

CITY OF MILFORD
Notice of Ordinance Adoption

NOTICE IS HEREBY GIVEN that the following ordinance was adopted during a meeting of Milford City Council on July 11, 2022:

Chapter 88 BUILDING CONSTRUCTION
Ordinance 2022-19

NOTICE IS HEREBY GIVEN that the proposed Ordinance is currently under review by the City of Milford City Council. City Council has the option to approve, deny, or make changes to the proposed language. By adopting the ordinance, City Council will approve the amendment to the Code which is the reason for the language being written in the affirmative. This form of writing is not used to influence any decision of City Council:

WHEREAS, the Mayor and City Council of the City of Milford are charged with the protection of the public health, safety and welfare of the citizens of the City of Milford; and,

WHEREAS, the City regulates construction practices and standards by means of technical codes prepared by the International Code Council; and

WHEREAS, the Mayor and City Council desire to amend the City of Milford Code Chapter 88 Building Construction to adopt the 2018 editions of the International Residential Code, International Building Code and International Swimming Pool and Spa Code; and

WHEREAS, Milford City Council held a Public Comment Session on June 27, 2022 to allow the public to comment, followed by a final review and determination of the ordinance.

NOW, THEREFORE, the City of Milford hereby ordains:

Section 1. An Ordinance to amend Chapter 88 Building Construction of the City of Milford Code.

Section 2. Sections 88-1, 88-2, 88-4, 88-5, 88-25 and 88-26 are hereby amended.

Section 3. Sections 88-26 and 88-27 are hereby added.

Section 4. Strikethrough text denotes deletion; underlined and bold text denotes an addition.

ARTICLE I - International Residential Code

§ 88-1. - Adoption of code.

That a certain document, three copies of which are on file in the office of the Department of Planning of the City of Milford, being marked and designated as the International Residential Code, ~~2012~~**2018** edition, including Appendix Chapters C, ~~G, E, and J,~~ **and Q** be and is hereby adopted as the Residential Code of the City of Milford, in the State of Delaware, for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal, and demolition of detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories in height with separate means of egress as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions, and terms of said Residential Code on file in the office of the City of Milford are hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions, and changes, if any, prescribed in § 88-2 of this chapter.

§ 88-2. - Additions, insertions and changes.

The following sections are hereby revised:

A. Chapter 1, **Scope and Application** Administration.

- (1) Section R101.1. Insert: City of Milford
- (2) Section R105. Permits.

(a) Add: Section R105.1.

[1] Delaware Department of Transportation Approval. The building official may require an entrance/exit permit from the Delaware Department of Transportation upon application for a building permit for all nonresidential and residential buildings on state-maintained roads.

[2] Other permit approvals. Before a building permit is issued, additional agency approvals may be required. Such agency approvals include, but are not limited to, Delaware State Fire Marshal, Kent/Sussex Conservation District, Delaware Division of Public Health, Delaware Department of Natural Resources and Environmental Control, and a Delaware-recognized electrical inspection agency.

[3] Energy code compliance. An energy code compliance certificate shall be submitted with each single-family dwelling permit application, or meet the prescriptive requirements of Section 402 of the International Energy Conservation Code currently adopted by the State of Delaware.

(ab**) Section R105.2, Work exempt from permit, is deleted in its entirety. Remove language under "Building:" and replace with the following;**

[1] One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 24 square feet.

[2] Fences not over six feet in height.

[a] Exceptions:

[i] Fences required for pools

[ii] Fences required by the State of Delaware for home-based day cares.

[iii] Fences required by the City of Milford Planning Department as part of an approved subdivision or land development application.

[3] Retaining walls which are not over four feet in exposed height, unless supporting a surcharge or impounding class I, II or III-A liquids.

[4] Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

[5] Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.

[6] Sidewalks and driveways.

[7] Replacement of roof covering that does not involve the repair or replacement of more than 25 percent of the roof.

[8] Prefabricated swimming pools accessory to a one- or two-family dwelling, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

[9] Swings and other playground equipment accessory to one- and two-family dwellings.

[10] Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

[11] Non-fixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches in height.

- (b)c) Add: R105.5.1. Time limitation of permit. A permit for any activity for which a permit is required shall be valid for one year from the date of issuance.
- (e)d) Add: R105.5.2. Completion of construction. All construction for which a building permit is required must be completed and pass final inspection within one year after issuance of a building permit. One extension of six months, accompanied by a renewal fee of a minimum of \$50 or 10% of the original building permit fee, whichever is greater, may, at the discretion of the Code Official, be granted.
- (3) Section R108, Fees.
- (a) Add: R108.6.1. Violation fee. When obtaining a building permit after the start of construction, the building permit fee shall be assessed a violation fee as outlined in the adopted Planning and Economic Development Department Fee Schedule.
- (b) Add: R108.7. Delinquent taxes and fees. No building permits, certificate of occupancy, or certificate of completion shall be issued for a property if any of the following parties, having an interest in the application or the property the application is filed for, are not in good standing with the city: the applicant, the property owner, the equitable owner, the permit holder, or any individual with a controlling interest in the property (controlling interest means the acquisition of sufficient dominance to determine the operational and financial policies, including disposition of its assets, of any legal entity that is an applicant, property owner, equitable owner or permit holder, but excluding mortgage holders). "Not in good standing" means that at the time of the request a municipal lien has been imposed upon the property or any of the above enumerated parties are delinquent in the payment of monies owed to the city.**
- (4) Add: 109.1.1.1. Waterproofing inspection. A waterproofing inspection will be required for all dwelling units with basements. The inspection will be required before the basement walls are backfilled.
- (5) Add: 109.1.1.2. As-Built Survey. An as-built survey prepared by a State of Delaware licensed professional surveyor or civil engineer shall be required for new structures and additions to existing structures as follows:**
- (a) Foundation as-built survey shall be provided once the foundation has been constructed and prior to commencement of framing in the following instances:**
- 1. All new structures other than residential accessory structures.**
 - 2. At any time when a variance from required area requirements was required for construction approval.**
 - 3. Where required by the building/code official.**
- (5) ~~(6)~~ **Replace:** Section R112. Board of Appeals, ~~is deleted in its entirety and replaced with the following:~~
- R112.1. General. Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Article III of this Chapter.
- ~~(6)~~ **(7)** Replace: R113.4. Violation penalties. Any person who shall violate a provision of this code or fails to comply with any of the requirements thereof or who shall erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Building Official, or of a permit or certificate issued under the provisions of this code shall

be guilty of a misdemeanor, punishable by a fine of not more than \$500. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.

- (7) **(8)** Replace: R114.2. Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as the person is directed to perform to remove a violation or unsafe condition shall be liable to a fine of not less than \$500.

B. ~~Chapter 2, Definitions. Adopt without changes.~~

C. ~~Chapter 3, Building Planning.~~

- (1) Add: 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 Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp	Assumed Soil Bearing
	Speed (mph)	Topo. Effects		Weathering	Frost line depth	Termite						
25	90	NO	A	SEVERE	24"	MOD-HEAVY	14	YES	9/14/92 3/16/15 7/7/14 1/6/05	368	55.7F	2000-psf

Ground Snow Load	Wind Design				Seismic Design Category	Subject to Damage From			Winter Design Temp	Ice Barrier Underlayment Required	Flood Hazards	Air Freezing Index	Mean Annual Temp
	Speed	Topographic Effects	Special Wind Region	Wind-Borne Debris Zone		Weathering	Frost Line Depth	Termite					
25 lbs./sq. ft.	115 mph	No	No	No	A	Severe	24"	Mod-Heavy	18° F	Yes	9/14/1992 1/06/2005 7/7/2014 3/16/2015	596	54° F
Manual J Design Criteria													
Elevation	Latitude	Winter Heating		Summer Cooling	Altitude Correction Factor	Indoor Design Temp	Design Temp Cooling	Heating Temp Difference					
23 ft.	39°	18° F		89° F	1.0	72° F	75° F	56° F					
Cooling Temp Difference	Wind Velocity Heating	Wind Velocity Cooling	Coincident Wet Bulb		Daily Range	Winter Humidity	Summer Humidity						
14° F	15 mph	7.5 mph	75		M	50%	50%						

(2) Add: Section 310.2.5.1. Replacement Window. At least one emergency escape and rescue opening complying with Section 310.2 is required in any sleeping room that is being added or gutted due to renovation to a structure.

(23) Replace: Section R311, Means of Egress. Replace the following:

- ~~(a) Section R 311.7.5.1 Risers. The maximum riser height shall be 8-1/4 inches (209.6 mm). The riser shall be measured vertically between leading edges of the adjacent reads. The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm). The riser height at landings with hinged doors shall be measured from the landing vertically to the top of the threshold (not the compression strip). The riser height at landings with sliding doors shall be measured from the landing vertically to the top of the highest projection of the door track. Risers shall be vertical or sloped from the underside of the nosing of the tread above at an angle not more than 30 degrees (0.51 rad) from the vertical. Open risers are permitted provided that the opening between treads does not permit the passage of a 6-inch-diameter (102 mm) sphere.~~

Exceptions:

~~The opening between adjacent treads is not limited on stairs with a total rise of 8-1/4 inches (209.55 mm) or less.~~

(a) The opening between adjacent treads is not limited on spiral stairways.

(b) The riser height of spiral stairways shall be in accordance with Section R311.7.10.1.

~~(4)(b) Replace: R311.7.5.2 Treads. The minimum tread depth shall be 9 inches (229 mm). The tread depth shall be measured horizontally between the vertical planes of the foremost projection of adjacent treads and at a right angle to the tread's leading edge. The greatest tread depth within any flight of stairs shall not exceed the smallest by more than 3/8 inch (9.5 mm).~~

~~(3) Section R313. Automatic Fire Sprinkler Systems. Deleted in its entirety.~~

~~(4) Section R319. Site Address.~~

~~(a) Add: R319.1. Street Identification. Permanent street signs shall be in place prior to the issuance of the Certificate of Occupancy.~~

- (5) Replace: R313.1 Townhouse automatic fire sprinkler systems. An automatic residential fire sprinkler system may be installed in townhouses.
- (6) Replace R313.2 One- and two-family dwellings automatic fire sprinkler systems. An automatic fire sprinkler system may be installed in one- and two-family dwellings.
- (7) Replace: R315.2.1. New Construction. For new construction, carbon monoxide alarms shall be provided in dwelling units.
- (8) Replace: R324.6. Roof access and pathways. Roof access, pathways and setback requirements shall be provided in accordance with Sections R324.6.1 and R324.6.2, through R324.6.2.1. Access and minimum spacing shall be required to provide emergency access to the roof, to provide pathways to specific areas of the roof, to provide for smoke ventilation opportunity areas, and to provide emergency egress from the roof.
- (9) Replace: R324.6.1. Pathways. A 36" pathway shall be provided on all edges, valleys and hips of roofs. Pathways on townhomes shall maintain at least 18" from the property line if the roof on either side of the property line shares the same plane. If the plan of the roof is different, a 36" pathway shall be provided on each side.
- (10) Replace: R324.6.2. Setback at ridge. A 36" clear setback is required on each side of the horizontal ridge.
- (11) Delete: R324.6.2.1. Alternative setback at ridge.

CD. Chapter 4, Foundations. ~~Adopt without changes.~~

- (1) Replace: R403.1.1. Minimum Size. All continuous footings shall be a minimum of 8" depth by 16" width. Footings shall be sized to support the imposed loads. Footing projections, P, shall not be less than 2 inches and shall not exceed the thickness of the footing. Footing thickness and projection for fireplaces shall be in accordance with Section R1001.2. The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table R401.4.1. Footings for wood foundations shall be in accordance with details set forth in Section R403.2, and Figures R403.1(2) and R403.1(3). Footings for precast foundations shall be in accordance with details set forth in Section R403.4, Table 403.4, and Figures R403.4(1) and R403.4(2).

Exceptions:

- (a) Minimum footings for single-story decks shall be 3 times the widest nominally measured side of the post. Footings must also be sized to support the imposed loads; interior post locations support more weight than perimeter posts.
- (b) Decks having vertical members spaced 6 feet on center or less may be placed on a 4-inch concrete pad, provided the vertical members are placed 12 inches inside the perimeter of the pad and are anchored on all corners with approved anchoring devices. Decks 20 feet or more in length shall have two additional anchors installed on each side mid-span.
- (c) Residential accessory structures less than 300 square feet in area, with the exception of a pole building or garage, shall be leveled and secured with tie-downs or equivalent manufactured home anchoring devices, one in each corner. Structures 20 feet or more in length shall have two additional anchors installed on each side mid-span. All lumber and wood siding is to be pressure treated from grade to 8 inches above finished grade. Pressure-treated lumber shall meet the requirements set forth in Section R317.
- (d) Prefabricated room enclosures are to be placed on an approved support system per the manufacturer's installation instruction.
- (2) Replace: R405.1. Concrete or masonry foundations. Drains shall be provided around concrete or masonry foundations that retain earth and enclose crawl space/basements of

habitable or usable spaces located below grade. Drainage tiles, gravel or crushed stone drains, perforated pipe or other approved systems or materials shall be installed at or below the top of the footing or below the bottom of the slab and shall discharge by gravity or mechanical means into an approved drainage system. Gravel or crushed stone drains shall extend not less than 1 foot above the top of the footing and be covered with an approved filter membrane material. The top of open joints of the drain tiles shall be protected with strips of building paper. Except where otherwise recommended by the drain manufacturer, perforated drains shall be surrounded with an approved filter membrane or the filter membrane shall cover the washed gravel or crushed rock covering the drain. Drainage tiles or perforated pipe shall be placed on not less than two inches of washed gravel or crushed rock not less than one sieve size larger than the tile joint opening or perforation and covered with not less than six inches of the same material.

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

- (3) Replace: R405.2.3. Drainage systems. In other than Group 1 soils, a sump shall be provided to drain the porous layer and footings. The sump shall be not less than 24 inches in diameter or 20 inches square, shall extend not less than 24 inches below the bottom of the crawl space or basement floor and shall be capable of positive gravity or mechanical drainage to remove any accumulated water. The drainage system shall discharge into an approved sewer system or to daylight.

DE. Chapter 5, Floors. ~~Adopt without changes.~~

- (1) Add: R502.3.4. Deck floor joist spans. Deck floor joist spans shall be in accordance with American Forest and Paper, Design for Acceptance #6, Prescriptive Residential Wood Deck Construction Guide.
- (2) Add: R502.5.1. Deck girder spans. Deck girder spans shall be in accordance with the American Forest and Paper, Design for Acceptance #6, Prescriptive Residential Wood Deck Construction Guide.

EF. Chapter 6, Wall Construction. ~~Adopt without changes.~~

- (1) Replace: R602.10. Wall bracing. Buildings shall be braced in accordance with this section or, when applicable, Section R602.12. Where a building or portion thereof, does not comply with one or more of the bracing requirements in this section, those portions shall be designed and constructed in accordance with Section R301.1.

Exception: Porches with roofs and screen porches shall not be required to comply with the requirements of R602.10 Wall Bracing, when constructed with approved translucent or transparent plastic not more than 0.125 inch in thickness.

- (2) Add: R611.1. Definitions. POST FRAME BUILDING: A structural building frame consisting of a wood truss or rafters connected to vertical timber columns or sidewall posts, which function as the principal gravity and load resisting elements of the building. A building used for motor vehicles is considered a garage and must meet the requirements in Section R309 as well as Section 614 of this code.
- (3) Add: R612.1. Design loads. Plans are required to meet the minimum design loads noted in Table 301.2(1). Uplift reaction forces involved are required to be provided.
- (4) Add: R612.2. Truss design drawings. Truss design drawings are required at the time of plan submittal. The building plans should specify the permanent bracing for cords and webs to meet the bracing requirements shown on the truss design drawings.
- (5) Add: R612.3. Size, grade and species of wood members. All lumber shown on the submitted drawings should identify the size, grade and species or species group. Any engineered lumber should be identified by the product name, size and stress grade.

- (6) Add: R612.4. Isolation of siding. Methods and materials to isolate siding from preservative treated lumber should be specified 26 and detailed on the submitted plans.
- (7) Add: R612.5. Construction of truss carrier to bearing post. Submitted plans shall specify a bearing notch, properly designed bearing block, or other means for positive load transfer.
- (8) Add: R612.6. Fastener schedule. Submitted plans are required to include a fastener schedule completely describing the fasteners and quantities required at each connection. Power-driven nails should specify the type, diameter and length.
- (9) Add: R612.7. Roofing and siding diaphragms. Submitted plans shall include metal roof and wall panel thickness, fastener type and size, and the fastener pattern for roof and siding panels. If stitch screws are required to attach metal sheet-to-sheet, the plans should show the locations. Shingles roofs shall meet the requirements of Section R905.
- (10) Add: R613.1. Footing depth. Footings for post frame structures shall extend a minimum of 40 inches below grade.
- (11) Add: R613.2. Footing size. Footings for all post frame structures shall be sized to support the loads imposed. Minimum footing sizes for all post frame structures shall be 18 inches diameter and a minimum of 12 inches thick concrete under the support posts.
- (12) Add: R613.3. Resistance to uplift. A lumber cleat shall be attached to the bottom of all vertical support posts to resist uplift. Exception: Other means to resist uplift may be used and should be noted on the submitted plans.
- (13) Add: R614.1. Preservative treatment. All wood in contact with the ground shall be preservative-treated meeting the requirements of Section R319.
- (14) Add: R614.2. Support posts. Support posts fabricated from multiple plies shall have the number of plies of lumber, lumber species, grade, and connection system between plies noted.
- (15) Add: R614.3. Truss carrier spans. The allowable spans for truss carriers shall support the load of the proposed roof structure and floor system if present. Fabricated or dimensional lumber shall not exceed the values set forth in Tables R617.4(1) through R617.4(3). Spans exceeding the values set forth in Tables R617.4(1) through R617.4(3) shall be engineered.

G.— Chapter 7, Wall Covering. Adopt without changes.

H.— Chapter 8, Roof Ceiling Construction. Adopt without changes.

I.— Chapter 9, Roof Assemblies. Adopt without changes.

J.— Chapter 10, Chimneys and Fireplaces. Adopt without changes.

K.— Chapter 11, Energy Efficiency. Deleted in its entirety. Refer to the current adopted State Energy Code

L.— Chapter 12, Mechanical Administration. Adopt without changes.

M.— Chapter 13, General Mechanical System Requirements. Adopt without changes.

N.— Chapter 14, Heating and Cooling Equipment. Adopt without changes.

O.— Chapter 15, Exhaust Systems. Adopt without changes.

P.— Chapter 16, Duct Systems. Adopt without changes.

Q.— Chapter 17, Combustion Air. Adopt without changes.

R.— Chapter 18, Chimneys and Vents. Adopt without changes.

S.— Chapter 19, Special Fuel Burning Equipment. Adopt without changes.

- T.— Chapter 20, Boilers and Water Heaters. Adopt without changes.
- U.— Chapter 21, Hydronic Piping. Adopt without changes.
- V.— Chapter 22, Special Piping and Storage Systems. Adopt without changes.
- W.— Chapter 23, Solar Systems. Adopt without changes.
- X.— Chapter 24, Fuel Gas. Adopt without changes.
- Y.— Chapter 25, Plumbing Administration. Delete in its entirety. Refer to current adopted State Plumbing Code.
- Z.— Chapter 26, General Plumbing Requirements. Delete in its entirety. Refer to current adopted State Plumbing Code.
- AA.— Chapter 27, Plumbing Fixtures. Delete in its entirety. Refer to current adopted State Plumbing Code.
- BB.— Chapter 28, Water Heaters. Delete in its entirety. Refer to current adopted State Plumbing Code.
- CC.— Chapter 29, Water Supply and Distribution. Delete in its entirety. Refer to current adopted State Plumbing Code.
- DD.— Chapter 30, Sanitary Drainage. Delete in its entirety. Refer to current adopted State Plumbing Code.
- EE.— Chapter 31, Vents. Delete in its entirety. Refer to current adopted State Plumbing Code.
- FF.— Chapter 32, Traps. Delete in its entirety. Refer to current adopted State Plumbing Code.
- GG.— Chapter 33, Storm Drainage. Delete in its entirety. Refer to current adopted State Plumbing Code.
- HH.— Chapter 34, General Requirements. Delete in its entirety. Refer to current adopted State Electrical Code.
- II.— Chapter 35, Electrical Definitions. Delete in its entirety. Refer to current adopted State Electrical Code.
- JJ.— Chapter 36, Services. Delete in its entirety. Refer to current adopted State Electrical Code.
- KK.— Chapter 37, Branch Circuit and Feeder Requirements. Delete in its entirety. Refer to current adopted State Electrical Code.
- LL.— Chapter 38, Wiring Methods. Delete in its entirety. Refer to current adopted State Electrical Code.
- MM.— Chapter 39, Power and Lighting Distribution. Delete in its entirety. Refer to current adopted State Electrical Code.
- NN.— Chapter 40, Light Fixtures. Delete in its entirety. Refer to current adopted State Electrical Code.
- OO.— Chapter 41, Appliance Installation. Delete in its entirety. Refer to current adopted State Electrical Code.
- PP.— Chapter 42, Swimming Pools. Delete in its entirety. Refer to current adopted State Electrical Code.
- QQ.— Chapter 43, Class 2 Remote Control, Signaling and Power Limited Circuits. Delete in its entirety. Refer to current adopted State Electrical Code.
- RR.— Chapter 44, Referenced Standards. Adopt without changes.
- FSS.** Appendix C, Exit Terminals of Mechanical Draft and Direct-Venting Systems. **Adopt without changes.**
- GTT.** Appendix **EG**, Swimming Pools, Spas, and Hot Tubs **Manufactured Housing as Dwellings.**
Adopt without changes.
- (1)— Section AG102. Definitions.

- (a) ~~Add: Swimming Pool: Any structure intended for swimming or recreational bathing that contains or is capable of containing water over 24 inches (610 mm) deep or more water. This includes in-ground and on-ground swimming pools, hot tubs and spas.~~
- (2) ~~AG105.2 Outdoor swimming pool. Add:~~
 - 11. ~~For split rail fences, 14 gauge wire with opening no greater than 2 inches (51 mm) wide and 4 inches (102 mm) high shall be permitted. The fence must be 48 inches (1219 mm) high with the top edge securely fastened to the top rail. The wire must be applied on the side away from the pool (outside).~~

~~HUU.~~ Appendix J, Existing Buildings and Structures. Adopt without changes.

I. Appendix Q, Tiny Houses. Adopt without changes.

§ 88-3. - Fee schedule.

Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

ARTICLE II - International Building Code

§ 88-4. - Adoption of code.

A certain document, three copies of which are on file in the office of the Department of Planning of the City of Milford, State of Delaware, being marked and designated as the International Building Code, ~~2012~~**2018** edition be and is hereby adopted as the Building Code of the City of Milford for regulating and governing the conditions and maintenance of all property, buildings, and structures, by providing the standards for supplied utilities and facilities and other physical things and conditions essential to ensure that structures are safe, sanitary, and fit for occupation and use; and the condemnation of buildings and structures unfit for human occupancy and use and the demolition of such structures as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations; provisions, penalties, conditions and terms of said Building Code on file in the office of the City of Milford and hereby referred to, adopted, and made a part hereof, as if fully set out in this article, with the additions, insertions, deletions, and changes, if any, prescribed in § 88-5 of this chapter.

§ 88-5. - Additions, insertions and changes.

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

A. Chapter 1, **Scope and** Administration.

- (1) Section R101.1. Insert: City of Milford
- (2) Section 105, Permits.

(a) Add: Section R105.1.

- [1] Delaware Department of Transportation Approval. The building official may require an entrance/exit permit from the Delaware Department of Transportation upon application for a building permit for all nonresidential and residential buildings on state-maintained roads.**
- [2] Other permit approvals. Before a building permit is issued, additional agency approvals may be required. Such agency approvals include, but are not limited to, Delaware State Fire Marshal, Kent/Sussex Conservation District, Delaware Division of Public Health, Delaware**

Department of Natural Resources and Environmental Control, and a Delaware-recognized electrical inspection agency.

[3] Energy code compliance. Any energy code compliance certificate shall be submitted with each single-family dwelling permit application, or meet the prescriptive requirements of Section 402 of the International Energy Conservation Code currently adopted by the State of Delaware.

(a**b**) Section 105.2. Work exempt from permit. Remove language under “Building:” and replace with the following;

[1] One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided the floor area does not exceed 24 square feet.

[2] Fences not over six feet in height.

[a] Exceptions:

[i] Fences required for pools

[ii] Fences required by the State of Delaware for home-based day cares.

[iii] Fences required by the City of Milford Planning Department as part of an approved subdivision or land development application.

[3] Retaining walls which are not over four feet in exposed height, unless supporting a surcharge or impounding class I, II or III-A liquids.

[4] Painting, papering, tiling, carpeting, cabinets, counter tops and similar finish work.

[5] Water tanks supported directly on grade if the capacity is not greater than 5,000 gallons and the ratio of height to diameter or width is not greater than 2:1.

[6] Sidewalks and driveways.

[7] Replacement of roof covering that does not involve the repair or replacement of more than 25 percent of the roof.

[8] Prefabricated swimming pools accessory to a one- or two-family dwelling, which are less than 24 inches deep, do not exceed 5,000 gallons and are installed entirely above ground.

[9] Swings and other playground equipment accessory to one- and two-family dwellings.

[10] Window awnings supported by an exterior wall which do not project more than 54 inches from the exterior wall and do not require additional support.

[11] Non-fixed and movable fixtures, cases, racks, counters and partitions not over five feet nine inches in height.

(b**c**) Add: 105.5.1. Time limitation of permit. A permit for any activity for which a permit is required shall be valid for two years from the date of issuance.

(e**d**) Add: 105.5.2. Completion of construction. All construction for which a building permit is required must be completed and pass final inspection within two years after issuance of a building permit. One extension of six months, accompanied by a renewal fee of a minimum of \$50 or 10% of the original building permit fee, whichever is greater, may, at the discretion of the Code Official, be granted.

(3) Section 109. Fees.

(a) Add: 109.4.1. Violation fee. When obtaining a building permit after the start of construction, the building permit fee shall be assessed a violation fee as outlined in the adopted Planning and Economic Development Department Fee Schedule.

(b) Add: R109.7. Delinquent taxes and fees. No building permits, certificate of occupancy, or certificate of completion shall be issued for a property if any of the following parties, having an interest in the application or the property the application is filed for, are not in good standing with the city: the applicant, the property owner, the equitable owner, the permit holder, or any individual with a controlling interest in the property (controlling interest means the acquisition of sufficient dominance to determine the operational and financial policies, including disposition of its assets, of any legal entity that is an applicant, property owner, equitable owner or permit holder, but excluding mortgage holders). "Not in good standing" means that at the time of the request a municipal lien has been imposed upon the property or any of the above enumerated parties are delinquent in the payment of monies owed to the city.

(4) Add: 110.3.1.1. As-Built Survey. An as-built survey prepared by a State of Delaware licensed professional surveyor or civil engineer shall be required for new structures and additions to existing structures as follows:

(a) Foundation as-built survey shall be provided once the foundation has been constructed and prior to commencement of framing in the following instances:

1. All new structures other than residential accessory structures.

2. At any time when a variance from required area specifications was required for construction approval.

3. Where required by the building/code official.

(4) ~~(5)~~ Section 113, Board of Appeals, is deleted in its entirety and replaced with the following;

113.1. General. Appeals of orders, decisions, or determination made by the Building and/or Code Official relative to the application and interpretation of this code, shall proceed as described in Article III of this Chapter.

~~(5)~~ **(6)** Replace: 114.4. Violation penalties. Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, construct, alter or repair a building or structure in violation of an approved plan or directive of the Code Enforcement Official, or of a permit or certificate issued under the provisions set forth under this code shall be guilty of a misdemeanor, punishable by a fine of not more than \$500. Each day that a violation continues after due notice has been served shall be deemed as a separate offense.

~~(6)~~ **(7)** Replace: 115.3. Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as would be necessary to correct said violation(s) or unsafe conditions, shall be liable to a fine of not less than \$500.

~~(7)~~ Replace: 116.5. Restoration. A building or structure condemned by the Code Enforcement Official is permitted to be restored to a safe and fully code compliant condition, provided that said restoration or repairs do not exceed 50% of the value of said building or structure as determined by the assessment given by the City for tax purposes. This valuation figure shall be exclusive of foundations. Said repairs shall be made to comply, in all respects, with the requirements for materials and methods of construction of structures hereafter erected. To the extent that the repairs, alterations or additions are made or a change of occupancy occurs during the restoration of the structure, such repairs, alterations, additions or change of occupancy shall comply with the requirements of Section 105.2.2 and Chapter 34.

~~B. Chapter 2, Definitions. Adopt without changes.~~

~~C. Chapter 3, Use and Occupancy Classification. Adopt without changes.~~

- D.— Chapter 4, Special Detailed Requirements Based on Use and Occupancy. Adopt without changes.
- E.— Chapter 5, General Building Heights and Areas. Adopt without changes.
- F.— Chapter 6, Types of Construction. Adopt without changes.
- G.— Chapter 7, Fire Resistance Rated Construction. Adopt without changes.
- H.— Chapter 8, Interior Finishes. Adopt without changes.
- I.— Chapter 9, Fire Protection Systems. Adopt without changes.
- J.— Chapter 10, Means of Egress. Adopt without changes.
- K.— Chapter 11, Accessibility. Adopt without changes.
- L.— Chapter 12, Interior Environment. Adopt without changes.
- M.— Chapter 13, Energy Efficiency. Delete in its entirety. Refer to current State Energy Code.
- N.— Chapter 14, Exterior Walls. Adopt without changes.
- O.— Chapter 15, Roof Assemblies and Rooftop Structures. Adopt without changes.
- P.— Chapter 16, Structural Design.
 - 1612.3. Establishment of flood hazard areas. Insert: "City of Milford" for Name of Jurisdiction and "dated most recently enacted" for Date of Issuance.
- Q.— Chapter 17, Structural Tests and Special Inspections. Adopt without changes.
- R.— Chapter 18, Soils and Foundations. Adopt without changes.
- S.— Chapter 19, Concrete. Adopt without changes.
- T.— Chapter 20, Aluminum. Adopt without changes.
- U.— Chapter 21, Masonry. Adopt without changes.
- V.— Chapter 22, Steel. Adopt without changes.
- W.— Chapter 23, Wood. Adopt without changes.
- X.— Chapter 24, Glass and Glazing. Adopt without changes.
- Y.— Chapter 25, Gypsum Board and Plaster. Adopt without changes.
- Z.— Chapter 26, Plastic. Adopt without changes.
- AA.— Chapter 27, Electrical. Delete in its entirety. Refer to current adopted State Electric Code.
- BB.— Chapter 28, Mechanical Systems. Adopt without changes.
- CC.— Chapter 29, Plumbing Systems. Delete in its entirety. Refer to current adopted State Plumbing Code.
- DD.— Chapter 30, Elevators and Conveying Systems. Adopt without changes.
- EE.— Chapter 31, Special Construction. Adopt without changes.
- FF.— Chapter 32, Encroachments into the Public Right-of-Way. Adopt without changes.
- GG.— Chapter 33, Safeguards During Construction. Adopt without changes.
- HH.— Chapter 34, Existing Structures. Adopt without changes.
- II.— Chapter 35, Referenced Standards. Adopt without changes.
- JJ.— Appendix E, Supplementary Accessibility Requirements. Adopt without changes.
- KK.— Appendix F, Rodentproofing. Adopt without changes.
- LL.— Appendix H, Signs. Adopt without changes.

§ 88-6. - Fee schedule.

Permit fees shall be set by resolution adopted by City Council and maintained by the City Clerk's Office.

ARTICLE III - Board of Appeals

§ 88-7. - General.

In order to hear and decide appeals of orders, decisions, or determinations made by the building or code official relative to the application and interpretation of the code, there shall be and is hereby created a board of appeals. The Board of Appeals shall be appointed by City Council and shall hold office at its pleasure. The Board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the building official.

§ 88-8. - Limitations on authority.

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The board shall have no authority to waive requirements of this code.

§ 88-9. - Membership of the board.

The Board of Appeals shall consist of members who are qualified by experience and training to pass on matters pertaining to building construction and are not employees of the jurisdiction. City Council shall appoint three members for terms of three years, provided that the terms of the original members shall be established in a manner that the term of at least one member shall expire each year and the successor shall be appointed for a term of three years.

§ 88-10. - Alternate members.

City Council shall appoint an individual of its choice to be an alternate during those times where one of the permanent members is unable to attend an appeals hearing or in cases where a conflict of interest may exist. Said appointment shall be made for a two-year term.

§ 88-11. - Chairperson.

The Board shall annually select one of its members to serve as chairperson.

§ 88-12. - Disqualification of member.

A member shall not hear an appeal in which that member has a personal, professional or financial interest.

§ 88-13. - Secretary.

The City Manager shall designate a qualified clerk or staff as Secretary to the Board. The Secretary shall file a detailed record of all proceedings with the office of the City Clerk. Secretary shall have no right to vote on matters coming before the board.

§ 88-14. - Compensation of members.

Compensation of members shall be determined by ordinance of City Council.

§ 88-15. - Application for appeal.

Any person directly affected by a decision of the Code Official or an notice or order issued under this code shall have the right to appeal a decision of the Code Enforcement and/or Building Official to the Board of Appeals provided the application is filed within 20 days of the day the decision, notice, or order was served. An application for appeal shall be based on a claim that the true intent of the code or the rules legally adopted thereunder have been incorrectly interpreted, that the provisions of this code do not apply or that an equivalent form of construction is to be used.

§ 88-16. - Hearing fee.

The following nonrefundable fee schedule shall apply for hearings of the Board of Appeals:

International Residential Code: \$300.00

International Building Code: \$1,000.00

International Property Maintenance Code: \$300.00

§ 88-17. - Notice of meeting.

The Board shall meet upon notice from the Chairperson. The meeting date and time shall be scheduled in accordance with the state guidelines for public hearings. Surrounding property owners within 200 feet of the property or building in question shall be notified by mail.

§ 88-18. - Open hearing.

All hearings before the Board shall be open to the public. The appellant's representative, the Code Official and any other person or persons that may be deemed necessary as witnesses and all other persons whose interests are affected shall be given an opportunity to be heard.

§ 88-19. - Procedure.

The hearing shall address only those issues or items that may be deemed relevant to the case being heard. The Board shall adopt and publish, for public information, the procedures under which the hearing will be conducted.

§ 88-20. - Postponed hearing.

When there are fewer than two members of the Board available and the authorized or appointed alternate is unavailable, notification shall be given to the interested parties.

§ 88-21. - Board decision.

The Board shall affirm, modify or reverse the decision of the Code Official by means of a simple majority.

§ 88-22. - Records and copies.

The decision of the board shall be recorded. Copies shall be furnished to the appellant and to the appropriate Building or Code Official.

§ 88-23. - Administration.

The appropriate Building or Code Official shall take immediate action in accordance with the decision of the Board.

§ 88-24. - Court review.

Any person, whether or not a previous party of the appeal, shall have the right to apply to the Superior Court of the State of Delaware in the applicable county for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law, following the filing of the Board's decision in the Office of the City Clerk.

§ 88-25. - Stays of enforcement.

Appeals of notices and orders (other than Imminent Danger Notices) shall stay the enforcement of the notice and order until the appeal is complete or the stay is lifted by the Superior Court.

ARTICLE IV - International Swimming Pool and Spa Code

§ 88-26. - Adoption of code.

A certain document, three copies of which are on file in the office of the Department of Planning of the City of Milford, State of Delaware, being marked and designated as the International Swimming Pool and Spa Code, 2018 edition be and is hereby adopted by the City of Milford for regulating and governing the conditions and maintenance of all swimming pools, spas, hot tubs and aquatic facilities. Any additions, insertions, deletions, and changes, if any, are prescribed in § 88-27 of this chapter.

§ 88-27. - Additions, insertions and changes.

A. Chapter 1, Scope and Administration.

(1) Section R101.1. Insert: City of Milford

(2) Section 105, Permits. Replace. Permitting and fees for residential permits shall be subject to the permit requirements of the IRC as adopted by the City of Milford. Permitting and fees for commercial permits shall be subject to the permit requirements of the IBC as adopted by the City of Milford.

(3) Section 107, Violations. Replace. Violations for residential permits shall be subject to the violation requirements of the IRC as adopted by the City of Milford. Violations for commercial permits shall be subject to the violation requirements of the IBC as adopted by the City of Milford.

(4) Section 108, Appeals. Replace. Means of appeal for residential permits shall follow the appeal procedures of the IRC as adopted by the City of Milford. Means of appeal for commercial permits shall follow the appeal procedures of the IBC as adopted by the City of Milford.

Section 5. Dates.

Council Introduction: June 13, 2022

Council Adoption: July 11, 2022

Effective: July 21, 2022

A complete copy of the Code of the City of Milford is available by request through the City Clerk's office at cityclerk@milford-de.gov or by accessing the city website at www.cityofmilford.com.

DSN 081822