

Town of Cheswold
1856



State of Delaware
1787

Title: 21

Ordinance No: 11-17-16-050

Date: 11-17-2016

ORDINANCE
for the
ADOPTION of the 2012
INTERNATIONAL EXISTING BUILDING CODE

DESCRIPTION: An Ordinance of the Town of Cheswold adopting the 2012 edition of the *International Existing Building Code*, regulating and governing the repair, alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings; repealing all other Ordinances and parts of Ordinances in conflict therewith, except for those of the State of Delaware and/or Kent County and/or the Land Use Ordinance and Comprehensive Plan of the Town of Cheswold, which all shall have precedence in perpetuity.

Section 1. PURPOSE

This Ordinance and the 2012 edition of the International Existing Building Code provides for the standards that include Appendix A, B and C, in the Town of Cheswold and provides for the issuance of permits and collections of fees therefor.

Section 2. AUTHORITY to ACT

The Town Council of the Town of Cheswold has been vested with all the power possible for a municipal corporation to have under the Constitution and laws of the State of Delaware, as specified by Section 4. Powers of the Town of the Town Charter and specifically with the ability to provide for and preserve the health, peace, safety, cleanliness, ornament, good order and public welfare of the Town and its inhabitants.

Section 3. APPLICABILITY

This Ordinance, No. 11-17-16-050, shall apply except where it may conflict with the Building Ordinances, codes, statutes, rules and regulations, set forth by the State of Delaware and/or Kent County and/or the Land Use Ordinance and/or Comprehensive Plan of the Town of Cheswold, in which case the Ordinances, codes, statutes, rules and regulations of the State of Delaware and/or Kent County and/or the Land Use Ordinance and/or Comprehensive Plan of the Town of Cheswold shall apply, as applicable to the situation.

ADOPTION of THE 2012 INTERNATIONAL EXISTING BUILDING CODE

Section 4. DEFINITIONS

All applicable definitions may be found in the 2012 edition of the *International Existing Building Code*.

Section 5. The Town Council of the Town of Cheswold does ordain as follows:

That a certain document, two (2) copies of which are on file in the office of the Secretary/Treasurer and Town Clerk of the Town of Cheswold, being marked and designated as the *International Existing Building Code*, 2012 edition, including Appendix Chapters A – C, as published by the International Code Council, be and is hereby adopted as the Building Code of the Town of Cheswold, in the State of Delaware for regulating and governing the repair alteration, change of occupancy, addition and relocation of existing buildings, including historic buildings, as herein provided; providing for the issuance of permits and collection of fees therefor, and each and all of the regulations, provisions, penalties, conditions and terms of said Existing Building Code on file in the office of the Town of Cheswold are hereby referred to, adopted and made a part thereof, as if fully set out in this Ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this Ordinance.

Section 6. ADDITIONS; INSERTIONS; DELETIONS; CHANGES

The following sections are hereby revised, by the insertion of the following in the specified sections:

Section 101.1 Town of Cheswold

Section 1401.2 September 6, 2011

Section 7. VALIDITY

That if any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Council hereby declares that it would have passed this Ordinance, and each section, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 8. LEGAL RIGHTS

That nothing in this Ordinance or in the Building Code hereby adopted shall be construed to affect any suit or proceeding impending 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 hereby repealed as cited in Section 3 of this Ordinance; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

ADOPTION of THE 2012 INTERNATIONAL EXISTING BUILDING CODE

Section 9. POSTING

That the Town Clerk and/or Secretary/Treasurer is hereby ordered and directed to cause this Ordinance to be published by posting on the Town bulletin board, Town website and local Post Office, for a period no less than 10 business days.

Section 10. EFFECTIVE DATE

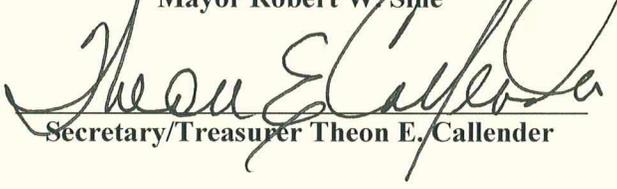
That this Ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect February 9, 2017, from and after the date of its final passage and adoption.

Ordinance No. 11-17-16-050 entitled, Adoption of the 2012 International Existing Building Code was presented for public comment at a Public Hearing meeting, held at 6:00 p.m., on Thursday, February 9, 2017, at the Nobles Pond Development, 13 Nobles Pond Crossing, Cheswold, Delaware, 19936/

I, Robert W. Sine, Mayor, do hereby certify that the foregoing is a true and correct copy of the Ordinance duly adopted by a majority vote of all properly sworn quorum of members of the Cheswold Town Council, who were present and voting throughout, on Thursday, February 9, 2017, at the monthly Cheswold Town Council meeting, held at 6:30 p.m., at the Nobles Pond Development, 13 Nobles Pond Crossing, Cheswold, Delaware, 19936.

Certified: 
Mayor Robert W. Sine

Date: February 9, 2017

ATTEST: 
Secretary/Treasurer Theon E. Callender

Date: February 9, 2017

Agreed: EXCUSED
Vice-Mayor Larence Kirby

Date: February 9, 2017

**ADOPTION of THE 2012 INTERNATIONAL
EXISTING BUILDING CODE**

Agreed: *Judith Johnson*
Councilperson Judith Johnson

Date: February 9, 2017

Agreed: *Donald F. Tinari*
Councilperson Donald F. Tinari

Date: February 9, 2017

Agreed: Position Vacant
Councilperson

Date: February 9, 2017

NOTARIZED: *Shadina Jones*
Town Clerk Shadina Jones

Date: February 9, 2017

Sponsored by: Theon E. Callender
Land Use Administrator

Date: November 17, 2016

REVISION LOG

<u>Revision Date</u>	<u>REVISION REASON</u>