

Sponsor: Willard Russell

First Reading: June 5, 2007

Second Reading: July 3, 2007

**AN ORDINANCE TO ADOPT: (1) THE INTERNATIONAL BUILDING CODE, 2003 EDITION AND ALL SUBSEQUENT EDITIONS (INCLUDING APPENDIX CHAPTERS A, C, D, G, AND J) AND (2) THE INTERNATIONAL RESIDENTIAL CODE, 2003 EDITION (INCLUDING APPENDIX CHAPTERS A, E, AND F) WITH AN EFFECTIVE DATE OF July 3, 2007, AND TO PROVIDE FOR A BOARD OF APPEALS**

**WHEREAS**, the Town Council has determined that it is in the best interest of the citizens of the Town to adopt the revised and modernized International Building Code and the International Residential Code, One- and Two-family Dwellings; and

**WHEREAS**, other municipalities as well as Sussex County are accepting the International Building and International Residential Building Codes; and

**WHEREAS**, the Town Council has deemed it to be in the best interest for efficiency and accountability for the Town Council to assume the responsibilities of a Board of Appeals under the Building Code.

**NOW THEREFORE, BE IT HEREBY ENACTED** by the Town Council of the Town of Greenwood, a majority thereof concurring in Council duly met, that the Town Code be and hereby is amended by adding a new ordinance A-19 entitled "Building Construction" as follows:

A-19 Building Construction

§1. Adoption of Standards

The International Building Code, 2003 Edition, and all subsequent editions, (including Appendix Chapters A, C, D, G, and J) and as applicable, the International Residential Code, 2003 Edition, and all subsequent editions, (including Appendix Chapters A, E, and F) are hereby adopted by reference as the Building Code and Residential Code of the Town of Greenwood. This ordinance ("Building Construction") and ordinance C-3 and C-3A ("An Ordinance Establishing a Flood Plain Area, Establishing All Regulations for Construction in the Flood Plain Area, and Providing Penalties for Violation Thereof", and "An Ordinance to Amend the Town of Greenwood Flood Plain Area") of the Town Code shall govern the issuance of building permits in the event of any conflict between said provisions and the provisions of the International Building Code and the International Residential Code as adopted by reference to this §1.

§2. The following sections of the International Building Code, 2003 Edition, are hereby revised as follows:

- §101.1. Insert: Town of Greenwood
- §1612.3. Insert: Town of Greenwood
- §1612.3. Insert: MARCH 5, 2005
- §3410.2. Insert: JULY 3, 2007 [effective date]

§3. The following sections of the International Residential Building Code are hereby revised:

- §R101.1 Insert: Town of Greenwood
- Table R301.2(1) Insert: 120 mph (Basic wind speed)

§4. Building Code Board of Appeals

- (a) Application. The application for appeal shall be filed on a form obtained from the Building Official within 20 days after notice was served
- (b) Membership of the Board. The Town Council shall sit as a Board of Appeals.
- (c) Alternate Members. The mayor may appoint an alternate member to hear appeals during the absence of or disqualification of a member. Such alternate member shall be appointed for a period of one year.
- (d) Rules and Procedures. The Board is authorized to establish rules and procedures necessary to carry out its duties.
- (e) Chairperson. The mayor shall serve as chairperson; in the mayor's absence, the mayor may appoint a substitute or, if that has not been done, the Board may select one of its members to serve as chairperson during the absence of the mayor.
- (f) Disqualification of Member. A member shall not hear an appeal in which that member has a personal, professional or financial interest.
- (g) Secretary. The Board of Appeals shall designate a qualified clerk to serve as secretary to the Board. The secretary shall file a detailed report of all proceedings in the office of the Town.
- (h) Notice of Meeting. The Board shall meet upon notice from the chairperson. Notice of any meeting shall be provided in accordance with the Delaware Freedom of Information Act.

- (i) Open Hearings. All hearings before the Board of Appeals shall be open to the public. The appellant, the appellant's representative, the Building Official and any person whose interests are affected shall be given an opportunity to be heard.
- (j) Procedure. The Board shall adopt, and make available to the public through the secretary, procedures under which a hearing will be conducted. The procedures shall not require compliance with strict rules of evidence, but shall mandate that only relevant information be received.
- (k) Board Decision. The Board shall modify or reverse the decision of the building official by a concurring vote of a majority of its members.
- (l) Administration. The Building Official shall take immediate action in accordance with the decision of the Board.

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

§6. Nothing in this ordinance or in the Building Code or in the Residential 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 by this amendment; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

§7. This amendment shall become effective on July 3, 2007.

#### SYNOPSIS

This ordinance adopts the International Building Code, 2003 Edition and all subsequent editions (including Appendix Chapters A, C, D, G, and J) as applicable and the International Residential Code, 2003 Edition and all subsequent editions (including Appendix Chapters A, E, and F) as the Building Code and the Residential Building Code (as applicable) of the Town of Greenwood.

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This shall certify that this is a true and correct copy of the ordinance duly adopted by the Town Council of the Town of Greenwood at a duly-noticed and convened meeting at which a quorum was present on July 3, 2007.

Attest: Doris Cickens  
Town Clerk

So Certifies:  
Donald Womwas  
Mayor

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This shall certify that the title, synopsis, date of adoption, and effective date of the foregoing ordinance was published in Independent News on July 26, 2007 and that a copy of the foregoing ordinance was posted at the Town Hall on July 6, 2007.

7-25-07  
Date

So Certifies:  
Doris Cickens  
Town Clerk