



**Title: 19**

**Ordinance No: 08-05-11-024**

**Date: 08-16-2011**

**Revised: 07-10-2017**

**ORDINANCE  
For the  
ADOPTION of the 2012  
INTERNATIONAL RESIDENTIAL CODE**

**DESCRIPTION:** An Ordinance of the Town of Cheswold adopting the 2012 edition of the *International Residential Code*, providing for the issuance of permits and collection of fees therefor; related to residential construction and maintenance and 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 shall have precedence in perpetuity.

**Section 1. PURPOSE**

This Ordinance and the 2012 edition of the International Residential Code provides for the standards for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings, (townhouses), not more than three stories in height with separate means of egress as herein provided; and provides for the issuance of permits and collection 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. 08-05-2011-024, 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 RESIDENTIAL CODE

### Section 4. DEFINITIONS

All applicable definitions may be found in the 2012 edition of the *International Residential 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 Residential Code*, 2012 edition, including Appendix Chapters A – Q, as published by the International Code Council, be and is hereby adopted as the Residential Code of the Town of Cheswold, in the State of Delaware for regulating and governing the construction, alteration, movement, enlargement, replacement, repair, equipment, location, removal and demolition of detached one and two family dwellings and multiple single family dwellings, (townhouses), not more than three stories in height with separate means of egress 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 Residential 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 R101.1     | Town of Cheswold   |
| Section R301.2 (1) | Climatic and Geographic Design Criteria for the Town shall adhere to that as set forth in the Residential Code |
| Section R313.2     | Sprinkler systems shall not be required in one, (1) or two, (2), family residential dwellings                  |
| Section P2603.5.1  | Building sewers shall be a minimum of 18" below grade. Septic tank connections are not permitted.              |

### Section 7. STIPULATION

This Ordinance additionally requires that builders of new, one, (1) or two, (2) family residential dwellings that are three, (3), stories or less provide to the purchasers a cost estimate from the builder for an automatic sprinkler system as well as information from the State Fire Marshal's Office about the benefits of such a system, as stipulated in HB 133 of 2015 and signed into Title 6 of the Delaware Code relating to Home Construction and signed by the Governor on August 6, 2015.

### Section 8. 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.



## ADOPTION of THE 2012 INTERNATIONAL RESIDENTIAL CODE

### Section 9. 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.

### Section 10. 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 11. 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. 08-05-11-024, entitled, Adoption of the 2012 International Residential Code was presented for public comment at a Public Hearing meeting, held at 6:00 p.m., on Monday, August 6, 2018, at the Cheswold Fire Hall, 371 Main Street, 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 Monday, August 6, at the monthly Cheswold Town Council meeting, held at 6:30 p.m., at the Cheswold Fire Hall, 371 Main Street, Cheswold, Delaware, 19936.

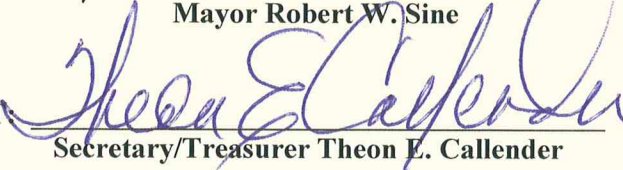
Certified: \_\_\_\_\_



Mayor Robert W. Sine

Date: August 6, 2018


ATTEST: \_\_\_\_\_



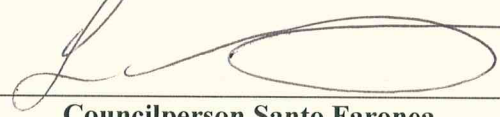
Secretary/Treasurer Theon E. Callender


Date: August 6, 2018

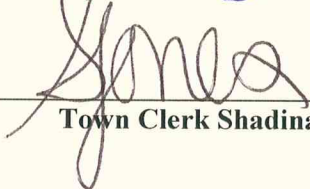
## ADOPTION of THE 2012 INTERNATIONAL RESIDENTIAL CODE

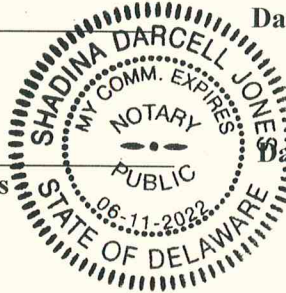
Agreed:  Date: August 6, 2018  
Vice-Mayor Larence Kirby

Agreed:  Date: August 6, 2018  
Councilperson Judith Johnson

Agreed:  Date: August 6, 2018  
Councilperson Santo Faronea

Agreed:  Date: August 6, 2018  
Councilperson Mark Moxley

NOTARIZED:  Date: August 6, 2018  
Town Clerk Shadina Jones



Sponsored by: Theon E. Callender  
Land Use Administrator

Date: July 10, 2017

### REVISION LOG

<u>Revision Date</u>	<u>REVISION REASON</u>
10/19/2016	Approval of Update of Residential Code from 2006 to 2012
07/10/2017	Correction of Sec. 6; Chg. P2063.6.1 to P2063.5.1; Waiver for sprinkler systems in one, (1) and two, (2), family residential dwellings