



FIRST READING

PROPOSED ORDINANCE #2025-19

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER, IN
COUNCIL MET:

That Chapter 22 – Buildings and Building Regulations, Article III – Building Code, be amended
by inserting the text indicated in bold, blue, italics and deleting the text indicated in red strikethrough
as follows:

Sec.22-61. – Adopted.

TRANSITION, REPEALER, SEVERABILITY, AND EFFECTIVE DATE

Transition rule:

This ordinance takes effect immediately upon adoption. Notwithstanding its immediate effectiveness, a project may, at the owner's or applicant's written election, be designed, submitted, reviewed, and permitted under the codes in effect immediately before this ordinance if the owner or applicant demonstrates that: (1) a registered design professional was retained for the project under a written contract or other written engagement before the effective date; and (2) that design professional performed active design work on the project during the six months immediately preceding the effective date. The building official may require the written contact or engagement together with dated drawings, specifications, invoices, progress reports or other records reasonably sufficient to establish eligibility. This exception applies only to the project and scope documented and does not waive any applicable zoning, floodplain, fire, utility, licensing or other approval. A permit validly issued before the effective date remains governed by the prior code while the permit remains valid.

Repealer

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict. The repeal of the ICC Performance Code for Buildings and Facilities is express and complete.

Severability

If any provision, sentence, clause, section, or application of this ordinance is held invalid, the invalidity does not affect any other provision or application that can be given effect without the invalid provision or application.

Effective date (*)Insert final adopted date)**

(a) *International Building Code adopted.* ~~Certain documents, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as “The International Building Code, 2009 Edition”~~ **A copy of the “International Building Code, 2024 Editions,”** as published by the International Code Council ~~be,~~ **and is available at the International Code Council Website (codes.iccsafe.org)** and is hereby adopted as the Building Code of the City of Dover ~~in the State of Delaware;~~ for the control of buildings and structures. ~~as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of said International Building Code, are hereby referred to, adopted and made a part hereof~~ **The code is adopted** as if fully set out **herein, in this section,** with the **following** additions insertions, deletions and changes ~~as follows:~~

Section 101.1 Title. Insert “City of Dover, ~~DE~~**elaware.**” ~~in place of “[NAME OF JURISDICTION]”~~

105.2 Work exempt from permit.

The published 2024 list is adopted

Local approvals preserved. An exemption from a building permit does not exempt any work or development activity from zoning review, a zoning permit, floodplain review, site-plan review, sign approval, utility or right-of-way approval, or any other permit or approval required by the Dover Code or applicable law. This includes accessory structures, buildings, fences and signs.

Building:

- ~~1. One-story detached accessory structures used as tool and storage sheds, playhouses and similar uses, provided that the floor area does not exceed 120 square feet.~~
- ~~2. Oil derricks.~~
- ~~3. Sidewalks and driveways not more than 30 inches (762 mm) above adjacent grade and not over any basement or story below.~~
- ~~4. Painting, papering, tiling, carpeting, cabinets, countertops and similar finish work.~~
- ~~5. Temporary motion picture, television and theater stage sets and scenery.~~
- ~~6. Prefabricated swimming pools accessory to a Group R-3 occupancy provided that the swimming pools are not designed to retain a depth of 24” (610mm) or more, and do not exceed 5,000 gallons (18925L) and installed entirely above ground.~~
- ~~7. Shade cloth structures constructed for nursery or agricultural purposes, not including service systems.~~
- ~~8. Swings and other playground equipment accessory to a one or two-family dwelling. Window awnings supported by an exterior wall which do not project more than 54 inches (1372 mm) from the exterior wall and do not require additional support of Group R-3 and U Occupancies.~~

83 ~~9. Non-fixed and moveable fixtures, cases, racks, counters and partitions not over~~
84 ~~5 feet 9 inches (1753 mm) in height.~~

85 *Section 105.5. Expiration.* Insert the following text following the word “demonstrated” at the end
86 of the section: “and does not exceed the 3 year time limit as stated in 105.5.2.”; and insert the
87 following subsections:
88

89 *105.5.1. Time limitation of permit.* A permit for any activity for which a permit is required
90 shall be valid for 180 days from the date of issuance. One 180-day extension may be granted
91 without additional charge to the permit holder. Additional 180-day extensions may be granted with
92 payment of a renewal fee as specified in Appendix F: Fees and Fines.
93

94 *105.5.2. Completion of construction.* All construction for which a building permit is required
95 must be completed and pass final inspection within three (3) years after issuance of the
96 building permit. If not completed within three (3) years, a new building permit must be
97 obtained and any ~~associated fees paid incurred by the previous submission.~~ **applicable fees**
98 **paid. Fees paid under the expired permit are not credited unless the building official approves a**
99 **credit in writing.**

100 101 *SECTION 107 SUBMITTAL DOCUMENTS*

102 *107.1 Submittal documents.* Insert: ~~“Construction documents, statement of special~~
103 ~~inspections, structural observation programs and other data, for new construction, alterations,~~
104 ~~repairs, expansion, additions or modifications of buildings or structures, which involve the practice~~
105 ~~of architecture or engineering, as defined by the professional registration laws of the State of~~
106 ~~Delaware shall be prepared by a registered design professional consistent with the professional~~
107 ~~registration laws of the State of Delaware. Construction documents shall include the name, address~~
108 ~~and license or registration number of the registered design professional and shall be signed, sealed~~
109 ~~and dated by the registered design professional in accordance with the professional registration or~~
110 ~~licensing laws, statutes, regulations or administration provisions of the State of Delaware.” in place~~
111 ~~of “Submittal documents consisting of construction documents, statement of special inspections,~~
112 ~~geotechnical report and other data shall be submitted in two or more sets with each permit~~
113 ~~application. The construction documents shall be prepared by a registered design professional~~
114 ~~where required by the statutes of the jurisdiction in which the project is to be constructed.”~~

115 **Construction documents and other data shall be submitted in one paper set and in an approved**
116 **digital format. One reviewed paper set or an approved digital set shall be returned or made**
117 **available to the applicant. Documents involving the practice of architecture or engineering shall**
118 **be prepared, signed, sealed and dated by a Delaware-registered design professional as required**
119 **by Delaware professional-registration law. The building official may require additional**
120 **documents where special conditions exist and may waive documents not required by law when**
121 **they are unnecessary to determine code compliance. The building official has the authority to**
122 **remove the requirement for a paper set.**

123
124 *109.3 BUILDING PERMIT VALUATIONS* ~~“see Section 22-65 Fees for permits” in place~~
125 ~~of “in accordance with the schedule as established by the applicable governing authority”. New~~
126 ~~construction valuation will be confirmed using the most current ICC valuation chart information~~
127 ~~unless otherwise approved by the authority having jurisdiction.~~

128 “See Section 22-65 and Appendix F—Fees and Fines of the City of Dover Code of Ordinance.”

129 New-construction valuation shall be calculated using the most recently published ICC Building
130 Valuation Data table unless otherwise approved in writing by the building official.

131
132 *SECTION 113 BOARD OF APPEALS.* ~~See Chapter 22—Buildings and Building Regulations,~~
133 ~~Article I—In General, Sec. 22-1 Construction and property maintenance code board of appeals.~~
134 .See Section 22-1 of the City of Dover Code of Ordinance.”, Construction and property
135 maintenance code board of appeals.

136
137 *Section 114.4 Violation Penalties.* Any person who violates a provision of this code or fails
138 to comply with any of the requirements thereof or who erects, constructs, places, alters, repairs, a
139 building or structure in violation of the approved construction documents or directive of the
140 building inspector, or of a permit or certificate issued under the provisions of this code shall be
141 charged with a violation of this code and be guilty of a misdemeanor, punishable by a fine as
142 provided for in Appendix F—Fees and Fines, or by imprisonment thirty (30) days, or both such
143 fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

144
145 *Section ~~114.3~~ 115.3 Unlawful continuance.* Insert: "Any person who shall continue any
146 work after having been served with a stop work order, except such work as that person is directed
147 to perform to remove a violation or unsafe condition, shall be charged with a violation of this
148 section and shall be fined as provided for in Appendix F—Fees and Fines. ~~Repeat offenders shall~~
149 ~~not receive warnings and shall instead be subject to progressively increasing fines as provided for~~
150 ~~in Appendix F—Fees and Fines.~~ Each day that a violation continues shall be deemed a separate
151 offense." in place of: "Any person who shall continue any work after having been served with a
152 stop work order, except such work as that person is directed to perform a violation or unsafe
153 condition, shall be subject to penalties as prescribed by law."

155 Energy and flood-resistant construction

156 *Section 1301.1.1, Criteria.* Buildings shall be designed and constructed in accordance with the
157 Statewide Energy Conservation Code then in effect under 16 Del. C. ch. 76 and 7 DE Admin. Code
158 2101

159
160 *Section 1612.3.* ~~Flood Insurance Study for the City of Dover, dated July 7, 2014, or as~~
161 ~~subsequently amended or revised.~~

162 The flood hazard areas identified by the Federal Emergency Management Agency in the Flood
163 Insurance Study for Kent County, Delaware, and Incorporated Areas, effective July 7, 2014,
164 together with the accompanying Flood Insurance Rate Maps and all subsequent amendments,
165 revisions and Letters of Map Change, are adopted by reference. Chapter 50 of the Dover Code
166 controls where it is more restrictive.

167 *Section 1612.4.1 Elevation requirements.* ~~The minimum elevation requirements shall be as~~
168 ~~specified in ASCE 24 or the base flood elevation plus 18 inches, whichever is higher.~~
169 The minimum elevation shall be the elevation required by ASCE 24, the design flood elevation, or
170 the base flood elevation plus 18 inches, whichever is highest.

171 Appendix G, Flood-Resistant Construction. Appendix G is adopted in its entirety. Chapter 50 of the
172 Dover Code controls where it is more restrictive.

Section 3410.2 Applicability. Insert "April 4, 1984" in place of [DATE TO BE INSERTED BY THE JURISDICTION. NOTE: IT IS RECOMMENDED THAT THIS DATE COINCIDE WITH THE EFFECTIVE DATE OF BUILDING CODES WITHIN THE JURISDICTION].

(b) *International Residential Code Adopted.* ~~That certain document, three copies of which are on file in the Licensing and Permitting Office in the city, being marked and designated as the International Residential Code 2009 edition, as published by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building, mechanical, plumbing and electrical systems in the city and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Residential Code, as referenced in the building code adopted in subsection (a), published by the International Code Council, on file in the office of the city are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections of the International Residential Code are hereby revised:~~

A copy of the International Residential Code for One- and Two-Family Dwellings, 2024 Edition, as published by the International Code Council, shall be authenticated and recorded by the City Clerk and is adopted for regulating one- and two-family dwellings and townhouses within its published scope, subject to the following local amendments:

Section 101.1 Title. Insert "City of Dover, ~~De~~laware" in place of "[NAME OF JURISDICTION]"

Section R101.2, Scope. A home day-care facility serving twelve or fewer children may be within the scope of this code only as provided in Section 22-61(a) and Appendix BD. Adoption of Appendices BB or BC does not authorize a tiny house or accessory dwelling unit where the use, density, lot, dimensional, parking or other development standard is not permitted by the Dover Zoning Ordinance.

Section R105.2. Work exempt from permit, Building - 1. Insert "120" in place of "200". Delete numbers 2 through 5 in their entirety. Replace number 7 with the following: "Prefabricated swimming pools accessory to a Group R-3 occupancy provided that the swimming pools are not designed to retain a depth of 24" (610 mm) or more, and do not exceed 5,000 gallons (18925L) and installed entirely above ground. **An exemption from a building permit does not exempt any work or development activity, including an accessory structure or deck, from zoning review, a zoning permit, floodplain review or another approval required by the Dover Code or applicable law.**

SECTION R106 CONSTRUCTION DOCUMENTS

R106.1 Submittal documents. Insert: ~~"Construction documents, statement of special inspections, structural observation programs and other data, for new construction, alterations, repairs, expansion, additions or modifications of buildings or structures, shall be submitted in 2 sets and~~

~~as defined by the professional registration laws of the State of Delaware and be prepared by a registered design professional consistent with the professional registration laws of the State of Delaware. Construction documents shall include the name, address and license or registration number of the registered design professional and shall be signed, sealed and dated by the registered design professional in accordance with the professional registration or licensing laws, statutes, regulations or administration provisions of the State of Delaware." in place of "shall be prepared by a registered design professional where required by the statutes of the jurisdiction in which the project is to be constructed". Where special conditions exist, the building official is authorized to require additional construction documents as described here.~~

Construction documents and other data shall be submitted in one paper sets and an approved digital format. One reviewed paper set or approved digital set shall be returned or made available to the applicant. Documents shall be prepared, signed, sealed and dated by a Delaware-registered design professional where required by Delaware law. The building official may require additional information or waive documents not required by law when they are unnecessary to determine compliance. The building official may change the paper requirement as needed.

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 this code.

SECTION R108 FEES

R108.2 Schedule of permit fees. Insert "see Section 22-65 Fees for permits " in place of "in accordance with the schedule as established by the applicable governing authority".

SECTION R112 BOARD OF APPEALS See Chapter 22 - Buildings and Building Regulations, Article I - In General, Sec. 22-1 Construction and property maintenance code board of appeals.

SECTION R113 VIOLATIONS

Section 113.4 Violation Penalties. Insert "See Section 22-61 (a) Section 113.4 Violation Penalties" in place of "Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, repairs, a building or structure in violation of the approved construction documents or directive of the building inspector, or of a permit or certificate issued under the provisions of this code, shall be subject to penalties as prescribed by law."

SECTION R114 STOP WORK ORDER

Section R114.2 Unlawful continuance. Insert: "See Section 22-61 (a) International Building Code, Section 114.3 Unlawful continuance" in place of "Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform a violation or unsafe condition, shall be subject to penalties as prescribed by law."

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

Ground Snow Load	Wind Design		Seismic Design Category ^f	Subject to Damage From			Winter Design Temp ^e	Ice Barrier Under- layment Required ^h	Flood Hazards ^g	Air Freezing Index ⁱ	Mean Annual Temperature ^j
	Speed ^d (mph)	Topo- graphic effects ^k		Weathering ^a	Frost line Depth ^b	Termite ^e					
25	95 gust 77 fastest	NO	A	Severe	24"	Moderate To Heavy	14°	NO	Adopted in Chapter 50 of the Code of the City of Dover	450	55°
Status		Snow		Wind	Seismic	Weather / Frost	Termite	Winter / AFI / Mean		Flood	
Delete		25 psf		95 gust / 77 fastest	A	Severe / 24 in.	Moderate to heavy	14°F / 450 / 55°F		May 5, 2003	
Adopt		25 psf		115 mph; topographic effects, special wind region and wind-borne debris zone: No	A	Severe / 24 in.	Yes (moderate to heavy)	18°F / 596 / 54°F		Chapter 50; July 7, 2014 FIS/FIRM, as revised	

Wind exposure category and site-specific design conditions remain determined under the published code.

Table R301.2(1), footnote (g): September 16, 1982, Flood Insurance Study for Kent County and Incorporated Areas, dated July 7, 2014, or as subsequently amended or revised.

Table R301.5 MINIMUM UNIFORMLY DISTRIBUTED LIVE LOADS. Insert the following at the end of footnote "c": Calculations demonstrating compliance with the minimum live load shall be provided by a registered design professional for stairs and fire escapes that do not have additional "stringer" or "carriage" support located and equally distributed in the middle section of the stair width.

~~SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS—Delete this section in its entirety.~~

Adopt as published.

Applicability to existing dwellings. Section R309 applies to newly constructed dwellings and townhouses. An existing dwelling is not required to retrofit an automatic sprinkler system solely because the City adopts the 2024 IRC. This provision does not waive a sprinkler requirement independently triggered by new construction, an addition, alteration, change of occupancy, unsafe condition or another applicable law.

Section **R329.2, Stationary engine generators—Installation.** Replace the reference to IRC fuel-gas and electrical chapters with “the Statewide Fuel Gas Code and the edition of NFPA 70 adopted and amended by the Delaware State Fire Marshal.”

Section **R306.1.4, Establishment of design flood elevation.** The design flood elevation shall be established using Chapter 50 and the FEMA Flood Insurance Study and Flood Insurance Rate Maps for Kent County, Delaware, and Incorporated Areas, (Date as of this adoption) effective July 7, 2014, as amended or revised.

Section **903.2.1, Group A.** ~~Delete this section in its entirety and substitute Section 46-162. The published requirements of Section 903.2.1 remain in effect. The additional local sprinkler requirements in Section 46-162 are supplemental; where requirements differ, the more restrictive requirement applies.~~

Section **1105.1.1 and Table 1105.1.1.** ~~Delete the table and replace its occupancy thresholds with all places of public accommodation. Retain the published section and table. In addition, each main public entrance to a newly constructed place of public accommodation shall have an automatic door or a qualifying calling device as required by 6 Del. C. § 4504(d).~~

~~*R322.2.1 Elevation requirements.*~~

~~1.—Buildings and structures in flood hazard areas not designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 18 inches or the design flood elevation, whichever is higher.~~

~~2.—Buildings and structures in flood hazard areas designated as Coastal A Zones shall have the lowest floors elevated to or above the base flood elevation plus 1 foot (305 mm), or to the design flood elevation, whichever is higher.~~

~~3.—In areas of shallow flooding (AO Zones), buildings and structures shall have the lowest floor (including basement) elevated at least as high above the highest adjacent grade as the depth number specified in feet on the FIRM plus 18 inches or at least 3.5 feet if a depth number is not specified.~~

~~4.—Basement floors that are below grade on all sides shall be elevated to or above the base flood elevation plus 18 inches or the design flood elevation, whichever is higher.~~

~~Exception: Enclosed areas below the design flood elevation, including basements whose floors are not below grade on all sides, shall meet the requirements of Section R322.2.2.~~

Sections **R306.2.1 and R306.3.2, Elevation requirements.** Where the published code establishes elevation using the base flood elevation, the required elevation shall be the design flood elevation or the base flood elevation plus 18 inches, whichever is higher. In Zone AO, the lowest floor shall be elevated above the highest adjacent grade by the mapped depth plus 18 inches, but not less

than 3.5 feet where no depth number is specified. Chapter 50 controls where it is more restrictive.

CHAPTER 4 FOUNDATIONS

SECTION R403 FOOTINGS

~~R403.1.1 Minimum size. Insert "The minimum thickness of a footing shall be the nominal width of the wall but not less than 8 inches. The nominal width of the footings shall be twice the nominal thickness of the wall. Two-story sections of a building shall have a minimum footing width of 24 inches and a minimum footing depth of 10 inches." in place of " Minimum sizes for concrete and masonry footings shall be as set forth in Table R403.1 and Figure R403.1(1). The footing width, W, shall be based on the load bearing value of the soil in accordance with Table 401.4.1. Spread footings shall be at least 6 inches in thickness. Footing projections, P, shall be at least 2 inches and shall not exceed the thickness of the footing." Insert ", but in all cases shall be a minimum of 24 inches × 24 inches × 12 inches deep." at the end of the following sentence: "The size of footings supporting piers and columns shall be based on the tributary load and allowable soil pressure in accordance with Table 401.4.1."~~

~~———— R403.1.2 Continuous footings in Seismic Design Categories D1 and D2. Delete in its entirety and Insert: R403.1.2 Footing reinforcement. Footings shall be reinforced with a minimum of two #4 rebar wired together with a minimum 15" overlap; pier footings with a minimum of two #4 rebar wired together in two directions, and column footings with three #4 rebar wired together in two directions.~~

Minimum size. All continuous footings shall be a minimum of 8 inches in depth by 16 inches in width. Footings shall be sized to support imposed loads. Footing projections, P, shall be not less than 2 inches (51 mm) and shall not exceed the footing thickness. Footing thickness and projection for fireplaces shall comply with Section R1001.2. Footings supporting piers and columns shall be sized for tributary load and allowable soil pressure under Table R401.4.1. Footings for wood and precast foundations shall comply with the applicable published details, tables and figures in Sections R403.2 and R403.4.

Exceptions:

1. Minimum footings for single-story decks shall be three times the widest nominally measured side of the post and shall be sized to support imposed loads; interior posts ordinarily support more load than perimeter posts.
2. Decks having vertical members spaced 6 feet (1,829 mm) on center or less may be placed on a 4-inch (101 mm) concrete pad where the vertical members are placed 12 inches (305 mm) inside the pad perimeter and all corners are anchored with approved anchoring devices. Decks 20 feet (6,096 mm) or more in length shall have two additional anchors on each side at mid-span.
3. Residential accessory structures less than 300 square feet (27.9 m²), other than pole buildings and garages, shall be leveled and secured with tie-downs or equivalent manufactured-home anchoring devices, one at each corner. Structures 20 feet (6,096 mm) or more in length shall have two additional anchors on each side at mid-span. Lumber and wood siding from grade to 8 inches (203 mm) above finished grade shall be pressure treated in accordance with Section R317.
4. Prefabricated room enclosures shall be placed on an approved support system in accordance with the manufacturer's installation instructions.

~~R403.1.3 Seismic reinforcing. Delete in its entirety.~~

R403.1.4 Minimum Depth. Insert "24" in place of "12".

Amend R403.1.4.1 Frost protection—Exceptions to read:

~~1. Frost Protection of freestanding residential accessory/utility structures with an area of 240 square feet or less and an eave height of 10 feet or less, except for pole buildings and garages, shall not be required to be frost protected. Freestanding accessory structures (sheds) between 120 sf and 240 sf shall be secured with tie downs or equivalent manufactured home fastening devices on each corner. Structures 20 feet or more in length shall have additional anchors attached in the center of each side unless frost protection applies as stated herein. All accessory/utility structures greater than 240 square feet, all pole buildings and all garages shall have frost protection (footings).~~

~~2. Decks not supported by a dwelling shall also be provided with footings that extend below the frost line. Single story supported in part by a dwelling and with 4" × 4" posts shall have footings that are a minimum of 8 inches in diameter; with 6" × 6" posts a minimum of 12" diameter is required; the bottom of all such footings shall be a minimum of 24" below finished grade and be at least 6" deep.~~

~~Footings shall not bear on frozen soil unless such frozen condition is of a permanent character.~~

The exception is revised to coordinate with Section R403.1.1: freestanding accessory structures of less than 300 square feet, other than pole buildings and garages, may use the anchoring method in Section R403.1.1, Exception 3. All pole buildings, garages and accessory structures of 300 square feet or more shall have frost-protected footings. Footings shall not bear on frozen soil unless the frozen condition is permanent.

~~(c) *The ICC Performance Code for Buildings and Facilities.* That certain documents, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "The ICC Performance Code for Buildings and Facilities 2009 Edition" as published by the International Code Council be and is hereby adopted as the Performance Code of the City of Dover in the State of Delaware for regulating and governing the performance-based design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of building and/or fire protection systems in the city.~~

~~(d) *The International Existing Building Code.* That certain documents, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "The International Existing Building Code 2009 Edition" as published by the International Code Council be and is hereby adopted as the Existing Building Code of the City of Dover in the State of Delaware for regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided.~~

(e) ~~The International Energy Conservation Code. That certain documents, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "The International Energy Conservation Code 2009 Edition" as published by the International Code Council be and is hereby adopted as the Energy Conservation Code of the City of Dover in the State of Delaware for regulating and governing energy efficient building envelopes and installation of energy efficient mechanical, lighting and power systems as herein provided.~~

Chapter 11, Energy efficiency. Delete the chapter and substitute: "Buildings shall comply with the Statewide Energy Conservation Code then in effect under 16 Del. C. ch. 76 and 7 DE Admin. Code 2101."

Chapters 12 through 43. Delete Chapters 12 through 43, including all tables and figures. Mechanical, fuel-gas and plumbing work is governed by the applicable Statewide Codes, and electrical work is governed by NFPA 70 as adopted and amended by the Delaware State Fire Marshal.

IRC appendices adopted

Appendix BB, Tiny Houses, is adopted in its entirety.

Appendix BC, Accessory Dwelling Units (ADU), is adopted in its entirety.

Appendix BD, Home Day Care Occupancy—R-3, is adopted in its entirety.

Appendix BO, Existing Buildings and Structures, is adopted in its entirety.

Appendices BB and BC regulate construction only and do not authorize a land use or dwelling unit not permitted by the Dover Zoning Ordinance. Appendix BD is subject to the licensing, zoning and inspection conditions in Section 22-61(a). Appendix BO applies only to buildings within the IRC scope; Chapter 50 and any more restrictive applicable provision control.

Appendix NE, Electric Vehicle Charging Infrastructure, is not separately adopted because the Statewide Energy Conservation Code includes the state-adopted Appendix RE.

~~**(c) ICC Performance Code for Buildings and Facilities.**~~

~~The ICC Performance Code for Buildings and Facilities, 2009 Edition, is adopted. Subsection (c) is repealed in its entirety.~~

~~**(d)(c) International Existing Building Code. The International Existing Building Code, 2009 Edition**~~
The International Existing Building Code, 2024 Edition, as published by the International Code Council, is adopted by reference for the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings.

A copy shall be authenticated and recorded by the City Clerk. No IEBC appendix is adopted.

Section 202, General definitions. Add: "International Fuel Gas Code means the Statewide Fuel Gas Code; International Mechanical Code means the Statewide HVACR Code; International Plumbing Code means the Statewide Plumbing Code; and International Energy Conservation Code means the Statewide Energy Conservation Code."

The proposed amendment changing the IEBC definition of "Existing building" from "building permit" to "certificate of occupancy" is deleted; the published definition is retained.

The proposed deletions of Sections 406, 806 and 1007 are deleted; those published sections are retained.

Appendix E is not adopted.

~~(e)(d) Statewide Energy Conservation Code. The International Energy Conservation Code, 2009 Edition, is adopted.~~ Pursuant to 16 Del. C. ch. 76, the City shall enforce the Statewide Energy Conservation Code then in effect as adopted and amended by the Delaware Department of Natural Resources and Environmental Control or its successor. As of this draft, the statewide code is based on the 2024 IECC for residential construction and the 2024 IECC/ASHRAE 90.1-2022 for commercial and high-rise residential construction, including state-adopted Appendices RE and CB. The controlling edition and effective date are those established by state law and regulation; no local appendix of adoption dates is created.

(e) International Swimming Pool and Spa Code.

~~The International Existing Building Code, 2009 Edition~~ The International Swimming Pool and Spa Code, 2024 Edition, as published by the International Code Council, is adopted by reference for the construction, alteration, movement, renovation, replacement, repair and maintenance of swimming pools, spas, hot tubs and aquatic facilities. A copy shall be authenticated and recorded by the City Clerk.

Section 202, General definitions. Add the same Statewide Code definitions stated for IEBC Section 202 above.

Sections 305.4 and 305.5. The proposed local weakening of structure-wall and on-ground-pool barrier provisions is deleted. The published 2024 barrier provisions are retained without local amendment.

Section 406.2, Pool perimeter access. Delete the published subsection and substitute: "Walkways. Public swimming pools shall have walkways not less than 4 feet in width extending around the pool. Curbs and sidewalks around a public swimming pool shall have a slip-resistant surface and shall be arranged to prevent the return of surface water to the pool."

BE IT FURTHER ORDAINED:

That Chapter 22 – Building and Building Regulations, Article V – Mechanical Code be amended by inserting the text indicated in bold, blue, italics, and deleting the text indicated in red strikeout as follows:

Sec. 22-141. – Adopted.

~~(a) Certain documents, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as the International Mechanical Code 2009 Edition, including appendix chapter "A", as referenced in the building code adopted in 22-61(a), published by the International Code Council, be and is hereby adopted as the code of the city for regulating the design, construction, quality of materials, erection, installation, alteration, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the city and providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, as referenced in the building code adopted in section 22-~~

~~61(a), published by the International Code Council, on file in the office of the city are hereby referred to, adopted and made a part hereof as if fully set out in this section. The following sections of the International Mechanical Code are hereby revised:~~

Pursuant to 24 Del. C. ch. 18, the City shall enforce the Statewide HVACR Code then in effect as adopted and modified by the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners. As of this draft, the statewide code is based on the 2015 International Mechanical Code. The controlling edition and effective date are those established by state law and regulation. Local administrative amendments below apply only to the extent permitted by state law and approved by the State Board where approval is required.

Section 101.1 Title. Insert "City of Dover, **DE**laware" in place of "[NAME OF JURISDICTION]"

106.5 Fee Schedule. Insert "See DCO Section 22-145 **and Appendix F-Fees and Fines Heating, air conditioning, and heat pump permit fees**" in place of ~~"The fees for all mechanical work shall be as indicated in the following schedule:"~~

~~In place of:~~

Section 106.5.3 Fee refunds. Delete in its entirety.

SECTION 108 VIOLATIONS

Section 108.4 Violation Penalties. ~~Insert "See Section 22-61(a) International Building Code Section 113.4, Violation Penalties" in place of "Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alters, or repair, a plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT], or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."~~
See IBC Section 114.4 as locally amended in Section 22-61(a).

Section 108.5 Stop work orders. ~~Insert "See 22-61(a) International Building Code, Section 114.3 Unlawful continuance" in place of "Upon notice from the code official that mechanical work is being done contrary to the provisions of this code or in a dangerous and unsafe manner such work shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to remove a violation or unsafe condition, shall be charged with a violation of this section and shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars"~~

See IBC Section 115.3 as locally amended in Section 22-61(a).

549 *SECTION 109 MEANS OF APPEAL.* Delete section in its entirety.

550
551 ~~(b) If any section, subsection, sentence, clause or phrase of this section is, for any reason, held~~
552 ~~to be unconstitutional, such decision shall not affect the validity of the remaining portions~~
553 ~~of this section. The city council hereby declares that it would have passed the ordinance~~
554 ~~from which this section derives, and each section, subsection, clause or phrase thereof,~~
555 ~~irrespective of the fact that any one (1) or more sections, subsections, sentences, clauses~~
556 ~~and phrases be declared unconstitutional.~~

557 **BE IT FURTHER ORDAINED:**

558
559 That Chapter 22 – Building and Building Regulations, Article VI – Plumbing Code be amended
560 by inserting the text indicated in bold, blue, italics, and deleting the text indicated in red strikethrough
561 as follows:

562
563 **Sec. 22-181. - Adopted.**

564 (a) ~~*[International Plumbing Code.]* Certain documents, three copies of which are on file in the~~
565 ~~Licensing and Permitting Office in the city, being marked and designated as International~~
566 ~~Plumbing Code 2009, including appendix chapters B, C, D, E, F, G, as referenced in the~~
567 ~~building code adopted in 22-61(a), published by the International Code Council, be and is~~
568 ~~hereby adopted as the code of the city for regulating the design, construction, quality of~~
569 ~~materials, erection, installation, alteration, repair, location, relocation, replacement,~~
570 ~~addition to, use or maintenance of plumbing systems in the city and providing for the~~
571 ~~issuance of permits and collection of fees therefore; and each and all of the regulations,~~
572 ~~provisions, conditions and terms of such International Plumbing Code, as referenced in the~~
573 ~~building code adopted in 22-61(a), published by the International Code Council, on file in~~
574 ~~the office of the city are hereby referred to, adopted and made a part hereof as if fully set~~
575 ~~out in this section. The following sections are hereby revised:~~

576
577 ~~*Exception:* The 2009 International Private Sewage Disposal portion of this code is not~~
578 ~~adopted, as enforced by other authorities having jurisdiction.~~

579 **Statewide Plumbing Code.** Pursuant to 16 Del. C. ch. 79, the City shall enforce the
580 **Statewide Plumbing Code then in effect as adopted and modified by the Delaware**
581 **Division of Public Health. As of this draft, the statewide code is based on the 2021**
582 **International Plumbing Code. The controlling edition and effective date are those**
583 **established by state law and regulation. Local water, wastewater and administrative**
584 **requirements apply only to the extent allowed by state law. The International Private**
585 **Sewage Disposal Code is not adopted because private sewage disposal is enforced by**
586 **other authorities having jurisdiction.**

587
588 *Section 101.1 Title.* Insert "City of Dover, **DE**laware" in place of "[NAME OF
589 JURISDICTION]"
590

Section 106.6.2 Fee Schedule. Insert ~~"See Section 5.75-22-65 Permit Fees"~~ in place of ~~"The fees for all plumbing work shall be as indicated in the following schedule"~~
"See Section 22-185 and Appendix F—Fees and Fines."

[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]".

Section 106.6.3 Fee refunds. Delete in its entirety.

Section 108.4 Violation Penalties. Insert: ~~"See Section 22-61(a) International Building Code Section 113.4, Violation Penalties"~~ in place of ~~"Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alters, or repair, a plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense."~~

See IBC Section 114.4 as locally amended in Section 22-61(a).

Section 108.5 Stop work orders. Insert ~~"See Section 22-61(a) International Building Code, Section 114.3 Unlawful continuance"~~ in place of ~~"Upon notice from the code official, work on any plumbing system that is being done contrary to the provisions of this code or in a dangerous and unsafe manner shall immediately cease. Such notice shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. The notice shall state the conditions under which work is authorized to resume. Where an emergency exists, the code official shall not be required to give a written notice prior to stopping work. Any person who shall continue any work in or about the structure after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be charged with a violation of this section and shall be liable to a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars"~~

See IBC Section 115.3 as locally amended in Section 22-61(a).

(b) ~~International Fuel and Gas Code. That certain documents, three copies of which are on file in the Licensing and Permitting Office of the city being marked and designated as "The International Fuel and Gas Code, 2009 Edition" as published by the International Code Council be and is hereby adopted as the Fuel and Gas Code of the City of Dover in the State of Delaware; for regulating and governing fuel gas systems and gas fired appliances as herein provided.~~

(b) Statewide Fuel Gas Code. Pursuant to 24 Del. C. ch. 18, the City shall enforce the Statewide Fuel Gas Code then in effect as adopted and modified by the Delaware Board of Plumbing, Heating, Ventilation, Air Conditioning and Refrigeration Examiners. As of this draft, the

statewide code is based on the 2015 International Fuel Gas Code. The controlling edition and effective date are those established by state law and regulation.

(c) ~~[Severability.] That if any section, subsection, sentences, clause or phrase of this section is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this section. The city council hereby declares that it would have passed the ordinance from which this section derives, and each section, subsection, clause and phrase therefore, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.~~

The severability paragraph formerly codified as subsection (c) is deleted; a single ordinance-wide severability clause appears below. Sections 22-182 through 22-186 otherwise remain unchanged.

BE IT FURTHER ORDAINED:

That Chapter 22 – Building and Building Regulations, Article VII – Property Maintenance Code be amended by inserting the text indicated in bold, blue, italics, and deleting the text indicated in red strikeout as follows:

Sec. 22-221. – Adopted.

(a) A certain document, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "The International Property Maintenance Code, ~~2009~~ 2024" as published by the International Code Council, be and is hereby adopted as the Property Maintenance Code of the City of Dover, in the State of Delaware; for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said property maintenance code are hereby referred to, adopted, and made a part hereof, as if fully set out in this section, with the following additions, insertions, deletions and changes:

Section 101.1 Title. Insert "City of Dover, ~~De~~elaware" in place of "[NAME OF JURISDICTION]"

SECTION 111 MEANS OF APPEAL See Chapter 22 - Buildings and Building Regulations, Article I - In General, Sec. 22-1 Construction and property maintenance code board of appeals.

103.1 *Creation of enforcement agency.* Insert "Department of Planning and Inspections" for the name of the department of building safety and "building official" for the title of the official in charge.

Section 302.4, Weeds. Insert "8 inches" in place of "[JURISDICTION TO INSERT HEIGHT IN INCHES]."

Section 304.14 Insect screens. Insert "March 1st to November 30th" in place of "[date] to

[date]".

Section 602.3 Heat supply. Insert "September 15th to May 1st" in place of "[date] to [date]".

Section 602.4. Occupiable work spaces. Insert "September 15th to May 1st" in place of "[date] to [date]".

(b) It shall be unlawful for any person to violate any of the provisions of the publication adopted in subsection (a).

BE IT FURTHER ORDAINED:

That Chapter 46 – Fire Prevention and Protection, Article III – Fire Codes, Section 46-121. - Adopted be amended by inserting the text indicated in bold, blue, italics, and deleting the text indicated in red strikeout as follows:

Sec. 46-121. – Adopted.

(a) *International Fire Code adopted.* A certain document, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "International Fire Code, ~~2009~~ 2024 Edition," as published by the International Code Council, be and is hereby adopted as the Fire Prevention Code of the City of Dover in the State of Delaware; for the control of buildings, structures and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said International Fire Code, are hereby referred to, adopted and made part hereof as if fully set out in this section, with additions, insertions, deletions and changes as follows:

Section 101.1 Insert "City of Dover, **Delaware**", in place of [NAME OF JURISDICTION].

Section 103.1, Creation of agency. Insert “City of Dover Fire Marshal’s Office” and “fire code official.”

~~Delete in their entirety: Sections 105.6 Required operational permits, through 105.7.12 Temporary membrane structures, tents, and canopies.~~

Sections 105.5 and 105.6, Required operational and construction permits. Delete the published permit lists. Permit requirements expressly established elsewhere in Chapter 46 remain in effect.

(b) National Fire Codes adopted. There is hereby adopted the most recently published edition of the National Fire Prevention Association's (NFPA) National Fire Codes (excluding NFPA Codes 11C, 13E, 402M, -41s, 422, 424M-473, 901-906, 1001-1041, 1201-1410, 1452-1999, 5000), ~~three copies of which are on file in the office of the fire marshal.~~

(c) The more restrictive provisions of the International Fire Codes as set forth in subsection (a) above or the National Fire Codes as set forth in subsection (b) above shall apply whenever they may be in conflict.

(d) It shall be unlawful for any person to violate any of the provisions of the publications adopted in subsection (a) or (b).

BE IT FURTHER ORDAINED:

That Appendix F – Fees and Fines, Chapter 22 – Buildings and Building Regulations, Article III – Building Code, be amended by inserting the text indicated in bold, blue, italics, and deleting the text indicated in red strikeout as follows:

Chapter 22. Buildings and Building Regulations	Fees and Fines
<i>Article III. Building Code</i>	
Sec. 22-61. Adopted (International Building Code)	
Sec. 105.5.1. Expiration; Additional 180-day extensions may be granted with payment of a renewal fee	\$25.00 per 180-day extension
Sec. 22-65. Permit fees	
Fees shall double in the event that a permit is applied for after construction has commenced without the permission of the building inspector. The building inspector may waive the doubling of fees in cases where the building permit applicant is not a professional contractor, and the work is not being done by a professional contractor.	
Subsec. (a) Building permits	\$25.00 for first \$1,000.00 of costs and \$8.00 for each additional \$1,000.00 of costs or multiples thereof up to \$10,000,000.00 of costs, \$6.00 for each additional \$1,000.00 of costs or multiple thereof up to \$20,000,000.00, and \$5.00 for each additional \$1,000.00 of costs or multiple thereof above \$20,000,000.00
Subsec. (a) Fence permits	\$25.00 for first \$1,000.00 of costs and \$8.00 for each additional \$1,000.00 of costs or multiple

	thereof
Subsec. (a) Sign permits	\$0.75 per square foot of sign area; minimum fee for each permit \$50.00
Subsec. (a) Swimming pool permits	\$25.00 for first \$1,000.00 of costs and \$8.00 for each additional \$1,000.00 of costs or multiple thereof
Subsec. (a) Demolition permits, any building which is being demolished for the purpose of vacating the land for future development or construction upon the same	\$50.00; \$0.00 if condemned and required to be demolished by the city or any public entity
Subsec. (a) Moving permits, each building	\$250.00
Subsec. (a) Construction plan reviews, nonresidential (Not subject to doubling)	\$20.00 per set of plans
Subsec. (b) Reinspections (Not subject to doubling)	
First reinspection	\$0.00
Second reinspection	\$25.00
Third reinspection	\$50.00
Any subsequent reinspection	\$100.00
Subsec. (d) Fines	\$0.00
Initial Inspection or notification with non-compliance	\$0.00
Second Inspection or notification with non-compliance	\$100.00
Third Inspection or notification with non-compliance	\$200.00
Fourth Inspection or notification with non-compliance	\$300.00
Fifth Inspection or notification with non-compliance	\$500.00
Any subsequent Inspection or notification with non-compliance	\$1,000.00

ADOPTED: *

SYNOPSIS

This ordinance replaces the City of Dover's locally adopted 2009 construction, fire, and property-maintenance codes with the 2024 editions of the applicable International Codes, including the IBC, IRC, IEBC, ISPC, IPMC, and IFC, with Dover-specific amendments. The ordinance also coordinates City regulations with Delaware-controlled energy, mechanical, fuel-gas, and plumbing requirements and updates provisions addressing zoning coordination, residential sprinklers, home day care, tiny houses, accessory dwelling units, flood-resistant construction, permit administration, fees, and fines, while repealing the obsolete 2009 ICC Performance Code.

(SPONSORS: ARNDT and DUCA)

745

746 Action History

747 09/28/2026 – Scheduled for First Reading – City Council

748 08/11/2026 - Introduction – Council Committee of the Whole/ Legislative, Finance, and Administration
749 Committee

750