CONSTRUCTION CODE APPEALS COMMITTEE
A G E N D A

AUGUST 1, 2014 - 11:00 A.M.

CITY HALL CONFERENCE ROOM
15 LOOCKERMAN PLAZA
DOVER, DELAWARE

Public comments are welcomed on any item and will be permitted at appropriate times. When possible, please notify the City Clerk (736-7008 or e-mail at CityClerk@dover.de.us) should you wish to be recognized.

Construction Code Appeals Committee Members
Councilman Adam M. Perza, Chair
Councilman Sean M. Lynn
Scott D. Koenig, City Manager

AGENDA ADDITIONS/DELETIONS

1. **Requests for Waivers**
   - **A. Property Located at 235 W. Loockerman Street *(Denise Anderson)* - Requirement for Sealed Construction Documents and Mechanical Exhaust**
   - **B. Property Located at 147 S. Governors Avenue *(Tiffanee Lee-Scott)* - Requirement for Sealed Construction Documents and Accessible Restroom**

2. **Adjournment**

/dd
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THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS.

From: McDowell, Traci
To: Devine, Denise
Subject: FW: File an Appeal
Date: Monday, July 28, 2014 1:40:40 PM

From: Denise Anderson [redacted]
Sent: Wednesday, July 16, 2014 3:45 PM
To: McDowell, Traci
Subject: File an Appeal

Traci McDowell,

Hi, I was in the City Clerk's Office today in a meeting with Mr. David Anderson, and he recommended that I file my appeal of the Mechanical/ Ventilation Building Code after hearing my case. The reason I am appealing the Code is because I am opening a Nail Salon on Loockerman street in Dover and it is not a typical one that may have a lot of harmful fumes lingering in the air. I am well aware of this as I have been a steady customer myself (of a Nail Salon in Dover DE-Nyugen Creative Nail Salon) for over 16 years and I am very familiar with that familiar fume that brings on the requirement of this Code. I do agree that many Nail Salons in the Dover area that are your basic Nail Salon, that do provide your full Nail Service Pedicures, etc., yes they would need this type or some reliable well built and designed device that will take the harmful fumes from the air and send them outside and not in the lungs of the customers. But many, sadly do not take into consideration or even care about the customer's health and even their own employees just as long as they are making the money and they are providing the service they advertise. They leave any sanitary issues, health concerns and such to a matter of no concern and often very well hidden. They don't ask so we don't tell seems to be their policy. First and foremost, I have respiratory issues myself and I cannot work in an environment 7 days a week, 8-10 hours a day where I can't breathe clean and with minimal fume type air. They need me to run the place so it's most important. For two, I had done a ton of research (literally many hours and a number of days and discussed it with a few very experienced Nail Techs who have been in the business for a quite a few years) went back and forth about the subject I had to find the main source of the dangers (the chemicals) then either eliminate them or use an alternate that does not put out such a strong odor. After finding that it was the Monomer and Polymer in the Acrylic powder (example- it is a white liquid powder substance mixed in a covered dish and applied to the nail with a brush, it's the mixture of the chemicals Monomer and Polymer which together produce a very strong odor) and through my research, talking to potential customers as well, I found out that the latest trend is getting Gel Nails and there is more of a demand and less for the Acrylic which has been around since 1970. They are both pretty much the same but the main comparison is that getting Gel Nail Enhancements is a process of applying a gel substance to the nails and does not emit any strong odor or fumes into the air. No mixing of chemicals in a dish that has to be kept covered at all times. Nail techs are not having to wear respiratory face masks and I thought hard about it, shouldn't the customer be offered a respiratory mask also if that's the

case? I certainly do not want to have to wear one very day when I am working . So there my decision was made to eliminate doing any Acrylics and only offering the Gel Enhancement as a Nail Service we will offer. It makes me feel better to do so because I am offering a more health conscious Personal Service to my customers and safer products I can stand behind as a less harmful fume-free safe Nail Salon. I am also doing Waterless Pedicures, using Non-Acetone Nail Polish remover as one of our products and 3 free OPI Nail Polishes free of Formaldehyde, Toluene, and DBP. I did all the research so they (my customers) can sit back and just relax and feel good about their service as they are supposed to.

After all that being said, I am filing an appeal because even after explaining this to Greg Ackers (Chief Building Inspector) he is not able, he said, to do anything to change the requirement of the Code. I believe that every case is different. I do not know how old the Building Code on Ventilation Systems is but I do know if he is not able to do anything then why are there several Beauty Salons (Beauty Salons were mentioned first on the category specific listing next to Nail Salons) on Loockerman Street that were not required and do not have an Exhaust System. Hair dyes emit fumes also. My main focus and argument is that I have eliminated the source of the fume (for solely my own health concerns and stated above reasons and even long before the Building Inspector required it) and I have done my own work so a very costly Mechanical Device/Building Permits etc is a waste of time and money in my particular aspect and isn't even necessary at all. All it will be doing is costing me a lot of extra money and moving clean air just in case? I can move the air with an Air Purifier which I already have. It doesn't make sense to me to do unnecessary things. I have been for many years a very health conscious person, and not to mention I am Certified as a Physical Fitness Trainer. My knowledge and training is about the body and working efficiently eating right and using the safest methods possible for Physical Fitness. Respiratory Breathing is a subject that I have studied and very important for your body to function properly and efficiently in not just physical exercise but for living a healthy long life. What sense is it to study and become certified and trained in something that you are hypocritical about? I am going to most definitely put every effort to fight this, in my particular case, as an exception to that rule. I will do everything I can to prove my case with any MSDS records requested and documentation that will back it up.

Thanks so much for the opportunity to appeal and will be awaiting your response.

Sincerely,

Denise Anderson (Owner-California Nails)
235 W Loockerman St
Dover, DE 19904
[redacted]

ARTICLE I. IN GENERAL

Sec. 22-1. Construction code appeals committee.
Sec. 22-2. Housing authority created; purpose.
Secs. 22-3—22-30. Reserved.

Sec. 22-1. Construction code appeals committee.

(a) *Established; composition; appointment.* There shall be a committee to be referred to as the "construction code appeals committee," consisting of three members, one of whom shall be the city manager and the other two being elected city officials. The city officials shall be appointed by the city council president at the council annual meeting.

(b) *Appeals.* Whenever any person is aggrieved by a decision of the building inspector with respect to the provision of this chapter, it is the right of that person to appeal to the construction code appeals committee. Such appeal must be filed, in writing, within 30 days after the determination by the building inspector.

(c) *Notice; hearing.* Upon receipt of such an appeal, the construction code appeals committee shall set a time and place in not less than ten, nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction code appeals committee shall be final in all cases.

(Code 1981, § 5-3; Ord. of 4-25-1994)

Sec. 22-2. Housing authority created; purpose.

Created; purpose. There shall be a housing authority as provided in 31 Del. C.

(Ord. of 4-10-2006(1))

Secs. 22-3—22-30. Reserved.

Akers, Gregory C

From: Fred Grable [redacted]
Sent: Friday, July 18, 2014 4:10 PM
To: Akers, Gregory C
Cc: Lis Valdemarsen
Subject: RE: 09 IMC Table 403.3 (Q2) (FG)

Gregory,

Thank you for your inquiry, I have rephrased your question so that I can provide answers with clarity:

Q1: Where a permit is required for existing building work such as a change of function of the space (from one business purpose to another business purpose), are the mechanical plans (part of the construction documents) for the necessary changes to or verification of the ventilation system to be in compliance with the code, required to be "sealed"? "Sealed" in this context meaning reviewed by a registered design professional that is licensed to accept the legal responsibility for the design on the plans such that his (or her) license "seal" must be applied to the plans to indicate acceptance of that responsibility.

A1: See Section 106.3.1, second sentence. The requirement for involving a registered design professional and having them accept the responsibility for the plans (the design) is a matter decided for by each State. The code does not specify when plans need to be "sealed". Please consult your State Building Department to determine which structures and constructions are required to have "sealed" plans.

Q2: Must the space meet the ventilation requirements for nail salons?

A2: Yes. Section 3401.3 of the International Building Code requires alterations in existing buildings be in compliance with the International Mechanical Code.

If you need further information or have questions on the above, please contact me directly by email or telephone.

Code opinions issued by ICC staff are based on ICC published codes and do not include local, state or federal codes, policies or amendments. This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. This opinion does not imply approval of an equivalency, specific product, specific design, or specific installation and cannot be published in any form implying such approval by the International Code Council. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of this code.

Respectfully,

Fred Grable. P.E.
Senior Staff Engineer
International Code Council

[redacted]
www.iccsafe.org

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From: Lis Valdemarsen [redacted]
Sent: Friday, July 18, 2014 10:39 AM
To: Fred Grable
Cc: Akers, Gregory C
Subject: 09 IMC Table 403.3 (Q2) (FG)

Gregory,

I have forwarded your request to Fred Grable.

If you have any questions regarding the status of your reply to your code opinion question, please contact me by either phone or email.

Sincerely,

Lis Valdemarsen
Senior Secretary
International Code Council, Inc.
Los Angeles District Office
5360 Workman Mill Rd
[redacted]
www.iccsafe.org

Our usual response time is up to a week depending on the issues for email code opinions. Reminders are sent out once a week (7 days) from date engineer is assigned to keep us on track with items on the in box. For written (letter) request: Response time is up to 2 weeks (14 business days).

Codes & Standards Forum: The Code Council has revisited how best to provide an online, professional Discussion Forum and area within the website that has a sense of community – where Members and nonmembers can provide input and exchange ideas with their peers in the industry. The new Codes & Standards Discussion Forum does just that, as it allows Registered Website Users and ICC Members to discuss the I-Codes in an online community.

Note to Non-Members: If you join the ICC you can have access to important building safety information! Link: www.iccsafe.org/ICCFORUMS

Feed: Codes, Standards & Guidelines: Request Code Opinion
Posted on: Thursday, July 17, 2014 9:02 AM
Author: Gregory Akers
Subject: Gregory C. Akers

Requestor Full Name: Gregory C. Akers
Job Title: Chief Building Inspector / Plans Examiner
Phone Number: [redacted]
Requestor email address: gakers@dover.de.us
Requestor Address: City of Dover P.O. Box 475 Dover, DE 19903
Code Reference: 2009 IMC, table 403.3 Minimum Ventilation Rates (Specialty Shops) - Beauty and Nail Salons notes b and h
Code Edition: 2009 IMC

Code Section: 403.3
Questions: An existing business occupancy previously used as a massage parlor is being proposed as a new nail salon. There is no change in occupancy classification but as a "Specialty Shop" per the referenced code section calls for ventilation requirements within the code table referenced. I am requiring the minimum ventilation requirements be met as a "nail salon" and the same to be demonstrated via sealed drawings to be submitted that reflect the ventilation requirements necessary per code. Are my requirements appropriate?
Status: New

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102.9 Requirements not covered by this code. Requirements necessary for the strength, stability or proper operation of an existing or proposed mechanical system, or for the public safety, health and general welfare, not specifically covered by this code, shall be determined by the code official.

102.10 Other laws. The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

102.11 Application of references. Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

PART 2—ADMINISTRATION AND ENFORCEMENT

SECTION 103
DEPARTMENT OF MECHANICAL INSPECTION

103.1 General. The department of mechanical inspection is hereby created and the executive official in charge thereof shall be known as the code official.

103.2 Appointment. The code official shall be appointed by the chief appointing authority of the jurisdiction.

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.

103.4 Liability. The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered liable personally, and is hereby relieved from personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

Any suit instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code.

SECTION 104
DUTIES AND POWERS OF THE CODE OFFICIAL

104.1 General. The code official is hereby authorized and directed to enforce the provisions of this code. The code 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.

104.2 Applications and permits. The code official shall receive applications, review *construction documents* and issue permits for the installation and *alteration* of mechanical systems, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

104.3 Inspections. The code official shall make all of the required inspections, or shall accept reports of inspection by *approved* agencies or individuals. All reports of such inspections shall be in writing and be certified by a responsible officer of such *approved* agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report upon unusual technical issues that arise, subject to the approval of the appointing authority.

104.4 Right of entry. Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code which make the building or premises unsafe, insanitary, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and request entry. If entry is refused, the code official has recourse to every remedy provided by law to secure entry.

When the code official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

104.5 Identification. The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

104.6 Notices and orders. The code official shall issue all necessary notices or orders to ensure compliance with this code.

104.7 Department records. The code 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.

SECTION 105
APPROVAL

105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases upon application of the owner or owner's representative, provided that the code official shall first find that

special individual reason makes the strict letter of this code impractical and the modification is in compliance with the intent and purpose of this code and does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the mechanical inspection department.

105.2 Alternative materials, methods, equipment and appliances. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved*. An alternative material or method of construction shall be *approved* where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety.

105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from *approved* sources.

105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

105.3.2 Testing agency. All tests shall be performed by an *approved* agency.

105.3.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

105.4 Approved materials and equipment. Materials, *equipment* and devices *approved* by the code official shall be constructed and installed in accordance with such approval.

105.5 Material, equipment and appliance reuse. Materials, *equipment*, appliances and devices shall not be reused unless such elements have been reconditioned, tested and placed in good and proper working condition and *approved*.

SECTION 106
PERMITS

106.1 When required. An owner, authorized agent or contractor who desires to erect, install, enlarge, alter, repair, remove, convert or replace a mechanical system, the installation of which is regulated by this code, or to cause such work to be done, shall first make application to the code official and obtain the required permit for the work.

Exception: Where *equipment* and *appliance* replacements or repairs must be performed in an emergency situation, the permit application shall be submitted within the next working business day of the department of mechanical inspection.

106.2 Permits not required. Permits shall not be required for the following:

1. Portable heating appliances;
2. Portable ventilation appliances and *equipment*;
3. Portable cooling units;
4. Steam, hot water or chilled water piping within any heating or cooling *equipment* or appliances regulated by this code;
5. The replacement of any minor part that does not alter the approval of *equipment* or an *appliance* or make such *equipment* or *appliance* unsafe;
6. Portable evaporative coolers;
7. Self-contained refrigeration systems that contain 10 pounds (4.5 kg) or less of refrigerant, or that are actuated by motors of 1 horsepower (0.75 kW) or less; and
8. Portable fuel cell appliances that are not connected to a fixed piping system and are not interconnected to a power grid.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for work to be done in violation of the provisions of this code or other laws or ordinances of this jurisdiction.

106.3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed *occupancy* of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

106.3.1 Construction documents. *Construction documents*, engineering calculations, diagrams and other data shall be submitted in two or more sets with each application for a permit. The code official shall require *construction documents*, computations and specifications to be prepared and designed by a *registered design professional* when required by state law. Where special conditions exist, the code official is authorized to require additional *construction documents* to be prepared by a *registered design professional*. *Construction documents* shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. *Construction documents* for buildings more than two stories in height shall indicate where penetrations will be made for mechani-

cal systems, and the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of *construction documents*, calculations or other data if the nature of the work applied for is such that reviewing of *construction documents* is not necessary to determine compliance with this code.

106.3.2 Preliminary inspection. Before a permit is issued, the code official is authorized to inspect and evaluate the systems, *equipment*, buildings, devices, premises and spaces or areas to be used.

106.3.3 Time limitation of application. An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

106.4 Permit issuance. The application, *construction documents* and other data filed by an applicant for a permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 106.5 have been paid, a permit shall be issued to the applicant.

106.4.1 Approved construction documents. When the code official issues the permit where *construction documents* are required, the *construction documents* shall be endorsed in writing and stamped "*APPROVED.*" Such *approved construction documents* shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the *approved construction documents.*

The code official shall have the authority to issue a permit for the construction of part of a mechanical system before the *construction documents* for the entire system have been submitted or *approved*, provided adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holder of such permit shall proceed at his or her own risk without assurance that the permit for the entire mechanical system will be granted.

106.4.2 Validity. The issuance of a permit or approval of *construction documents* 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 other ordinances of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of this code shall be invalid.

The issuance of a permit based upon *construction documents* and other data shall not prevent the code official from thereafter requiring the correction of errors in said *construction documents* and other data or from preventing building operations from being carried on thereunder when in violation of this code or of other ordinances of this jurisdiction.

106.4.3 Expiration. Every permit issued by the code official under the provisions of this code shall expire by limitation and become null and void if the work authorized by such permit is not commenced within 180 days from the date of such permit, or if the work authorized by such permit is suspended or abandoned at any time after the work is commenced for a period of 180 days. Before such work recommences, a new permit shall be first obtained and the fee, therefore, shall be one-half the amount required for a new permit for such work, provided no changes have been made or will be made in the original *construction documents* for such work, and provided further that such suspension or abandonment has not exceeded one year.

106.4.4 Extensions. A permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. A permit shall not be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

106.4.5 Suspension or revocation of permit. The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

106.4.6 Retention of construction documents. One set of *approved construction documents* shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws. One set of *approved construction documents* shall be returned to the applicant, and said set shall be kept on the site of the building or job at all times during which the work authorized thereby is in progress.

106.4.7 Previous approvals. This code shall not require changes in the *construction documents*, construction or designated *occupancy* of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

106.4.8 Posting of permit. The permit or a copy shall be kept on the site of the work until the completion of the project.

106.5 Fees. A permit shall not be issued until the fees prescribed in Section 106.5.2 have been paid, nor shall an amendment to a permit be released until the additional fee, if any, due to an increase of the mechanical system, has been paid.

106.5.1 Work commencing before permit issuance. Any person who commences work on a mechanical system before obtaining the necessary permits shall be subject to 100 percent of the usual permit fee in addition to the required permit fees.

SECTION 403
MECHANICAL VENTILATION

403.1 Ventilation system. Mechanical ventilation shall be provided by a method of supply air and return or *exhaust air*. The amount of supply air shall be approximately equal to the amount of return and *exhaust air*. The system shall not be prohibited from producing negative or positive pressure. The system to convey *ventilation air* shall be designed and installed in accordance with Chapter 6.

403.2 Outdoor air required. The minimum outdoor airflow rate shall be determined in accordance with Section 403.3. Ventilation supply systems shall be designed to deliver the required rate of outdoor airflow to the *breathing zone* within each *occupiable space*.

Exception: Where the *registered design professional* demonstrates that an engineered ventilation system design will prevent the maximum concentration of contaminants from exceeding that obtainable by the rate of outdoor air ventilation determined in accordance with Section 403.3, the minimum required rate of outdoor air shall be reduced in accordance with such engineered system design.

403.2.1 Recirculation of air. The outdoor air required by Section 403.3 shall not be recirculated. Air in excess of that required by Section 403.3 shall not be prohibited from being recirculated as a component of supply air to building spaces, except that:

1. Ventilation air shall not be recirculated from one *dwelling* to another or to dissimilar occupancies.
2. Supply air to a swimming pool and associated deck areas shall not be recirculated unless such air is dehumidified to maintain the relative humidity of the area at 60 percent or less. Air from this area shall not be recirculated to other spaces where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces.
3. Where mechanical exhaust is required by Note b in Table 403.3, recirculation of air from such spaces shall be prohibited. All air supplied to such spaces shall be exhausted, including any air in excess of that required by Table 403.3.
4. Where mechanical exhaust is required by Note g in Table 403.3, mechanical exhaust is required and recirculation is prohibited where more than 10 percent of the resulting supply airstream consists of air recirculated from these spaces.

403.2.2 Transfer air. Except where recirculation from such spaces is prohibited by Table 403.3, air transferred from occupiable spaces is not prohibited from serving as *makeup air* for required exhaust systems in such spaces as kitchens, baths, toilet rooms, elevators and smoking lounges. The amount of transfer air and *exhaust air* shall be sufficient to provide the flow rates as specified in Section 403.3. The required outdoor airflow rates specified in Table 403.3 shall be introduced directly into such spaces or into the occupied spaces from which air is transferred or a combination of both.

403.3 Outdoor airflow rate. Ventilation systems shall be designed to have the capacity to supply the minimum outdoor airflow rate determined in accordance with this section. The occupant load utilized for design of the ventilation system shall not be less than the number determined from the estimated maximum occupant load rate indicated in Table 403.3. Ventilation rates for occupancies not represented in Table 403.3 shall be those for a listed *occupancy* classification that is most similar in terms of occupant density, activities and building construction; or shall be determined by an *approved* engineering analysis. The ventilation system shall be designed to supply the required rate of *ventilation air* continuously during the period the building is occupied, except as otherwise stated in other provisions of the code.

With the exception of smoking lounges, the ventilation rates in Table 403.3 are based on the absence of smoking in occupiable spaces. Where smoking is anticipated in a space other than a smoking lounge, the ventilation system serving the space shall be designed to provide ventilation over and above that required by Table 403.3 in accordance with accepted engineering practice.

Exception: The occupant load is not required to be determined based on the estimated maximum occupant load rate indicated in Table 403.3 where *approved* statistical data document the accuracy of an alternate anticipated occupant density.

403.3.1 Zone outdoor airflow. The minimum outdoor airflow required to be supplied to each zone shall be determined as a function of *occupancy* classification and space air distribution effectiveness in accordance with Sections 403.3.1.1 through 403.3.1.3.

403.3.1.1 Breathing zone outdoor airflow. The outdoor airflow rate required in the *breathing zone* (V_{bz}) of the *occupiable space* or spaces in a zone shall be determined in accordance with Equation 4-1.

$$V_{bz} = R_p P_z + R_a A_z \qquad \textbf{(Equation 4-1)}$$

where:

A_z = Zone floor area: the *net occupiable floor area* of the space or spaces in the zone.

P_z = Zone population: the number of people in the space or spaces in the zone.

R_p = People outdoor air rate: the outdoor airflow rate required per person from Table 403.3.

R_a = Area outdoor air rate: the outdoor airflow rate required per unit area from Table 403.3.

TABLE 403.3
MINIMUM VENTILATION RATES

OCCUPANCY CLASSIFICATION	PEOPLE OUTDOOR AIRFLOW RATE IN BREATHING ZONE CFM/PERSON	AREA OUTDOOR AIRFLOW RATE IN BREATHING ZONE R_a CFM/FT^2 [a]	DEFAULT OCCUPANT DENSITY #/1000 FT^2 [a]	EXHAUST AIRFLOW RATE CFM/FT^2 [a]
Correctional facilities				
Cells				
without plumbing fixtures	5	0.12	25	—
with plumbing fixtures[g]	5	0.12	25	1.0
Dining halls				
(see food and beverage service)	—	—	—	—
Guard stations	5	0.06	15	—
Day room	5	0.06	30	—
Booking/waiting	7.5	0.06	50	—
Dry cleaners, laundries				
Coin-operated dry cleaner	15	—	20	—
Coin-operated laundries	7.5	0.06	20	—
Commercial dry cleaner	30	—	30	—
Commercial laundry	25	—	10	—
Storage, pick up	7.5	0.12	30	—
Education				
Auditoriums	5	0.06	150	—
Corridors (see public spaces)	—	—	—	—
Media center	10	0.12	25	—
Sports locker rooms[g]	—	—	—	0.5
Music/theater/dance	10	0.06	35	—
Smoking lounges[b]	60		70	—
Day care (through age 4)	10	0.18	25	—
Classrooms (ages 5-8)	10	0.12	25	—
Classrooms (age 9 plus)	10	0.12	35	—
Lecture classroom	7.5	0.06	65	—
Lecture hall (fixed seats)	7.5	0.06	150	—
Art classroom[g]	10	0.18	20	0.7
Science laboratories[g]	10	0.18	25	1.0
Wood/metal shops[g]	10	0.18	20	0.5
Computer lab	10	0.12	25	—
Multiuse assembly	7.5	0.06	100	—
Locker/dressing rooms[g]	—	—	—	0.25
Food and beverage service				
Bars, cocktail lounges	7.5	0.18	100	—
Cafeteria, fast food	7.5	0.18	100	—
Dining rooms	7.5	0.18	70	—
Kitchens (cooking)[b]	—	—	—	0.7
Hospitals, nursing and convalescent homes				
Autopsy rooms[b]	—	—	—	0.5
Medical procedure rooms	15	—	20	—
Operating rooms	30	—	20	—
Patient rooms	25	—	10	—
Physical therapy	15	—	20	—
Recovery and ICU	15	—	20	—
Hotels, motels, resorts and dormitories				
Multipurpose assembly	5	0.06	120	—
Bathrooms/toilet—private[g]	—	—	—	25/50[f]
Bedroom/living room	5	0.06	10	—
Conference/meeting	5	0.06	50	—
Dormitory sleeping areas	5	0.06	20	—
Gambling casinos	7.5	0.18	120	—
Lobbies/prefunction	7.5	0.06	30	—

(continued)

TABLE 403.3—continued
MINIMUM VENTILATION RATES

OCCUPANCY CLASSIFICATION	PEOPLE OUTDOOR AIRFLOW RATE IN BREATHING ZONE CFM/PERSON	AREA OUTDOOR AIRFLOW RATE IN BREATHING ZONE R_a CFM/FT^2 [a]	DEFAULT OCCUPANT DENSITY #/1000 FT^2 [a]	EXHAUST AIRFLOW RATE CFM/FT^2 [a]
Offices				
Conference rooms	5	0.06	50	—
Office spaces	5	0.06	5	—
Reception areas	5	0.06	30	—
Telephone/data entry	5	0.06	60	—
Main entry lobbies	5	0.06	10	—
Private dwellings, single and multiple				
Garages, common for multiple units[b]	—	—	—	0.75
Garages, separate for each dwelling[b]	—	—	—	100 cfm per car
Kitchens[b]	—	—	—	25/100[f]
Living areas[c]	0.35 ACH but not less than 15 cfm/person	—	Based upon number of bedrooms. First bedroom, 2; each additional bedroom, 1	—
Toilet rooms and bathrooms[g]	—	—	—	20/50[f]
Public spaces				
Corridors	—	0.06	—	—
Elevator car	—	—	—	1.0
Shower room (per shower head)[g]	—	—	—	50/20[f]
Smoking lounges[b]	60	—	70	—
Toilet rooms – public[g]	—	—	—	50/70[e]
Places of religious worship	5	0.06	120	—
Courtrooms	5	0.06	70	—
Legislative chambers	5	0.06	50	—
Libraries	5	0.12	10	—
Museums (children's)	7.5	0.12	40	—
Museums/galleries	7.5	0.06	40	—
Retail stores, sales floors and showroom floors				
Sales (except as below)	7.5	0.12	15	—
Dressing rooms	—	—	—	0.25
Mall common areas	7.5	0.06	40	—
Shipping and receiving	—	0.12	—	—
Smoking lounges[b]	60	—	70	—
Storage rooms	—	0.12	—	—
Warehouses (see storage)	—	—	—	—
Specialty shops				
Automotive motor-fuel dispensing stations[b]	—	—	—	1.5
Barber	7.5	0.06	25	0.5
Beauty and nail salons[b, h]	20	0.12	25	0.6
Embalming room[b]	—	—	—	2.0
Pet shops (animal areas)[b]	7.5	0.18	10	0.9
Supermarkets	7.5	0.06	8	—
Sports and amusement				
Disco/dance floors	20	0.06	100	—
Bowling alleys (seating areas)	10	0.12	40	—
Game arcades	7.5	0.18	20	—
Ice arenas without combustion engines	—	0.30	—	0.5
Gym, stadium, arena (play area)	—	0.30	—	—
Spectator areas	7.5	0.06	150	—
Swimming pools (pool and deck area)	—	0.48	—	—
Health club/aerobics room	20	0.06	40	—
Health club/weight room	20	0.06	10	—

(continued)

TABLE 403.3—continued
MINIMUM VENTILATION RATES

OCCUPANCY CLASSIFICATION	PEOPLE OUTDOOR AIRFLOW RATE IN BREATHING ZONE CFM/PERSON	AREA OUTDOOR AIRFLOW RATE IN BREATHING ZONE R_a CFM/FT^2 [a]	DEFAULT OCCUPANT DENSITY #/1000 FT^2 [a]	EXHAUST AIRFLOW RATE CFM/FT^2 [a]
Storage				
Repair garages, enclosed parking garages[b,d]	—	—	—	0.75
Warehouses	—	0.06	—	—
Theaters				
Auditoriums (see education)	—	—	—	—
Lobbies	5	0.06	150	—
Stages, studios	10	0.06	70	—
Ticket booths	5	0.06	60	—
Transportation				
Platforms	7.5	0.06	100	—
Transportation waiting	7.5	0.06	100	—
Workrooms				
Bank vaults/safe deposit	5	0.06	5	—
Darkrooms	—	—	—	1.0
Copy, printing rooms	5	0.06	4	0.5
Meat processing[c]	15	—	10	—
Pharmacy (prep. area)	5	0.18	10	—
Photo studios	5	0.12	10	—
Computer (without printing)	5	0.06	4	—

For SI: 1 cubic foot per minute = 0.0004719 m^3/s, 1 ton = 908 kg, 1 cubic foot per minute per square foot = 0.00508 $m^3/(s \cdot m^2)$, C = [(F) -32]/1.8, 1 square foot = 0.0929 m^2.

a. Based upon net occupiable floor area.

b. Mechanical exhaust required and the recirculation of air from such spaces is prohibited (see Section 403.2.1, Item 3).

c. Spaces unheated or maintained below 50°F are not covered by these requirements unless the occupancy is continuous.

d. Ventilation systems in enclosed parking garages shall comply with Section 404.

e. Rates are per water closet or urinal. The higher rate shall be provided where periods of heavy use are expected to occur, such as toilets in theaters, schools and sports facilities. The lower rate shall be permitted where periods of heavy use are not expected.

f. Rates are per room unless otherwise indicated. The higher rate shall be provided where the exhaust system is designed to operate intermittently. The lower rate shall be permitted where the exhaust system is designed to operate continuously during normal hours of use.

g. Mechanical exhaust is required and recirculation is prohibited except that recirculation shall be permitted where the resulting supply airstream consists of not more than 10 percent air recirculated from these spaces (see Section 403.2.1, Items 2 and 4).

h. For nail salons, the required exhaust shall include ventilation tables or other systems that capture the contaminants and odors at their source and are capable of exhausting a minimum of 50 cfm per station.

TITLE 24

Professions and Occupations

CHAPTER 3. ARCHITECTURE

§ 301 Objectives and functions.

The primary objective of the Board of Architects, to which all other objectives and purposes are secondary, is to protect the general public (including those persons who are direct recipients of services regulated by this chapter) from unsafe practices, and from occupational practices which tend to reduce competition or fix the price of services rendered. The secondary objectives of the Board are to maintain minimum standards of architect competency, and to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints brought against architects regulated by the Board; shall adjudicate at formal hearings; shall promulgate rules and regulations; and shall impose sanctions where necessary against architects.

64 Del. Laws, c. 1, § 1; 68 Del. Laws, c. 144, § 1.;

§ 302 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Architect" shall mean any person who engages in the practice of architecture as hereinafter defined.

(2) The "Board" shall mean the Board of Architects established by § 8735(a)(3) of Title 29 and this chapter.

(3) "Certificate of registration" shall mean any document which indicates that a person is currently registered with the Board of Architects.

(4) "Direct supervision" shall mean that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under the person's supervision.

(5) "Practice of architecture" shall mean the rendering or offering to render those services, hereinafter described, in connection with the design and construction, enlargement or alteration of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and

surrounding such structures; the services referred to include planning, preparing studies, designs, drawings, specifications and other technical submissions and furnishing administration of construction contracts.

(6) "Registered architect" shall mean an architect holding a current certificate of registration.

(7) "Substantially related" means the nature of criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the practice of architecture.

(8) "Technical submissions" shall mean designs, drawings, specifications, studies and other technical reports prepared in the course of practicing architecture.

62 Del. Laws, c. 344, § 1; 64 Del. Laws, c. 1, § 1; 65 Del. Laws, c. 355, § 1; 68 Del. Laws, c. 144, § 1; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 262, § 9.;

§ 303 Registration to practice; construction of chapter.

(a) The right to engage in the practice of architecture shall be deemed a personal right, based upon the qualifications of the individual as evidenced by a certificate of registration, which shall not be transferable. No person shall engage in the practice of architecture in this State or otherwise hold oneself out to the public as being an architect, or use in connection with the person's name, or otherwise assume, use or advertise any title or description intending to convey the impression that the person is an architect, unless such person has a certificate of registration.

(b) The provisions of this chapter shall not be construed to prevent, nor to affect:

(1) The preparation of technical submissions or the administration of construction contracts by an employee or subordinate of a person or organization lawfully engaged in the practice of architecture, providing such work is done under the direct responsibility and supervision of such person or organization;

(2) The practice of architecture by a person licensed in this State as a professional engineer, when such practice is incidental to what may be properly considered an engineering project;

(3) The practice of landscape architecture by a landscape architect, regardless of whether the practice of landscape architecture shall continue to be licensed under the Delaware Code;

(4) A nonresident, who holds a certificate to practice architecture in the state in which the person resides, and/or in addition holds the certification issued by the National Council of Architectural Registration Boards, from agreeing to perform or holding the person's self out as able to perform any of the professional services involved in the practice of architecture; provided that the person shall not perform any of the professional services involved in the practice of architecture until registered as provided

in subsection (a) of this section; and further provided that the person notifies the Board in writing if the person, prior to registration, engages in any of the activities permitted by this paragraph;

(5) Any of the activities that, apart from this exemption, would constitute the practice of architecture, if performed in connection with any of the following:

a. Single and 2-family dwellings, and any sheds, storage buildings and garages incidental to such dwellings;

b. Farm buildings, including barns, silos, sheds or housing for farm equipment and livestock, provided such structures are designed to be occupied by no more than 10 persons; or

c. Any alteration, renovation or remodeling of a structure when such alteration, renovation or remodeling does not affect structural or other safety features of the structure and when the work contemplated by the design does not require the issuance of a permit under applicable building codes;

(6) The preparation of submissions to architects by the manufacturer, supplier, installer, or others of any materials, components, or equipment incidental to the architect's design of the entire project that describe or illustrate the use of such items;

(7) The preparation of any details or shop drawings required of the contractor by the terms of the construction documents;

(8) The management of construction contracts by persons engaged in contracting work;

(9) The preparation of technical submissions or the administration of construction contracts by persons acting under the responsible control of a registered architect;

(10) Officers and employees of the United States of America from engaging in the practice of architecture as employees of said United States of America;

(11) A person who holds the certification issued by the National Council of Architectural Registration Boards (NCARB) but who is not currently registered in the jurisdiction, from offering to provide the professional services involved in the practice of architecture, provided that the person shall not perform any of the professional services involved in the practice of architecture until registered as hereinbefore provided, and further provided that he or she notifies the Board in writing that:

a. The person holds a NCARB certificate and is not currently registered in the jurisdiction, but will be present in Delaware for the purpose of offering to provide architectural services;

b. The person will deliver a copy of the notice referred to in paragraph (b)(11)a. of this section to every potential client to whom the person offers to render architectural services; and

From: [redacted]
To: City Clerks Office
Subject: Request for an Appeal
Date: Thursday, July 10, 2014 2:42:02 PM

Good afternoon. I am sending this email because I would like to request an appeal on two specific issues that I have come across in my process to obtain a building permit. The original building permit application was turned in on June 6, 2014. After not getting a response, I stopped by the office and was told I needed to schedule a meeting with the inspector, fire marshal, and one other person that I can not remember. This would be my second meeting with these two gentleman.

After going to that scheduled meeting, I was told I would need to meet new criteria before my building permit would be issued. (I would like to note that the date of the second meeting was June 16th and I did not receive a response to submitted paperwork until July 9th).The new major item that was now mentioned was a sealed drawing of a modified bathroom for my location. The inspector and myself were in disagreement with this decision. I was previously told the bathroom was fine as it was and after time I assume this decision was changed. During our original meeting, on location, I was told the bathroom would be fine and that the floor plan that was turned into and approved by Public Health would be satisfactory to receive my approval. Again, this has changed. I am now being told that not only do I need a handicapped accessible bathroom, but that I now need a sealed drawing of the entire facility.

This is why I am requesting an appeal. I have shortened some of the details regarding the correspondence between the inspector and myself because I'm sure I will have to discuss it at the appeal hearing. The major issues that I would like to discuss at this meeting are first the bathroom because not only was it initially not an issue, but also because renovating the bathroom would be, in my opinion, unreasonable, an unnecessary expense, and time consuming. The bathroom as it stands would be perfectly fine for myself and any future employees in reference to accessibility and ease of use. Someone that is bound to a wheelchair would not physically be able to meet the requirements needed to work in my bakery, therefore, any commentary stating the bathroom needs to be modified for that reason is not frivolous. The second issue I would like to discuss is the need for a sealed drawing. Initially, I was told the plan submitted and approved to Public Health was sufficient for my needs and again, it seems that this is no longer the case. I am only asking for consistency in facts. If this was requested initially, it would have been taken care of by this time. Though the space is being renovated to accommodate a bakery, the work is not as extensive as I believe it is being portrayed. Neither my contractor nor my plumber have stated any issues working off of the Public Health submitted plans. The "major" work being done is the addition of 3 assorted sinks and a grease trap. This of course is being done by my plumber who of course is familiar with the plumbing codes. The only other revision I am requesting is the addition of partition walls. Yes, I assume by definition I am installing a kitchen, but not to a major extent. There will be no hood system, deep fryers, griddles, flat tops, or anything of that caliber.

For the above stated reasons, I am requesting an appeal. Thank you for your time and consideration.

Tiffanee Lee-Scott
Tiffanee & Co. Bakery
P.O. Box 483
Dover De 19903
[redacted]

ARTICLE I. IN GENERAL

Sec. 22-1. Construction code appeals committee.
Sec. 22-2. Housing authority created; purpose.
Secs. 22-3—22-30. Reserved.

Sec. 22-1. Construction code appeals committee.

(a) *Established; composition; appointment.* There shall be a committee to be referred to as the "construction code appeals committee," consisting of three members, one of whom shall be the city manager and the other two being elected city officials. The city officials shall be appointed by the city council president at the council annual meeting.

(b) *Appeals.* Whenever any person is aggrieved by a decision of the building inspector with respect to the provision of this chapter, it is the right of that person to appeal to the construction code appeals committee. Such appeal must be filed, in writing, within 30 days after the determination by the building inspector.

(c) *Notice; hearing.* Upon receipt of such an appeal, the construction code appeals committee shall set a time and place in not less than ten, nor more than 30 days for the purpose of hearing the appeal. Notice of the time and place of the hearing of the appeal shall be given to all parties, at which time they may appear and be heard. The determination by the construction code appeals committee shall be final in all cases.

(Code 1981, § 5-3; Ord. of 4-25-1994)

Sec. 22-2. Housing authority created; purpose.

Created; purpose. There shall be a housing authority as provided in 31 Del. C.

(Ord. of 4-10-2006(1))

Secs. 22-3—22-30. Reserved.

Akers, Gregory C

From: Fred Grable [redacted]
Sent: Friday, July 18, 2014 1:34 PM
To: Akers, Gregory C
Cc: Lis Valdemarsen; Shawn Martin
Subject: RE: 12 IPC (A) 102.5 (Q1) 9FG)

Gregory,

Thank you for your inquiry. Your question have been rephrased so that I can provide answers with clarity.

Q1: Where a permit is required for existing building work such as a change of occupancy might require, are the plans (construction documents) required to be "sealed"? "Sealed" in this context meaning reviewed by a registered design professional that is licensed to accept the legal responsibility for the design on the plans such that his (or her) license "seal" must be applied to the plans to indicate acceptance of that responsibility.

A1: See Section 106.3.2, second sentence. The requirement for involving a registered design professional and having them accept the responsibility for the plans (the design) is a matter decided for by each State. The code does not specify when plans need to be "sealed". Please consult your State Building Department to determine which structures and constructions are required to have "sealed" plans.

Q2: Where an existing building will have a change in occupancy, are the existing toilet facilities required to be upgraded to meet the requirements of ICC A117.1?

A2: Assuming that the number of required toilet facilities' plumbing fixtures for the new occupancy is the same as the existing, and that Chapter 34 of the International Building Code is adopted for changes to existing structures, Section 3404.1 requires that the requirements of the IBC be complied with. Referring to Chapter 11 on Accessibility, specifically Section 1101.2 (requiring compliance with ICC A117.1) and Section 1109.1 (referring to Section 1109.2), then YES, the existing toilet facilities must be reworked to be "fully accessible". Note that all other accessibility requirements of IBC Chapter 11 apply. Specifically note the drinking fountain requirements of Section 1109.5.

If you need further information or have questions on the above, please contact me directly by email or telephone.

Code opinions issued by ICC staff are based on ICC published codes and do not include local, state or federal codes, policies or amendments. This opinion is based on the information which you have provided. We have made no independent effort to verify the accuracy of this information nor have we conducted a review beyond the scope of your question. This opinion does not imply approval of an equivalency, specific product, specific design, or specific installation and cannot be published in any form implying such approval by the International Code Council. As this opinion is only advisory, the final decision is the responsibility of the designated authority charged with the administration and enforcement of this code.

Respectfully,

Fred Grable, P.E.
Senior Staff Engineer
International Code Council
[redacted]
www.iccsafe.org

Notice: This message is intended only for the use of the individual or entity to which it is addressed and may be confidential and/or privileged. If the reader of this message is not the intended recipient, you are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you have received this communication in error, please notify the sender by return e-mail, and delete the original message and all copies from your system. Thank you.

From: Lis Valdemarsen
Sent: Friday, July 18, 2014 9:39 AM
To: Fred Grable
Cc: Akers, Gregory C
Subject: 12 IPC (A) 102.5 (Q1) 9FG)

Gregory,

I have forwarded your request to Fred Grable.

If you have any questions regarding the status of your reply to your code opinion question, please contact me by either phone or email.

Sincerely,

Lis Valdemarsen
Senior Secretary
International Code Council, Inc.
Los Angeles District Office
5360 Workman Mill Rd
[redacted]
www.iccsafe.org

Our usual response time is up to a week depending on the issues for email code opinions. Reminders are sent out once a week (7 days) from date engineer is assigned to keep us on track with items on the in box. For written (letter) request: Response time is up to 2 weeks (14 business days).

Codes & Standards Forum: The Code Council has revisited how best to provide an online, professional Discussion Forum and area within the website that has a sense of community – where Members and nonmembers can provide input and exchange ideas with their peers in the industry. The new Codes & Standards Discussion Forum does just that, as it allows Registered Website Users and ICC Members to discuss the I-Codes in an online community.

Note to Non-Members: If you join the ICC you can have access to important building safety information! Link: www.iccsafe.org/ICCFORUMS

Feed: Codes, Standards & Guidelines: Request Code Opinion
Posted on: Thursday, July 17, 2014 8:46 AM
Author: Gregory Akers
Subject: Gregory C. Akers

Requestor Full Name: Gregory C. Akers
Job Title: Chief Building Inspector / Plans Examiner
Phone Number: [redacted]
Requestor email address: gakers@dover.de.us

Requestor Address: City of Dover P.O. Box 475 Dover, DE 19903
Code Reference: 2012 IPC- (A) 102.5 Change in Occupancy
Code Edition: 2012, IPC
Code Section: (A) 102.5 Change in Occupancy
Questions: A suite within an existing building previously used as Mercantile is being proposed as a new Bakery (F-1) in Occupancy Classification. I am requiring sealed plans that reflect compliance with the new proposed Occupancy Classification that includes a commercial kitchen (being required by other authority having jurisdiction (Public Health). I am also requiring that the existing restroom (that is not ANSI 117.1 compliant) to be compliant as accessible based on the new Occupancy (F-1), sf and occupant load to be provided on sealed plans. Is my requirement for sealed plans and restroom accessibility appropriate?
Status: New

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CHAPTER 1
SCOPE AND ADMINISTRATION

PART 1—SCOPE AND APPLICATION

SECTION 101
GENERAL

[A] 101.1 Title. These regulations shall be known as the *International Plumbing Code* of [NAME OF JURISDICTION] hereinafter referred to as "this code."

[A] 101.2 Scope. The provisions of this code shall apply to the erection, installation, alteration, repairs, relocation, replacement, addition to, use or maintenance of plumbing systems within this jurisdiction. This code shall also regulate nonflammable medical gas, inhalation anesthetic, vacuum piping, nonmedical oxygen systems and sanitary and condensate vacuum collection systems. The installation of fuel gas distribution piping and equipment, fuel-gas-fired water heaters and water heater venting systems shall be regulated by the *International Fuel Gas Code*. Provisions in the appendices shall not apply unless specifically adopted.

Exception: Detached one- and two-family dwellings and multiple single-family dwellings (townhouses) not more than three stories high with separate means of egress and their accessory structures shall comply with the *International Residential Code*.

[A] 101.3 Intent. The purpose of this code is to provide minimum standards to safeguard life or limb, health, property and public welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.

[A] 101.4 Severability. If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

SECTION 102
APPLICABILITY

[A] 102.1 General. Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] 102.2 Existing installations. Plumbing systems lawfully in existence at the time of the adoption of this code shall be permitted to have their use and maintenance continued if the use, maintenance or repair is in accordance with the original design and no hazard to life, health or property is created by such plumbing system.

[A] 102.3 Maintenance. All plumbing systems, materials and appurtenances, both existing and new, and all parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. All devices or safeguards required by this code shall be maintained in compliance with the code edition under which they were installed.

The owner or the owner's designated agent shall be responsible for maintenance of plumbing systems. To determine compliance with this provision, the code official shall have the authority to require any plumbing system to be reinspected.

[A] 102.4 Additions, alterations or repairs. Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, insanitary or overloaded.

Minor additions, alterations, renovations and repairs to existing plumbing systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is *approved*.

[A] 102.5 Change in occupancy. It shall be unlawful to make any change in the *occupancy* of any structure that will subject the structure to any special provision of this code applicable to the new *occupancy* without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new *occupancy* and that such change of *occupancy* does not result in any hazard to the public health, safety or welfare.

[A] 102.6 Historic buildings. The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings when such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

[A] 102.7 Moved buildings. Except as determined by Section 102.2, plumbing systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

[A] 102.8 Referenced codes and standards. The codes and standards referenced in this code shall be those that are listed in Chapter 14 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

cates 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 the retention of public records.

SECTION 105
APPROVAL

[A] 105.1 Modifications. Whenever there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's representative, provided the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification conforms to the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the plumbing inspection department.

[A] 105.2 Alternative materials, methods and equipment. The provisions of this code are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this code, provided that any such alternative has been *approved.* An alternative material or method of construction shall be *approved* where the code official finds that the proposed alternative material, method or equipment complies with the intent of the provisions of this code and is at least the equivalent of that prescribed in this code.

[A] 105.2.1 Research reports. Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 105.3 Required testing. Whenever there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternate materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

[A] 105.3.1 Test methods. Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

[A] 105.3.2 Testing agency. All tests shall be performed by an *approved* agency.

[A] 105.3.3 Test reports. Reports of tests shall be retained by the code official for the period required for retention of public records.

* **[A] 105.4 Approved materials and equipment.** Materials, equipment and devices *approved* by the code official shall be constructed and installed in accordance with such approval.

[A] 105.4.1 Material and equipment reuse. Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition and *approved.*

SECTION 106
PERMITS

[A] 106.1 When required. Any owner, authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the *occupancy* of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be done, shall first make application to the code official and obtain the required permit for the work.

[A] 106.2 Exempt work. The following work shall be exempt from the requirement for a permit:

1. The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.
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.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

[A] 106.3 Application for permit. Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or an authorized agent. The permit application shall indicate the proposed *occupancy* of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

[A] 106.3.1 Construction documents. Construction documents, engineering calculations, diagrams and other such data shall be submitted in two or more sets with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional when required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipes, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied

TABLE 403.1 —continued
MINIMUM NUMBER OF REQUIRED PLUMBING FIXTURES[a]
(See Sections 403.2 and 403.3)

c. A single-occupant toilet room with one water closet and one lavatory serving not more than two adjacent patient sleeping units shall be permitted where such room is provided with direct access from each patient sleeping unit and with provisions for privacy.
d. The occupant load for seasonal outdoor seating and entertainment areas shall be included when determining the minimum number of facilities required.
e. The minimum number of required drinking fountains shall comply with Table 403.1 and Chapter 11 of the *International Building Code*.
f. Drinking fountains are not required for an occupant load of 15 or fewer.
g. For business and mercantile occupancies with an occupant load of 15 or fewer, service sinks shall not be required.

403.1.1 Fixture calculations. To determine the occupant load of each sex, the total occupant load shall be divided in half. To determine the required number of fixtures, the fixture ratio or ratios for each fixture type shall be applied to the occupant load of each sex in accordance with Table 403.1. Fractional numbers resulting from applying the fixture ratios of Table 403.1 shall be rounded up to the next whole number. For calculations involving multiple *occupancies*, such fractional numbers for each *occupancy* shall first be summed and then rounded up to the next whole number.

Exception: The total occupant load shall not be required to be divided in half where *approved* statistical data indicates a distribution of the sexes of other than 50 percent of each sex.

403.1.2 Family or assisted-use toilet and bath fixtures. Fixtures located within family or assisted-use toilet and bathing rooms required by Section 1109.2.1 of the *International Building Code* are permitted to be included in the number of required fixtures for either the male or female occupants in assembly and mercantile *occupancies*.

403.2 Separate facilities. Where plumbing fixtures are required, separate facilities shall be provided for each sex.

Exceptions:

1. Separate facilities shall not be required for dwelling units and sleeping units.
2. Separate facilities shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or fewer.
3. Separate facilities shall not be required in mercantile *occupancies* in which the maximum occupant load is 100 or fewer.

403.2.1 Family or assisted-use toilet facilities serving as separate facilities. Where a building or tenant space requires a separate toilet facility for each sex and each toilet facility is required to have only one water closet, two family/assisted-use toilet facilities shall be permitted to serve as the required separate facilities. Family or assisted-use toilet facilities shall not be required to be identified for exclusive use by either sex as required by Section 403.4.

403.3 Required public toilet facilities. Customers, patrons and visitors shall be provided with *public* toilet facilities in structures and tenant spaces intended for public utilization. The number of plumbing fixtures located within the required toilet facilities shall be provided in accordance with Section 403 for all users. Employees shall be provided with toilet facilities in all *occupancies*. Employee toilet facilities shall be either separate or combined employee and *public* toilet facilities.

Exception: Public toilet facilities shall not be required in open or enclosed parking garages. Toilet facilities shall not be required in parking garages where there are no parking attendants.

403.3.1 Access. The route to the *public* toilet facilities required by Section 403.3 shall not pass through kitchens, storage rooms or closets. Access to the required facilities shall be from within the building or from the exterior of the building. All routes shall comply with the accessibility requirements of the *International Building Code*. The public shall have access to the required toilet facilities at all times that the building is occupied.

[B] 403.3.2 Toilet room location. Toilet rooms shall not open directly into a room used for the preparation of food for service to the public.

403.3.3 Location of toilet facilities in occupancies other than malls. In occupancies other than covered and open mall buildings, the required *public* and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 500 feet (152 m).

Exception: The location and maximum travel distances to required employee facilities in factory and industrial *occupancies* are permitted to exceed that required by this section, provided that the location and maximum travel distance are *approved*.

403.3.4 Location of toilet facilities in malls. In covered and open mall buildings, the required *public* and employee toilet facilities shall be located not more than one story above or below the space required to be provided with toilet facilities, and the path of travel to such facilities shall not exceed a distance of 300 feet (91 440 mm). In mall buildings, the required facilities shall be based on total square footage within a covered mall building or within the perimeter line of an open mall building, and facilities shall be installed in each individual store or in a central toilet area located in accordance with this section. The maximum travel distance to central toilet facilities in mall buildings shall be measured from the main entrance of any store or tenant space. In mall buildings, where employees' toilet facilities are not provided in the individual store, the maximum travel distance shall be measured from the employees' work area of the store or tenant space.

SPONSOR: Sen. Marshall, Sen. McBride; Rep. Mitchell

DELAWARE STATE SENATE
145th GENERAL ASSEMBLY

SENATE BILL NO. 160

AN ACT TO AMEND TITLE 16 OF THE DELAWARE CODE RELATING TO THE ADOPTION AND ENFORCEMENT OF A UNIFIED PLUMBING CODE.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 1. Amend §7903, Title 16 of the Delaware Code by deleting §7903 in its entirety and substituting in lieu thereof the following:

"§7903. Plumbing Code; adoption and enforcement.

The Division of Public Health shall adopt and enforce the most recent version of the International Plumbing Code (IPC) within one calendar year of its issuance, in conformity with the basic plumbing principles provided in this Chapter. The Division of Public Health may adopt and enforce additional plumbing regulations which shall not be in conflict with the IPC and the basic plumbing principles set forth in this Chapter."

Section 2. Amend §7904, Title 16 of the Delaware Code by deleting §7904 in its entirety and substituting in lieu thereof the following:

"7904. Local regulations.

Every political subdivision within the State of Delaware, including county, city or municipal governments, shall enforce the International Plumbing Code (IPC) as adopted or modified by the Division of Public Health. Every political subdivision retains the right to propose additional or modified plumbing regulations, which must be submitted in writing to the Division of Public Health for review and approval. The Division of Public Health, within sixty days of receiving such proposed changes or additions, shall consult with the State Board of Plumbing, Heating, Air Conditioning, Ventilation and Refrigeration Examiners, and may thereafter adopt, modify or reject the proposed changes or additions. Upon issuance of the statewide plumbing regulations every political subdivision shall have the option of adopting and enforcing said regulations, or adopting and enforcing the minimum standards set forth in the most recently adopted version of the IPC."

SYNOPSIS

This Bill makes the plumbing code uniform for all three counties by requiring the adoption and enforcement of the International Plumbing Code.

Author: Senator Marshall

SD : TGW : rma
2281450142

Jun 11, 2009

From Tiffanee & Co.

Received
JUN 20 2014
Planning & Inspections

APPROVAL TO CONSTRUCT (ATC) CONDITION LIST
SECTION 2 - GENERAL REQUIREMENTS APPLICABLE TO ALL FOOD ESTABLISHMENTS

1. State of Delaware Regulations Governing a Detailed Plumbing Code adopts International Plumbing Code 2012 (IPC2012). Excerpts are listed below.

   a) (IPC2003 Table 403.1 Minimum Number of Plumbing Facilities
   The fixtures shown are based on one fixture being the minimum required for the number of persons indicated or any fraction of the number of persons indicated. The number of occupants shall be determined by the building code.

Occupancy:	Assembly, Restaurants	
Water Closets:	Male:	1 per 75
	Female:	1 per 75
Lavatories:		1 per 200
Drinking Fountains:		1 per 500
Others:		1 service sink

Occupancies greater than 15 persons including both staff and customers require both male and female ADA restrooms.

   b) IPC2012, §403.3.2-403.3.4 Location of Employee Toilet Facilities In Mercantile And Assembly Occupancies
   Employees shall be provided with toilet facilities in building and tenant spaces utilized as restaurants...
   The employees' facilities shall be either separate facilities or combined employee and public customer facilities. The required toilet facilities shall be located not more than one story above or below the employee's regular work area and the path of travel to such facilities, in other than covered malls, shall not exceed a distance of 500 feet. The path of travel to required facilities in covered malls shall not exceed a distance of 300 feet. Toilet rooms shall not open directly into a room used for the preparation of food for service to the public.

   c) IPC2012, §403.6 Public Facilities
   Customers, patrons, and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. Public toilet facilities shall be located not more than one story above or below the space required to be provided with public toilet facilities and the path of travel to such facilities shall not exceed a distance of 500 feet.

   Exception: Public toilet facilities are not required within a food establishment where customers do not enter the structure or tenant space to order, pay for, and receive their food; and where food is not consumed within the facility. Examples include kiosks and other structures that are provided with a service window.

IPC2012, §403.3.2-403.3.4 Location of Employee Toilet Facilities In Mercantile And Assembly Occupancies
Employees shall be provided with toilet facilities in building and tenant spaces utilized as restaurants...
The employees' facilities shall be either separate facilities or combined employee and public customer facilities. The required toilet facilities shall be located not more than one story above or below the employee's regular work area and the path of travel to such facilities, in other than covered malls, shall not exceed a distance of 500 feet. The path of travel to required facilities in covered malls shall not exceed a distance of 300 feet. Toilet rooms shall not open directly into a room used for the preparation of food for service to the public.

IPC2012, §403.6 Public Facilities
Customers, patrons, and visitors shall be provided with public toilet facilities in structures and tenant spaces intended for public utilization. Public toilet facilities shall be located not more than one story above or below the space required to be provided with public toilet facilities and the path of travel to such facilities shall not exceed a distance of 500 feet.

Exception: Public toilet facilities are not required within a food establishment where customers do not enter the structure or tenant space to order, pay for, and receive their food; and where food is not consumed within the facility. Examples include kiosks and other structures that are provided with a service window.

IPC2012, §403.2 Separate Facilities
Where plumbing fixtures are required, separate facilities shall be provided for each sex.
Exceptions: Separate facilities *(for each sex)* shall not be required in structures or tenant spaces with a total occupant load, including both employees and customers, of 15 or less.

TITLE 24

Professions and Occupations

CHAPTER 3. ARCHITECTURE

§ 301 Objectives and functions.

The primary objective of the Board of Architects, to which all other objectives and purposes are secondary, is to protect the general public (including those persons who are direct recipients of services regulated by this chapter) from unsafe practices, and from occupational practices which tend to reduce competition or fix the price of services rendered. The secondary objectives of the Board are to maintain minimum standards of architect competency, and to maintain certain standards in the delivery of services to the public. In meeting its objectives, the Board shall develop standards assuring professional competence; shall monitor complaints brought against architects regulated by the Board; shall adjudicate at formal hearings; shall promulgate rules and regulations; and shall impose sanctions where necessary against architects.

64 Del. Laws, c. 1, § 1; 68 Del. Laws, c. 144, § 1.;

§ 302 Definitions.

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

(1) "Architect" shall mean any person who engages in the practice of architecture as hereinafter defined.

(2) The "Board" shall mean the Board of Architects established by § 8735(a)(3) of Title 29 and this chapter.

(3) "Certificate of registration" shall mean any document which indicates that a person is currently registered with the Board of Architects.

(4) "Direct supervision" shall mean that degree of supervision by a person overseeing the work of another whereby the supervisor has both control over and detailed professional knowledge of the work prepared under the person's supervision.

(5) "Practice of architecture" shall mean the rendering or offering to render those services, hereinafter described, in connection with the design and construction, enlargement or alteration of a structure or group of structures which have as their principal purpose human habitation or use, and the utilization of space within and

surrounding such structures; the services referred to include planning, preparing studies, designs, drawings, specifications and other technical submissions and furnishing administration of construction contracts.

(6) "Registered architect" shall mean an architect holding a current certificate of registration.

(7) "Substantially related" means the nature of criminal conduct, for which the person was convicted, has a direct bearing on the fitness or ability to perform 1 or more of the duties or responsibilities necessarily related to the practice of architecture.

(8) "Technical submissions" shall mean designs, drawings, specifications, studies and other technical reports prepared in the course of practicing architecture.

62 Del. Laws, c. 344, § 1; 64 Del. Laws, c. 1, § 1; 65 Del. Laws, c. 355, § 1; 68 Del. Laws, c. 144, § 1; 70 Del. Laws, c. 186, § 1; 74 Del. Laws, c. 262, § 9.;

§ 303 Registration to practice; construction of chapter.

(a) The right to engage in the practice of architecture shall be deemed a personal right, based upon the qualifications of the individual as evidenced by a certificate of registration, which shall not be transferable. No person shall engage in the practice of architecture in this State or otherwise hold oneself out to the public as being an architect, or use in connection with the person's name, or otherwise assume, use or advertise any title or description intending to convey the impression that the person is an architect, unless such person has a certificate of registration.

(b) The provisions of this chapter shall not be construed to prevent, nor to affect:

(1) The preparation of technical submissions or the administration of construction contracts by an employee or subordinate of a person or organization lawfully engaged in the practice of architecture, providing such work is done under the direct responsibility and supervision of such person or organization;

(2) The practice of architecture by a person licensed in this State as a professional engineer, when such practice is incidental to what may be properly considered an engineering project;

(3) The practice of landscape architecture by a landscape architect, regardless of whether the practice of landscape architecture shall continue to be licensed under the Delaware Code;

(4) A nonresident, who holds a certificate to practice architecture in the state in which the person resides, and/or in addition holds the certification issued by the National Council of Architectural Registration Boards, from agreeing to perform or holding the person's self out as able to perform any of the professional services involved in the practice of architecture; provided that the person shall not perform any of the professional services involved in the practice of architecture until registered as provided

in subsection (a) of this section; and further provided that the person notifies the Board in writing if the person, prior to registration, engages in any of the activities permitted by this paragraph;

(5) Any of the activities that, apart from this exemption, would constitute the practice of architecture, if performed in connection with any of the following:

a. Single and 2-family dwellings, and any sheds, storage buildings and garages incidental to such dwellings;

b. Farm buildings, including barns, silos, sheds or housing for farm equipment and livestock, provided such structures are designed to be occupied by no more than 10 persons; or

c. Any alteration, renovation or remodeling of a structure when such alteration, renovation or remodeling does not affect structural or other safety features of the structure and when the work contemplated by the design does not require the issuance of a permit under applicable building codes;

(6) The preparation of submissions to architects by the manufacturer, supplier, installer, or others of any materials, components, or equipment incidental to the architect's design of the entire project that describe or illustrate the use of such items;

(7) The preparation of any details or shop drawings required of the contractor by the terms of the construction documents;

(8) The management of construction contracts by persons engaged in contracting work;

(9) The preparation of technical submissions or the administration of construction contracts by persons acting under the responsible control of a registered architect;

(10) Officers and employees of the United States of America from engaging in the practice of architecture as employees of said United States of America;

(11) A person who holds the certification issued by the National Council of Architectural Registration Boards (NCARB) but who is not currently registered in the jurisdiction, from offering to provide the professional services involved in the practice of architecture, provided that the person shall not perform any of the professional services involved in the practice of architecture until registered as hereinbefore provided, and further provided that he or she notifies the Board in writing that:

a. The person holds a NCARB certificate and is not currently registered in the jurisdiction, but will be present in Delaware for the purpose of offering to provide architectural services;

b. The person will deliver a copy of the notice referred to in paragraph (b)(11)a. of this section to every potential client to whom the person offers to render architectural services; and