

1 **AN ORDINANCE TO REPLACE IN ITS ENTIRETY CHAPTER 70 BUILDING CODE**  
2 **OF THE CITY OF LEWES TO ADOPT THE 2021 INTERNATIONAL CODE COUNCIL**  
3 **(ICC) CODES**  
4

5 **WHEREAS**, the Mayor and City Council of the City of Lewes, Delaware reviewed the  
6 Building Codes and determined to update the code to the 2021 ICC Codes; and  
7

8 **WHEREAS**, the Building Department has reviewed the 2021 ICC Codes and met with  
9 contractors to discuss the changes between the 2012 and 2021 Codes; and  
10

11 **BE IT ORDAINED** by the Mayor and City Council, in session met, a quorum pertaining  
12 at all times thereto, in the manner following to-wit:  
13

14 **Section 1.** Chapter 70 Building Code of the Municipal Code of the City of Lewes,  
15 Delaware, as amended be and the same is hereby further amended by deleting it in its entirety and  
16 replacing it as underlined below:  
17

18 Article I Adoption of Building Code  
19

20 §70-1 Building Code Adopted  
21

22 The International Building Code, 2021 edition, as published by the International Code Council, be  
23 and is hereby adopted as the Building Code of the City of Lewes, in the State of Delaware, and  
24 each and all regulations, provisions, penalties, conditions, and terms of said Building Code are  
25 hereby referred to, adopted, and made part hereof, as if fully set out herein.  
26

27 Article II Modifications to Building Code  
28

29 §70-2 Amendment to Section [A] 101.1 Title

30 Section 101.1 of the Building Code of the City of Lewes is amended by striking “[NAME OF  
31 JURISDICTION]” and inserting “City of Lewes”.  
32

33 §70-3 Amendment to Section 103 Code Compliance Agency

34 Section 103.1 Code Compliance Agency of the Building Code of the City of Lewes is amended  
35 by striking “[INSERT NAME OF DEPARTMENT]” and inserting “Building Department.”  
36

37 §70-4 Amendment to Section 105 Permits

38 Section 105.2 Work exempt from permit of the Building Code of the City of Lewes by removing  
39 “Building: 1, 2, 4, 5, 6, and 12.”  
40

41 §70-5 Amendment to Section 105.5 Expiration of the Building Code of the City of Lewes is  
42 amended by striking the number “180” and inserting “365” days.  
43

44 70-6 Amendment to Section 112 Service Utilities of the Building Code of the City of Lewes is  
45 amended by deleting it in its entirety.  
46

47 §70-7 Amendment to Section 113 Means of Appeal of the Building Code of the City of Lewes is  
48 amended by deleting it in its entirety.

49  
50 §70-8 Amendment to Section 114 Violations  
51 Section 114.4 Violation Penalties of the Building Code of the City of Lewes is amended by  
52 inserting a new sentence at the end of Section 114.4 as follows: "Per Article XIX Violation and  
53 Penalties."

54  
55 §70-9 Amendments to Chapter 2 Definitions  
56 Section 201.3 Terms defined in other codes of the Building Code of the City of Lewes be amended  
57 by inserting a new sentence at the end of Section 201.3 as follows: "Where terms are explicitly  
58 defined in the Municipal Code of the City of Lewes, such definitions shall be controlling in all  
59 instances the context clearly requires otherwise."

60  
61 §70-10 Amendment to Section 202 Definitions of the Building Code of the City of Lewes is  
62 amended by deleting the definitions of "substantial damage" and substantial improvement" in their  
63 entirety and inserting the following definitions:

64 **Substantial Damage** - Damage of any origin sustained by a structure whereby the cost of  
65 restoring the structure to its before-damaged condition would equal or exceed 50% of the  
66 market value of the structure before the damage occurred.

67 **Substantial Improvement** - Any combination of repair, alteration, reconstruction,  
68 rehabilitation, addition, or other improvement of a structure, the cumulative cost of which  
69 equals or exceeds 50% of the market value of the structure before improvement or repair  
70 is started. If the structure has sustained substantial damage, any repairs are considered  
71 substantial improvement regardless of the actual repair work performed. The term does  
72 not, however, include any project for improvement of a building required to correct existing  
73 health, sanitary, or safety code violations identified by the Building Official and that are  
74 the minimum necessary to assure safe living conditions.

75  
76 §70-11 Amendment to 1612 Flood Loads  
77 Section 1612.3 Establishment of flood hazard areas of the Building Code of the City of Lewes is  
78 amended by striking the "[INSERT NAME OF JURISDICTION]" and inserting "City of Lewes"  
79 AND "[INSERT DATE OF ISSUANCE]" March 16, 2015.

80  
81 §70-12 Amendment to Section 1612 Flood Loads of the Building Code of the City of Lewes is  
82 amended by creating a new Section 1612.5 as follows:

83  
84 **1612.5 Elevation requirements.** The minimum elevation requirements shall be as  
85 specified in ASCE 24 (American Society of Civil Engineers) or the base flood elevation  
86 plus 18 inches, whichever is higher.

87  
88 Article III Building Code Fees

89  
90 §70-13 Fee Schedule  
91 The Building Code fees shall be as indicated in the fee schedules maintained by the City of Lewes.

92

93 Article IV Adoption of Energy Conservation Code

94

95 §70-14 Energy Conservation Code adopted

96

97 The International Energy Conservation Code, the current edition as adopted by the State of  
98 Delaware, as published by the International Code Council, be and is hereby adopted as the Energy  
99 Conservation Code of the City of Lewes, in the State of Delaware, for regulating and governing  
100 energy-efficient building envelopes and installation of energy-efficient mechanical, lighting and  
101 power systems as herein provided; providing for the issuance of permits and collection of fees  
102 therefor, and each and all of the regulations, provisions, penalties, conditions, and terms of said  
103 Energy Conservation Code are hereby referred to, adopted, and made a part hereof, as if fully set  
104 out herein.

105

106 Article V Modifications to Energy Conservation Code

107

108 §70-15 Amendment to Section C101 Scope and General Requirements

109 Section C101.1 Title of the Building Code of the City of Lewes is amended by striking “[NAME  
110 OF JURISDICTION]” and inserting “City of Lewes”.

111

112 §70-16 Amendment to Section C109 Board of Appeals

113 Delete Section C109 regarding the Board of Appeals in its entirety.

114

115 §70-17 Amendment to Chapter 2 [CE] Definitions

116 Section C201.3 Terms defined in other codes of the Building Code of the City of Lewes is amended  
117 by inserting a new sentence at the end of Section 201.3 as follows: "Where terms are explicitly  
118 defined in the Municipal Code of the City of Lewes, such definitions shall be controlling in all  
119 instances unless inconsistent with the manifest intent of the Mayor and City Council or the context  
120 clearly requires otherwise."

121

122 Article VI Adoption of the Existing Building Code

123

124 §70-18 The International Existing Building Code, 2021 edition, as published by the International  
125 Code Council, be and is hereby adopted as the Existing Building Code of the City of Lewes, in the  
126 State of Delaware, and each and all regulations, provisions, penalties, conditions and terms of said  
127 Existing Building Code are hereby referred to, adopted, and made part hereof, as if fully set out  
128 herein.

129

130 Article VII Modifications to the Existing Building Code

131

132 §70-19 Amendment to Section 101.1 Title of the Existing Building Code of the City of Lewes is  
133 amended by striking “[NAME OF JURISDICTION and inserting “City of Lewes”.

134

135 §70-20 Amendment to Creation of Agency

136 Section 103.1 Creation of agency of the Existing Building Code of the City of Lewes is amended  
137 by striking “[INSERT NAME OF DEPARTMENT]” inserting “Building Department”.

138

139 §70-21 Amendment to Service Utilities

140 Section 111 Service Utilities of the Existing Building Code of the City of Lewes is amended by  
141 deleting it in its entirety.

142

143 §70-22 Amendment to Means of Appeal

144 Section 112 Means of Appeal of the Existing Building Code of the City of Lewes is amended by  
145 deleting it in its entirety.

146

147 §70-23 Amendment to Section 113 Violations

148 Section 113.4 Violation Penalties of the Existing Building Code of the City of Lewes is amended  
149 by inserting a new sentence at the end of Section 113.4 as follows: "Per Article XIX Violation and  
150 Penalties"

151

152 §70-24 Amendment to Chapter 2 Definitions

153 Section 201.3 Terms defined in other codes of the Existing Building Code of the City of Lewes is  
154 amended by inserting a new sentence at the end of Section 201.3 as follows: "Where terms are  
155 explicitly defined in the Municipal Code of the City of Lewes, such definitions shall be controlling  
156 in all instances the context clearly requires otherwise."

157

158 §70-25 Amendments to Chapter 2 Definitions

159 Section 202 General Definitions of the Existing Building Code of the City of is amended by  
160 deleting the definitions of "substantial damage" and substantial improvement" in their entirety and  
161 inserting the following definitions:

162 **Substantial Damage** - Damage of any origin sustained by a structure whereby the cost of  
163 restoring the structure to its before-damaged condition would equal or exceed 50% of the  
164 market value of the structure before the damage occurred.

165 **Substantial Improvement** - Any combination of repair, alteration, reconstruction,  
166 rehabilitation, addition, or other improvement of a structure, the cumulative cost of which  
167 equals or exceeds 50% of the market value of the structure before improvement or repair  
168 is started. If the structure has sustained substantial damage, any repairs are considered  
169 substantial improvement regardless of the actual repair work performed. The term does  
170 not, however, include any project for improvement of a building required to correct existing  
171 health, sanitary, or safety code violations identified by the Building Official and that are  
172 the minimum necessary to assure safe living conditions.

173

174 Article VIII Adoption of Fuel Gas Code

175 §70-26 The International Fuel Gas Code, the current edition as adopted by the State of Delaware,  
176 including Appendices, as published by the International Code Council, be and is hereby adopted  
177 as the Fuel Gas Code of the City of Lewes, in the State of Delaware, and each and all regulations,  
178 provisions, penalties, conditions and terms of said Fuel Gas Code are hereby referred to, adopted,  
179 and made part hereof, as if fully set out herein.

180

181 Article IX Modifications to the Fuel Gas Code

182

183 §70-27 Amendment to Section 101 General

184 Section 101.1 Title of the Fuel Gas Code of the City of Lewes is amended by striking "[NAME

185 OF JURISDICTION]” and inserting “City of Lewes”.

186

187 §70-28 Amendment to Fees

188 Section regarding Fee Schedule of the Fuel Gas Code of the City of Lewes is amended by striking  
189 “[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]” and inserting “Article III Fees”.

190

191 §70-29 Amendment to Violations

192 Section of Violation Penalties of the Fuel Gas Code of the City of Lewes is amended by striking  
193 “ Any person who shall violate a provision of this code or shall fail to comply with any of the  
194 requirements thereof or who shall erect, install, alter or repair work in violation of the approved  
195 construction documents or directive of the code official, or of a permit of certificate issued under  
196 the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not  
197 more than [AMOUNT], dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both  
198 such fine and imprisonment. Each day that a violation continues after due notice has been served  
199 shall be deemed a separate offense” and inserting “Article XIX Violation and Penalties.”

200

201 §70-30 Amendment to Board of Appeal

202 Delete Section 114 Board of Appeal of the Fuel Gas Code in its entirety.

203

204 Article X Adoption of Mechanical Code

205

206 §70-31 The International Mechanical Code, the current edition as adopted by the State of  
207 Delaware, including Appendix Chapter A, as published by the International Code Council, be and  
208 is hereby adopted as the Mechanical Code of the City of Lewes, in the State of Delaware, and each  
209 and all regulations, provisions, penalties, conditions, and terms of said Mechanical Code are  
210 hereby referred to, adopted, and made part hereof as if fully set out herein.

211

212 Article XI Modifications to the Mechanical Code

213

214 §70-32 Amendment to Section 101 General

215 Section 101.1 Title of the Mechanical Code of the City of Lewes is amended by striking “[NAME  
216 OF JURISDICTION]” and inserting “City of Lewes”.

217

218 §70-33 Amendment to Fee Schedule

219 Section regarding Fee Schedule of the Mechanical Code of the City of Lewes is amended by  
220 striking “[JURISDICTION TO INSERT APPROPRIATE SCHEDULE]” and inserting “Article III  
221 Fees”.

222

223 §70-34 Amendment to Violation Penalties

224 Section of Violation Penalties of the Mechanical Code of the City of Lewes is amended by striking  
225 “ Any person who shall violate a provision of this code or shall fail to comply with any of the  
226 requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the  
227 approved construction documents or directive of the code official, or of a permit of certificate  
228 issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by  
229 a fine of not more than [AMOUNT], dollars or by imprisonment not exceeding [NUMBER OF  
230 DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice

231 has been served shall be deemed a separate offense” and inserting “Article XIX Violation and  
232 Penalties.”

233

234 §70-35 Amendment to Section 114 Board of Appeals

235 Delete Section 114 Board of Appeal of the Mechanical Code in its entirety.

236

237 Article XII Adoption of the Plumbing Code

238

239 §70-36 The International Plumbing Code, the current edition as adopted by the State of Delaware,  
240 as published by the International Code Council, be and is hereby adopted as the Plumbing Code  
241 of the City of Lewes, in the State of Delaware, and each and all regulations, provisions, penalties,  
242 conditions, and terms of said Plumbing Code are hereby referred to, adopted, and made part hereof,  
243 as if fully set out herein.

244

245 Article XIII Modifications to Plumbing Code

246

247 §70-37 Amendment to Section 101 General

248 Section 101.1 Title of the Plumbing Code of the City of Lewes is amended by striking “[NAME  
249 OF JURISDICTION]” and inserting “City of Lewes”.

250

251 §70-38 Amendment to Fee Schedule

252 Section regarding Fee Schedule of the Mechanical Code of the City of Lewes is amended by  
253 striking “[JURISDICTIN TO INSERT APPROPRIATE SCHEDULE]” and inserting “Article III  
254 Fees”.

255

256 §70-39 Amendment to Section 114 Board of Appeals

257 Delete Section 114 Board of Appeal of the Plumbing Code in its entirety.

258

259 §70-40 Amendment to Violations

260 Section of Violation Penalties of the Plumbing Code of the City of Lewes is amended by striking  
261 “ Any person who shall violate a provision of this code or shall fail to comply with any of the  
262 requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the  
263 approved construction documents or directive of the code official, or of a permit of certificate  
264 issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by  
265 a fine of not more than [AMOUNT], dollars or by imprisonment not exceeding [NUMBER OF  
266 DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice  
267 has been served shall be deemed a separate offense” and inserting “Article XIX Violation and  
268 Penalties.”

269

270 §70-41 Amendment to Chapter 9 Vent Terminals

271 Section regarding Roof extension of the Plumbing Code of the City of Lewes is amended by  
272 striking "Open vent pipes that extend through a roof shall be terminated not less than [NUMBER]  
273 inches (mm) above the roof," and inserting "Open vent pipes that extend through a roof shall be  
274 terminated not less than six inches (mm) above the roof."

275

276 Article XIV Adoption of the Residential Code

277 §70-42 The International Residential Code, 2021 edition, including Appendix Chapters AE, AH,  
278 AJ, AM, AW, and AW, as published by the International Code Council, be and is hereby adopted  
279 as the Residential Code of the City of Lewes, in the State of Delaware, and each and all regulations,  
280 provisions, penalties, conditions, and terms of said Residential Code are hereby referred to,  
281 adopted, and made part hereof, as if fully set out herein.

282  
283 Article XV Modifications to the Residential Code

284  
285 §70-43 Amendment to Section R101 Scope and General Requirements  
286 Section 101.1 Title of the Residential Code of the City of Lewes is amended by striking “[NAME  
287 OF JURISDICTION]” and inserting “City of Lewes”.

288  
289 §70-44 Amendment to Section R105 Permits  
290 Section 105.2 Work exempt from permit of the Residential Code of the City of is amended by  
291 removing “Building: 1, 2, 3, 4, 5, 9, and 10.”

292  
293 §70-45 Amendment to Section R105 Permits  
294 Section 105.5 Expiration of the Residential Code of the city of Lewes is amended by striking the  
295 number “180” and inserting “365” days.

296  
297 §70-46 Amendment to Section R111 Service Utilities of the Residential Code of the City of Lewes  
298 is amended by deleting it in its entirety.

299  
300 §70-47 Amendment to Section R112 Board of Appeals  
301 Delete Section R112 Board of Appeals of the Residential Code in its entirety.

302  
303 §70-48 Amendment to Section R113 Violations  
304 Section 11434 Violation Penalties of the Residential Code of the City of Lewes is amended by  
305 inserting a new sentence at the end of Section 114.4 as follows: "Per Article XIX Violation and  
306 Penalties."

307  
308 §70-49 Amendments to Chapter 2 Definitions Section R201 General  
309 Section R201.3 Terms defined in other codes of the Residential Code of the City of is amended by  
310 inserting a new sentence at the end of Section R201.4 as follows: "Where terms are explicitly  
311 defined in the Municipal Code of the City of Lewes, such definitions shall be controlling in all  
312 instances unless the context clearly requires otherwise."

313  
314 §70-50 Amendments to Chapter 2 Definitions  
315 Section 202 Definitions of the Residential Code of the City of Lewes is amended by deleting the  
316 definitions of “substantial damage” and substantial improvement” in their entirety and inserting  
317 the following definitions:

318 **Substantial Damage** - Damage of any origin sustained by a structure whereby the cost of  
319 restoring the structure to its before-damaged condition would equal or exceed 50% of the  
320 market value of the structure before the damage occurred.

321  
322 **Substantial Improvement** - Any combination of repair, alteration, reconstruction,

323 rehabilitation, addition, or other improvement of a structure, the cumulative cost of which  
324 equals or exceeds 50% of the market value of the structure before improvement or repair  
325 is started. If the structure has sustained substantial damage, any repairs are considered  
326 substantial improvement regardless of the actual repair work performed. The term does  
327 not, however, include any project for improvement of a building required to correct existing  
328 health, sanitary, or safety code violations identified by the Building Official and that are  
329 the minimum necessary to assure safe living conditions.

330  
331 §70-51 Amendments to Table 301.2 Climatic and Geographic Criteria

332 Table R301.2(1) of the Residential Code of the City of Lewes is amended by inserting the  
333 following climatic and geographic design criteria:

334 Ground snow load: 20

335 Wind Speed (MPH): 120

336 Seismic design category: A

337 Subject to damage from weathering: Severe

338 Subject to damage from frost line depth: 24

339 Subject to damage from termite: Moderate to Heavy

340 Winter design temp: 14

341 Ice Barrier underlayment required: No

342 Flood hazards: March 15, 1977, Flood Insurance Study for Sussex County, Delaware, and  
343 Incorporated Areas, dated March 16, 2015.

344 Air Freezing index: 330

345 Mean annual Temperature: 55.2° F.

346  
347 §70-52 Amendment to Section R322.2 Flood hazard areas (including A Zones)

348 Section R322.2.1 Elevation requirements of the Residential Code of the City of Lewes is amended  
349 by striking “1 foot (305 mm)” and inserting “18 inches” in items 1, 2 and 3.

350  
351 §70-53 Amendment to Section R322.2 Flood hazard areas (including A Zones)

352 Section R322.2.3 Foundation design and construction of the Residential Code of the City of Lewes  
353 by striking the phrase “Exception: Unless designed in accordance with Section R404:

354 1. The unsupported height of 6-inch (152 mm) plain masonry walls shall be not more than  
355 3 feet (914 mm).

356 2. The unsupported height of 8-inch (203 mm) plain masonry walls shall not be more than  
357 4 feet (1219 mm).

358 3. The unsupported height of 8-inch (203 mm) reinforced masonry walls shall not be more  
359 than 8 feet (2438 mm).

360 For the purpose of this exception, unsupported height is the distance from the finished  
361 grade of the under-floor space to the top of the wall.”

362  
363 §70-54 Amendment to Section R322.3 Coastal high-hazard areas (including V Zones and Coastal  
364 A Zones, where designated.

365 Section R322.3.2 Elevation requirements of the Residential Code of the City of Lewes is amended  
366 by striking “1 foot (305 mm)” and “18 inches.”

367  
368 §70-55 Amendment to Section P2603 Structural and Piping Protection



369 Section P2603.5.1 Sewer Depth of the Residential Code of the City of Lewes is amended by  
370 deleting Section P2603.5.1 in its entirety.

371  
372 Article XVI Adoption of the Swimming Pool and Spa Code

373  
374 §70-56 The International Swimming Pool and Spa Code, 2021 edition, as published by the  
375 International Code Council, be and is hereby adopted as the Swimming Pool and Spa Code of the  
376 City of Lewes, in the State of Delaware, and each and all regulations, provisions, penalties,  
377 conditions and terms of said Swimming Pool and Spa Code are hereby referred to, adopted, and  
378 made part hereof, as if fully set out herein.

379  
380 Article XVII Modifications to the Swimming Pool and Spa Code

381  
382 §70-57 Amendments to Section 101 Scope and General Requirements

383 Section 101.1 Title of the Swimming Pool and Spa of the City of Lewes is amended by striking  
384 “[NAME OF JURISDICTION]” and inserting “City of Lewes”.

385  
386 §70-58 Amendments to Section 105 Permits

387 Section 105.4.3 Expiration of the Building Code of the City of Lewes is amended by striking the  
388 number “180” and inserting “365” days.

389  
390 §70-59 Amendment to Section 112 Board of Appeals

391 Delete Section 112 Board of Appeals of the Swimming Pool and Spa Code in its entirety.  
392

393 §70-60 Amendment to Section 113 Violations

394 Section 113.4 Violation Penalties of the Swimming Pool and Space Code of the City of Lewes is  
395 amended by striking “ Any person who shall violate a provision of this code or shall fail to comply  
396 with any of the requirements thereof or who shall erect, install, alter or repair a pool or spa in  
397 violation of the approved construction documents or directive of the code official, or of a permit  
398 of certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE],  
399 punishable by a fine of not more than [AMOUNT], dollars or by imprisonment not exceeding  
400 [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues  
401 after due notice has been served shall be deemed a separate offense and inserting “Article XIX  
402 Violation and Penalties.”

403  
404 §70-61 Amendments to Chapter 2 Definitions

405 Section 201.3 Terms defined in other codes of the Swimming Pool and Spa Code of the City of  
406 Lewes is amended by inserting a new sentence at the end of Section 201.3 as follows: "Where  
407 terms are explicitly defined in the Municipal Code of the City of Lewes, such definitions shall be  
408 controlling in all instances unless the context clearly requires otherwise."

409  
410 Article XVIII Adoption of NFPA 13D 2019 Edition (National Fire Protection Association)

411  
412 §70-62 The National Fire Protection Association 13D Standard for the Installation of Sprinkler  
413 Systems in One- and Two-Family Dwellings and Manufactured Homes 2019 edition, as published  
414 by the National Fire Protection Association, be and is hereby adopted as the Sprinkler System

415 Code of the City of Lewes, in the State of Delaware, and each and all regulations, provisions,  
416 penalties, conditions and terms of said Sprinkler System Code are hereby referred to, adopted, and  
417 made part hereof, as if fully set out herein.

418  
419 Article XIX Amendments to NFPA 13D 2019 Edition (National Fire Protection Association)  
420 §70-63 Exception the National Fire Protection Association 13D Standard for the Installation of  
421 Sprinkler Systems in One- and Two-Family Dwellings and Manufactured Homes 2019 edition of  
422 the City of Lewes is amended by excluding manufactured homes from the sprinkler system  
423 requirement. Compliance with the construction of manufactured homes shall be subject to the  
424 Manufactured Home Construction and Safety Standards of the United States Department of  
425 Housing and Urban Development (HUD) Code as approved on June 15, 1976, and as amended.

426  
427 Article XIX Violation and Penalties

428  
429 §70-64 A. Violation and Penalties

430 Any person who shall violate a provision of this chapter or shall fail to comply with any of the  
431 requirements thereof or who shall erect, install, alter, or repair any item in this Chapter in violation  
432 of the approved construction documents or directive of the code official, or of a permit of  
433 certificate issued under the provisions of this code, shall be guilty of violating this Chapter.

434 (1) Work without a permit

435 (a) The permit fee shall be doubled if work, as described in 197-105 A(1), is  
436 performed without a Building Permit. The City may issue a stop work order if work  
437 is being performed without a Building Permit.

438 (b) If the company/contractor, etc. is in violation of this section of the Code more  
439 than 3 times within a calendar year, the city may revoke the company/contractor  
440 City of Lewes Business License for a 12-month period.

441 (c) Each day that a violation continues after due notice has been served shall be  
442 deemed a separate offense

443

444 (2) Failure to comply.

445 (a) The first notice is a written notice provided to the property owner. The owner  
446 shall have 24 hours to submit an application for a Building Permit.

447 (b) The second notice is a written notice with the fine approved by the Mayor and  
448 City Council and indicated in the schedules maintained by the City of Lewes. The  
449 owner shall have a second 24 hours to submit an application for a Building Permit.

450 (c) The third notice is a written notice with the fine approved by the Mayor and  
451 City Council and indicated in the fee schedule maintained by the City of Lewes  
452 plus the previous fine, if not paid. The owner shall have a third 24 hours to submit  
453 an application for a Building Permit.

454 (d) If the violation is not corrected after the third notice, the city shall issue a stop  
455 work order for the property. Work shall cease until a Building Permit has been  
456 issued.

457

458 Article XX Appeals

459

460 §70-65 Establishment of Appeals Process.

461  
462 Appeals of this Chapter shall be heard by the Board of Adjustment as appointed under § 197-19.

463  
464 § 70-66 Means of appeal.

465  
466 Appeals pursuant to this chapter shall be taken to the Board of Adjustment as established and  
467 constituted in this chapter.

468  
469 § 70-67 Quorum for Board of Adjustment.

470 Any three members of the Board shall constitute a quorum. In reversing or modifying the action  
471 of the Building Official or of an application of the provisions of this chapter, an affirmative vote  
472 of a majority of all members of the Board shall be required. A member of the Board of Adjustment  
473 shall not hear an appeal in which that member has a personal, professional, or financial interest.

474  
475 § 70-68 Appeals procedure.

476 Appeals to the Board may be taken by any person aggrieved by a decision of the Building Official  
477 relative to the application and interpretation of this chapter. An application for appeal shall be  
478 based on a claim that the true intent of this chapter or the rules legally adopted within this chapter  
479 have been incorrectly interpreted, the provisions do not fully apply, or an equally good or better  
480 form of construction is proposed. The Board of Adjustment shall have no authority to waive the  
481 requirements of this chapter, or the rules legally adopted within this chapter. Such an appeal shall  
482 be taken within 20 days of the decision by the Building Official by filing, with the Building Official  
483 and with the City Manager of the City of Lewes, a notice of appeal specifying therein the grounds  
484 of the appeal, along with a fee of \$1,250. Within five business days following receipt of the notice  
485 of appeal, the Building Official shall transmit to the City Manager of the City of Lewes or their  
486 designee all of the papers constituting the record upon which the decision appealed from was taken.  
487 The City Manager or their designee shall transmit said notice of appeal and record to the  
488 Chairperson of the Board of Adjustment. Not later than 30 days following receipt of the notice of  
489 appeal and record by the City Manager, the Board Chairperson shall set a time, date, and place for  
490 the hearing of the appeal. All meetings of the Board shall be open to the members of the general  
491 public. The Board shall keep minutes and records of its proceedings, showing the evidence  
492 received at the hearing, the vote of each member upon each question considered or indicating the  
493 absence of a member or failure of a member to vote, if such was the case.

494  
495 § 70-69 Rules of procedure of Board of Adjustment.

496 The Board shall adopt rules of procedure in order to carry out the intent of this chapter. The Board  
497 Chairperson or, in his or her absence or disqualification, the Vice Chairperson, or their designee  
498 shall administer oaths. Meetings of the Board shall be at the call of the Chairperson or, in his or  
499 her absence or disqualification, the Vice Chairperson. The Board shall appoint a qualified Clerk  
500 to serve as Secretary to the Board. The Secretary shall file a detailed record of all proceedings in  
501 the office of the City Manager.

502  
503 § 70-70 Appeals stay proceedings.

504 An appeal under this chapter shall stay all proceedings in the action appealed from unless the  
505 Building Official certifies under oath to the Board within five business days after the notice of  
506 appeal has been filed that, because of facts stated in the certificate, a stay would, in his or her

507 opinion, cause imminent peril to life or property. If such a certificate is filed, proceedings shall not  
508 be stayed unless a restraining order is granted by the Board or by a court of competent jurisdiction  
509 on application and on due cause shown.

510

511 § 70-71 Decisions of Board of Adjustment.

512 All decisions of the Board shall be in writing and shall be reached without unreasonable or  
513 unnecessary delay. The Board shall send a copy of its decision specifying the reasons therefore to  
514 the appellant.

515

516 **Section 2.** This Ordinance shall take effect on January 1, 2024.

517

518 **Section 3.** If any provision of this ordinance shall be deemed or held to be invalid or  
519 unenforceable for any reason whatsoever, then such invalidity or unenforceability shall not affect  
520 any other provision of this Ordinance which may be given effect without such invalid or  
521 unenforceable provision, and to this end, the provisions of this ordinance are hereby declared to  
522 be severable.

523

524 I, Timothy Ritzert, Secretary of the City Council of the City of Lewes, do hereby certify that the  
525 foregoing is a true and correct copy of the ordinance passed by the Mayor and City Council at its  
526 regular meeting on November 13, 2023, at which a quorum was present and voting throughout and  
527 the same is still in full force and effect.

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Secretary

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Synopsis: This ordinance is to adopt the 2021 ICC Codes, the NFPA 13D 2019 Edition for fire  
suppression, and to amend the Appeal process, amend the violation and penalty section of Ch. 70.  
Building Code