

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. No permit shall, however, be required for the following items, subject to the exception as noted:

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 or 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.

I. 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 from 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/m<sup>2</sup>) 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”) is amended and shall read as follows:**

**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, is amended and shall read as follows:**

**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<sup>3</sup>/<sub>8</sub> 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<sup>3</sup>/<sub>8</sub> (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:**

**1030.1 General.**

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<sup>2</sup>) 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 issuance 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 be 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 obtain 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 exceeding 8" @ 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)