for no other improvements. In an emergency affecting the public safety as determined by the commissioner of licenses and inspections or his designee, the rendering of exterior improvements to secure the structure may be expedited in lieu of the requirements of this certification subsection.

4. Notice to owner. When exterior improvements have been authorized as aforesaid and specifications for the same have been prepared, the department of licenses and inspections shall provide notice to the record owner or owners of the subject building or structure and to any record lien holders that such exterior improvements will be undertaken and the date of commencement of the same. For purposes of this subsection, the mailing of a certified letter, return receipt requested, at least 30 days prior to the commencement of the exterior improvements, to the last known address of the record owner, owners or lien holders and notifying same of the address of the property to be improved, the tax parcel number, the condition of the property and the legal right of the city to obtain a judgment against the owner and a lien against the property after completion of the exterior improvements, shall be deemed to be sufficient notice.

(b) Costs incurred as debt owing to city. Whatever expenses are incurred in relation to authorized exterior improvements pursuant to this subsection shall be paid by the city treasurer out of monies in the treasury and the owner or owners shall be jointly and severally liable to the city for the full amount so expended. Whenever exterior improvement costs have been incurred as aforesaid, the expenditure of public funds for exterior improvements to any

vacant or abandoned building deemed to be unsafe or any other vacant building or structure, following notice to the owners, being the costs so incurred, with legal interest thereon from the date of expenditure, shall be reimbursed to the city, on demand, by the person or persons who were the owner or owners of such building or structure at the time such work of exterior improvement commenced. The city may maintain an action of law in debt or assumpsit against the owner or owners to recover the sums of money so expended, plus lawful interest and cost. When any person is found guilty, whether by trial or admission, of violating any provision of sections 119.1, or 119.5, or 119.6, or any combination of the same, in any instance in which such person, at the time of sentencing for such violation, also has not reimbursed the city for the costs incurred by the city in making or causing to be made any exterior improvements, pursuant to this subsection, to any building or structure regarding which such person or persons have been found guilty, as provided, the municipal court shall order such person or persons to make full restitution to the city for such exterior improvement costs in addition to and not in lieu of any fines which the court may impose.

(c) Entering of lien. When the city expends public funds for the purpose of exterior improvements to any vacant or abandoned building or structure deemed to be unsafe or any other vacant building or structure within the city, after such notice as aforesaid, the city may enter a lien for the amount so expended, with interest accrued thereon, on the lands and premises on which such work of exterior improvements was performed by means of the department of finance and the city solicitor forwarding directions to the prothonotary for New Castle County for the entering of such exterior improvement liens in a docket for the same.

(d) Satisfaction. When the department of finance and the city solicitor have determined the exterior improvement costs and interest, the entering of the lien shall be done by forwarding to the prothonotary the information as aforesaid. Whenever any such lien is satisfied by payment, the department of finance and the city solicitor may so advise the prothonotary in order that there shall be entered in the prothonotary's records the date of final payment and the words 'satisfied in full' pursuant to 25 Del. C. § 4603(d).

(e) Rules and regulations. The department of licenses and inspections may adopt rules and regulations as deemed necessary and proper for the administration of this subsection, subject to approval by the administrative board.

CHAPTER 1 SCOPE AND ADMINISTRATION is amended by adding new Section 120 and shall read as follows:

Section 120.0. Annual registration of vacant buildings and registration fees.

(a) Purpose. The purpose of this section requiring the registration of all vacant buildings, including dwellings that are subject to chapter 34 as referenced below, and the payment of registration fees is to assist the city government, particularly the department of licenses and inspections (DLI) in protecting the public health, safety and welfare, to monitor the number of vacant buildings in the city, particularly those that are located in the downtown business district (from Second to 16th, and Walnut to West Streets), to assess the effects of the condition of those buildings on nearby businesses and the neighborhoods in which they are located, particularly in light of fire safety hazards and unlawful, temporary occupancy by transients, including illicit drug users and traffickers, and to require of the owners of such vacant buildings their registration and the payment of related fees, and to promote substantial efforts to rehabilitate such vacant buildings. The provisions of this section are applicable to the owners of such vacant buildings as set forth herein and are in addition to and not in lieu of any and all other applicable provisions of this chapter, the health and sanitation code, and any other applicable provisions of the Wilmington City Code.

(b) *Definitions and applicability; registration statement and fees.*

(1) *Definitions. For purposes of this section, the following words and phrases shall have the meanings respectively ascribed to them as follows:*

(A) *Boarded:* A building or structure subject to the provisions of this section shall be deemed to be "boarded" if in place of one or more exterior doors, other than a storm door, or of one or more windows, there is a sheet or sheets of plywood or similar material covering the space for such door or window.

(B) *Exterior maintenance and major systems:* The phrase "exterior maintenance and major systems" shall mean the safe and lawful maintenance of the facade, windows, doors, roof, and other parts of the exterior of the building and the maintenance of its major systems consisting of the roof, the electrical and plumbing systems, the water supply system, the sewer system, and the sidewalk, drive-way, if any, area of the lot, as applicable and as enforced by the DLI, particularly in connection with subsections 119.01 (building maintenance) and 124 (exterior improvements) of this section of this code.

(C) *Occupied:* Any building or structure shall be deemed to be occupied if one or more persons actually conducts a lawful business or resides in all or any part of the building as the licensed business-occupant, or as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, nontransient basis, or any combination of the same. For purposes of this section, evidence offered to prove that a building is so occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer services; a valid city business license, or the most recent, federal, state, or city income tax statements indicating that the subject property is the official business or residence address of the person or business claiming occupancy; or proof of pre-rental inspection.

(D) *Occupancy ready:* Any building that is vacant, but has been recently rehabilitated and a certificate of occupancy or certificate of completion has been issued by the DLI allowing the building to be lawfully occupied, or if the property has not been recently rehabilitated, the property meets all minimum code requirements and may be immediately occupied. Whether a building is "occupancy ready" shall be determined by DLI through an inspection of the building. The classification "occupancy ready" shall only apply to the vacant registration requirements of this section, and does not apply to any other section of the code.

(E) *Open:* A building or structure subject to the provisions of this section shall be deemed to be "open" if any one or more exterior doors other than a storm door is broken, open and, or closed but, without a properly functioning lock to secure it, or if one or more windows is broken or not capable of being locked and secured from intrusion, or any combination of the same.

(F) *Owner:* An owner of the freehold of the premises or any lesser estate therein, a mortgagee, a vendee-in-possession, assignee of rents, receiver, executor, trustee, lessee, agent or any other person, firm or corporation that is directly or indirectly in control of a building subject to the provisions of this section, and as set forth below.

(G) *Vacant:* A building or structure shall be deemed to be vacant if no person or persons actually, currently conducts a lawfully licensed business, or lawfully resides or lives in any part of the building as the legal or equitable owner(s) or tenant-occupant(s), or owner-occupants, or tenant(s) on a permanent, nontransient basis.

(2) *Applicability.* The requirements of this section shall be applicable to each owner of any building that is not a dwelling that shall have been vacant for more than 45 consecutive days and to each owner of residential property consisting of one or more vacant dwellings that shall have been vacant for more than 45 consecutive days. Each such owner shall cause to be filed a notarized registration statement, which shall include the street address and parcel number of each such vacant building, the names and

addresses of all owners, as hereinafter described, and any other information deemed necessary by the DLI. The registration fee(s) as required by subsection (b)(3) of this section shall be billed by the DLI and shall be paid by January 1 of each year. For purposes of this section, the following shall also be applicable:

(A) If the owner is a corporation, the registration statement shall provide the names and residence addresses of all officers and directors of the corporation and shall be accompanied by a copy of the most recent annual franchise tax report filed with the secretary of state;

(B) If an estate, the name and business address of the executor of the estate;

(C) If a trust, the name and address of all trustees, grantors, and beneficiaries;

(D) If a partnership, the names and residence addresses of all partners with an interest of ten percent or greater;

(E) If any other form of unincorporated association, the names and residence addresses of all principals with an interest of ten percent or greater;

(F) If an individual person, the name and residence address of that individual person.

(3) *Registration statement and fees; local agent.* If none of the persons listed, as above, is shown at an address within the state, the registration statement also shall provide the name and address of a person who resides within the state and who is authorized to accept service of process on behalf of the owners and who shall be designated as a responsible, local party or agent, both for purposes of notification in the event of an emergency affecting the public health, safety or welfare and for purposes of service of any and all notices or registration statements as herein authorized and in connection herewith. Registration shall be required for all vacant buildings, whether vacant and secure, vacant and open, vacant and boarded, or occupancy ready and shall be required whenever any building has remained vacant for 45 consecutive days or more. In no instance shall the registration of a vacant building and the payment of registration fees be construed to exonerate the owner, agent or responsible party from responsibility for compliance with any other building code or housing code requirement. One registration statement may be filed to include all vacant buildings of the owner so registering. The owner of the vacant property as of November 1 of each calendar year shall be responsible for the payment of the non-refundable registration fee, except buildings deemed "occupancy ready" by the DLI and actively for sale or lease shall be exempt from imposition of the annual registration fee. However, buildings deemed "occupancy ready" by the DLI shall only be exempt from imposition of the annual registration fee for no more than 2 consecutive billing cycles. Except as provided in subsection (b)(3)(A) below, said fee shall be billed by the DLI and based on the duration of the vacancy as determined by the following scale:

(i.) No fee for properties that are vacant for less than one year;

(ii.) $500.00 for properties that are vacant for at least one year but less than two years;

(iii.) $1,000.00 for properties that are vacant for at least two years but less than three years;

(iv.) $2,000.00 for properties that are vacant for at least three years but less than five years;

(v.) $3,500.00 for properties that are vacant for at least five years but less than ten years; and

(vi.) $5,000.00 for properties that are vacant for at least ten years, plus an additional $500.00 for each year in excess of ten years.

(A) The vacant registration fee billed to a housing provider meeting the criteria for non-profit organizations as defined by Section 501(c)(3) of the Internal Revenue Code and who receives a vacant building directly from the city or who receives public funds from the city for the acquisition, rehabilitation or redevelopment of a vacant building shall not be based on the duration of the vacancy prior to the non-profit housing provider receiving the vacant building from the city or receiving the funds from the city, but rather from the time it received the vacant building or funds from the city. This provision shall be retroactive to May 1, 2003.

(4) Appeal rights. The owner shall have the right to appeal the imposition of the registration fees to the Licenses and Inspection Review Board, upon filing an application in writing with the applicable $50.00 non-refundable filing fee to the Department of Licenses and Inspections no later than 30 calendar days after the date of the billing statement. On appeal, the owner shall bear the burden of providing satisfactory objective proof of occupancy, as defined in 125.0(b)(1)(C).

(5) One time waiver of registration fee. A one-time waiver of the registration fee, or an extension of a waiver for up to 12 months form the date of the billing statement immediately following the waiver, may be granted by the Commissioner of Licenses and Inspections upon application of the owner and upon review and advice of the law department, within 30 calendar days from the date of the bill for the registration fee, if the owner

(i.) Demonstrate with satisfactory proof that he/she is in the process of demolition, rehabilitation, or other substantial repair of the vacant building; and

(ii.) Objectively demonstrates the anticipated length of time for the demolition, rehabilitation, or other substantial repair of the vacant building; or

(iii.) Provides satisfactory proof that he/she was actively attempting to sell or lease the property during the vacancy period.

(6) *Four-year waiver.* Upon application by the owner and satisfaction of subsection (b)(5) above, the commissioner may, upon advice and review of the law department, grant a one-time four year waiver of the registration fee, or an extension of a waiver for up to 12 months from the date of the billing statement immediately following the waiver, if the owner meets the criteria for non-profit organizations as defined by Section 501(c)(3) of the Internal Revenue Code. With regard to an extension of a waiver only, the time period of the extension shall commence from the date of the billing statement (November 1 of the applicable calendar year) and, in no event, shall the extension exceed 12 months. An extension of a waiver shall only be granted once.

(7) Delinquent registration fees as a lien. After the owner is given notice of the amount of the registration fee due, except for those owners that have properly perfected an appeal pursuant to subsection (b) (4) above, and the owner fails to pay the amount due, said amount shall constitute a debt due and owing to the city, and the city may commence a civil action to collect such the unpaid debt.

(c) Duty to amend registration statement. If the status of the registration information changes during the course of any calendar year, it is the responsibility of the owner, responsible party or agent for the same to contact the department of licenses and inspections within 30 days of the occurrence of such change and advise the department in writing of those changes.

(d) Exceptions. This section shall not apply to any building owned by the United States, the state, the city, nor to any of their respective agencies or political subdivisions.

(e) Violations; penalties.

(1) The failure or refusal for any reason of any owner, or agent of an owner acting on behalf of the owner, to register a vacant building or to pay any fees required to be paid pursuant

to the provisions of this section, within 30 days after they become due, shall constitute a violation punishable upon conviction thereof by a fine in the amount of not less than $100.00 nor more than $500.00 for each failure or refusal to register, or for each failure or refusal to pay a required vacant building fee, as applicable. In such cases, whenever the minimum fine of $100.00 is imposed, it shall not be subject to suspension or reduction for any reason.

Section 121.0 Workmanship

121.1 General: All work shall be conducted installed and completed in a safe, workmanlike and acceptable manner so as to secure the results intended by this code.

CHAPTER 2 DEFINITIONS

Section 202 Definitions is amended by adding the following definitions and shall read as follows:

Section 202.0. Occupied: A building or structure shall be deemed to be occupied if one or more persons actually reside or live in the building as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, nontransient basis, or if one or more individuals, firms, corporations, partnerships, or other entities actually operates an ongoing duly licensed business, whether as owner or tenant, in the subject building or structure. For purposes of this code, evidence offered to prove that a building is occupied may include, but shall not be limited to, the regular receipt of delivery of regular mail through the U.S. Postal Service; proof of continual telephone, electric, gas, heating, water and sewer, and cable television subscriber services; the production of a current limitation of occupancy notification application pursuant to this section by the department of licenses and inspections; a valid city business license; or the most recent, federal, state, or city income tax statements indicating that the subject property is an occupied building for residential or nonresidential purposes.

Vacant: A building or structure shall be deemed to be vacant if no person or persons actually currently resides or lives in the building as the legal or equitable owner/occupant(s) or tenant(s) on a permanent, nontransient basis, or if none of any individuals, firms, corporations, partnerships, or other entities actually operates an ongoing duly licensed business, whether as owner or tenant, in the subject building or structure.

Mobile Unit: Mobile unit or home are not permitted unless being used for temporary facility

CHAPTER 4 SPECIAL DETAILED REQUIREMENTS BASED ON USE AND OCCUPANCY

SECTION 406 MOTOR-VEHICLE-RELATED OCCUPANCIES is amended by adding new subsection Section 406.9 Parking Lots and shall read as follows:

Section 406.9. Parking lots. Parking lots shall comply with the following:

Section 406.9.1. Curb cuts. Parking lots shall be arranged so as to afford ready means of entrance and exit at sidewalk level. Special permits for all curb cuts shall be secured from the appropriate city department or state agency.

Section 406.9.2. Lanes and parking spaces. Access lanes that are not less than 12 feet (3658 mm) each in width shall be provided for each lane of traffic for motor vehicles. Each parking space shall be not less than eight feet (2348 mm) by 18 feet (5486 mm) in dimensions for each motor vehicle, unless otherwise specified or authorized by a provision of the Wilmington City Code.

Section 406.9.3. Protection of adjoining property. A substantial bumper of masonry, steel or heavy timber and of suitable size and shape for the purpose shall be placed along all lot lines in order to protect structures and property abutting or adjoining the parking lot.

Section 406.9.4. Surface and drainage. Parking lots shall be graded with rolled or compacted cinders, gravel or other approved nonabsorbent materials to prevent the raising of dust and shall be maintained so as to prevent drainage onto adjoining property, adjacent sidewalk, or public right of way.

Section 406.9.5. Electric illumination. Electric light wiring shall be provided to furnish adequate illumination of driveways and lanes as required by the administrative authorities for street lighting, but such illumination shall be not less than 0.25 lumen per square foot (2.69 lumens/m2) of parking area.

SECTION 420 GROUPS I-1, R-1, R-2, R-3 is amended shall read as follows:

** **Section 420.4 Automatic Sprinkler system.** Group R occupancies shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.2.8 with the exception of R-3 occupancies, detached and semi-detached one and two family dwellings only, which are exempt from this requirement. Group I-1 occupancies shall be equipped throughout with an automatic sprinkler system in accordance with Section 903.2.6. Quick-response or residential automatic sprinklers shall be installed in accordance with Section 903.3.2.

CHAPTER 5 GENERAL BUILDING HEIGHTS AND AREAS

Section 501 General is amended by adding new subsection Section 501.2 and shall read as follows:

501.2 General

Chapter 5 is amended by deleting any and all references to "5B" construction. Type "5B" construction is not permitted in the City of Wilmington, Except for Section 506.4 Accessory Buildings. Structures for motor vehicle parking and used car sales lots not exceeding 100 square feet when no closer than 6 feet minimum from any building line.

SECTION 504 BUILDING HEIGHT AND NUMBER OF STORIES:

Section 504.3 Height in Feet is amended and shall read as follows: The maximum height, in feet, of a building, shall not exceed the limits specified in Table 504.3.

Exception: Towers, steeples and other roof structures shall be constructed of materials consistent with the required type of construction of the building except where other construction is permitted by Section 1510.2.4. In applying the provisions of the basic code governing height limits, the following appurtenance structures shall not be included in the height of the building: Roof tanks and their supports, ventilating, air conditioning and similar building service equipment, roof structures other than penthouses or chimneys and parapet walls not exceeding four feet in height, unless the aggregate area of such structures, including penthouses, exceeds one-third of the area of the roof of the building upon which they are built.

Section 504 Building Height And Number of Stories is amended by adding new subsections Section 504.4.1, Section 504.4.1.1, 504.1.1.2 and shall read as follows:

Section 504.4.1 One and Two Family Dwellings. Provided that they are constructed in accordance with the applicable provisions of the International Building Code 2018, particularly in connection with fire-protection requirements, for protected frame construction, and the amendments in this section.

Section 504.4.1.1. One-family detached dwellings and one-family semi-detached dwellings, not exceeding three stories in height, shall be erected of protected frame construction (Type 5A). All structural elements shall meet the requirements of strength and rigidity as specified in chapter 16 and 23, and construction as listed in Tables 601 and 602 of the International Building Code. In one-family semi-detached dwellings, walls between the housing units shall be two-hour party

walls and shall meet the requirements of the 2018 International Residential Code and the 2018 International Building Code.

Section 504.4.1.2. Rowhouses or townhouses, not exceeding ten houses in number or three stories in height, shall be constructed of protected frame construction (Type 5A). All structural elements shall meet the requirements of strength and rigidity specified in Chapters 16 and 23, and construction as listed in Tables 601 and 602 of the International Building Code.. All party walls between housing units shall be two-hour party walls and shall meet the requirements of the 2018 International Residential Code and the 2018 IBC . ~~basic code~~.

SECTION 506 BUILDING AREA is amended with new subsections Section 506.4, 506.5, and 506.6 shall read as follows:

Section 506.4 Accessory buildings. Accessory buildings type 5B with motor vehicle parking lots and used car sales lots may be erected of frame construction if not exceeding 100 square feet in area and ten feet in height, when located not less than six feet from lot lines or any building. Any building exceeding 100 square feet must be installed with a permanent foundation.

Section 506.5 Bay Windows. Bay or oriel windows shall be built of protected frame construction (Type 5A) on residential structures of R-3 (One and Two Family Dwellings). Such windows shall not exceed 14 feet in length and not project beyond the exterior wall line more than three feet. Such windows shall not be nearer than three feet from party lot lines, nor shall any two such windows on the same story be built nearer than five feet to each other.

CHAPTER 6 TYPES OF CONSTRUCTION

SECTION 602. CONSTRUCTION CLASSIFICATION is amended by adding new subsection 602.5.1 and shall read as follows:

602.5.1 Type 5B construction is prohibited in the City of Wilmington (including any/all references in Tables 503, 601, and 602).

CHAPTER 9 FIRE PROTECTION SYSTEMS

SECTION 903.2.8 Group R is amended and shall read as follows:

*** **Section 903.2.8 Group R.** An *automatic sprinkler* system installed in accordance with Section 903.3 shall be provided throughout all buildings with a Group R *fire area, except Group* R-3 one and two family, detached and semi-detached buildings, with a separate means of egress.

Automatic Sprinkler system. Group R-3 occupancies, defined and regulated by the International Residential Code as detached one and two family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress per dwelling, are exempt from the requirement to install an automatic fire sprinkler system. Group R-1, R-2, R-3, R-4 dwelling units located within and a part of mixed use commercial buildings and regulated by the International Building Code are not exempted from the Group R sprinkler requirement.

Congregate living facilities, such as boarding houses, lodging houses, care facilities, dormitories, fraternities, sororities, apartment houses of two or more units classified as R-3 and mixed use occupancy buildings containing any Group R with any other Occupancy Use are not exempted from the automatic sprinkler requirement.

Sections 903.2.8.1, 903.2.8.2, 903.2.8.3, 903.2.8.4 are deleted in their entirety, and replaced with the following **Section 903.2.8.1: 903.2.8.1 Group R-3 or R-4 congregate residences.** An automatic

sprinkler system installed in accordance with Section 903.3.1.2 (13 R System) shall be permitted in Group R-3, including one and two family dwellings) and R-4 congregate residences with 16 or fewer residents.

CHAPTER 10 MEANS OF EGRESS

TABLE 1004.5 AND SECTION 1004.8 Occupant Load Calculation in Business Use Areas

SECTION 1004.8 (Referencing Table 1004.5 "Concentrated Business Use Areas" noted, "see section 1004.8") <u>is amended and shall read as follows:</u>

Section 1004.8 Concentrated Business Use Areas. The Concentrated Business Use calculation may be applied to New Construction Buildings only, or, those Existing Buildings that meet all the requirements of Chapter 10, "Means of Egress" for the increased occupant load requested. The occupant load factor for Concentrated Business shall be applied to Telephone Call Centers, Trading Floors, Electronic Data Processing Centers and similar business use areas, with a higher density of occupants than would normally be expected in the typical "Business Areas" listed in Table 1004.5 at a 150 Gross Load Factor. Where approved by the Building Official, the occupant load shall be the Actual Occupant Load as verified by a submitted and approved furniture layout, but not less than one occupant per 50 square feet of gross occupiable floor space. The minimum width, in inches, of all Means of Egress components, Accessibility requirements and dimensions must comply with the requirements of Chapters 10 and 11 of the 2018 International Building Code, the ICC/ANSI A117.1-2017 Standards for Accessibility and all applicable requirements of the code for the proposed construction.

SECTION 1015.4 GUARDS, <u>is amended and shall read as follows:</u>

Section 1015.4 Opening Limitations. Required guards shall not have openings which allow passage of a sphere 4 inches (102 mm) in diameter from the walking surface to the required guard height. Required guards shall not be constructed with horizontal rails or other ornamental patterns that results in a ladder effect in Group R-1, R-2, R-3, R-4, E, I-2 and Type I-4 occupancies.

Exceptions:

1. From a height of 36 inches (914 mm) to 42 inches (1067 mm), *guards* shall not have openings that allow passage of a sphere $4^3/_8$ inches (111 mm) in diameter.
2. The triangular openings at the open sides of a stair, formed by the riser, tread and bottom rail shall not allow passage of a sphere 6 inches (152 mm) in diameter.
3. At elevated walking surfaces for access to and use of electrical, mechanical or plumbing systems or equipment, *guards* shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
4. In areas that are not open to the public within occupancies in Group I-3, F, H or S, and for *alternating tread devices* and ships ladders, *guards* shall not have openings that allow passage of a sphere 21 inches (533 mm) in diameter.
5. In assembly seating areas, *guards* required at the end of *aisles* in accordance with Section 1029.17.4 shall not have openings that allow passage of a sphere 4 inches (102 mm) in diameter up to a height of 26 inches (660 mm). From a height of 26 inches (660 mm) to 42 inches (1067 mm) above the adjacent walking surfaces, *guards* shall not have openings that allow passage of a sphere 8 inches (203 mm) in diameter.
6. Within individual *dwelling units* and *sleeping units* in Group R-2 and R-3 occupancies, *guards* on the open sides of *stairs* shall not have openings that allow passage of a sphere $4^3/_8$ (111 mm) inches in diameter.

SECTION 1030.1 EMERGENCY ESCAPE AND RESCUE, Section 1030.1 has been modified to delete Exception 1. Section 1030.1 is amended and shall read as follows:

1030.1General.

In addition to the *means of egress* required by this chapter, *emergency escape and rescue openings* shall be provided in the following occupancies:

1. Group R-2 occupancies located in stories with only one *exit* or *access* to only one *exit* as permitted by Tables 1006.3.3(1) and 1006.3.3(2).
2. Group R-3 and R-4 occupancies.

Basements and sleeping rooms below the fourth story above *grade plane* shall have not fewer than one exterior *emergency escape and rescue opening* in accordance with this section. Where *basements* contain one or more sleeping rooms, *emergency escape and rescue openings* shall be required in each sleeping room but shall not be required in adjoining areas of the *basement*. Such openings shall open directly into a *public way* or to a *yard* or *court* that opens to a *public way*.

Exceptions:

1. *Emergency escape and rescue openings* are not required from *basements* or sleeping rooms that have an exit door or *exit access* door that opens directly into a *public way* or to a yard, court or exterior exit balcony that opens to a *public way*.
2. *Basements* without *habitable spaces* and having not more than 200 square feet (18.6 m^2) in floor area shall not be required to have *emergency escape and rescue openings*.
3. Within individual *dwelling* and *sleeping units* in Groups R-2 and R-3, where the building is equipped throughout with an *automatic sprinkler system* installed in accordance with Section 903.3.1.1, 903.3.1.2 or 903.3.1.3, *sleeping rooms* in *basements* shall not be required to have *emergency escape and rescue openings* provided that the basement has one of the following:
    - 3.1. One *means of egress* and one *emergency escape and rescue opening*.
    - 3.2. Two *means of egress*

1030.1.1 Operational constraints and opening control devices.

Emergency escape and rescue openings shall be operational from inside the room without the use of keys or tools. Window-opening control devices complying with ASTM F2090 shall be permitted for use on windows serving as a required *emergency escape and rescue opening*.

Chapter 30: ELEVATORS AND CONVEYING SYSTEMS

SECTION 3001
GENERAL

3001.6. Periodic tests. Periodic tests shall be made by the owner's insurance company or its authorized agent or by an authorized elevator inspector agency approved by the code official, and shall be made at the expense and responsibility of the owner. Where such tests are not made by the code official, the authorized insurance company, its agent or the inspection agency shall submit a detailed, written report of the test and its results to the code official, on forms approved by the code official, not more than 30 days following the completion of such tests. This subsection shall not apply to elevators in structures in use group R-3 or R-4, which are not accessed by the general public. It

shall be the sole responsibility of the owner to ensure the safety of operation of its elevating equipment.

3001.7. Owner's proof of inspections and tests. Every building owner or his legal agent shall submit a verified or certified copy of proof of all inspections and tests and maintenance tests of any and all elevators and equipment as required by this article at such times and in such manner as provided in this article. No certificate of registration shall be issued by the code official to any owner or his legal agent of the building until and unless such verified or certified copy of proof of inspections and tests and maintenance tests as provided herein shall have been submitted to and accepted by the code official.

3001.8. Penalties for violation. Any owner or his legal agent of any building who fails to comply with section 3001.5 of this Chapter shall be deemed guilty of a misdemeanor and punishable as provided in section 116.4. Each day that a violation continues shall be deemed a separate offense.

3001.9. After the service of such notice, it shall be the duty of the owner to proceed within the time allowed to make such repairs or changes as are necessary to place the equipment in a safe condition; and it shall be unlawful to operate such equipment after the date stated in the notice unless such recommended repairs or changes have been made and the equipment and any repairs or changes have been inspected and tested by the owner or his insurance company or its authorized agent or an authorized elevator inspection agency and the equipment has been certified to the code official as being in compliance with the provisions of this article and such certification has been accepted and approved by the code official or an extension of time has been secured from him in writing

3001.10. Sealing of unsafe equipment. The owner of the building in which the equipment is located or his legal agent shall be responsible for the maintenance and safe operation of all equipment covered by this article and shall be responsible for any unsafe condition of any device or equipment including any condition rendering such device or equipment totally unsafe for operation covered by this article. If the insurance company or its authorized agent or any authorized elevator inspection agency, when it has inspected or tested any such equipment or device in accordance with the provisions of this article, finds in its opinion a case of emergency or that any such device or equipment is in a condition to render it unsafe for operation, the insurance company or its agent or an authorized elevator inspection agency shall have the authority to seal out the service of any such device or equipment covered by this Chapter.

3001.11. Notice of sealing out of service. Before sealing any device out of service, the insurance company or its authorized agent or the authorized elevator inspection agency, except in case of emergency, shall serve written notice upon the building owner or lessee and upon the code official stating intention to seal equipment out of service and the reasons therefor. The certificate of registration of such equipment or device shall be immediately revoked.

3001.12. Unlawful to remove seal. Any device sealed out of service by the owner's or legal agent's insurance company or its authorized agent or any authorized elevator inspection agency shall be plainly marked with a sign or tag indicating the reason for such sealing, and any defacing or removal of the sign or tag, or any tampering with or removal of the seal without approval of the code official, shall constitute a violation of this Chapter.

3001.13. Accidents reported and recorded. The owner of the building shall immediately notify the code official of every accident involving personal injury or damage to apparatus on or about or in connection with any equipment covered by this article, and shall assist the code official's investigation of such an accident. When an accident involves the failure, breakage, damage or

destruction of any part of the apparatus or mechanism, it shall be unlawful to use such device until after an examination by the owner's or his legal agent's insurance company or its authorized agent or an authorized elevator inspection agency of the equipment for continued use, submittal of a verified or certified copy of such examination and approval of the equipment for continued use by the insurance company or its agent or an authorized elevator inspection agency to the code official, and issuance by the code official of a certificate of registration as required by the provision of this article. The owner's or his legal agent's insurance company or its agent or an authorized elevator inspection agency shall make a prompt examination into the cause of the accident and shall file a certified or verified copy of a full and complete report thereof with the code official. Such records shall be open for public inspection at all reasonable hours.

3001.14. Registration of existing equipment. The persons, associations or corporations responsible for the installing and maintaining of every existing elevator, escalator, equipment or device covered by this article shall within a period of six months after the adoption of the basic code, register with the code official each such existing elevator, escalator, equipment or device. Such registration shall be made on a form to be furnished by the code official giving type of equipment, name of manufacturer, its location and purpose, identification, serial number as provided by section 3004.2 and such other information as required on the form.

CHAPTER 33: SAFEGUARDS DURING CONSTRUCTION

SECTION 3303 DEMOLITION is amended by adding new subsections Section 3303.8, Section 3303.9, Section 3303.10, Section 3303.11, Section 3303.12, Section 3303.13, Section 3303.14, Section 3303.14.1, Section 3303.14.2, Section 3303.14.3, Section 3303.14.4, Section 3303.14.5, Section 3303.15, Section 3303.16, Section 3303.17, Section 3303.17.1, Section 3303.18, Section 3303.18 and shall read as follows:

SECTION 3303. DEMOLITION

SECTION 3303. DEMOLITION

Section 3303.8. Notice to occupants of nearby properties prior to issuance of demolition permit.

A. The code official, prior to issuance of any demolition permit under this chapter, except for emergency demolitions as set forth below, shall require evidence of notice by the applicant for a permit for demolition to occupants of nearby properties for the purpose of addressing concerns with ingress, egress, and interference with their occupancy, as may be anticipated to be caused by flying or falling debris, noise, and dust occurring during the planned demolition. Such notice shall be in accordance with the following minimum requirements:

1. Such notice shall be provided to such occupants, by and at the expense of the applicant for the demolition permit, at least seven (7) days prior to the date of issuance of the demolition permit. The notice should be sent to the property owners via certified mail and documentation must be provided to the Department of Licenses and Inspections prior to the issuance of the demolition permit. Occupants who should receive such notice shall include, at a minimum, those occupants of buildings that are located on the same block-face as the proposed demolition site.

2. The notice required by this section shall include, at a minimum, the demolition permit applicant's plan for maintaining vehicular and pedestrian ingress and egress to nearby properties, the expected duration of the demolition operations, noise,

dust, erosion control, and the plan, including the expected duration of time, for the removal and disposition of rubble resulting from the demolition.

B. For emergency demolitions only, the requirement of this subsection can be satisfied by hand-delivered written notice to the neighboring occupants, as described above, prior to the actual commencement of demolition work, further provided that notice may be waived wherever and whenever there is no person present to receive the attempted hand-delivered written notice.

C. Before the Department of Licenses & Inspections issues a permit for demolition, drawings shall be submitted by a licensed structural engineer or architect, indicating that the demolition will leave a solid and secure foundation/footer upon which the remaining party wall will rest. A detailed drawing of the party wall must be submitted to the Department of Licenses and Inspections prior to the insurance of the final demolition permit.

D. The Department of Licenses and Inspections shall be authorized to use such forms and procedures it may deem necessary in order to administer the provisions of this subsection.

Section 3303.9. Protection of Party Walls during Demolition.

Any party wall exposed by the demolition of any building or other structure shall be properly protected and maintained in a safe and secure manner.

Section 3303.10. Treatment/Safety Party Walls.

Whenever any building or other structure is altered, changed, razed or demolished so as to expose any party wall which forms a part of the building or other structure being altered, changed, razed or demolished, the owner of the building or other structure upon which any of these operations are being performed shall repair and restore all flashing on any adjoining property which has been broken or damaged during any such operations, and shall remove any and all plaster from the exposed side of any such party wall if it complies with the requirements of this code pertaining to walls of new buildings.

Section 3303.11. Treatment of Unsafe Party Walls.

(a) If any building or structure enclosed on one or more sides with a party wall is wholly or partially removed, razed or demolished, and any party wall left standing and exposed is for any reason unsafe, the owner of the building being removed, razed or demolished shall remove any portion of all of such party walls deemed unsafe by the building official, reconstruct and do all other necessary work to enclose properly the building left standing. However, if the owner of the building left standing refuses to allow the adjoining owner access to his premises to do any work in connection with such party wall, or if such owner elects to remove, raze or demolish such party wall and erect a new wall on his own property, it becomes the responsibility of the owner of the building left standing to remove such party wall and perform all other work as may be necessary to eliminate any and all unsafe conditions.

(b) If any adjoining property owner refuses to allow the owner of a building being removed, razed or demolished access to his premises and fails to remove, raze or demolish any unsafe or dangerous party wall as directed by the code official, the code official shall proceed as provided in Section 115.1

Section 3303.12. Nonconforming party walls.

If any building or other structure which is enclosed on one or more sides with a party wall or party walls is razed or demolished, and any party walls are left standing and exposed with thicknesses that do not meet the requirements of the code for party wall construction and,

as such, is deemed structurally unsafe and dangerous by the code official, the standing and exposed party walls shall be made conforming or safe and secure in full compliance with this code.

Section 3303.13. Demolition Construction requirements.

Nonconforming party walls of insufficient thickness left standing and exposed as a result of the demolition of the adjoining building, and deemed structurally unsafe and dangerous by the code official, ~~may~~shall be made safe and secure as follows:

(a) A solid brick lining not less than eight inches (8") in thickness may be constructed on the exterior to form a combined thickness with the old wall of not less than four inches (4") more than the thickness required for a conforming wall.

(b) The brick lining shall be supported on proper foundations and thoroughly anchored to the old brick wall with suitable anchors placed two feet apart, and properly fastened or driven into the old wall in rows, alternatively, vertically and horizontally with each other, the old wall being first cleaned of plaster and other coatings where any lining is to be built against the same.

(c) The demolition contractor will be responsible for the condition of the site to include daily cleaning of all debris from any sidewalks, roadways, and/or adjacent properties.

Section 3303.14. Demolition of buildings.

Section 3303.14.1. Prior to demolition.

Before actual demolition is started (where practicable), all adjoining foundation walls are to be waterproofed. Concrete basement floors are to removed completely to provide positive drainage. The sewer lines are to be cut, stuffed with rags or paper for at least three feet (3') and capped with concrete. This is to be checked and approved by the code official prior to demolition.

Section 3303.14.2. Safeguards to be erected.

Whenever a building or structure more than two stories or 25 feet in height above the curb line is to be demolished, the person doing such work shall erect and maintain suitable and substantial safeguards satisfactory to the code official during the period of demolition. The proposed safeguards shall be submitted to the building code official for review and approval prior to construction.

Section 3303.14.3. Procedure to be followed.

Unless otherwise authorized by the code official, in demolition of any building, one story at a time shall be completely removed. All material shall be lowered to the ground immediately upon displacement. No wall, chimney or other construction shall be allowed to fall en masse on an upper floor. Bulky materials such as beams and columns shall be lowered and not allowed to fall. Materials to be removed shall be properly wet to control the dust incident to its removal. The site shall be kept clean during the entire demolition process and/or construction.

Section 3303.14.4. Chutes.

Unless otherwise authorized by the code official, chutes for the removal of materials and debris shall be provided in all such parts of demolition operations that are more than 20 feet above the point where the removal of materials is affected. Such chutes

shall be completely enclosed. They shall not extend in an unbroken line for more than 25 feet, but shall be equipped at intervals of 25 feet or less with substantial stops to prevent descending materials from attaining dangerous speeds. The bottom of each chute shall be equipped with a gate or stop, with suitable means for closing or regulating the flow of material.

Section 3303.14.5. Sprinkling.

Chutes, floors, stairways and other places shall be sprinkled to keep down the dust.

Section 3303.15. Remaining Party Wall Construction Requirements.

The following aspects of the demolition of an attached building shall be addressed in accordance with this subsection:

Building plans shall be submitted to the Department of Licenses and Inspections for review and approval.

1. The remaining party wall, after demolition, shall be rebuilt using brick.
2. Rigid insulation at a minimum of 1" shall be installed so as to guarantee a minimum standard to assure occupants of the surviving building that there will be the same level of comfort on a year-round basis, as there was prior to the demolition of the adjoining building.
3. The additional thickness in inches required to construct such a wall in accordance with the foregoing requirements may be eased over to the owner of the existing building, as well as all rights of access to the building wall and the right to use that wall for any reason that the owner of the surviving building may choose.
4. If and when a new building is built on the site of the demolished building, and if such new structure requires the use of the common wall, the owner of the site of the demolished building shall have the right to bring his or her property line back to the same point that it was prior to the demolition of the previously existing building or structure and any easement as aforesaid.

Section 3303.16. Completion.

When any building has been demolished, the person doing such work shall immediately clear the property and adjacent streets and alleys of all rubbish, refuse and loose material resulting from the demolition work. All excavations shall be filled level with adjoining grades and shall contain clean fill material and topped off by six inches (6") of topsoil. Additionally, the vacant lot must be enclosed by a fence minimum of four feet (4') high running along the building line.

Section 3303.17. General Specifications for Demolition

PART 1 - GENERAL

1.01 RELATED DOCUMENTS

A. Department of Licenses and Inspections will perform an initial inspection prior to the start of demolition to document the condition of the adjacent properties prior to demolition. The Demolition Contractor shall call the Department of L & I for an inspection prior to any work being performed.

1.02 DESCRIPTION OF WORK

A. Verify that all utilities have been disconnected and capped. **DO NOT** start demolition work until utility disconnecting and sealing have been completed and

verified in writing. USE sheet provided by the Department Licenses and Inspections ("L&I").

B. Do not close, or obstruct streets, walks, walkways, or other adjacent occupied or used facilities without permission from L&I and/or The Department of Public Works.

C. Seven (7) days prior to demolition of the property the demolition contractor is required to send notices of the demolition to the neighbors.

D. Obtain demolition permit from L&I.

E. Erect and maintain all necessary barriers and/or safety fencing to prevent materials from falling on or near personnel, and to prevent sections of the building being demolished from falling into or on sections which are to remain.

F. Used water mist, temporary enclosure, and other suitable methods to limit spread of dust and dirt.

G. Remove and transport debris to a certified disposal site in a manner that will prevent spillage onto the area. No on-site burning or other disposal of materials will be permitted.

H. Remove basement slab to prevent water retainage (as per City of Wilmington code).

I. Upon completion of work, remove all tools, equipment and materials from the site and leave the site clean.

J. Level ground so there is not any standing water ponds. Apply soil and seed as per Code.

K. Erect fence as per Code.

L. Contractor must obtain all required permits through L&I, Delaware **Department of Natural Resources and Environmental Control** ("DNREC"), and all other related or required agencies.

1.03 SCHEDULE OF DEMOLITION WORK

Demolition requires following steps and procedures.

A. Disconnect and cap of utilities as per code.

B. Confirmed analysis and removal of Hazardous Materials as per DNREC requirements.

C. Obtain demolition permit from the City of Wilmington.

D. Send notice of demolition seven (7) days prior to the demolition. (See Section 3303.8)

E. Call and schedule basement and inspection by L & I staff. (Section 3303.8)

F. Call and schedule inspection the capping of any existing sewer lines by inspection by L & I staff. (Section 3303.14.1).

G. Building foundation footer and supporting walls to a uniform depth as per code. (Submittal of Drawing required).

H. Backfill area must be filled in with clean fill and top with 6" topsoil.

I. Sidewalk repair, landscape work, and fence perimeter.

J. Comply with City of Wilmington's demolition requirements.

K. Any area or materials damaged as a result of the demolition must be repaired and/or replaced by the contractor.

L. Upon completion of the demolition the contractor must obtained certificate of compliance from the Department of Licenses and Inspections.

1.04 SUBMITTALS

Schedule: Submit proposed timetable of methods and operations of building demolition to the **Department of Licenses and Inspections** for review prior to start of work. Include in schedule coordination for shut-off, capping, and continuation of utility services as required.

1.05 PARTIAL REMOVAL

Items of salvageable value to owner may be removed from structures as work progresses. Salvaged items must be transported from site as they are removed. Storage or sale of removed items on site will not be permitted.

1.06 EXPLOSIVES

Use of explosives will not be permitted, unless approved by the code official.

1.07 TRAFFIC AND SHORING

A. Conduct demolition operations and removal of debris to ensure minimum interference with roads, streets, walks, and other adjacent occupied or used facilities.

B. Do not close or obstruct streets, walks, or other occupied or used facilities without permission from authorities having jurisdiction. Provide alternate routes around closed or obstructed traffic ways if required by governing regulations.

C. Provide interior and exterior shoring, bracing or support to prevent movement, settlement or collapse of structures to be demolished and adjacent facilities to remain.

1.09 DAMAGES

Promptly repair damages caused to adjacent facilities by demolition operations at no cost to owner.

1.10 UTILITY SERVICE

A. Verify that all utilities have been disconnected and capped. DO NOT start selective demolition work until utility disconnecting and sealing have been completed and verified in writing. Use sheet provided by L&I.

B. The contractor is ultimately responsible for the disconnection of all utilities. The contractor must use and complete a "Demolition Utility Sign off and Permit".

PART 2 - EXECUTION

2.01 PERMITS, UTILITY SIGN OFF, NOTIFICATION AND HAZARDOUS ABATEMENT

A. The contractor must have a current City of Wilmington business license.

B. The contractor must apply and get a City of Wilmington demolition permit before construction. The contractor must use and complete a "Demolition Utility Sign off and Permit" and DNREC's "Notification of Demolition for Renovation" applications.

C. The Contractor will be responsible for the removal of ALL hazardous material in a professional manner with licensed certified contractors. City of Wilmington site

representative shall receive written documentation verifying that site is free from asbestos before demolition starts.

2.02 DEMOLITION

A. Pollution Controls: Use water sprinkling, temporary enclosures, and other suitable methods to limit dust and dirt rising and scattering in air to lowest practical level. You must use temporary fencing to secure site. You must use silk barrier or fabric barrier to contain earth, moisture, and construction debris to the site. Comply with governing regulations pertaining to environmental protection.

B. Do not use water when it may create hazardous or objectionable conditions such as ice, flooding, and pollution.

C. Clean adjacent structures and improvements of dust, dirt, and debris caused by demolition operations, as directed by governing authorities. Return adjacent areas to condition existing prior to start of work.

2.03 BUILDING DEMOLITION

Demolish buildings completely and remove from site. Use such methods as required to complete work within limitations of governing regulations.

A. Proceed with demolition in systematic manner, from top of structure to ground. Complete demolition work above each floor or tier before disturbing supporting members on lower levels.

B. Demolish concrete and masonry in small sections.

C. Remove structural framing members and lower to ground by hoists, derricks, or other suitable methods.

D. Break up and remove concrete slabs-on-grade, unless otherwise shown to remain.

E. Saw cut all masonry walls that adjoin adjacent neighboring properties prior to removing.

F. Locate demolition equipment throughout structure and remove materials so as to not impose excessive loads to supporting walls, floors, or framing.

G. Drain and remove all tanks, boilers, heating systems, and piping, off site to a certified landfill.

H. If there are any environmental materials found on site, it is the responsibility of the contractor to notify the proper authorities and remove all asbestos in a professional manner. Owner shall receive from regulatory authority written documentation verifying that site is free from asbestos.

I. The demolition contractor will be responsible for the condition of the site including daily cleaning of all debris from any sidewalks, roadways, and/or adjacent properties.

2.03 BELOW-GRADE CONSTRUCTION

A. Demolish and remove all foundation walls from the site **EXCEPT** support walls for public sidewalks and bearing wall for adjoining structures. All foundation walls along public sidewalks shall be a depth of not less than 18" below existing ground surface, or bottom of new foundation wall. Demolish and remove below-grade wood, metal construction, and floor construction **except public sidewalks** on grade.

B. Demolish and remove below-grade construction and concrete slabs and walks on grade.

2.04 FILLING BASEMENT AND VOIDS

Completely fill below-grade areas and voids resulting from demolition of structures.

A. Use satisfactory select material to backfill, compact fill to 95% compaction, and ~~soil materials consisting of stone, gravel, earth, and fill, but~~ free from debris, trash, frozen materials, roots and other organic matter.

B. Prior to placement of fill materials, ensure that areas to be filled are free of standing water, frost, frozen material, trash and debris.

C. Place fill materials in horizontal layers not exceeding8" ~~6"~~ in loose depth. Compact to 95% each layer at optimum moisture content of fill material to a density equal to the original adjacent ground, unless subsequent excavation for new work is required.

D. After fill placement and compaction, grade surface to meet adjacent contours and to provide flow to surface drainage structures.

E. The contractor must use clean compactable soil. **NOT pulverize or crushed debris.** The top 6" of the finish grade shall be topsoil with grass seed and straw.

2.06 DISPOSAL OF DEMOLISHED MATERIALS

A. Remove from site ALL debris, rubbish, and other materials resulting from demolition operations to a certified landfill.

B. Burning of removed materials from demolished structures will not be permitted on site.

2.07 REMOVAL

Transport materials removed from demolished structures and dispose of off-site to a certified landfill.

2.08 FENCING

A. Install a permanent 4-foot high chain link fence with lockable gates, posts, post caps, top rails, and secured with ties every three feet.

B. All posts must be mounted in concrete (6" gravel base and 24" deep, by 8" diameter concrete).

C. Install fencing at required perimeter to secure lot (or lots) to prevent entry. Fencing in historical district must be reviewed by the Department of Planning.

D. Fencing plan must be approved by the Department of Licenses and Inspections prior to installation.

Section 3303.18. Disclosure of environmental conditions applies to any interior or exterior greater than 160 sq/ft.

Every owner or agent for the owner of a property for which a demolition permit application is filed with the Department of Licenses and Inspections, shall provide full disclosure with such demolition permit application of any pending environmental assessment, review, remediation, or voluntary compliance action that has been issued, ordered or approved by the U.S. Environmental Protection Agency, or by the Delaware Department of Natural Resources and Environmental Control (DNREC). No demolition permit shall be issued or approved until such full environmental disclosure has been filed with the department of licenses and inspections to the satisfaction of the Commissioner of Licenses and Inspections. The purpose and intent of this section is to prevent any property owner, builder, contractor, developer or other person from obtaining a demolition permit from the city without

fully disclosing and informing the city officials of known environmental hazards on the site for which an application for a demolition permit has been made. 160 sq/ft

Section 3303.18.1 Disclosure of environmental conditions.

A. Every owner or agent for the owner of a property for which a demolition permit application is filed with the Department of Licenses and Inspections, shall provide full disclosure with such demolition permit application of any pending environmental assessment, review, remediation, or voluntary compliance action that has been issued, ordered or approved by the U.S. Environmental Protection Agency, or by the Delaware Department of Natural Resources and Environmental Control (DNREC).

B. No demolition permit shall be issued or approved until such full environmental disclosure has been filed with the department of licenses and inspections to the satisfaction of the Commissioner of Licenses and Inspections.

C. The purpose and intent of this section is to prevent any property owner, builder, contractor, developer or other person from obtaining a demolition permit from the city without fully disclosing and informing the city officials of known environmental hazards on the site for which an application for a demolition permit has been made.

Section 3303.19 Abatement of public nuisances; governmental demolitions.

A. Nuisances; definitions.

1. "Nuisance" is defined as any condition of the land, or of the buildings erected thereon, or of the trade or business conducted therein or thereon, or of unsightly articles collected thereon or therein, or of obnoxious odors arising thereon, therein, or there from, or any other condition that arises from the unreasonable, or unlawful use by a person of his own property, real or personal, or from his improper conduct that works as an injury to the right of the public, and produces material annoyance, inconvenience, discomfort or hurt, or that is injurious to the health, or is indecent or offensive to the senses, so as to interfere with a person's comfortable enjoyment of life or property or so as to constitute a menace to the public health.

2. "Public nuisance building" is defined as any of the following:

a. Any building that, by reason of its condition, endangers public health, life, limb, safety, or property, and is likely to cause harm, inconvenience, damage or injury to one or more persons.

b. Any building that, by reason of continued vacancy and the lack of reasonable maintenance, has deteriorated to the point that it is a blighting influence on nearby properties, and poses a threat to the public health, safety, and welfare.

B. Emergency demolitions. When, in the opinion of the code official, a building is in such condition that it constitutes a public nuisance building posing an imminent threat to the public health, safety and welfare, such that it requires immediate action and no less drastic means or means short of substantial reconstruction are available on an emergency basis, the code official may eliminate the dangerous condition, demolish the building, or contract with other persons to do so. Prior to taking measures to eliminate the dangerous condition, the code official will make reasonable efforts to notify the record owner of the emergency condition, the intent to demolish the building or otherwise to eliminate the dangerous condition, and the estimated timeframe within which the dangerous condition must and shall be abated.

The department of Licenses and Inspections, in addition to invoking any other sanctions and procedures, may, with the approval of the law department, collect the costs incurred by the

city from the owner of the building by lien, as authorized in 25 Del. C. § 4601 or as may otherwise be authorized by law.

C. Nonemergency demolitions. When in the opinion of the code official, a building is in a condition such that it constitutes a public nuisance building, but does not pose an imminent threat to the public health, safety and welfare such as would require immediate action, the code official may eliminate the dangerous condition or demolish the building, or contract with other persons to do so, there being no less drastic measures that are reasonable and available.

D. Procedures: In all instances of nonemergency demolitions of buildings as authorized pursuant to the provisions of this section, the owner(s) of the building that is the object of the nuisance abatement shall be provided with notice and an opportunity to be heard. Written notice shall be provided by mailing of a certified letter, return receipt requested, to the last known address of the record owner, owners or record lien holder(s) notifying them of the address of the building to be demolished and including the following:

1. A list of specific conditions of the building that constitute violations of the building code.
2. Notice that failure or refusal to correct the conditions within a specified period of time following the mailing of the notice may lead to demolition of the building.
3. A concise statement that the owners or lien holders, as the case may be, have appellate rights to an administrative hearing before the board of license and inspection review wherein they may be represented by counsel, introduce evidence, examine and cross-examine witnesses, and receive a decision in writing, which decision shall include detailed findings of fact.
4. A concise statement of notice that, if the building is demolished, the city may lien the property for the costs incurred by the city in accordance with the provisions of 25 Del. C. §§ 4601 and 4602.
5. A concise statement of notice that the demolition notice and its receipt by the owner or lien holder do not preclude criminal prosecution of the owner or lien holder.
6. Following the determination by the code official that a building is a public nuisance building, but that it does not present an emergency, the city council by resolution shall specifically direct the abatement of the nuisance.

E. In any demolition, whether governmental or private, whether emergency or non-emergency, there shall be landscaping of the affected lot by improvement with top soil and grass seeding during the growing season in which the completion of the demolition occurs, or in the next immediate growing season thereafter, and the development of the turf to a level acceptable to the city, which normally would mean four inches of topsoil with good germination of grass seeding. In addition, there shall be submitted within 30 days of the completion of the demolition, a detailed development plan for the site, which shall be submitted to the department of licenses and inspections.

(Code 1968, § 24-3; Ord. No. 91-079, § 1, 11-7-91; Ord. No. 91-082, § 1, 11-21-91; Ord. No. 92-011, § 1, 3-5-92; Ord. No. 92-027, § 1, 5-14-92; Ord. No. 92-036, § 1, 5-21-92; Ord. No. 92-049, § 1, 6-18-92; Ord. No. 92-053(sub 1), §§ 1(c), 7(a), (b), (d), (e), (k), 7-2-92; Ord. No. 93-050, § 1, 7-8-93; Ord. No. 93-070, § 1, 10-7-93; Ord. No. 94-002, §§ 2, 3, 2-24-94; Ord. No. 94-052, § 1, 8-18-94; Ord. No. 94-043(sub 1), § 1, 9-29-94; Ord. No. 95-029, § 1, 5-18-95; Ord. No. 95-077, § 1, 1-4-96; Ord. No. 95-078, § 1, 1-4-96; Ord. No. 96-013, § 1, 3-22-96; Ord. No. 96-020, § 1, 4-12-96; Ord. No. 96-046, §§ 2, 3, 7-17-96; Ord. No. 97-016, § 1, 4-3-97; Ord. No. 97-024(sub 1), § 1, 4-17-97; Ord. No. 97-039(sub 1), § 1, 7-2-97; Ord. No. 97-055, § 1, 8-27-97; Ord. No. 97-065, § 1, 9-25-97; Ord. No. 97-066(sub 2), § 2, 1-8-98; Ord. No. 97-115, § 1, 1-8-

98; Ord. No. 97-116, § 1, 1-8-98; Ord. No. 98-025, § 1, 3-5-98; Ord. No. 98-067(sub 1), § 1, 12-22-98; Ord. No. 98-079(sub 1), § 1, 8-6-98; Ord. No. 98-088, § 1, 8-13-98; Ord. No. 98-115, § 1, 9-30-98; Ord. No. 98-123(sub 1), § 1, 11-9-98; Ord. No. 98-124, § 1, 10-19-98; Ord. No. 98-155(sub 1), § 2, 6-3-99; Ord. No. 99-045, § 1, 5-20-99; Ord. No. 99-80, § 1, 9-23-99; Ord. No. 99-081, § 1, 9-23-99; Ord. No. 99-082(sub 1), § 1, 11-4-99; Ord. No. 99-103(sub 1), § 1, 10-7-99; Ord. No. 00-008, § 1, 2-3-00; Ord. No. 00-036, § 1, 5-4-00; Ord. No. 99-008, § 1, 5-17-01; Ord. No. 02-022, § 1, 3-21-02; Ord. No. 03-019(sub 2), § 1, 5-1-03; Ord. No. 03-075(sub 1), § 7, 12-4-03; Ord. No. 03-072, § 1, 12-4-03; Ord. No. 04-064(sub 1), § 1, 10-7-04; Ord. No. 04-071, § 1, 10-7-04; Ord. No. 05-045(sub 1), § 1, 8-18-05; Ord. No. 05-091(sub 1), § 2, 2-16-06; Ord. No. 06-047(sub 1), § 1, 7-6-06; Ord. No. 06-059(sub 1), § 1, 9-7-06; Ord. No. 08-053, § 1, 7-10-08; Ord. No. 09-005(sub 1), § 1, 4-2-09; Ord. No. 09-076, §§ 1, 2, 1-7-10; Ord. No. 11-017, § 1, 5-5-11; Ord. No. 13-034(sub 2), § 2, 2-20-14; Ord. No. 14-002, § 1, 2-20-14)

EXHIBIT B

Sec. 4-33. - Amendments to the International Residential Code.

INTERNATIONAL RESIDENTIAL CODE FOR ONE-AND TWO-FAMILY DWELLINGS 2018

CHAPTER 1 ADMINISTRATION

Section R101 *Title*, is amended and shall read as follows:

101.1 *Title* These provisions shall be known as the Residential Code for One and Two-family Dwellings of the CITY OF WILMINGTON and shall be cited as such and will be referred to herein as "this code."

Section R103 Department of Building Safety, is amended by deleting section R103.1, R103.2, R103.3 and refer to Section 103 of the International Building Code 2018

The following section shall replace Sections R106.1 through R106.2 of the 2018 International residential Code:

Section R106.1 Minimum Design Requirements for Residential Documents

The construction documents for any one and two-family dwelling and all residential additions shall include, but are not limited to:
1. Plans must be drawn to scale. Plans shall be no smaller than 11" X 17" and no larger than 30" X 48". The Building Official shall have the authority to reject plans based on size and/or legibility of the construction documents. Two or more sets of plans shall be submitted with the permit application signed and dated by the applicant. Where special conditions exist, the Building Official is authorized to require additional construction documents to be prepared by registered Delaware design professional.
2. All braced wall lines, shall be identified on the construction documents and all pertinent information including, but not limited to, bracing methods, location and length of braced wall panels, foundation requirements of braced wall panels at top and bottom, and braced wall penal uplift load path design shall be provided.
3. *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, including windows, doors, 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. The construction documents shall include manufacturing installation instructions that provide supporting documentation that the proposed penetration and opening details described in the construction documents maintain the wind and the weather resistance of the exterior wall envelope. The supporting documentation shall fully describe the exterior wall system that shall be tested, where applicable, as well as the test procedure used.

Approval of Construction Documents. Where the Building Official issues a permit, the construction documents shall be approved in writing or by a stamp signed and dated by the Plans Examiner, including the assigned permit number. One set of signed stamped approved construction documents shall be returned to the applicant, and shall be kept at the site of work and shall be open to inspection by the building official or a duly authorized representative.

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 and may require a new permit issued for approval.

Site plan. The construction documents submitted with the application for permit shall be accompanied by two (2) sets of a site plan, or in an electronic format as required by the Building Official, 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. The site plan shall be drawn in accordance with an accurate boundary line survey. 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. All site plans shall be dated including the date of any and all revisions.

A plot or mortgage survey plan bearing the seal of a Delaware registered land surveyor or professional engineer will be accepted to accommodate structures under four hundred eighty (480) square feet, however applications for in-ground pools must be accompanied by a site plan regardless of pool size.

Minimum design requirements for swimming pools. Construction documents shall accurately show dimensions and construction of the pool and appurtenances and properly established distances to lot lines, buildings, walks and fences, as well as details of the water supply system, drainage and water disposal systems, and all appurtenances and properly established distances to lot lines, buildings, walks and fences, as well as details of the water supply system, drainage and water disposal systems, and all appurtenances pertaining to the swimming pool. Detailed construction documents of structures, vertical elevations and sections through pool showing depth shall be included.

CHAPTER 3 BUILDING PLANNING

Section R301.2.1 Wind design criteria, is amended by completing Table R301.2(1)

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

GROUND SNOW LOAD	WIND SPEED (mph)	SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP	ICE SHIELD UNDER-LAYMENT REQUIRED	FLOOD HAZARD	AIR FREEZING INDEX	MEAN ANNUAL TEMP
			WEATHERING	FROST LINE DEPTH	TERMITE					
25	90/ 115	B	SEVERE	32"	MODERATE TO HEAVY	15	YES		YES	~~54.4~~ 54 DEG F

Section 302 Fire Resistant Construction is amended by adding Section 302.1.2 Type of Construction; Section 302.1.4 Bay Windows.

Section R302. Fire Resistant Construction. Section R302.1 Exterior Walls is amended to clarify the definition of a projection, and to remove the reference to Section P2904, and shall read as follows:

Section 302.1 Exterior Walls. Construction, projections including exterior decks and balconies, openings and penetrations of exterior walls of dwellings and accessory buildings shall comply with Table R302.1(1) ; or Table R302.1(2) dwellings equipped throughout with an automatic sprinkler system which has been approved by the authority having jurisdiction.

Section R302.1.2 Bay Windows Bay or oriel windows shall be built of Type 5A on residential structures of R-3 (One and Two Family Dwellings). Such windows shall not exceed 14 feet in length and not project beyond the exterior wall line more than three feet. Such windows shall not be nearer than three feet from party lot lines, nor shall any two such windows on the same story be built nearer than five feet to each other.

Section R302.2.4 Parapets for townhouses. Deleted in its entirety, this section is not applicable in The City of Wilmington since Type 5B construction is prohibited. The minimum Construction Type is Type 5A Construction requiring one-hour Fire Resistance Rated roof construction and associated secondary members.

Section R302.15 TYPE OF CONSTRUCTION. Type 5B construction is prohibited in the City of Wilmington (including any references to Type 5B Construction in the International Building Code Table 601). Follow the IBC Tables 601 and 602 for design criteria for Construction Type 5A and greater.

Section R312.1.3.1 Opening Limitations. Required guards shall not have openings which allow passage of a sphere 4 inches (102 mm) in diameter from the walking surface to the required guard height. Required guards shall not be constructed with horizontal rails or other ornamental patterns that results in a ladder effect in Group R-1, R-2, R-3, R-4, E, I-2 and Type I-4 occupancies.

Section R313 Automatic Fire Sprinkler Systems is deleted in its entirety and replaced with the following Section R313.

Automatic Sprinkler system. Group R-3 occupancies, defined and regulated by the International Residential Code as detached one and two family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress per dwelling, are exempt from the requirement to install an automatic fire sprinkler system. Group R-1, R-2, R-3, R-4 dwelling units located within and a part of mixed use commercial buildings and regulated by the International Building Code are not exempted from the Group R sprinkler requirement.

Congregate living facilities, such as boarding houses, lodging houses, care facilities, dormitories, fraternities, sororities, apartment houses of two or more units classified as R-3 and mixed use occupancy buildings containing any Group R with any other Occupancy Use are not exempted from the automatic sprinkler requirement.

CHAPTER 28 WATER HEATER

Section P2801 General, is amended by adding the following subsection P2801.9 and shall read as follows:

Section (IRC) P2801.9 Material. When non-metallic water distribution pipe is being used, the first 18 inches (457 mm) of both hot and cold water lines shall be non-flexible metallic pipe as listed in Table P2905.5 of the International Residential Code.

Section P2804.6.1 Requirements for discharge pipe, is amended by revising #13 and shall read as follows:

P2804.6.1 Requirement for discharge pipe. The discharge piping serving a pressure-relief valve, temperature-relief valve or combination valve shall:

13. Be constructed of rigid metallic piping only

CHAPTER 29 WATER SUPPLY AND DISTRIBUTION

Section P2904 Dwelling Unit Fire Sprinkler Systems (equivalent to NFPA 13D) shall be deleted in its entirety. The minimum Sprinkler system design accepted for installation by the City of Wilmington, is NFPA 13R as referenced in the International Building Code Section 903.3.1.2.

CHAPTER 31 VENTS

Section P3103.1.1 Roof Extension is amended by revising the minimum extension of 6 inches to 12 inches and shall read as follows:

P3103.1.1 **Roof Extension.** Open vent pipes that extend through a roof that do not meet the conditions of Section P3103.1.2 or P3103.1.3 shall terminate not less than 12 inches above the roof.

SECTION P3114

AIR ADMITTANCE VALVE

Section P3114.3 Where Permitted is amended to exclude branch vents, circuit vents, combination waste and vent systems and stack vents and shall read as follows. Individual vents shall be permitted to terminate with a connection to an air admittance valve. Individual air admittance valves shall vent only single fixtures.

EXHIBIT C

Sec. 4-81. – Amendments.

INTERNATIONAL MECHANICAL CODE 2018

CHAPTER 1 ADMINISTRATION

SECTION 101 GENERAL

101.1 Title, is amended and shall read as follows:

These regulations shall be known as the Mechanical Code of "The City of Wilmington," hereinafter referred to as "this code."

SECTION 103 DEPARTMENT OF LICENSES AND INSPECTIONS

103.1 General, is amended and shall read as follows:

The Department of Licenses and Inspections is hereby created and the executive official in charge thereof shall be known as the code official.

SECTION 303 EQUIPMENT AND APPLIANCE LOCATION

303.3 Prohibited locations, is amended by deleting exceptions.

303.4.1 Protection from damage. Steel sleeved bollards, filled with concrete and minimum #4 reinforcing rod, as approved by the Building Official, shall be installed for vehicle crash protection around all utility regulatory equipment, including gas meters.

SECTION 305 PIPING SUPPORT

Section 305.3 Structural attachment, is amended by adding new subsections Section 305.3.1 and Section 305.6 and shall read as follows:

Section 305.3.1 - Flexible duct and connectors shall be installed in accessible areas only.

Section 305.6 Installation - Flexible duct and connections shall be installed in conformance with SMACNA HVAC Flexible Duct Construction Standards listed in Appendix A.

SECTION 307 CONDENSATE DISPOSAL

Section 307.2.1 Condensate disposal, is amended by adding new subsection Section 307.2.1.1 and shall read as follows:

Section 307.2.1.1 Where condensate line is exposed to the exterior, it shall be no longer than 18 inches and insulated so as to prevent freezing."

SECTION 402 NATURAL VENTILATION

Section 402 Natural Ventilation, is amended by adding new subsection 402.5 and shall read as follows:

402.5 Bathrooms and Powder rooms: rooms containing bathtubs, showers, spas, and similar bath fixtures shall be mechanically ventilated.

SECTION 601 RETURN AIR OPENINGS

Section 601.5 Return air openings, is amended by adding subsections 9 through 12 to section 601.5 as additional conditions and shall read as follows:

1. Openings shall not be located less than 10 feet (3048 mm) measured in any direction form an open combustion chamber or draft hood of another appliance located in the same room or space.
2. Return air shall not be taken from a hazardous or insanitary location or a refrigeration room as defined in this code.
3. The amount of return air taken from any room or space shall be not greater than the flow rate of supply air delivered to such room or space.
4. Return and transfer openings shall be sized in accordance with the appliance or equipment manufacturer's installation instructions, ACCA Manual D or the design of the registered design professional.
5. Return air taken from one dwelling unit shall not be discharged into another dwelling unit.
6. Taking return air from a crawl space shall not be accomplished through a direct connection to the return side of a forced air furnace. Transfer openings in the crawl space enclosure shall not be prohibited.
7. Return air shall not be taken form a closest, bathroom, toilet room, kitchen, garage, boiler room, furnace room or unconditioned attic.
8. Return air shall not be taken from indoor swimming pool enclosures and associated deck areas.

Exceptions:

1. Where the air from such spaces is dehumidified in accordance with Section 403.2.1, Item 2.
2. Dedicated HVAC systems serving only such spaces

9. The undercutting of doors shall be prohibited from use as Transfer Air or as Return Air.
10. The space utilized for Return Air must not be part of a fire-resistant rated assembly. All cavities of the plenum, not used for air movement, must be isolated from the plenum, or transfer air opening, with fire-blocking constructed and installed to comply with the IBC.
11. All Transfer Grills, including High/Low Grills, constructed from one space into another space shall be ducted and fire-stopped to comply with the IBC.
12. Connection of Return Air from one floor level to another floor level is prohibited.

SECTION 602 PLENUMS

Section 602 Plenums, is amended by amending section 602.3 and adding new subsection Section 602.5 and shall read as follows:

602.3 Stud cavity and joist space plenums, is amended and shall read as follows:

Stud wall cavities and the spaces between solid floor joists to be utilized as air plenums shall comply with the following conditions. All space between studs or joists used as a return air plenum shall be so constructed and sealed as to effectively eliminate air infiltration into the return system:

1. Such cavities or spaces shall not be utilized as a plenum for supply air.
2. Such cavities or spaces shall not be part of a required fire-resistance-rated assembly.
3. Stud wall cavities shall not convey air from more than one floor level.
4. Stud wall cavities and joist space plenums shall comply with the floor penetration protection requirements of the International Building Code.

5. Stud wall cavities and joist space plenums shall be isolated from adjacent concealed spaces by approved fire blocking as required in the International Building Code.

602.5. Furnace plenum height.

All up-flow furnace supply plenums shall have a minimum height of 18 inches measured from the furnace top or 12 inches measured from the top of a cooling coil, whichever is higher.

SECTION 603 DUCT CONSTRUCTION AND INSTALLATION

Section 603 Duct Construction, is amended and shall read as follows:

603.6.1.1 Duct length, is amended and shall read as follows:

Flexible ducts and flexible duct connectors shall be limited in length to 12 feet in length.

603.6.2.1 Connector length, is amended and shall read as follows:

Flexible air connectors shall be limited in length to 12 feet (4267 mm).

SECTION 604 INSULATION

604.11 Vapor retarders, is amended by adding subsection Section 604.11.1 and shall read as follows:

Section 604.11.1 Supply and return duct systems in unconditioned attics, crawl spaces, or basements shall be insulated to provide a thermal resistance equal to or better than the thermal resistance of the insulation as listed in the IECC 2018 edition.

CHAPTER 8 CHIMNEYS AND VENTS

SECTION 801 GENERAL

801.2.1 Oil-fired appliances, is amended by adding new subsection Section 801.2.2 and shall read as follows:

801.2.2 Unlined. When an existing chimney is unlined, an approved liner or another vent shall be installed for any installation of fossil fuel fired heating appliances.

CHAPTER 13 FUEL OIL PIPING AND STORAGE

Section 1301 General, is amended by adding new section 1309 and new subsections Section 1301.6 through 1301.16.8, Section 1301.7, Section 1301.8, Section 1301.9, Section 1301.10, Section 1301.11, Section 1301.12, Section 1301.13, Section 1301.14, Section 1301.15, Section 1301.16, Section 1301.16.1, Section 1301.16.2, Section 1301.16.3, Section 1301.16.4, Section 1301.16.5, Section 1301.16.6, Section 1301.16.7, and Section 1301.16.8 and shall read as follows:

1301.6. Storage Systems - Whenever there is a change from oil to gas, whether for residential or commercial use, the oil tank shall be removed in accordance with Delaware Department of Natural Resources and Environmental Control ("DNREC") requirements.

1301.7 Auxiliary Tanks - Small storage or auxiliary tanks of not more than 275-gallon capacity may be installed aboveground in the lowest story of a building, when mounted on substantial noncombustible supports, and located at least seven feet from any boiler, furnace, stove or other exposed flame. Not more than two such tanks shall be connected to any one burner, nor shall more than two tanks of 275-gallon capacity each be installed in any one building, unless protected as provided for larger tanks.

1301.8 Large Tanks - Tanks of more than 275-gallon capacity located within a building shall be installed on the lowest floor and shall be protected with an approved reinforced concrete or masonry jacket not less than four inches thick, or such tank may be buried with the top not less than two feet below the floor level or shall be covered with an approved reinforced concrete slab not less than four inches thick.

1301.9 Maximum Storage - The aggregate flow of capacity for all individual storage tanks located within a building or other structure shall not exceed 20,000 gallons.

1301.10 Exterior Storage Tanks - Oil storage tanks which are located outside a building or other structures may be erected above or underground, and shall comply with all the pertinent requirements of the fire prevention code.

1301.11 Underground Tanks - When required by ground water pressure, such tanks shall be anchored to a foundation sufficiently to prevent floating.

1301.12 Aboveground Tanks - An aboveground storage tank located outside a building shall be located not less than 1 1/3 tank diameters, and in no case less than ten feet from interior lot lines or from the nearest building thereto, or from any other tank.

1301.13 Electric Ground - All exterior metallic storage tanks aboveground of more than 10,000 gallons shall be electrically grounded with at least No. 6 AWG copper conductor in the manner approved by the National Electrical Code.

1301.14 Location - The capacity of individual tanks shall be determined by the location in respect to property lines as specified in Table 21.

1301.15 Protecting Dikes - Each aboveground tank of more than 10,000-gallon capacity shall be protected by an embankment or dike of approved construction with an enclosed volume not less than 1 1/2 times the capacity of the tank. The height of the dike shall not exceed one-fourth the height of the tank, but in no case less than 4' high.

1301.16 Oil-burning installations.

1301.16.1 - Permits - Oil-burning installations utilizing more than six gallons of fuel storage require a permit secured from the Department of Licenses and Inspections as herein specified. A permit shall not be required for the installation and use of portable burners of the type commonly used for household purposes which do not require a flue connection, including oil stoves, oil heaters and oil lamps equipped with a woven wick, or for such portable apparatus required in construction operations as blow torches, soldering pots, and tar and bitumen heaters.

1301.16.2 - Identification - Each approved burner shall have permanently and prominently affixed thereto a metal plate.

1301.16.3 - Instructions - Appropriate operating instructions shall be supplied by the manufacturer or installer of each appliance and posted permanently in a prominent position on the appliance. At a minimum, they shall include igniting, operating, owner maintenance and shutdown procedures.

1301.16.4 - Construction - An approved burner, including the oil-burning heater, shall be an assembly of approved parts which are suitable for use with each other and for the service intended.

1301.16.5 - Safety Devices - Each appliance shall be provided with approved safeguards and protected devices for control of the fuel supply, air mixing, ignition, high temperature or pressure, high and low water limits, and for the control of the burner when ignition fails as described in this code.

1301.16.6 - Quality of Oil - Oil for use in oil burners shall be free of acid, grit, fibrous and other foreign matter, with a flashpoint not lower than 100 degrees Fahrenheit, and shall comply with the applicable standards listed in appendix B.

1301.16.7 - Oil Burner Operation - The operation of an approved burner shall ensure a carbon dioxide content in the flue gas of not less than eight percent, with a smoke spot not greater than No. 2 for No. 1 and No. 2 fuel oils, and not greater than No. 4 for other grades of fuel oil. Smoke spot number shall be determined by the method outlined in ANSI Z11.182, ASTM D2156, Standard Method of Test for Smoke Density in Flue Gases from Distillate Fuels.

1301.16.8 - Tests - When installed, each burner shall be tested for defects and proper functioning throughout the operating range as provided in this chapter and the manufacturer's instructions.

SECTION 1302 MATERIAL

Section 1302 is amended by adding new subsections Section 1302.9, Section 1309.10, and Section 1309.11 and shall read as follows:

1302.9 Minimum Size of Gas Main - Where a gas fired central heater is installed, the minimum size gas main shall be one inch.

1309.10 Flexible metal tubing - Approved flexible metal tubing having a nominal diameter not less than the inlet connection to the appliances, and as short as possible but not to exceed six feet in length, may be used to connect overhead mounted unit heaters, infrared heaters, gas ranges, and clothes dryers, and other appliances to reduce the effect of jarring and vibration where rigid connections are impracticable. Flexible metal tubing shall be listed by a nationally recognized testing or approved agency. Where such flexible metal tubing is used, a fuel shutoff device shall be installed at the point where the flexible metal tubing is connected to the fuel supply line. Any part of such flexible metal tubing shall not extend through a partition, wall, floor or ceiling or a building or structure.

1302.11 Pipe-Joint Compounds - shall be used on the male threads only, no Teflon tape or Teflon bearing pipe dope shall be permitted to be used.

SECTION 1309 GAS METER INSTALLATION

1309.1 Installation - Customer meters and regulators shall be installed adjacent to either a side or rear wall for all residential or commercial units.

1309.2 Alteration of Meter and Regulator Location -

(a) Where a meter and regulator system is to be relocated to a front wall of an existing structure and said system will project beyond the true property line, the gas utility will bear the installation costs as well as any on-going costs of a remote meter box;

(b) Where a meter box and regulatory system is to be relocated to a front wall of an existing structure and such system will not project beyond the true property line, the owner shall install suitable architectural screening approved by the department of licenses and inspections and the gas utility.

1309.3 New Construction - Where a meter and a regulator system are to be installed adjacent to the front wall of a new structure, the developer will incorporate into his plans suitable architectural screening approved by the department of licenses and inspections and the gas utility.

EXHIBIT D

Sec. 4-131. - Amendments.

INTERNATIONAL PLUMBING CODE 2018

CHAPTER 1 SCOPE AND ADMINISTRATION, is amended by adding new sections 111, 112 and 113

SECTION 101 GENERAL

101.1 Title is amended and shall read as follows:

These regulations shall be known as the International Plumbing Code of City of Wilmington Department of Licenses and Inspections hereinafter referred to as "this code."

SECTION 105 APPROVAL

105.1 Modifications is amended and shall read as follows:

Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification conforms to the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the City of Wilmington Department of Licenses and Inspections.

SECTION 106 PERMITS

Section 106 Permits, is amended by adding new subsections Section 106.3.1.1 and 106.7

Section 106.3 Application for permit, is amended by adding new subsection Section 106.3.1.1 and shall read as follows:

Section 106.3.1.1 - Application for Permit-Permit required section P-106.3: as amended:

Plumbing work shall not be commenced until a permit for such work has been issued by the Department of Licenses and Inspections. A permit is not required for repairs which involve only the working parts of a faucet or valve. New piping additions to an existing piping system and the addition of any fixtures will require a permit. Plumbing work as described above, that does not require a permit, and does not have to be done by a licensed plumber, shall be done in accordance with all Code standards and subject to inspection by the plumbing inspector(s) at any time.

Section 106.5.3 Expiration, is amended and shall read as follows:

Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 90 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 45 days. Before such work can be recommenced, a new permit shall be first obtained and the fee therefore shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original construction documents for such work, and provided further that such suspension or abandonment has not exceeded 1 year.

Section 106.6.2. Fee schedule, is amended and shall read as follows:

New buildings, additions, and alterations. The fee for every new building, addition, or alterations to an existing building shall be based upon the commissioner's determination of the value of all work involved to complete the project. Permit fee is $12.00 per every $1,000.00 rounded up to the next $1,000.00.

Other fees, generally. Additional permit fees shall be paid for the following related work in connection with any building permit:

a. Plumbing $20.00

b. Heating installation $20.00

c. Air conditioning system $20.00

d. Mechanical ventilation $20.00

e. Electrical work $20.00

f. Fire suppression ... $20.00

g. Alarm system ... $20.00

h. Voice/data/card reader.....$20.00

i. Refrigeration equipment ..$20.00

Section 106.6.3. Fee refunds, is amended by deleting #2 and deleting #3 shall read as follows:

3. The code official shall have the authority to charge a plan review fee if the project has been canceled and the code official has reviewed the project in its entirety. The cost of the plan review fee will be determined by the code official and deducted from any fees refunded.

Section 106.7 Liability insurance requirements:

To be able to be issued permits, a licensed master plumber must produce proof of liability insurance in the amount of $300,000.00 for bodily injury and $100,000.00 for property damage each year at the time of renewal of his/her plumbing license. No license/permit will be issued without proof of insurance.

SECTION 107 INSPECTIONS AND TESTING

Section 107.2.2.1 - Inspection requests, is amended and shall read as follows:

It shall be the duty of the holder of the permit or their duly authorized agent to notify the code 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. The plumbing contractor, not the general contractor, shall request the inspection and shall be present on-site during the inspection.

Section 107.2.4 Approved agencies is amended and shall read as follows:

The code official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability. Test reports submitted to the code official for consideration shall be developed by approved agencies that have satisfied the requirements as to qualifications and reliability. The plumbing officials shall make the required inspections or may accept reports of inspection by authoritative and recognized services or individuals as approved by the Department of Licenses and Inspections of the City through qualified on-site inspections and specifications. All such specifications are to be in accordance with the Wilmington City Code. All reports of such inspections shall be in writing and certified by a responsible officer of such authoritative service or by the responsible individual. The plumbing official may engage such expert opinion as may be deemed necessary to report upon unusual technical issues that may arise, subject to the approval of the appointing authority.

SECTION 108 VIOLATIONS

Section 108.1 Unlawful acts, is amended by adding new subsection Section 108.1.1:

Section 108.1.1 - It shall be unlawful for any person to work as a registered plumber in the State of Delaware and City of Wilmington unless such person has received a "Certificate of Registry" showing that said person has been duly registered as a registered plumber by the State Board of Health and has shown proof of insurance.

Except that the owner of a single family residence occupied or to be occupied by him/her and not for sale, rent/lease may perform plumbing work pursuant to Section 102.4 repairs and maintenance Section P-102.4, only on such residence itself or, accessory structures, under the Building Code Section 202.0, or both. The homeowner shall not be permitted to install any gas appliances.

Section 108.4 Violation penalties, is amended by adding new section 108.4.1 and shall read as follows:

Section 108.4.1 - See section 4-129 of the Wilmington City Code.

Section 108.5 Stop work orders, is amended and shall read as follows:

Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous or unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be subject to section 4-129 of the Wilmington City Code

SECTION 109 MEANS OF APPEAL

Section 109.2.1 Qualifications is deleted in it's entirety and replace with the following new section

Section 109.2.1 Mechanical Systems Examining Board.

There is hereby established a Mechanical Systems Examining Board (hereinafter referred to as "the board") to consist of five members which shall have the responsibilities and duties set forth in this article and article 20 regarding examination and certification of master plumbers, air conditioning contractors, and heating contractors and the approval and authorization of plant licenses. The board may adopt rules and regulations, as it deems necessary. Two members shall be licensed mechanical contractors, each holding valid city plumbing, heating and air conditioning licenses, each not employed by the city, but each residing in or having his principal place of business in the city, to be selected by the Commissioner of Licenses and Inspections. The third member of the board shall also be the Commissioner of Licenses and Inspections or his designee who shall be the secretary of the board. The fourth and fifth members of the board shall be the city's chief plumbing inspector and the person designated as the city's assistant chief plumbing inspector.

Section 109.2.2 - Master plumbers.

(a) Master plumber's license.

(1) No individual shall engage in the business of plumbing in the city unless licensed as a master plumber under the provisions of this code. The annual fee for issuance of a certificate evidencing the licensee's master plumber's license required by this code shall be $25.00.

(b) Supervision of work.

(1) No individual, firm, partnership or corporation shall engage in the business of installing, repairing, or altering plumbing unless the plumbing work performed in the course of such business is under the direct supervision of a licensed master plumber who is a fulltime employee of such individual, firm, partnership or corporation (company) or who is the owner of such company and who shall be deemed to be responsible for the work performed and be held accountable for the same at the time of final inspection of that work, such that it shall be a violation of this subsection for any licensed master plumber to allow his license or any building permit issued to him by the city to be used for any work that he has not directly supervised as such fulltime employee or owner of the company that performed the work. For purposes of this subsection, a "fulltime employee" shall mean one who receives a wage or salary and who is actively engaged in the services of the company, firm, or corporation that is using the person's license during the periods of time that the company, firm, or corporation is performing work that would require a permit under this chapter. In addition to the penalties for violations as provided in section 4-130, any person convicted of violating any provision of this subsection shall be subject to possible suspension or revocation of his license in accordance with applicable provisions of chapter 5 of the Wilmington City Code.

(c) The board shall establish standards and procedures for the qualifications, examination, and licensing of master plumbers and shall issue a license to each person who meets the qualifications therefore and successfully passes the examination given by the board. The board shall keep an official record of all its transactions.

Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of 30 days, upon a new payment of the regular examination fee.

Section 109.2.3 Generally.

Any person desiring to be licensed as a master plumber shall make written application to the board. Examination fees for master plumber's licenses shall be $50.00, payments of such fee to accompany the application. Examination fees are not returnable

Section 109.2.4 Plant license.

Any person, firm or corporation applying for a license to do plumbing work upon or within their own plant or place of business only, may, after qualifying as hereinbefore prescribed, be granted a license; such license shall be known as a "plant license" and will not permit or entitle the licensee to do plumbing work except within the property lines of the plant or place of business owned or leased by such licensee.

Section 109.2.4.1.

If a plant license is approved and authorized by such board before same is issued, the applicant shall pay to such board a fee of $20.00, and a like fee shall be so paid for each subsequent annual renewal of such license.

Section 109.2.4.2.

No license shall be granted for more than one year, and all licenses shall expire on December 31 of each year.

Section 109.2.5 Master plumber's bond and deposit.

Upon receiving a license as a licensed plumber, the person, firm or corporation to whom the same is issued shall execute and deliver to the Commissioner of Licenses and Inspections a good and satisfactory surety bond, executed by the person, firm or corporation in whose name the license is to be issued and a surety company to be approved by the Commissioner, in the sum of $3,000.00,

conditioned that such person, firm or corporation and his or their surety or sureties shall indemnify and hold harmless the city of and from all damage or loss, incurred by the City, growing out of or in any way connected with the negligence of such person, firm, or corporation incident to the prosecution of work done under and by virtue of the authority contained in such license, and also for any cost or expense incurred by the city in repairing, replacing or restoring any sidewalk, alley or footway, over any opening or excavation made by such licensee, to a safe and workmanlike condition; and a further condition to keep and maintain such sidewalk, alley or footway at the place where such work shall have been done in a safe and passable condition for the period of three months immediately following the completion of such work.

Section 109.2.5.1.

Within 30 days of receiving a master plumbing license, or upon renewing such license, each such licensee shall display on all vehicles used for such commercial purposes the business name, telephone number, and business license number on both sides of each such commercial vehicle. The minimum height of such information displayed shall be not less than two inches.

Section 109.2.6 Air conditioning contractors.

(a) Air conditioning contractor's license.

(1) No individual shall engage in the business of air conditioning in the city unless licensed as an air conditioning contractor under the provisions of this code. The annual fee for issuance of a certificate evidencing the licensee's air conditioning contractor's license required by this code shall be $25.00 per year.

(b) Supervision of work.

No individual, firm, partnership or corporation shall engage in the business of installing, repairing or altering air conditioning equipment unless the air conditioning work performed in the course of such business is done under the direct supervision of a licensed air conditioning contractor who is a fulltime employee of such individual, firm, partnership or corporation (company) or who is the owner of such company and who shall be deemed to be responsible for the work performed and be held accountable for the same at the time of final inspection of that work, such that it shall be a violation of this subsection for any licensed air conditioning contractor to allow his license or any building permit issued to him by the city to be used for any work that he has not directly supervised as such fulltime employee or owner of the company that performed the work. For purposes of this subsection, "fulltime employee" shall mean one who receives a wage or salary and who is actively engaged in the services of the company, firm, or corporation that is using the person's license during the periods of time that the company, firm, or corporation is performing work that would require a permit under this chapter. In addition to the penalties for violations as provided in section 4-130, any person convicted of violating any provision of this subsection shall be subject to possible suspension or revocation of his license in accordance with applicable provisions of chapter 5 of the Wilmington City Code.

(c) The board shall establish standards and procedures for the qualifications, examination, and licensing of air conditioning and shall issue a license to each person who meets the qualifications therefore and successfully passes the examination given by the board. The board shall keep an official record of all its transactions.

Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of 30 days, upon a new payment of the regular examination fee.

Section 109.2.6.1 Examination and certification.

The board shall establish standards and procedures for the qualifications, examinations, and licensing of air conditioning contractors and shall issue a license to each person who meets the qualifications therefore and successfully passes the examination given by the board. The board

shall keep an official record of all its transactions. Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of 30 days upon payment of the regular examination fee.

Section 109.2.6.2 Generally.

Any person desiring to be licensed as an air conditioning contractor shall make written application to the board. Examination fees for air conditioning contractors' licenses shall be $50.00, payment of such fee to accompany the application. Examination fees are not returnable

Section 109.2.6.3 Plant licenses.

Any person, firm or corporation applying for a license to do air conditioning work upon or within their own plant or place of business only, may, after qualifying as hereinbefore prescribed, be granted a license; such license shall be known as a "plant license" and will not permit or entitle the licensee to do air conditioning work except within the property lines of the plant or place of business owned by such licensee.

If a plant license is approved and authorized by the board before same is issued the applicant shall pay to the board a fee of $20.00, and a like fee shall be so paid for each subsequent annual renewal of such license.

No license shall be granted for more than one year, and all licenses shall expire on December 31 of each year.

Section 109.2.6.4 Generally.

Upon receiving a license as a licensed air conditioning contractor, the person, firm or corporation to whom the same is issued shall execute and deliver to the commissioner of licenses and inspections, a good and satisfactory surety bond, executed by the person, firm or corporation in whose name the license is to be issued and a surety company to be approved by the commissioner, in the sum of $1,500.00, conditioned that such person, firm or corporation and his or their surety or sureties shall indemnify and hold harmless the city of and from all damage or loss, incurred by the city growing out of or in any way connected with the negligence of such person, firm or corporation incident to the prosecution of work done under and by virtue of the authority contained in such license.

109.2.6.5 Display of license information.

Within 30 days of receiving an air conditioning contractor's license or upon renewing such license, each such licensee shall display on all vehicles used for such commercial purposes the business name, telephone number, and business license number on both sides of each such commercial vehicle. The minimum height of such information shall be not less than two inches.

Section 109.2.8 Heating contractors.

(a) Heating contractor's license.

(1) No individual shall engage in the business of heating in the city unless licensed as a heating contractor under the provisions of this code. The annual fee for issuance of a certificate evidencing the licensee's heating contractor's license required by this code shall be $25.00.

(b) Supervision of work.

(1) No individual, firm, partnership or corporation shall engage in the business of installing, repairing, or altering heating equipment unless the heating work performed in the course of such business is done under the direct supervision of a licensed heating contractor who is a fulltime employee of such individual, firm, partnership or corporation (company) or is the owner of such company and who shall be deemed to be responsible for the work performed

and be held accountable for the same at the time of final inspection of that work, such that it shall be a violation of this subsection for any licensed heating contractor to allow his license or any building permit issued to him by the city to be used for any work that he has not directly supervised as such fulltime employee or owner of the company that performed the work. For purposes of this subsection, a "fulltime employee" shall mean one who receives a wage or salary and who is actively engaged in the services of the company, firm, or corporation that is using the person's license during the periods of time that the company, firm, or corporation is performing work that would require a permit under this chapter. In addition to the penalties for violations as provided in section 4-130, any person convicted of violating any provision of this subsection shall be subject to possible suspension or revocation of his license in accordance with applicable provisions of Chapter 5 of the Wilmington City Code.

Section 109.2.9 Examination and certification.

The board shall establish standards and procedures for the qualifications, examination, and licensing of heating contractors and shall issue a license to each person who meets the qualifications therefore and successfully passes the examination given by the board. The board shall keep an official record of all its transactions.

Any person who fails to pass an examination as prescribed by the board may apply for reexamination after the expiration of 30 days upon payment of the regular examination fee.

Section 109.2.10. Generally.

Any person desiring to be licensed as a heating contractor shall make written application to the board. Examination fees for heating contractors' licenses shall be $50.00, payment of such fee to accompany the application. Examination fees are not returnable.

Section 109.2.11. Plant license.

Any person, firm or corporation applying for a license to do heating contracting work upon or within their own plant or place of business only, may, after qualifying as hereinbefore prescribed, be granted a license; such license shall be known as a plant license and will not permit or entitle the license to do heating contracting work except within the property lines of the plant or place of business owned or leased by the licensee.

If a plant license is approved and authorized by the board before the same is issued, the applicant shall pay to the board a fee of $20.00, and a like fee shall be so paid for each subsequent annual renewal of said license.

No license shall be granted for more than one year, and all licenses shall expire on December 31 of each year.

Section 109.2.12. Generally.

Upon receiving a license as a licensed heating contractor, the person, firm or corporation to whom the same is issued shall execute and deliver to the commissioner of licenses and inspections, a good and satisfactory surety bond, executed by the person, firm or corporation in whose name the license is to be issued and a surety company to be approved by the commissioner, in the sum of $1,500.00 conditioned that such person, firm or corporation and his or their surety or sureties shall indemnify and hold harmless the city of and from all damage or loss, incurred by the city growing out of or in any way connected with the negligence of such person, firm or corporation incident to the prosecution of work done under and by virtue of the authority contained in such license.

Section 109.2.12.1. Display of license information.

Within 30 days of receiving a heating contractor's license, or upon renewing such license, each such licensee shall display on all vehicles used for such commercial purposes the business name, telephone number and business license number on both sides of each such commercial vehicle. The minimum height of such information shall be not less than two inches.

Section 109.2.13 Penalty.

Any person who shall violate a provision of this code as herein adopted, or shall fail to comply with any of the requirements thereof, shall be penalized by a fine of not less than $100.00 and not more than $500.00 or by imprisonment not exceeding one year, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

Section 109.2.14 Expiration of license.

Any plumber, heating or air conditioning contractor not receiving his license during any calendar year shall be subject to examination and certification as set forth in sections P-1400.1, P-1400.51, and P-1500.1.

Section 109.2.14.1 Qualifications.

The board of standards and appeals shall consist of three members appointed by the chief appointing authority and as follows: Each for a term of four years.

CHAPTER 1 SCOPE AND ADMINISTRATION, is amended by adding new Sections 111, 112 and 1113 and shall read as follows:

SECTION 111 REQUIREMENT FOR EXAMINATION AND CERTIFICATION

A. Prior to applying for a plumbing license with the State of Delaware, each applicant must attend a state-approved apprenticeship school for four years, then serve two years under a licensed plumber or equal to, for a total of six years consecutively; or

B. Each applicant must serve seven years consecutively under the supervision of a licensed plumber or plumbers, and complete the series of tests prepared by the state-approved apprenticeship school to determine if experience is equal to four years of school; or

C. If applying from out-of-state, all credentials to be reviewed by the board of plumbing examiners who determine whether the experience or the plumbing license from another state meets or exceeds the requirements of Delaware to allow the applicant to sit for examination.

Examination by the board of plumbing examiners shall be quarterly. An acceptable qualifying average under such examination shall not be less than 70 percent. An applicant failing to satisfactorily qualify upon examination may submit for reexamination upon subsequent scheduled examining dates, in accordance with the rules of the board of plumbing examiners. An applicant can reapply for reexamination after 30 days of their initial examination and must meet the requirements which are in effect at the time of application; an application for a second or third retake of the examination may be made after 60 days of the last examination taken and after six months may apply for the fourth retake.

SECTION 112 VARIANCES

A. Within thirty (30) business days of the receipt of a written application for a variance, the board of plumbing examiners shall recommend either granting the variance, or deny the variance or request further information from the applicant.

B. The board of plumbing examiners recommends that copies of the written variance(s) be sent to the members of the state board of health within ten business days of their recommendation of granting a variance.

C. The applicant who has been denied a variance by recommendation by the board of plumbing examiners may appeal the decision by filing a written notice of appeal to the city's board of standards and appeals. An appeal which is timely filed will be placed on the agenda of the next regularly scheduled meeting for the board of standards and appeals for hearing.

SECTION 113 DELAWARE LICENSE NUMBERS

The license number of the registered plumber(s) shall be lettered or painted on vehicles used in the course of the plumbing trade. The number shall be at least three inches in height and designated as that of a registered plumber.

CHAPTER 2 DEFINITIONS

SECTION 202 GENERAL DEFINITIONS

Section 202 is amended by adding the following definitions:

Average quarterly flow shall mean the daily average rate based on the total flow volume over a period of 13 consecutive weeks. BOD, denoting biochemical oxygen demand, shall mean the laboratory determination of the quantity of oxygen by weight, expressed in milligrams per liter, utilized in the biochemical oxidation of organic matter under standard laboratory conditions of incubation for five days at a temperature of 20 degrees Celsius.

Building drain shall mean that part of the lowest horizontal piping of a building drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the buildings and conveys such drainage to the building sewer.

Building drainage system shall mean that part of the plumbing system which receives, conveys, and removes liquid and water-carried wastes to a building drain.

Building sewer shall mean a sewer conveying wastewater from the premises of a user to a public sewer.

Categorical standards shall mean the national pretreatment standards, as defined.

Combined sewer shall mean a sewer receiving combined waste.

Combined waste shall mean a wastewater containing surface water or stormwater.

Commissioner shall mean the public works commissioner of the city or his duly authorized deputy, designee, agent or representative.

Composite sample shall mean a sample obtained over a minimum of six-hour period from a continuous sampling device compositing a sample in proportion to flow, or a series of grab samples obtained either manually or with a sampler once each hour and subsequently composited proportionally to the measured flow at the time of each sampling.

Constituent shall mean any analytically defined parameter.

Contributory industrial user shall mean any industrial user permitted by the city that the commissioner has determined discharges specific pollutants to the POTW at concentrations greater than typical domestic/commercial wastewaters as calculated in the city's most recent EPA approved local limit evaluation.

Domestic wastes shall mean a combination of water-carried wastes, consisting of wash water, culinary wastes and liquid wastes containing only human excreta and similar matter flowing in or from a building

drainage system or sewer originating from residences, business buildings, institutions, and commercial establishments.

Effluent shall mean wastewater flowing out of any facility.

Garbage shall mean animal and vegetable wastes from the preparation, cooking, and disposing of food; and from handling, processing, storage, and sale of food products and produce.

Indirect discharge shall mean the introduction of pollutants into the POTW from any non-domestic source regulated under section 307(b), (c), or (d) of the Clean Water Act.

Industrial user shall mean a source of indirect discharge.

Industry shall mean any establishment which uses water in a product or generates a wastewater during any period of production.

Influent shall mean wastewater, raw or partly treated, flowing into any sewage treatment device or facilities.

Intercepting sewer shall mean a sewer which receives dry weather flow from sanitary sewers and/or additional predetermined quantities of combined waste and conducts such flow to a plant for treatment or disposal.

Interference shall mean an inhibition or disruption of the treatment processes or operations, or its sludge processes, use or disposal.

Mass emission rate shall mean the weight of material discharged to the sewer system during a given time interval, expressed as pounds per day of a particular constituent or combination of constituents.

Maximum allowable industrial loading shall mean the maximum mass of pollutants that is allowed to be discharged to the publicly owned treatment works from all contributory industrial users.

Methods of analysis shall mean the examination and analytical procedures set forth in the recommended standard analytical techniques prepared by the U.S. Environmental Protection Agency and published in the Federal Register, including all testing methods specified in 40 CFR 136.

Milligrams per liter (mg/1) shall mean the same as parts per million and is the weight-to-volume ratio of a constituent.

National pretreatment standard shall mean any regulation containing pollutant discharge limits promulgated by the Environmental Protection Agency in accordance with section 307(b) and (c) of the Clean Water Act, and prohibitive discharge limits established pursuant to 40 CFR 403.5 and 40 CFR chapter I, subpart N, parts 405-471.

Nondomestic waste or industrial waste shall mean any wastewater resulting from any process of industry, manufacturing, trade, or business or from the development or recovery of any natural resource, or any mixture of such waste with water or domestic wastewater, as distinct from domestic wastewater.

Nonsignificant industrial user shall mean an industrial user that is neither a categorical user as defined by the EPA nor a significant industrial user as defined in this section.

Nuisance shall mean anything which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property so as to interfere with the comfort or enjoyment of life or property or which affects at the same time an entire community or neighborhood or any considerable number of persons, although the extent of the annoyance or damage inflicted upon individuals may be unequal.

Overload shall mean the imposition of any constituent or hydraulic loading on a treatment facility in excess of its treatment capacity.

Person shall mean any individual, firm, company, association, society, corporation, institution, group, or any other legal entity.

pH shall mean the negative base 10 logarithm of the hydrogen ion concentration expressed as moles per liter.

Premises shall mean any parcel of real estate, including any improvements, which is a single user for purposes of receiving, using and paying for sewer service.

Pretreatment shall mean the reduction or elimination of pollutants, or the alteration of the nature of pollutant properties prior to discharging into the public sewer system. This reduction or alteration can be obtained by physical, chemical, or biological processes, by process changes, or by other means, except by diluting the concentration of the pollutants unless allowed by an applicable pretreatment standard.

Public sewer shall mean a sewer owned and operated by the city or other public agency tributary to a wastewater treatment facility operated by the city or another entity.

Sanitary sewer shall mean a sewer the specific purpose of which is to carry domestic or industrial water or a combination of both, and into which stormwater, surface water, groundwater, and other unpolluted waters are not intentionally passed.

Sewage shall mean the same as wastewater, as defined.

Sewage treatment works (sewage treatment plant, pollution control plant) shall mean any arrangement of devices, facilities, and structures used for receiving, processing, and treating wastewater, industrial wastes, and sludges from the sanitary or combined sewers.

Sewer shall mean a pipe or conduit, generally closed, for carrying wastewater.

Sewer system shall mean all sewers, laterals, or other connections or plants which connect with or pertain to a connection with the sewers, plants, public works, and/or projects of the city including all city-owned facilities.

Shall is mandatory; *may* is permissive.

Shredded garbage shall mean garbage shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle having a dimension greater than one-half inch in any direction.

Significant industrial user shall mean an industrial user that is either subject to the Environmental Protection Agency's Categorical Pretreatment Standards under 40 CFR § 403.6 and 40 CFR chapter I, subchapter N; or any other industrial user that discharges an average of 25,000 gallons per day or more of process wastewater to the city's POTW (excluding sanitary, non-contact cooling and boiler blow down wastewater); or contributes a process waste stream that makes up five (5) percent or more of the average dry weather hydraulic or organic capacity of the city's POTW; or is designated as such by the city defined in 40 CFR 403.12(a) on the basis that the industrial user has a reasonable potential for adversely affecting the POTW's operation or for violating any pretreatment standard or requirement (in accordance with 40 CFR § 403.8(f)(6)).

Significant noncompliance shall mean any of the following, such that an industrial user is in significant noncompliance if its violation meets one or more of the following criteria:

(1) Chronic violations of wastewater discharge limits, defined here as those in which 66 percent or more of all of the measurements taken during a six-month period exceed (by any magnitude) the daily maximum limit or the average limit for the same pollutant parameter;

(2) Technical review criteria (TRC) violations, defined here as those in which 30 percent or more of all the measurements for each pollutant parameter taken during a six-month period equal or exceed the product of the daily maximum limit or the applicable TRC (TRC=1.4 for BOD, TSS, fats, oil and grease, and 1.2 for all pollutants except pH);

(3) Any other violation of a pretreatment effluent limit (daily maximum or longer-term average) that the commissioner determines has caused, alone or in combination with other discharges, interferences or pass through (including endangering the health of POTW personnel or the general public);

(4) Any discharge of a pollutant that has caused imminent endangerment to human health, welfare or to the environment or has resulted in the POTW's exercise of its emergency authority under paragraph (f) (1) (VI) (B) of this section to halt or prevent such a discharge;

(5) Failure to meet, within 90 days after the schedule date, a compliance schedule milestone contained in a local control mechanism or enforcement order for starting construction, completing construction or attaining final compliance;

(6) Failure to provide, within 30 days after the due date, required reports such as baseline monitoring reports, 90-day compliance reports, periodic self-monitoring reports, or reports on compliance schedules;

(7) Failure to accurately report noncompliance;

(8) Any other violation or group of violations which the control authority determines will adversely affect the operation or implementation of the local pretreatment program.

Storm sewer shall mean a public sewer which carries storm and surface waters and drainage and into which domestic wastewater or industrial wastes are not intentionally passed.

Stormwater shall mean the excess water running off from the surface of a drainage area of a building during and immediately following a period of precipitation, including snowmelt.

Suspended solids (filterable residue) shall mean the dry weight of solids, expressed as milligrams per liter, that float on the surface of, are in suspension, or are settleable in water, wastewater, or other liquids, and which are largely removable by a laboratory filtration device.

To discharge shall mean to include to deposit, conduct, drain, emit, throw, run, allow to seep, or otherwise release or dispose of, or to allow, permit, or suffer any of these acts or omissions.

Toxic substances shall mean any substance whether gaseous, liquid, or solid, which when discharged to the sewer system in sufficient quantities may tend to interfere with any sewage treatment process, constitute a hazard to recreation in the receiving waters of the effluent from the sewage treatment plant, pose a hazard to workers in the sewer system, constitute a hazard to fish or animal life, or interfere with proper sludge disposal.

Unpolluted water shall mean water to which no constituent has been added, either intentionally or accidentally, which would render such water unacceptable to the agency having jurisdiction thereof for disposal to storm or natural drainages or directly to surface waters.

User shall mean any person that discharges, causes or permits the discharge of wastewater into a public sewer.

User charge shall mean a charge levied on the users of wastewater facilities and treatment works for the cost of operation and maintenance of such facilities and works.

Variance shall mean any commissioner approved alternative to the maximum constituent discharge limits contained in section P-302.0 of this article. Variances may be either concentration or mass based.

Waste shall mean rejected, unutilized or superfluous substances in liquid, gaseous, or solid form resulting from domestic and nondomestic activities.

Wastewater shall mean a combination of the water-carried waste from residences, businesses, buildings, institutions, and industrial establishments, together with any ground, surface, and stormwater that may be present, whether treated or untreated, discharged into or permitted to enter a public sewer.

Wastewater constituents and characteristics shall mean the individual chemical, physical, bacteriological, and radiological parameters including volume, flow rate, and such other parameters that serve to define, classify or measure the contents, quality and strength of wastewater.

Wastewater facilities shall mean all facilities for collection, pumping, treating, and disposing of wastewater.

Wastewater treatment plant shall mean sewage treatment works, as defined.

Watercourse shall mean a natural or manmade channel in which a flow of water occurs, either continuously or intermittently.

Water service - as to any water pipe from street to curb, the department of public works shall advise and shall inspect it for compliance. Amend Section 107.7 to add that a final inspection must include a determination that a water meter should be in place before certificate of occupancy is issued.

CHAPTER 3 GENERAL REGULATIONS

SECTION 302 EXCLUSION OF MATERIALS DETRIMENTAL TO THE SEWER SYSTEM

Section , 302 Exclusion of Materials is amended by adding new subsection Section 302.3, Section 302.4, Section 302.5, Section 302.6, Section 302.7, Section 302.8, Section 302.9, Section 302.10, Section 302.11, Section 302.12, Section 302.13, Section 302.14, and Section 302.15 and shall read as follows:

Section 302.3 Prohibited discharges.

It shall be unlawful for any person to discharge or permit the discharge or infiltration into any public sewer any of the following:

(a) Any liquid or vapor having a temperature higher than 150 degrees Fahrenheit or any substance which causes the temperature of the total wastewater treatment plant influent to exceed 104 degrees Fahrenheit.

(b) Any liquid containing fats, wax, grease or oils of mineral or petroleum origin, whether emulsified or not, in excess of 100 mg/l, or of animal or vegetable origin in excess of 300 mg/l. Lower limits may be applied to mineral oils where necessary to prevent interference with POTW operations or pass through.

(c) Any water or wastes that contain more than 10 mg/l of hydrogen sulfide.

(d) Any pollutants which create a fire or explosion hazard in the collection and treatment system including, but not limited to, waste streams with a closed cup flash point of less than 140 degrees Fahrenheit, using the test methods specified in 40 CFR 261.21.

(e) Any pollutants which result in the presence of toxic gases, vapors, or fumes within the collection and treatment system in a facility that may cause acute worker health and safety problems.

(f) Any trucked or hauled pollutants except at discharge points designated by the commissioner.

(g) Any substances that may:

(1) Cause obstruction to the flow in a sewer system;

(2) Interfere with operation of sewage treatment works;

(3) Cause excessive loading or overloading of wastewater facilities; or

(4) Pass to the receiving waters without being effectively treated by normal wastewater treatment processes due to the incompatibility of the substance and cause violation of state or federal regulations.

(h) Any discharge into public sewers of solid or viscous substances including but not limited to:

(1) Ashes

(2) Cinders

(3) Sand

(4) Mud

(5) Straw

(6) Shavings

(7) Metal

(8) Glass

(9) Rags

(10) Paper products, either whole or ground by garbage grinders

(11) Tar

(12) Plastics

(13) Wood or sawdust

(14) Underground garbage

(15) Whole blood

(16) Paunch manure

(17) Hair and fleshings

(18) Entrails

(19) Feathers

(20) Bones

(21) Slops

(22) Chemical residues

(23) Paint residues

(24) Bulk solids

(i) Any garbage that has not been properly shredded to a degree that all particles can be carried freely under the flow conditions normally prevailing in public sewers. Particles greater than one-half inch in any dimensions are prohibited.

(j) Any liquid having a pH lower than 6.0 or higher than 9.0 or having any property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works. PH deviations between 5.0 and 11.0 shall be permitted for a total of 10 percent of the time in an eight-hour work shift, provided that the user installs and operates a pH monitoring device to continuously monitor and record the pH of the discharge.

Any stormwater, surface water, groundwater, roof runoff, interior, or exterior footing drainage, subsurface drainage, cooling water, or unpolluted industrial process waters to any sanitary sewer.

Section 302.4 Maximum constituents.

(a) The concentration in wastewater of any of the following constituents shall be limited to the following:

TABLE INSET:

	Contributory Industrial User 30 day Avg. mg/L	Wilmington POTW Maximum Allowable Industrial Loading lbs/day
Arsenic	0.09	8.18
Cadmium	0.07	9.15
Chromium, total	4.00	177.66
Copper	0.91	108.39
Lead	1.94	175.97
Mercury	0.0057	0.42
Nickel	1.00	206.40
Selenium	0.65	67.46
Zinc	3.49	422.37
Ammonia as Nitrogen	35.00	4950.00
Cyanide	0.49	79.59

Phenolics, total	10.00	6780.00
BOD	500.00	118991.00
Suspended Solids	500.00	72268.00

(b) Notwithstanding the limitations set forth in subsection (a) above, the commissioner may accept the discharge of wastewater with constituents in excess of such concentrations provided that the commissioner determines that such increased concentrations are compatible with the wastewater treatment process and such concentration variances do not create a total contributory industrial user loading allocation above the stated maximum allowable industrial loading. Such variances shall not be applicable to national pretreatment standards or the requirements set forth in 40 CFR 403.

Nothing in this article shall be construed as preventing or precluding any special agreement or arrangement between the commissioner and any person whereby an industrial waste of unusual strength or character may be accepted by the commissioner for treatment, subject to the requirements of the national pretreatment standards. For such waste, the commissioner may require the user to provide any additional documentation or to conduct any special studies, at the user's expense, as deemed necessary to demonstrate that such waste complies with the limitations specified under sections P-301.0 and P-302.0.

(c) The discharge of constituents in excess of the concentration limits set forth in subsection (a) may be subject to the payment of a surcharge fee, as established from time to time by the city council, which surcharge shall be based upon the additional unit cost incurred in the wastewater monitoring, collection, transmission and treatment process attributed to such increased concentrations.

(d) Any industrial discharger required under federal law to meet national categorical pretreatment standards for any pollutants shall meet these standards in its discharge, provided that such categorical standards are more stringent than the local standards established under section P-302.0(a) for the pollutant. Where categorical standards are less stringent than the local standards the local standards shall apply. The commissioner may revise the discharge limits for specific pollutant(s) covered in the discharger's categorical pretreatment standard, provided that such revision has been approved by the appropriate state and/or federal authority pursuant to 40 CFR 403.7. Where the limits in a categorical pretreatment standard are expressed only in terms of mass of pollutants per unit of production, the commissioner may establish equivalent mass-per-day or concentration limitations as provided in 40 CFR 403.6.

(e) No user shall discharge radioactive materials into public sewers without a discharge permit. The commissioner may establish, in compliance with applicable state and federal regulations, regulations for discharge of radioactive wastes into public sewers. In no instance shall the active elements, or their local concentrations permitted to be discharged into the sewers, exceed the concentration limits established.

(f) Dilution prohibited as substitute for treatment. Except as provided under federal law, the use of dilution as a partial or complete substitute for adequate treatment to achieve compliance with categorical or local limitations is prohibited. The commissioner may impose mass-based limitations or otherwise modify the limitations to account for dilution in each case.

Section 302.5 Wastewater discharge permits required.

(a) All nondomestic users proposing to connect or to discharge into a public sewer shall obtain a wastewater discharge permit before connecting to or discharging into a public sewer. All existing nondomestic users connected to or discharging into a public sewer, when notified by the commissioner, shall apply for a wastewater discharge permit within 90 days of notification.

(b) Permit application. Users seeking a wastewater discharge permit shall complete and file with the commissioner an application in the form prescribed by the commissioner, and accompanied by any applicable fees. The applicant shall be required to submit, where applicable, in units and terms appropriate for evaluation, the following information:

(1) Name, address, and telephone number of applicant or responsible party;

(2) Volume of wastewater to be discharged;

(3) Wastewater constituents and characteristics as determined by a laboratory mutually agreed to by the commissioner and the user;

(4) Time and duration of discharge;

(5) Average and hourly peak wastewater flow rates, including daily, monthly and seasonal variations, if any;

(6) Conceptual site and plumbing plans to show all sewers and appurtenances by size, location, and elevation;

(7) A general description of activities, facilities, and plant processes on the premises including all materials which are or could be discharged to the public sewers;

(8) Each product produced by type and raw materials processed where known, the nature and concentration of any pollutants in the discharge which are limited by local standards under section P-302.0(a) or national pretreatment standards; and a statement whether the standards are being met on a consistent basis and, if not, whether additional pretreatment is required to meet applicable standards;

(9) If additional pretreatment will be required, the shortest schedule by which the user will provide such pretreatment. The schedule shall contain increments of progress leading to the construction and operation of pretreatment facilities, each increment not exceeding nine months; and the completion date shall be no later than the compliance date established for the applicable categorical pretreatment standards;

(10) Each product produced by type, and raw materials processed;

(11) Number of employees, and hours of work; and

(12) Any other information as may be deemed by the commissioner to be necessary to evaluate the permit application. The commissioner will evaluate the data furnished by the user and may require additional information. After evaluation and acceptance of the data furnished, the commissioner will issue within 45 days a draft wastewater discharge permit. A 45-day comment period shall be allowed all users, and thereafter the commissioner shall issue a wastewater discharge permit subject to the terms and conditions herein.

(c) Permit conditions. Wastewater discharge permits shall be expressly subject to all provisions of these regulations and all other regulations, user charges, and fees established by the city or the county, as applicable. The conditions of wastewater discharge permits shall be uniformly enforced by the commissioner. Wastewater discharge permits may contain the following:

(1) The unit charge or schedule of user charges and fees, as set forth in sections 45-53 through 45-60 of the Wilmington City Code as most recently amended, for the wastewater to be discharged to a public sewer;

(2) Limits on the average and maximum wastewater constituents and characteristics consistent with (i) the applicable discharge standards in section P-302.0 and (ii) the monitoring frequency established for the discharge;

(3) Limits on rate and time of discharge or requirements for flow regulation;

(4) Requirements for installation of inspection and sampling facilities;

(5) Pretreatment requirements, including national pretreatment standards;

(6) Specifications for monitoring programs which may include sampling locations, frequency, and method of sampling, number, types and standards for tests and reporting schedule;

(7) Requirements for the filing of periodic discharge reports and progress reports on compliance schedules. The discharge report may include, but not be limited to wastewater volume rates of flow, constituent concentrations and mass emission rates, hours of operation, number of employees, or other information which relates to the wastewater discharge to the sewers;

(8) Requirements for maintaining plant records relating to wastewater discharge as specified by the commissioner, and affording access thereto to inspect and copy all applicable records;

(9) Compliance schedules containing increments of progress in the form of dates for the commencement and completion of major events leading to the construction and operation of additional pretreatment or other means required for the discharger to meet the applicable discharge standards (e.g., hiring an engineer, completing preliminary plans, executing contracts, etc.). Increments of progress shall not exceed nine months;

(10) A requirement to notify the city in advance of any substantial change in the volume or character of pollutants in the discharge;

(11) Other conditions as deemed appropriate by the commissioner to ensure compliance.

(d) Duration of permit.

(1) Permits shall be issued for a specified time period, not to exceed five years. A permit shall be issued for a period of not less than a year, or may be stated to expire on a specific date. If the user is not notified by the commissioner 30 days prior to the expiration of the permit, the permit shall be extended one additional year. The terms and conditions of the permit may be subject to modifications and change by the commissioner during the life of the permit as limitations or requirements are modified and changed. The user shall be informed of any proposed changes in the permit at least 90 days prior to the effective date of those changes. All users shall be allowed a comment period, relating to any of the proposed changes in his permit; such comment period shall be the first 45 days of the 90-day period prior to the effective date of the changes. Any changes or new conditions in the permit shall include a reasonable time schedule for compliance.

(e) Transfer of a permit.

(1) Wastewater discharge permits shall be issued to a specific user for a specific operation. A wastewater discharge permit shall not be reassigned, transferred, or sold to a new owner, new user, different premises, or a new or changed operation.

(f) Permit fee.

(1) The commissioner is hereby authorized to develop and recommend to city council a structure of categories of permits and permit fees, to be set forth herein by ordinance of council amending this subsection, for the issuance or modification, or both, of wastewater discharge permits and for issuance of variances. The structure of categories and fees for industrial users shall be as follows:

(i) One-time user: $200.00 per six-month period.

(ii) $2.00 per 1,000 gallons of discharge.

(iii) Fully permitted user: $200.00 per six-month period.

Section 302.6 Pretreatment.

(a) Where preliminary treatment facilities are required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense. To aid the commissioner, the owner, subsequent to the commencement of operation of any pretreatment facilities, shall make periodic reports to the commissioner setting forth therein data upon which he may determine the effectiveness and adequacy of such installation in reducing the concentrations of constituents to acceptable limits. Any approval by the commissioner of a type, kind, or capacity of an installation shall not relieve the owner of the responsibility of revamping, enlarging, or otherwise modifying an installation to accomplish its intended purpose to the degree necessary to comply with the rules and regulations, or of the requirements of a discharge permit.

(b) Grease, oil and sand removal equipment shall be provided when in the opinion of the commissioner, they are necessary for the proper handling of liquid wastes containing grease in excessive amounts, or any flammable wastes, sand and other harmful ingredients. All such equipment shall be of a type and capacity approved by the commissioner and shall be located so as to be readily and easily accessible for cleaning and inspection. Where installed, all grease, oil, and sand removal equipment shall be maintained by the owner, at his expense, in continuously efficient operation at all times

Section 302.7 Compliance monitoring.

At all times and at his discretion, the commissioner shall have the power to take samples of any user's discharge to the public sewers in accordance with the following:

(a) Inspections.

The commissioner and other duly authorized employees of the city, bearing proper credentials and identification shall be permitted to enter all premises at a reasonable hour for the purpose of inspection, observation, measurement, sampling, and testing in accordance with the provisions of this article and chapter. The user shall not be held liable for any allegedly unsafe acts performed by the commissioner or his representative while on the user's premises and any loss to the user as a direct result of any allegedly unsafe acts performed by the commissioner or his representative while on the user's premises shall be the responsibility of the commissioner. The commissioner or his representative shall have no authority to inquire into any manufacturing process beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

(b) Samples.

Samples shall be taken and flow measurements made, whenever possible, at a common manhole into which all flows from such premises are combined. Such manhole shall be constructed by the owner of such premises, at said owner's expense, when directed by order of the commissioner.

Whenever the installation of such a common manhole is impossible or impractical, the owner of such premises shall construct and maintain at his own expense, in lieu of the common manhole, two or more manholes as required by order of the commissioner, for accurate measurement of all flows discharged from such premises into the sewer system; in the event that no special manhole has been required, the control sample shall be taken at a point or points to be mutually selected by representatives of the commissioner and the user.

(c) Confidentiality.

Information and data about a user from reports, questionnaires, permit applications, permits and monitoring programs and from inspections shall be available to the public or other governmental agency without restriction unless the user specifically requests and is able to demonstrate to the satisfaction of the commissioner that the release of such information would divulge information, processes or methods of production entitled to protection as trade secrets of the user. Wastewater constituents and characteristics shall not be recognized as, nor deemed to be confidential information.

(d) Method of analysis.

All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in these regulations shall be determined at the control manhole, or upon suitable samples taken at such control manhole. Sampling shall be carried out by the customarily accepted methods to reflect the composition of the user's discharge to the public sewers.

(e) Determination of constituent concentration.

The constituent concentrations of any wastewater shall usually be determined from representative samples discharged to the public sewers. The samples may be taken by representatives of the commissioner at sampling stations as described under this section of these rules and regulations, at any period, or time, or of such duration and in such a manner as determined by the commissioner. The intent of any sampling procedure is to establish the constituent concentrations in the wastewater discharged during an average or typical working day. These concentrations may be derived, according to the best judgment of the commissioner, by combining repeated sub samplings during one day, by combination of a series of such days. The analysis of samples taken shall be performed by a laboratory mutually approved by the commissioner and the user. The acceptability of the wastes shall be as determined from such analysis.

Section 302.8. Property designation.

(a) Firm with multiple buildings.

Where a parcel of real property consisting of one block and lot is occupied by multiple buildings having tenants with unrelated manufacturing processes, each building shall be considered a separate source of constituents.

(b) A block and lot with multiple buildings.

Where a parcel of real property, consisting of one block and lot is occupied by multiple buildings having tenants with unrelated manufacturing processes, each building shall be considered a separate source of constituents.

(c) Multitenant industrial buildings.

Where a parcel of real property, consisting of one block and lot or lots, is occupied by a multitenant industrial building connected to the sewer system by one or more sewers and the tenants in such building discharge wastewater into the drainage system, each tenant shall be considered a separate source of constituents and the constituent concentration shall be determined at sampling locations selected by the commissioner for each source.

(d) Industrial park and/or industrial building complex.

Where a parcel of real property consists of more than one block, and lot and one or more buildings on such parcel occupy a single block each such building or buildings may be considered as a block and lot with multiple buildings and the constituent concentration

discharged from such building or buildings to the sewer system shall be determined as described under subparagraph (b) of this section.

(e) Tenant activities.

Any tenant of such real property as described in subparagraphs (a), (b), (c) or (d) of this section shall comply with all the rules and regulations of this article.

Section 302.9 Spill notification and prevention.

(a) Notification of discharge.

Users shall notify the commissioner immediately upon any occurrence of accidentally discharging wastes in violation of these regulations in-order to enable countermeasures to be taken to minimize damage to the public sewer, treatment facility, treatment processes, and the receiving waters.

Such notification shall be followed, within five days of the date of occurrence, by a detailed written statement to the commissioner describing the causes of the accidental discharge and the measures being taken to prevent any future occurrence.

(b) Notices to employees.

In order that employees of users be informed of these requirements, users shall make available to their employees copies of these provisions, together with such other wastewater information and notices which may be furnished by the commissioner from time to time directed toward more effective water pollution control. A notice shall be furnished and permanently posted on the user's bulletin board advising employees whom to call in case of an accidental discharge in violation of these provisions.

(c) Preventive measures.

The commissioner may require users to develop spill prevention plans where there is a potential for adverse input.

Section 302.10 Administrative enforcement.

(a) Responsibility for enforcement.

All rules and regulations as set forth in the provisions herein shall be enforced by the commissioner or his duly authorized deputy, designee or representative. The commissioner, acting on behalf of the city, is hereby authorized to promulgate an enforcement response plan and an accompanying guide in accordance with requirements of the U.S. Environmental Protection Agency (EPA) that shall be applicable to all industrial users of the City of Wilmington's publicly owned treatment works (POTW). Any issue not specifically covered by this section or by the response plan and guide shall be resolved in accordance with EPA guidelines and the Code of Federal Regulations.

(b) Notification of violation.

Whenever the commissioner finds that any industrial user has violated or is violating this article or chapter, or a permit or order issued hereunder, the commissioner or his agent may serve upon such user written notice of violation. Within ten days of the date of receipt of this notice, an explanation of the notice of the violation and plan for the satisfactory correction and prevention thereof, including specific required actions, shall be submitted to the commissioner. Submission of this plan in no way relieves the user of liability for any violations occurring before or after the receipt of the notice of violation.

(c) Show cause hearing.

The commissioner may order any industrial user who or which contributes to violation of this article or chapter, or any permit or order issued hereunder, to show cause why a proposed enforcement action should not be taken. Notice shall be served on the user specifying the time and place for the meeting, the proposed enforcement action and the reasons for such action, and a request that the user show cause why this proposed enforcement action should not be taken. The notice of the meeting shall be served personally or by registered or certified mail, return receipt requested, at least ten days prior to the date of the hearing. Such notice shall be served upon any principal executive, general partner or corporate officer. Whether or not a duly notified industrial user appears as noticed, immediate enforcement action may be pursued.

(d) Administrative order.

Whenever the commissioner finds that an industrial user has violated, or continues to violate any provision of this article and chapter, or any permit or order issued hereunder, he may issue an order to the industrial user responsible for the discharge directing that, following a specified time period, sewer service shall be discontinued unless adequate treatment facilities, devices, or other related appurtenances have been installed and are properly operated. Orders may also include such other requirements as might be reasonably necessary and appropriate to address the noncompliance, including the installation of pretreatment technology, self-monitoring, and management practices.

(e) Administrative fines.

Notwithstanding any other provision of this article and chapter, any user who is found to have violated any such provision, or any permit or order issued hereunder, shall be fined in an amount not to exceed $1,000.00 per violation. Each day on which noncompliance shall occur, or continue, shall be deemed a separate and distinct violation. Such assessments may be added to the user's next scheduled sewer service charge and the commissioner shall have such other collection remedies as he has to collect other service charges. Unpaid charges, fines, and penalties shall constitute a lien against the individual user's property. Industrial users desiring to dispute such fines must file a request for the commissioner to reconsider the fine within ten days of being notified of the fine. In any instance in which the commissioner believes the request has merit, he shall convene a hearing on the matter within 15 days of the date of receipt of such request from the industrial user.

(f) Termination of service.

(1) *Emergency suspensions.* The commissioner may suspend the wastewater treatment service and/or the permit of an industrial user whenever such suspension is necessary in order to stop an actual or threatened discharge presenting or causing an imminent or substantial endangerment to the health, safety, or welfare of persons, the collection and treatment system, or the environment.

Any user notified of a suspension of the wastewater treatment service and/or permit shall immediately stop or eliminate its contribution. Upon a user's failure to immediately comply voluntarily with the suspension order, the commissioner shall take such steps as deemed necessary, including immediate severance of the sewer connection, to prevent or minimize damage to the collection and/or treatment system, its receiving stream, or endangerment to any individuals. The commissioner shall allow the user to recommence its discharge when the endangerment has passed, unless termination proceedings are initiated against the user as set forth below.

(2) *Continuing noncompliance.* The commissioner may, upon 30 days' notice to the industrial user, revoke the permit, terminate service to the user, or both, unless, at the expiration of such period, the commissioner is satisfied that the user is making satisfactory progress to eliminate or correct the conditions which caused such notice.

Section 302.11 Judicial remedies.

(a) Injunctive relief.

Whenever an industrial user has violated or continues to violate any provisions of this article, or of any permit or order issued hereunder, the commissioner, through counsel may petition the court for the issuance of a preliminary or permanent injunction, or both, as may be appropriate, which restrains or compels the activities on the part of the industrial user.

(b) Civil penalties.

(1) Any industrial user who has violated or continues to violate any provisions of this article, or any order or permit issued hereunder, shall be liable for a civil penalty of not more than $5,000.00 plus actual damages incurred by the POTW per violation per day for as long as the violation continues. In addition to the above described penalty and damages, the commissioner may recover reasonable attorney's fees, court costs, and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

(2) The commissioner through counsel shall petition the court to impose, assess, and recover such sums. In determining the amount of liability, the court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the industrial user's violation, corrective actions, taken or to be taken by the industrial user, the compliance history of the user, and any other factor as justice may require.

(c) Criminal prosecution.

(1) Violations.

(a) Any industrial user who willfully or negligently violates any provision of this article and chapter, or any orders or permits issued hereunder shall, upon conviction, be guilty of a misdemeanor, punishable by a fine not to exceed $5,000.00 per violation per day, or imprisonment for not more than one year, or both such fine and imprisonment.

(b) Upon a second conviction, the user shall be subject to a fine not to exceed $5,000.00 per violation per day, or by imprisonment for not more than three years, or by both such fine and imprisonment.

(2) Falsifying information.

(a) Any industrial user who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this article or chapter, or wastewater permit, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this article shall, upon conviction, be punished by a fine of not more than $5,000.00 per violation per day, or by imprisonment for not more than one year, or by both such fine and imprisonment.

Upon a second conviction, the user shall be subject to a fine not to exceed $5,000.00 per violation per day, or by imprisonment for not more than three years, or by both such fine and imprisonment.

Section 302.12 Notification of proposed termination of service and/or revocation of discharge permit.

The commissioner shall not terminate service to a user and/or revoke a discharge permit, except in an emergency, without first delivering, or causing to be delivered, to the user written notice of such proposed termination and/or revocation. The notice shall state the reason or reasons for such termination and/or revocation and shall allow a reasonable time for satisfactory compliance to meet the wastewater constituent and/or characteristic limitation(s) that are being violated.

Section 302.13 Appeals

Any user, permit applicant, or permit holder affected by any decision, action or determination made by the Commissioner, interpreting or implementing the provisions in this article or in any permit issued pursuant hereto, may file with the commissioner a written request for reconsideration within ten days of the date of such decision, action or determination, setting forth in detail the facts supporting the user's request for reconsideration. The Commissioner's decision, action, or determination shall remain in effect during such period of reconsideration. Any person aggrieved by a decision of the commissioner may appeal such decision in the manner provided by law.

Section 302.14 Public notification

The Commissioner shall annually publish in the largest daily newspaper published in the city a list of the users who or which were not in compliance with any pretreatment requirements or standards during the 12 previous months. The notification shall also summarize any enforcement actions taken against the user(s) during the same 12-month period.

Section 302.15 Severability

The provisions of the ordinance from which the articles and the sections thereof derive are declared to be severable and if any article, section, subsection, sentence, clause or phrase of these two articles or the ordinance shall for any reason be held invalid or unconstitutional, such decision shall not affect the validity of the remaining articles, sections, subsections, clauses and phrases of this article and the ordinance but they shall remain in effect, if being the legislative intent that this article and the provisions of the ordinance shall stand notwithstanding the invalidity of any part.

CHAPTER 5 WATER HEATERS

Section 501.2.1- All combination space heating and domestic water heating units shall meet the following requirements:

(a) Install a reduced pressure principal, atmospheric type backflow preventer conforming to ASSE 1012 in the cold water feed line to the unit.

(b) Install an NSF 61 approved expansion system on the domestic hot water side of the unit.

(c) Install an anti-scald mixing valve conforming to ASSE 1016 on the domestic hot water side of the unit.

(d) Maximum water temperature setting of any combination unit shall not exceed that of 125 degrees Fahrenheit.

Section 502 Installation, is amended by adding the following new subsection 502.6 and shall read as follows:

Section 502.6 , Material. When non-metallic water distribution pipe is being used, the first 18 inches (457 mm) of both hot and cold water lines shall be non-flexible metallic pipe as listed in Table P605.4 of the International Plumbing Code.

Section 504.6, Requirements for discharge piping, is amended by revising #13 and shall read as follows:

Section 504.6 Requirements for discharge piping, The discharge piping serving a pressure relief valve, temperature relief valve or combination thereof shall:

#13. Be constructed of rigid metallic piping only.

CHAPTER 6 WATER SUPPLY AND DISTRIBUTION

Section 601 General, is amended by adding new subsection section 601.1.1 and shall read as follows:

Section 601.1.1 - Section 601.1 by deleting the letter "M" each time it appears.

SECTION 605 MATERIALS, JOINTS, AND CONNECTIONS

Section 605.3 Water service pipe, is amended by adding new subsection Section 605.3.2 and shall read as follows:

Section 605.3.2 delete any references to galvanized steel pipe, "M" Pipes, Asbestos cement pipe ASTM C 296 and for copper and copper alloy tubing, delete M and WM each time it appears in the code.

CHAPTER 7 SANITARY DRAINAGE

SECTION 703 BUILDING SEWER

Section 703.2 Drainage pipe in filled ground, is amended by adding new subsection 703.2.1 and 703.3.1 and shall read as follows:

Section 703.2.1 - Sections P-703.2 is amended by deleting the words, "asbestos cement pipe," "bituminized fiber pipe," "concrete pipe," "terra cotta pipe," "vitrified clay pipe" and "lead pipe:" are deleted each time they appear.

Section 703.3.1 - Sections P-703.2 is amended by deleting the words, "asbestos cement pipe," "bituminized fiber pipe," "concrete pipe," "terra cotta pipe," "vitrified clay pipe" and "lead pipe:" are deleted each time they appear.

SECTION 704 DRAINAGE PIPING INSTALLATION

Section 704 Drainage piping installation, is amended by adding new subsection section 704.5 and shall read as follows:

Section 704.5 One or two-family dwellings shall have a minimum four-inch sanitary drainage pipe to the first fixture.

CHAPTER 9 VENTS

SECTION 901 GENERAL

Section 901 General is amended by adding new subsections Section 901.7, 903.8 and 919.3 shall read as follows:

Section 901.7 Main vent required. Every sanitary drainage system receiving the discharge of sanitary fixtures shall have a main vent three inches in diameter.

Section 919.3 Main vent required. Every sanitary drainage system receiving the discharge of sanitary fixtures shall have a main vent three inches in diameter.

SECTION 903 VENT STACKS AND STACK VENTS

Section 903.8 Vent stack required. A vent stack shall be required for every drainage stack that is two branch intervals or more.

SECTION 918 AIR ADMITTANCE VALVES

Section 918 Air Admittance Valves, is amended by adding new subsection Section ~~919.3~~ 918.1.1and shall read as follows:

Section 918.1.1 The use of an automatic air vent or air admittance value to vent any plumbing fixture is prohibited unless approved by the building official.

SECTION 919 ENGINEERED VENT SYSTEMS

Section 919.3 Main vent required. Every sanitary drainage system receiving the discharge of sanitary fixtures shall have a main vent three inches in diameter.

CHAPTER 10 TRAPS, INTERCEPTORS AND SEPARATORS

Section 1002.4 Trap Seals. Section 1002.4 is amended by deleting section 1002.4.1.2 Reclaimed or gray water-supplied trap seal primer valve, section 1002.4.1.3 Waste water, section 1002.4.1.4 Barrier-type trap seal protection device, and by adding section 1002.4.2 trap seal prohibited materials.

Section 1002.4.2Trap Seal Prohibited Materials. The use of Reclaimed or Gray Water, Waste Water, and Barrier Type Trap Seals are prohibited.