

Ordinance No. 527

An Ordinance to amend and restate the following chapters of the Code of the City of New Castle: Chapters 102 (Building Construction), Chapter 103 (One- and Two-Family Dwellings), Chapter 162 (Mechanical Standards), Chapter 163 (Fuel Gas Standards), Chapter 181 (Plumbing Code), Chapter 185 (Property Maintenance Code); and to establish new Chapters 164 (Existing Building Code) and 165 (Swimming Pool and Spa Code) to the Code of the City of New Castle.

WHEREAS, the City Council of the City of New Castle is charged with the responsibility of ensuring the health, safety, and welfare of the citizens of the City of New Castle by administering and enforcing the regulations of the building industry; and

WHEREAS, by the adoption of this ordinance, the City Council intends to update:

- (1) Amend Chapter 102 of the City Code (Building Construction) so as to incorporate Article 4 of the New Castle County Code (the County Building Code) with revisions,
- (2) Amend and restate Chapter 103 (Building Standards for One- and Two-Family Dwellings) consistent with the International Residential Code, 2018 edition, with revisions;
- (3) Amend and restate Chapter 162 (Mechanical Standards) consistent with and pursuant to 24 Del. C. ch. 18, the Office of Code Enforcement shall enforce the most recent version of the International Mechanical Code published by the International Code Council as adopted by the State Board of Plumbing, Heating, Air Conditioning, Ventilation and Refrigeration Examiners;
- (4) Amend and restate Chapter 163 (Fuel Gas Standards) consistent with the International Fuel Gas Code, 2018 edition, with revisions;
- (5) Amend and restate Chapter 181 (Plumbing) Pursuant to 16 Del. C. ch. 79, the Office of Code Enforcement shall enforce the most recent version of the International Plumbing Code published by the International Code Council as adopted and modified by the Delaware Division of Public Health;
- (6) Amend and restate Chapter 185 (Property Maintenance) consistent with the International Property Maintenance Code, 2018 edition, with revisions;
- (7) Adopt a new Chapter 164 incorporating the International Existing Building Code, 2018 edition, with revisions; and
- (8) Adopt a new Chapter 165 incorporating the International Swimming Pool and Spa Code, with revisions;

WHEREAS, the City Council finds that the provisions of this ordinance are rationally and reasonably related to, substantially advance, and are narrowly tailored to achieve its goal of

protecting and preserving legitimate governmental interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare and quality of life;

NOW, THEREFORE BE IT ORDAINED by the Council of the City of New Castle, the following:

SECTION 1: The following sections of Chapter 102 of the City Code (Building Code) are revised, amended or replaced as follows:

§102-3. Adoption of Standards. Certain documents on file in the Office of Code Enforcement, being marked and designated as the “International Building Code, 2018 edition, published by the International Code Council, Inc., are hereby adopted as the building code of the City, for the control of buildings and structures as provided in this chapter. The provisions of the International Building Code shall apply to the construction, alteration, movement, relocation, enlargement, replacement, repair, equipment, use and occupancy, location, maintenance, removal, and demolition of every building or structure or any appurtenances connected or attached to such buildings or structures.

Exception: Detached one- and two-family dwellings and multiple single family dwellings townhouses not more than three (3) stories above grade plane in height with separate means of egress, and their accessory structures not more than (3) stories above grade plane in height, shall comply with the International Residential Code, 2018 edition, as adopted in Chapter 103 of this Code, with the amendments thereto prescribed in §103-2.

§102-4. Additions, insertions and changes.

A. The following sections of the International Building Code, 2018 edition, are hereby revised as follows. (**NOTE:** Although the International Building Code does not identify sections with a “B” designation, such a designation is utilized to avoid any confusion as to which Code the amendment relates):

- (1) Section B101.1. Insert “City of New Castle.”
- (2) Section B103.1 entitled “Creation of enforcement agency” is hereby modified to delete reference to the “Department of Building Safety” and replace it with “Office of Code Enforcement”. All references in the International Building Code, 2018 edition, to the “Department of Building Safety shall be interpreted to mean the “Office of Code Enforcement” of the City of New Castle.
- (3) Section B103.1 entitled “Creation of enforcement agency” is hereby modified to delete reference to the “building official” and replace it with the “Code Official” which shall mean that member of the Office of Code Enforcement charged by City Council with the enforcement of the

provisions of this Chapter or his or her designee. All references in the International Building Code, 2018 edition, to the “building official” shall be interpreted to mean the “Code Official” of the City of New Castle.

(4) Section B105.1 relating to required permits is amended to read as follows:

B105.1 Required. Any owner or owner’s authorized agent who intends 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 electrical, gas, mechanical or plumbing system, the installation of which is regulated by Chapters 102, 103, 162, 163, 164, 165, 181 or 185 of the City Code, or to cause any such work to be performed, shall first make application to the Code Official and obtain the required permit.

(5) Section B105.1.1 is deleted and replaced with the following:

B105.1.1 Payment of Taxes. No permit application shall be accepted or issued under the provisions of Chapters 102, 103, 162, 163, 164, 165, 181 or 185 of the City Code until confirmation that the owner seeking the permit, or the owner for whose benefit the improvements are to be made under such permit, is not delinquent in the payment of City real estate taxes, fines, liens or assessments on any tax parcel that such land owner owns in the City of New Castle. Only taxes that remain unpaid outside the grace period as provided in §221-15 of the City Code shall be considered delinquent. The confirmation, which the City Department of Finance shall provide at no cost upon application, is solely for the purpose of obtaining the desired permit. This provision shall not apply to repairs ordered by the Code Official to bring a property that is found to be non-compliant with any section of this Code.

(6) Section B105.1.2 is deleted.

(7) Section B105.2 is deleted, provided section B 105.2.1 is retained.

(8) Section B109.2 is amended to state: “See fee schedule in Chapter A239.”

(9) Section B113 is renamed “Appeals.

(10) Section B113.1 entitled “General” is amended to read as follows:

B113.1 General. Any person aggrieved by any order, decision, requirement or determination made by the Code Official relative to the application and interpretation of this code may be appealed to the Board of Adjustment in accordance with the provisions of Section 230-55 of the City Code. The Board of Adjustment shall have jurisdiction to hear and decide appeals where it is alleged there is error in any order, decision, requirement or determination made by the Code Official in the application and interpretation of this code.

- (11) Section B114.4 entitled “Violation penalties” is amended to read as follows:

B114-4. Violation penalties. Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$100 or imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (12) Section B115.3 entitled “Unlawful continuance” is hereby amended to read as follows:

B115-5. Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$25 or more than \$1,000.

- (13) Section B1612.3 entitled “Establishment of flood hazard areas” to insert “the City of New Castle” as the applicable jurisdiction and “January 22, 2020” as the date of the Flood Insurance Study.
- (14) Section B305.2, Group E, Day care facilities, is amended in the third line by deleting the phrase “five children” and substituting the phrase “twelve children.”
- (15) Section B305.2.3, Five or fewer children in a dwelling unit, is amended in the title and the third line by deleting the word “Five” and substituting the word “Twelve”.
- (16) Section B308.5, Institutional Group I-4, day care facilities, is amended in the third line by deleting the phrase “persons” and substituting the phrase “adults or more than 12 children.”
- (17) Section B308.5.1, Classification as Group E, is amended in the second line by deleting the word “five” and substituting the word “twelve”.
- (18) Section B308.5.4, Five or fewer persons receiving care in a dwelling unit, is amended in the title and third line by deleting the phrase “Five or fewer persons” and substituting “More than five adults or more than twelve children of any age”.
- (19) Section B310.4, Residential Group R-3, is amended in the seventh line by deleting the word “persons” and substituting the phrase “adults or twelve or fewer children”.

- (20) Section B310.4.1, Care facilities within a dwelling, is amended in the second line by deleting the word “persons” and substituting the phrase “adults or twelve or fewer children” and in the fourth, fifth and sixth lines by deleting the phrase “an automatic sprinkler system is installed in accordance with Section 903.3.1.3 or Section P2904 of the International Residential Code” and substituting the phrase “the following restrictions are met: (i) A license shall be obtained from the State of Delaware Department of Services of Children, Youth, and Their Families. All regulations of such Department shall be met; (ii) Rooms to be occupied by infants shall have a direct path of egress, on the same floor level, to the exterior of the house; (iii) Smoke alarms shall be installed in accordance with Section B907; (iv) Carbon monoxide detection shall be installed in accordance with Section B915.”
- (21) Section B427.1, General, is amended by deleting the subsection in its entirety and substituting the following: Section B427.1, General. Medical gas systems shall be designed, constructed, and maintained in accordance with this Code and the provisions of NFPA 99.
- (22) Section B428.1, Scope, is amended by deleting the subsection in its entirety and substituting the following: Section B428.1, Scope. Higher education laboratories shall be designed, constructed, and maintained in accordance with this Code and the provisions of NFPA 45.
- (23) Section B903.2.1.2, Group A-2, is amended in item number one (1) by deleting “5,000 square feet (464.5 m²)” and substituting “10,000 square feet (929 m²)” and in item number two (2) by deleting “100” and substituting “300.”
- (24) Section B907.2.1, Group A, is amended in the fifth, sixth, and seventh lines by deleting the phrase “or where the Group A occupant load is more than 100 persons above or below the lowest level of exit discharge”.
- (25) Section B1023.9, Stairway identification signs, is amended in the third line by deleting the word “three” and substituting the word “two.”
- (26) Section B1025.1, General, is amended in the second and third lines by deleting the phrase “high-rise buildings” and substituting the phrase “buildings having three (3) or more stories above or below the level of exit discharge”.
- (27) Section B1105. Accessible entrances, is amended by adding the following subsection: B1105.2, Requirements for newly constructed places of public accommodation. All buildings which are constructed after January 1, 2011, and intended for use as places of public accommodation as defined by this Chapter and 6 Del. C. ch. 45 (“Equal Accommodations”), must be equipped with automatic doors at each entrance that is intended to be a main entrance and is accessible by the general public.

- (28) Section B1301.1.1 Criteria, is amended by deleting the subsection in its entirety and substituting the following: Section B1301.1.1 Criteria. Buildings shall be designed and constructed in accordance with the Statewide Energy Conservation Code.
- (29) Section B1608.2, Ground snow loads, is amended to indicate the ground snow loads to be used in determining the design snow loads for roofs is 25 pounds per square foot.
- (30) Section B1612.2, Design and construction, is amended at the end of the paragraph by adding the phrase, “and shall have the lowest floor or crawlspace elevated to or above the base flood elevation plus 18 inches”.
- (31) Establishment of flood hazard areas, is clarified to depict that the effective date of the most recent FIRM maps for New Castle City are February 4, 2015 and January 22, 2020 encompasses Map Numbers 10003C00: 158K; 161L; 162K; 163L;164K; and 166K and all revisions defined by FEMA FIRM maps.
- (32) Section B1612.3.2, Determination of impacts, is amended in the sixth line by deleting the phrase “1 foot (305 mm)” and substituting the phrase “0.1 foot”.
- (33) Section B1803.5, Investigated conditions, is amended by adding the following subsection: Section 1803.5.13, Subsidence areas. All applications in subsidence areas shall include a report, prepared by a professional geologist or a professional geotechnical engineer registered in the State of Delaware, evaluating the vulnerability of the subsurface of subsidence (sinkholes). The application and report shall be sufficient to establish to the satisfaction of the Code Official after consulting with the Delaware Geological Survey, that the construction methods to be employed will be adequate to minimize the potential for subsidence. A soils report shall not be required for one- and two-family dwellings unless field inspections indicate questionable soils or conditions or it is located in a subsidence area.
- (34) Section B1805.4.3, Drainage discharge, is amended by deleting the subsection in its entirety and substituting the following: Section B1805.4.3, Drainage system. In other than Group I soils, a sump shall be provided to drain the porous layer of footings. The sump pit shall be not less than 18 inches (457 mm) in diameter and not less than 24 inches (610 mm) in depth, unless otherwise approved. The pit shall be provided with access and shall be located such that all drainage flows into the pit by gravity. The sump piping shall conform to the International Plumbing Code. The sump shall discharge to the exterior of the structure at a sufficient distance to prevent recycling. The sump pump crock must have a removable cover.
- (35) Table B1807.1.6.2, Concrete foundation walls, is amended by adding the following footnote: In the absence of soil data, the following ratings shall be

- used for the lateral soil load: 60 PSF/FT for basement walls; 45 PSF/FT of depth for retaining walls; and 200 PSF/FT of depth for passing pressure.”
- (36) Table B1807.1.6.3(1), Plain masonry foundation walls, is amended by adding the following footnote: In the absence of soil data, the following ratings shall be used for the lateral soil load; 60 PSF/FT for basement walls; 45 PSF/FT of depth for retaining walls; and 200 PSF/FT of depth for passing pressure.”
- (37) Section B1809.5, Frost Protection, Number 1, is amended by deleting it in its entirety and substituting the phrase “Extending to a depth of not less than 32 inches below grade.”
- (38) Section B2205.1, General, is amended by adding the following sentence at the beginning of the paragraph: “The structural engineer of record shall be responsible for the design and adequacy of all structural steel, including connections.”
- (39) Section B2304.12, Protection against decay and termites, is amended by adding the following subsection: B2304.12.2.7, Foundation sill plates. All sill plates anchored to foundation walls shall be of approved naturally durable or preservative treated wood.
- (40) Section B2304.12, Protection against decay and termites, is amended by adding the following subsection: B2304.12.2.8, Wood in contact with masonry or concrete. All wood against masonry or concrete must be approved naturally durable, preservative treated wood, or protected in an approved manner.
- (41) Section B2403.1, Identification, is amended by adding the following sentence to the end of the subsection: “Glass that is not labeled shall be assumed to be annealed or plate glass.”
- (42) Section B2510.6, Water-resistive barriers, Exception Number 1, is amended in the sixth line by deleting the phrase “or drainage space” and substituting “and integrated with a continuous designed drainage space (a gap) that allows moisture to drain freely to the exterior of the assembly. A drainage space shall be, but not limited to, a space formed by the use of any non-corrodible furring strips, drainage mat, or drainage board which allows for the continuous flow of moisture. Such products and designs must adhere to this section and those requirements outlined in Section 06.03.011(N) “Alternative materials, design, and methods of construction and equipment”.”
- (43) Section B2702.1.4, Load transfer, is amended in the fifth line by deleting the number “60” and substituting the number “10”.
- (44) Section B3107.1, General, is amended by deleting the subsection in its entirety and substituting the following: Section B3107.1, General. Signs shall be designed, constructed and maintained in accordance with this code and with Chapter 230 of this Code.

(45) CHAPTER 32, ENCROACHMENTS INTO THE PUBLIC RIGHT-OF-WAY, is amended by deleting it in its entirety.

(46) Section B3302, Construction safeguards, is amended by adding the following subsections:

Section B3302.4, Storage of construction and demolition waste. Construction and demolition waste may be stored upon the land where actual construction or demolition is in progress; provided, however, that such waste shall not be stored for a period exceeding one hundred and twenty (120) days and all other waste not stored in a dumpster shall not be stored for periods exceeding thirty (30) days.

Section B3302.5, Handling and storage of construction and demolition waste, trash, and litter. During all construction activities, the lot(s) shall be kept neat of trash and building materials. All construction sites shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction and demolition waste created or accumulated on the site, which might be blown from the site. All such construction refuse shall be maintained in a closed container, or a container of sufficient depth to prevent construction and demolition waste from blowing out of the container, at all times, until transferred to a landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists and thereby create traffic hazards. It shall be a violation to permit accumulated debris, litter, or trash attributable to the construction site and the construction activity to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or in transit to a landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing.

Section B3302.6, Final Inspection. A final cleanup is required, including the removal of all building debris, stumps, portable toilets, etc. within five (5) days after the final inspection on that parcel. Exception: Stumps located outside of the limit of disturbance that are not required to be removed by any plan approved by the Department are not subject to this section.

Section B3302.7, Enforcement. Any person who fails to comply with the requirements found in this Section shall be subject to the penalty and enforcement provisions provided in this Chapter.

Section B3303.6, Utility connections, is amended by deleting the subsection in its entirety and substituting the following: Section B3303.6, Utility connections. Before a structure is demolished or removed, the owner or agent shall notify all utilities having service connections within the structure such as water, electric, gas, sewer and other connections. A

permit to demolish or remove a structure shall not be issued until a release is obtained from the utilities, stating that their respective service connections and appurtenant equipment, such as meters and regulators, have been removed or sealed and plugged in a safe manner.

Section B3303, Demolition, is amended by adding the following subsection: Section B3303.8, Notice to adjoining owners. Only when notice has been given by the applicant to the owners of adjoining lots and the owners of wires or other facilities, of which the temporary removal is necessitated by the proposed work, shall a permit be granted for the removal of a building or structure.

§102-5 Application. Every business entity desiring to do business in the City of New Castle pursuant to Chapters 102, 103, 162, 163, 164, 165, 181 or 185 of the City Code shall secure and maintain a valid business license pursuant to the provisions of Chapter 156 of the City Code by filing an application with the City Finance Department and the Office of Code Enforcement. Each application for a business license shall be accompanied by payment in the amount stated in §156-5 and Chapter A-239 of the City Code.”

§102-6 State Fire Code Adopted. All references of the International Building Code, 2018 edition, to the International Fire Code as published by the International Code Council, are expressly not adopted in this Chapter. The City hereby adopts the National Fire Prevention Association (NFPA) Codes and Standards and the Delaware Fire Prevention Regulations as adopted by the Delaware State Fire Marshall’s Office, all of which are incorporated herein by reference.

§102-7 Energy Efficiency. All references of the International Building Code, 2018 edition, to the International Energy Conservation Code as published by the International Code Council, are specifically not adopted in this Chapter. The City hereby adopts the provisions of the State of Delaware’s Code for Energy Conservation as codified in Title 16, Chapter 76 of the Delaware Code, as same may be amended from time to time, all of which are incorporated herein by reference.

§102-8 Conflicts with International Code. Any conflicts between the provisions of this Chapter and the International Building Code, 2018 edition, shall be resolved by the Code Official in a manner best designed to ensure the public health and safety.

§102-9 Savings clause. No suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance at the time of the adoption of this Chapter shall be affected by the provisions of this Chapter.

SECTION 2: Those sections of Chapter 103 of the City Code (Building Standards For One- And Two-Family Dwellings) listed below are revised, amended or replaced as follows:

§103-1. Certain documents on file in the Office of Code Enforcement, being marked and designated as the “International Residential Code, 2018 edition, published by the International Code Council, Inc., are hereby adopted as the residential building code of the City, for the control of buildings and structures as provided in this chapter. The provisions of the International Residential Code for One: and Two- Family Dwellings shall apply to the construction, alteration, movement, enlargement, replacement, repair, equipment, use and occupancy, location, removal and demolition of detached one: and two-family dwellings and townhouses not more than three (3) stories above grade plane in height with a separate means of egress and their accessory structures. All the sections, conditions, and terms of the International Residential Code, 2018 edition, are hereby referred to and made a part of this Chapter as if fully set out herein, with the following amendments prescribed in §103-2.

§103-2. Additions, insertions and changes.

A. The following sections of the International Residential Code, 2018 edition, are hereby revised: **NOTE:** Although the International Residential Code does not identify sections with an "R" designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

(1) Section R101.1 Insert: "the City of New Castle."

(2) Section R103.1 entitled “Creation of enforcement agency” is hereby modified to delete reference to the “Department of Building Safety” and replace it with “Office of Code Enforcement”. All references in the International Residential Code, 2018 edition, to the “Department of Building Safety shall be interpreted to mean the “Office of Code Enforcement” of the City of New Castle.

- (3) Section R103.2 entitled “Appointment” is hereby modified to delete reference to the “building official” and replace it with the “Code Official” which shall mean that member of the Office of Code Enforcement charged by City Council with the enforcement of the provisions of this Chapter or his or her designee. All references in the International Residential Code, 2018 edition, to the “building official” shall be interpreted to mean the “Code Official” of the City of New Castle.
- (4) Section R105.2 entitled “Work exempt from permit” is deleted.
- (5) Section R112 is renamed “Appeals.
- (6) Section R112.1 relating to appeals from decisions of the Code Official is deleted and replaced by the following:
- R112.1 General.** Any person aggrieved by any order, decision, requirement or determination made by the Code Official relative to the application and interpretation of this code may be appealed to the Board of Adjustment in accordance with the provisions of Section 230-55 of the City Code. The Board of Adjustment shall have jurisdiction to hear and decide appeals where it is alleged there is error in any order, decision, requirement or determination made by the Code Official in the application and interpretation of this code.
- (7) Section R113.4 is deleted and replaced by the following:
- R113.4 Violation penalties.** Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directives of the Code Official, or of a permit or certificate issued under the provisions of this Code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$100 or imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offence.
- (8) Section 114.2 shall be deleted and replaced by the following: R114.2 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is direct to perform to remove a violation or unsafe condition, shall be liable for a fine or not less than \$100 or more than \$1,000.
- (9) Table R301.2(1) is completed as follows:

GROUND SNOW LOAD ^o	WIND DESIGN				SEISMIC DESIGN CATEGORY	SUBJECT TO DAMAGE FROM			WINTER DESIGN TEMP ^a	ICE BARRIER UNDERLAYMENT REQUIRED ⁿ	FLOOD HAZARD ^s	AIR FREEZING INDEX ^k	MEAN ANNUAL TEMP ^p
	Speed ^d (mph)	Topographic effects ^e	Special wind region ^l	Wind-borne debris zone ^m		Weathering ^r	Frost line depth ^o	Termite ^q					
25 Lbs./sq.ft	115	No	No	No	B	Severe	32"	Yes	14°F	Eve and valley only	Per 1-20-20 FIS	596	54°
MANUAL J DESIGN CRITERIA^a													
Elevation		Latitude	Winter heating	Summer cooling	Altitude correction factor		Indoor design temperature	Design temperature cooling		Heating temperature difference			
78		39	14°	89°F	1.0		72°F	75%		58°F			
Cooling temperature difference		Wind velocity heating	Wind Velocity cooling	Coincident wet bulb	Daily range		Winter humidity	Summer humidity					
14°F		15 mph	7.5 mph	74	M		50%	50%					

- (10) Table R301.2(1), Flood hazards, is clarified to depict that the effective date of the most recent FIRM maps for New Castle City are February 4, 2015 and January 22, 2020 encompasses Map Numbers 10003C00: 158K; 161L; 162K; 163L;164K; and 166K and all revisions defined by FEMA FIRM maps.
- (11) Figure R301.2(6), Ground snow loads for the United States, is clarified to depict that all of New Castle County shall fall within the 25 pounds per square foot area.
- (12) Section R302.1, Exterior walls, Exception Number 3, is amended in the first line by adding the word “garages,” after the word “detached” and in the second line by deleting “exempted from permit” and inserting “that have a fire separation distance of 3 feet or more.”
- (13) Table R302.6, Dwelling-garage separation, is amended in the second column of the second row by adding the phrase “two layers of” before the number “5/8.”
- (14) Table R302.6, Dwelling-garage separation, is amended in the second column of the third row by deleting “1/2” and substituting the phrase, “two layers of 5/8” and at the end of the phrase inserting “applied to the garage side”.
- (15) Section R303.4, Mechanical ventilation, is amended by deleting the subsection in its entirety.
- (16) Section R303.6, Outside opening protection, is amended by deleting the subsection in its entirety.
- (17) Section R303.11, Prohibited connections, is added as a new subsection as follows:
Section R303.11, Prohibited connections. It shall be unlawful for any person to connect sump pump, French drains, area drainage, storm drainage, roof drainage, swimming pool drainage, condensate pump drainage, or drainage from any device directly or indirectly into any public or private sewer, except when such a connection has been specifically authorized in writing by New Castle County Special Services. Exception: Heater condensate drains connected into the sanitary sewer system for slab-on-grade foundation or total crawl space dwellings. The connection of this drain shall be upstream of a trap to block the backflow of any sewer gases into the dwelling.
- (18) Section R305.1, Minimum height, is amended in the first and second lines by deleting the phrase “and portions of basements containing these spaces.” Section R305.1.1, Basements, is amended in the first line by deleting the phrases “Portions of” and “do not.”
- (19) Section R309.1, Floor surface, is amended by deleting the second sentence and substituting the following: “That area of the floor used for parking automobiles or other vehicles shall have a four (4) inch step between the garage and the living space and shall be sloped to facilitate the movement of liquids to a drain or toward the main vehicle entry doorway.”
- (20) Section R310.6, Alterations or repairs of existing basements, is amended in the first and third lines by deleting the phrase “Alterations or” from both. Section R310.6,

- Alterations or repairs of existing basements, Exception, is amended in the first line by adding the phrase, “habitable space or” after the word “new”.
- (21) Section R311.2, Egress door, is amended by deleting the fourth sentence and substituting “All interior doors and openings in the path of egress shall have a minimum width of 2 feet 6 inches and a minimum height of 6 feet 6 inches. Doors to bathrooms or powder rooms may have a width of 2 feet 4 inches.”
- (22) Section R311.3.1, Floor elevations at the required egress doors, exception, is amended in the second and third lines deleting the phrase “the top of the threshold” and substituting “in the interior floor.”
- (23) Section R311.3.2, Floor elevations for other exterior doors, is amended in the fourth lines by deleting the phrase “top of the threshold” and substituting “interior floor.”
- (24) Section R311.7.5.1, Risers, Exception, is amended by adding the following as exception number three: 3. Where the bottom or top riser adjoins a sloping public way, walkway or driveway having an established grade and serving as a landing, the bottom or top riser is permitted to be reduced along the slope to less than 4 inches (102 mm) in height with the variation in height of the bottom or top riser not to exceed one unit vertical I 12 units horizontal (8-percent slope) of stairway width.
- (25) Section R313.1, Townhouse automatic fire sprinkler systems, is amended in the second line by deleting the word “shall” and substituting the word “may.”
- (26) Section R313.1, Townhouse automatic fire sprinkler system, Exception, is amended by deleting the exception in its entirety.
- (27) Section R313.1.1, Design and installation, is amended in the third line by deleting the phrase “Section P2904 or”.
- (28) Section R313.2, One- and two-family dwellings automatic fire sprinkler systems, is amended in the second line by deleting the word “shall” and substituting the word “may.”
- (29) Section R313.2, One- and two-family dwellings automatic fire sprinkler systems, is amended by deleting the exception in its entirety.
- (30) Section R313.2.1, Design and installation, is amended in the third line by deleting the phrase “Section P2904 or”.
- (31) Section R314.2.2, Alterations, repairs and additions, is amended by adding the following exception number three: 3. Minor interior renovations to dwellings require the installation of battery operated smoke alarms as required by the International Residential Code.
- (32) Section R315.2.2, Alterations, repairs and additions, is amended by adding the following exception number three: 3. Minor interior renovations to dwellings require the installation of battery operated carbon monoxide alarms as required by the International Residential Code.
- (33) Section R317.1, Location required, Number 2, is amended in the second and third line by deleting “and are less than 8 inches (203 mm) from exposed ground.”

- (34) Section R322.1.4.2, Determination of impacts, is amended in the eighth and ninth lines by deleting the phrase “1 foot (305 mm)” and substituting the phrase “0.1 foot”.
- (35) Section R322.2.1, Elevation requirements, Number 1, is amended in the third line by adding the phrase “or crawlspace” after the word “floors” and in the fourth line by deleting the phrase “1 foot (305 mm)” and substituting “18 inches (457 mm).”
- (36) Section R322.2.1, Elevation requirements, Number 2, is amended in the fifth and sixth lines by deleting the phrase “1 foot (305 mm)” and substituting “18 inches (457 mm).”
- (37) Section R322.2.1, Elevation requirements, Number 3, is amended in the third line by deleting the phrase “1 foot (305 mm)” and substituting “18 inches (457 mm).”
- (38) Section R322.3.2, Elevation requirements, Number 1, is amended in the seventh line by deleting the phrase “1 foot (305 mm)” and substituting the phrase “18 inches (457 mm).”
- (39) Section R322.3.2, Elevation requirements, Number 4, is amended in the second line by adding the phrase “not to exceed 20 cubic yards on a single lot,” after the word “fill”.
- (40) Section R328, Construction Sanitation, is added as a new section as follows:
Section R328, Construction sanitation. Section R328.1, Facilities Required. Sanitary facilities shall be provided during construction, remodeling or demolition activities in accordance with the Statewide Plumbing Code. Section R328.2, Storage of construction and demolition waste. Construction and demolition waste may be stored upon the land where actual construction or demolition is in progress; provided, however, that such waste shall not be stored for a period exceeding ninety (90) days and all other waste not stored in a dumpster shall not be stored for periods exceeding thirty (30) days. Section R328.3, Handling and storage of construction and demolition waste, trash, and litter. During all construction activities, the lot(s) shall be kept neat of trash and building materials. All construction sites shall be required to obtain and maintain on the site a container of suitable size and design to hold and confine trash, scraps, and other construction and demolition waste created or accumulated on the site, which might be blown from the site. All such construction refuse shall be maintained in a closed container, or a container of sufficient depth to prevent construction and demolition waste from blowing out of the container, at all times, until transferred to a landfill. Containers may be placed in setback areas, provided that the placement of the container does not obstruct the view of motorists and thereby create traffic hazards. It shall be a violation to permit accumulated debris, litter, or trash attributable to the construction site and the construction activity to blow or scatter onto adjoining properties, including the public street or to accumulate on the site outside of the container, or in transit to a landfill or dump. The owner or contractor shall service the container as frequently as needed to prevent trash from over-flowing. Section R328.4, Final Inspection. A final clean-up is required, including the removal of all building debris, stumps, portable toilets, etc. within five (5) days after the final inspection on that parcel. Exception: Stumps located outside of the limit of disturbance that are not required to be removed by any plan

approved by the Department are not subject to this section. 50 Section R328.5, Enforcement. Any person who fails to comply with the requirements found in this Section shall be subject to the penalty and enforcement provisions provided in this Chapter.

- (41) CHAPTER 4. FOUNDATIONS Table R403.1(1), Minimum width and thickness for concrete footings for light-frame construction, is amended by deleting the number six (6) from all columns and substituting the number eight (8).
- (42) Table R403.1(2), Minimum width and thickness for concrete footings for light-frame construction with brick veneer, is amended by deleting the number six (6) from all columns and substituting the number eight (8).
- (43) Table R403.1(3), Minimum width and thickness for concrete footings with cast-in-place concrete or fully grouted masonry wall construction, is amended by deleting the number six (6) from all columns and substituting the number eight (8).
- (44) Section R405.1, Concrete or masonry foundations, is amended by adding the following subsection: Section R405.1.2, Drainage system. In other than Group I soils, a sump shall be provided to drain the porous layer and footings. The sump pit shall be not less than 18 inches (457 mm) in diameter and not less than 24 inches (610 mm) in depth, unless otherwise approved. The sump shall discharge to the exterior of the structure at a sufficient distance to prevent recycling. The sump pump crock must have a removable cover.
- (45) Section R405.2.3, Drainage system, is amended in the fifth and sixth lines by deleting the phrase “below the bottom of the basement floor” and substituting the phrase “in depth.”
- (46) Section R407.3, Structural requirements, is amended in the second line by adding the phrase at the top and after the word “displacement”.
- (47) CHAPTER 5. FLOORS Table R507.3.1, Minimum footing size for decks, is amended by deleting the number six (6) from all columns and substituting the number eight (8).
- (48) Table R507.3.1, Minimum footing size for decks, footnote c., is amended by deleting the phrase “6 inches” and substituting the phrase “8 inches”.
- (49) CHAPTER 7. WALL COVERING Section R703.7, Exterior plaster (stucco), is amended after the first sentence by adding the following sentence: “Decorative coatings applied to a concrete or masonry surface shall be installed in accordance with the manufacturer’s installation instructions and are not required to comply with Table 702.1(1).”
- (50) Section R703.7.3, Water-resistive barriers, is amended in the fifth line after the word “paper” by adding the phrase “and integrated with a continuous designated drainage space (a gap) that allows moisture to drain freely to the exterior of the assembly.”
- (51) Section R703.7.3. Water-resistive barriers, Exception, is amended by deleting the exception it in its entirety and substituting: Exception: Where the water-resistive barrier that is applied over wood-based sheathing has a water-resistive equal to or greater than

that of a 60-minute Grade D paper and is separated from the stucco by an intervening, substantially non-water-absorbing layer and integrated with a continuous designed drainage space (a gap) that allows moisture to drain freely to the exterior of the assembly. A drainage space shall be, but not limited to, a space formed by the use of any non-corrodible furring strips, drainage mat or drainage board which allows for the continuous flow of moisture. Such products and designs must adhere to this section and those requirements outlined in Section 06.03.011(N) “Alternative materials, design, and methods of construction and equipment”.

- (52) CHAPTER 11. ENERGY EFFICIENCY Chapter 11, Energy efficiency, is amended by deleting the chapter in its entirety and substituting the following: Section N1101 General. Buildings shall be constructed in accordance with the provisions of the most current Statewide Energy Conservation Code.
- (53) CHAPTER 12. MECHANICAL ADMINISTRATION through and including CHAPTER 43. CLASS 2 REMOTE-CONTROL, SIGNALING AND POWER-LIMITED CIRCUITS Section M1201 through and including Section E4304.5, together with all tables and figures contained therein, are amended by deleting the chapters in their entirety.
- (54) APPENDIX E. MANUFACTURED HOUSING USED AS DWELLINGS Appendix E. Manufactured housing used as dwellings, is adopted with the following modifications: Subsection AE102.5 and sections AE305, AE505 are hereby deleted.
- (55) APPENDIX J. EXISTING BUILDINGS AND STRUCTURES Appendix J. Existing building and structures, is adopted in its entirety.
- (56) ARTICLE 6. MECHANICAL CODE Sec. 6.06.001. Enforcement of the Statewide HVACR Code. Pursuant to 24 Del. C. ch. 18, the Code Official shall enforce the most recent version of the International Mechanical Code published by the International Code Council as adopted or State Board of Plumbing, Heating, Air Conditioning, Ventilation and Refrigeration Examiners.
- (57) ARTICLE 7. PLUMBING CODE Sec. 6.07.001. Enforcement of the Statewide Plumbing Code. Pursuant to 16 Del. C. ch. 79, the Code Official shall enforce the most recent version of the International Plumbing Code published by the International Code Council as adopted or State Board of Plumbing, Heating, Air Conditioning, Ventilation and Refrigeration Examiners.
- (58) CHAPTER 11. ENERGY EFFICIENCY Chapter 11, Energy efficiency, is amended by deleting the chapter in its entirety and substituting the following: Section N1101 General. Buildings shall be constructed in accordance with the provisions of the most recent version of the adopted Statewide Energy Conservation Code.

§103-3. Conflicts with International Code. Any conflicts between the provisions of this Chapter and the International Residential Code, 2018 edition, shall be resolved by the Code Official in a manner best designed to ensure the public health and safety.

§103.4 Savings clause. No suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or

ordinance at the time of the adoption of this Chapter shall be affected by the provisions of this Chapter.

SECTION 3: Those sections of Chapter 162 of the City Code (Mechanical Standards) listed below are hereby amended and revised as follows:

§162-1 Adoption of standards.

Pursuant to 24 Del. C. ch. 18, the Department of Land Use shall enforce the most recent version of the International Mechanical Code published by the International Code Council as adopted or State Board of Plumbing, Heating, Air Conditioning, Ventilation and Refrigeration Examiners. Certain documents on file in the office of the Office of Code Enforcement, being marked and designated as the "International Mechanical Code, 2018 edition," published by the International Code Council, Inc., is hereby adopted as the mechanical code of the City regulating the design, construction, quality of materials, erection, installation, alternation, repair, location, relocation, replacement, addition to, use or maintenance of mechanical systems in the City, and providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, conditions and terms of such International Mechanical Code, 2018 edition, are hereby adopted and made a part of this Chapter, as if fully set out herein, with the following amendments prescribed as follows:

§162-2 Additions, insertions and changes.

A. The following sections of the International Mechanical Code are hereby revised as follows: **NOTE:** Although the International Mechanical Code does not identify sections with an "M" designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

(1) Section M101.1. Insert: "the City of New Castle."

(2) Section M103 is renamed "Office of Code Enforcement."

(1) Section M103.1 entitled "General" is deleted and replaced with the following:

M103.1 General. The Office of Code Enforcement shall be charged with the enforcement of this code and the executive official in charge thereof shall be known as the Code Official.

(3) 106.5.2 Insert: "See fee schedule in Ch. A239".

(4) Section M106.5.3.2. Insert: "50%."

(5) Section M106.5.3.3. Insert: "75%."

(6) Section M108.4. Insert: "misdemeanor," "\$100," "30 days."

(7) Section M108.5. Insert: "\$100," "\$1,000."

(8) Section M109.1 entitled "Application for appeal" relating to appeals from decisions of the Code Official is deleted and replaced by the following:

M109.1 General. Any person aggrieved by any order, decision, requirement or determination made by the Code Official relative to the application and interpretation of this code may be appealed to the Board of Adjustment in accordance with the provisions of Section 230-55 of the City Code. The Board of Adjustment shall have jurisdiction to hear and decide appeals where it is alleged there is error in any order, decision, requirement or determination made by the Code Official in the application and interpretation of this code.

§162-3. Conflicts with International Code. Any conflicts between the provisions of this Chapter and the International Mechanical Code, 2018 edition, shall be resolved by the Code Official in a manner best designed to ensure the public health and safety.

§162.4 Savings clause. No suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance at the time of the adoption of this Chapter shall be affected by the provisions of this Chapter.

SECTION 4: Those sections of Chapter 163 of the City Code (Fuel Gas Standards) listed below are hereby amended and revised as follows:

§163-1 Adoption of standards.

Certain documents on file in the office of the Office of Code Enforcement, being marked and designated as the "International Fuel Gas Code, 2018 edition," published by the International Code Council, Inc., is hereby adopted as the fuel gas code of the City for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, conditions and terms of such International Fuel Gas Code, 2018 edition, are adopted and made a part of this Chapter, as if fully set out herein, with the following amendments prescribed as follows:

§163-2 Additions, insertions and changes.

A. The following sections of the International Fuel Gas Code are hereby revised as follows:
NOTE: Although the International Fuel Gas Code does not identify sections with an "F"

designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

- 1) Section F101.1. Insert: "City of New Castle."
- (2) Section F103 is renamed "Office of Code Enforcement"
- (3) Section F103.1 entitled "General" is deleted and replaced with the following:

F103.1 General. The Office of Code Enforcement shall be charged with the enforcement of this code and the executive official in charge thereof shall be known as the Code Official.

- (4) Section F106.6.2 Insert: "See fee schedule in Ch. A239".
- (5) Section F106.6.3.2. Insert: "50%."
- (6) Section F106.6.3.3. Insert: "75%."
- (7) Section F108.4. Insert: "misdemeanor," "\$100," "30 days."
- (8) Section F108.5. Insert: "\$100," "\$1,000."
- (9) Section 109.1 entitled "Application for appeal" is deleted and replaced by the following:

F109.1 Application for appeal. Any person aggrieved by any order, decision, requirement or determination made by the Code Official relative to the application and interpretation of this code may be appealed to the Board of Adjustment in accordance with the provisions of Section 230.

SECTION 5: Those sections of Chapter 181 of the City Code (Plumbing) listed below are hereby amended and revised as follows:

§181-1 Adoption of standards.

Certain documents on file in the office of the Office of Code Enforcement, being marked and designated as the "International Plumbing Code, 2018 edition," published by the International Code Council, Inc., is hereby adopted as the plumbing code of the City regulating the design, construction, quality of materials, erection, installation, alternation, repair, location, relocation, replacement, addition to, use or maintenance of plumbing systems in the City; and each and all of the regulations, provisions, conditions and terms of such International Plumbing Code, 2018 edition, are adopted and made a part hereof this Chapter, as if fully set out herein, with the following amendments prescribed as follows:

§181-2 Additions, insertions and changes.

A. The following sections of the International Plumbing Code are hereby revised as follows:
NOTE: Although the International Plumbing Code does not identify sections with a "P" designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

(1) Section P101.1. Insert: "the City of New Castle."

(2) Section P103 is renamed "Office of Code Enforcement"

(3) Section P103.1 entitled "General" is deleted and replaced with the following:

P103.1 General. The Office of Code Enforcement shall be charged with the enforcement of this code, and the executive official in charge thereof shall be known as the Code Official.

(4) Section P106.6.2 Insert: "See fee schedule in Ch. A239".

(5) Section P106.6.3.2. Insert: "50%."

(6) Section P106.6.3.3. Insert: "75%."

(7) Section P108.4. Insert: "misdemeanor," "\$100," "30 days."

(8) Section P108.5. Insert: "\$100," "\$1,000."

(9) Section P109.1 entitle "Application for appeal" is deleted and replaced by the following:

§P109.1 Application for appeal. Any person aggrieved by any order, decision, requirement or determination made by the Code Official relative to the application and interpretation of this code may be appealed to the Board of Adjustment in accordance with the provisions of Section 230-55 of the City Code. The Board of Adjustment shall have jurisdiction to hear and decide appeals where it is alleged there is error in any order, decision, requirement or determination made by the Code Official in the application and interpretation of this code.

(10) Section P109.2 through P109.6.2 are deleted.

§181-3. Conflicts with International Code. Any conflicts between the provisions of this Chapter and the International Plumbing Code, 2018 edition, shall be resolved by the Code Official in a manner best designed to ensure the public health and safety.

§181.4 Savings clause. No suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance at the time of the adoption of this Chapter shall be affected by the provisions of this Chapter.

SECTION 6: Those sections of Chapter 185 of the City Code (Property Maintenance) listed below are hereby amended and revised as follows:

§185-1 Adoption of standards.

Certain documents on file in the office of the Office of Code Enforcement, being marked and designated as the “International Property Maintenance Code, 2018 edition,” published by the International Code Council, Inc., is hereby adopted as the property maintenance code of the City for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, conditions and terms of such International Property Maintenance Code, 2018 edition, are adopted and made a part hereof this Chapter, as if fully set out herein, with the following amendments prescribed as follows:

§185-2 Additions, insertions and changes.

A. The following sections of the International Property Maintenance Code are hereby revised as follows. **NOTE:** Although the International Property Maintenance Code does not identify sections with a "PM" designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

- (1) Section PM101.1. Insert: "the City of New Castle."
- (2) Section PM103 is renamed “Office of Code Enforcement”
- (3) Section PM103.1 entitled “General” is deleted and replaced with the following:

PM103.1 General. The Office of Code Enforcement shall be charged with the enforcement of this code and the executive official in charge thereof shall be known as the Code Official.

- (4) Section PM103.5 Insert: "See fee schedule in Ch. A239".
- (5) PM106.4 shall be deleted in its entirety. It shall be replaced by the following:

PM106.5 Violation penalties. Any person who violates a provision of this Code or fails to comply therewith, or with any of the requirements thereof, shall be guilty of a misdemeanor, punishable by a fine of not more than \$100 or imprisonment not exceeding

30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(6) Section PM111.1 entitled “Application for appeal” is deleted and replaced by the following:

PM111.1 Application for appeal. Any person aggrieved by any order, decision, requirement or determination made by the Code Official relative to the application and interpretation of this code may be appealed to the Board of Adjustment in accordance with the provisions of Section 230-55 of the City Code. The Board of Adjustment shall have jurisdiction to hear and decide appeals where it is alleged there is error in any order, decision, requirement or determination made by the Code Official in the application and interpretation of this code.

(7) Sections PM111.2 through PM111.6.2 are deleted.

(8) Section PM304.14 Insert: "May 1st", "November 1st."

(9) Section PM602.3 Insert: "November 1st", "May 1st."

(10) Section PM602.4 Insert: "November 1st", "May 1st".

§185-3. Conflicts with International Code. Any conflicts between the provisions of this Chapter and the International Property Maintenance Code, 2018 edition, shall be resolved by the Code Official in a manner best designed to ensure the public health and safety.

§185.4 Savings clause. No suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance at the time of the adoption of this Chapter shall be affected by the provisions of this Chapter.

SECTION 7: There is hereby created a new Chapter 164 to the City Code entitled “Existing Building Code” which shall read, in its entirety, as follows:

§164-1 Adoption of standards.

Certain documents on file in the office of the Office of Code Enforcement, being marked and designated as the “International Existing Building Code, 2018 edition,” published by the International Code Council, Inc., is hereby adopted as the existing building code of the City for the control of buildings and structures as herein provided; and each and all of the regulations, provisions, conditions and terms of such International Existing Building Code, 2018 edition, are

adopted and made a part hereof this chapter, as if fully set out herein, with the following amendments prescribed as follows:

§164-2 Additions, insertions and changes.

A. The following sections of the International Existing Building Code are hereby revised as follows: **NOTE:** Although the International Existing Building Code does not identify sections with a "EB" designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

(1) Section EB101.1. Insert: "the City of New Castle."

(2) Section EB101.2 entitled "Scope" is amended to read as follows:

EB101.2 Scope.

The provisions of this code shall apply to the repair, alternation, change of occupancy, addition to and relocation of existing buildings.

Exception (1): Detached one- and two-family dwellings and multiple single – family dwellings (townhouses) not more than three stories above grade plan in height with a separate means of egress, and their accessory structures not more than three stories above grade plan in height, shall comply with this code or Chapter 103 (Building Standards for One- and Two-Family Dwellings) of the City Code.

Exception (2): All residential dwellings located in the HR (Historic Residential) and HC (Historic Commerce) zones must comply with the provisions of Section 230-45 and Article VII of Chapter 130 of the City Code. In the event of any conflicts between this Chapter and the provisions of Chapter 230, the provisions of Chapter 230 shall be controlling.

(3) Section EB103 is renamed "Office of Code Enforcement".

(4) Section EB103.1 is retitled "Enforcement agency" and shall read as follows:

EB103.1. Enforcement agency. The Office of Code Enforcement shall be charged with the enforcement of this code and the executive official in charge thereof shall be known as the Code Official.

(5) EB105.2 entitled "Work exempt from permit" is deleted.

(6) Section EB108.2 entitled "Schedule of permit fees" is deleted and replaced by the following: "See fee schedule in Ch. A239".

- (7) Section EB112.1 relating to appeals of orders, decisions or determinations made by the code official is deleted and replaced by the following:

EB112.1 General. Any person aggrieved by any order, decision, requirement or determination made by the Code Official relative to the application and interpretation of this code may be appealed to the Board of Adjustment in accordance with the provisions of Section 230-55 of the City Code. The Board of Adjustment shall have jurisdiction to hear and decide appeals where it is alleged there is error in any order, decision, requirement or determination made by the Code Official in the application and interpretation of this code.

- (8) Section EB113.4 entitled “Violation penalties” is deleted and replaced by the following:

EB113.4 Violation penalties. Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a building or structure in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$100 or imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

- (9) Section EB114.3 entitled “Unlawful continuance” is deleted and replaced by the following:

EB113.5 Unlawful continuance. Any person who shall continue any work in or about the structure after having been served with a stop-work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be liable to a fine of not less than \$100 or more than \$1,000.

- (10) The legal occupancy of any structure existing on the date of adoption of this Chapter shall be permitted to continue without change, except as is specifically covered in this Chapter, the property maintenance code provisions, or other provision of the City Code, or as is deemed necessary by the Code Official for the general safety and welfare of the occupants and the public.

§164-3. Conflicts with International Code. Any conflicts between the provisions of this Chapter and the International Existing Building Code, 2018 edition, shall be resolved by the Code Official in a manner best designed to ensure the public health and safety.

§164.4 Savings clause. No suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance at the time of the adoption of this Chapter shall be affected by the provisions of this Chapter.

SECTION 8: There is hereby created a new Chapter 165 to the City Code entitled “Swimming Pool and Spa Code” which shall read, in its entirety, as follows:

§165-1 Adoption of standards.

(1) Certain documents on file in the office of the Office of Code Enforcement, being marked and designated as the “International Swimming Pool and Spa Code, 2018 edition,” published by the International Code Council, Inc., is hereby adopted as the swimming pool and spa code of the City for the control of swimming pools and spas as herein provided. The provisions of the International Swimming Pool and Spa Code shall apply to the construction, alteration, movement, renovation, replacement, repair and maintenance of aquatic vessels, recreation facilities, pools, and spas. The pools and spas covered by this Code are either permanent or temporary, and shall be only those that are designed and manufactured to be connected to a circulation system and that are intended for swimming, bathing, or wading. Each and all of the regulations, provisions, conditions and terms of such International Swimming Pool and Spa Code, 2018 edition, are hereby adopted and made a part of this Chapter, as if fully set out herein, with the following amendments prescribed as follows:

§165-2 Additions, insertions and changes.

A. The following sections of the International Swimming Pool and Spa Code are hereby revised as follows: **NOTE:** Although the International Swimming Pool and Spa Code does not identify sections with a "SP" designation, such a designation is utilized to avoid any confusion as to what Code the amendment relates.

(2) Section SP101.1. Insert: "the City of New Castle."

(3) Section SP103 is retitled “Office of Code Enforcement”.

(4) Section SP103.1 is retitled “Enforcement agency” and shall read as follows:

EB103.1. Enforcement agency. The Office of Code Enforcement shall be charged with the enforcement of this code and the executive official in charge thereof shall be known as the Code Official.

(5) 105.6.2 entitled “Fee Schedule” is amended to insert the following: “See fee schedule in Ch. A239”.

(6) Section SP105.6.3 (2). Insert "50%."

(7) Section SP105.6.2 (3). Insert “75%.”

(8) Section SP107.4 entitled “Violation penalties” is deleted and replaced by the following:

SP107.4 Violation penalties. Any person who violates a provision of this Code or fails to comply with any of the requirements thereof or who erects, constructs, alters or repairs a swimming pool or spa in violation of the approved construction documents or directive of the Code Official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a misdemeanor, punishable by a fine of not more than \$100 or imprisonment not exceeding 30 days, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(9) Section SP108.1 entitled “Application for appeal” is deleted and replaced by the following:

SP108.1 Application for appeal. Any person aggrieved by any order, decision, requirement or determination made by the Code Official relative to the application and interpretation of this code may be appealed to the Board of Adjustment in accordance with the provisions of Section 230-55 of the City Code. The Board of Adjustment shall have jurisdiction to hear and decide appeals where it is alleged there is error in any order, decision, requirement or determination made by the Code Official in the application and interpretation of this code.

(10) Sections SP108.2 through 108.7 are deleted.

§165-3. Conflicts with International Code. Any conflicts between the provisions of this Chapter and the International Swimming Pool and Spa Code, 2018 edition, shall be resolved by the Code Official in a manner best designed to ensure the public health and safety.

§165.4 Savings clause. No suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing under any act or ordinance at the time of the adoption of this Chapter shall be affected by the provisions of this Chapter.

SECTION 9: If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

SECTION 10. In the event any existing Ordinances or parts of Ordinances are in conflict herewith, the provisions of this Ordinance shall control unless otherwise specified herein.

SECTION 11. This Ordinance shall become effective immediately upon passage.

First Reading June 9, 2020

Second Reading _____, 2020

Signed this _____ day of _____, 2020

Linda Ratchford, President of Council

I hereby certify that the foregoing Ordinance was duly approved by the Council of the Mayor and Council of New Castle upon the dates above set forth and signed by the President of Council.

Brian G. Whitaker, City Clerk

Approved this _____ day of _____, 2020

Michael J. Quaranta, Mayor