CITY OF DOVER, DELAWARE
COUNCIL COMMITTEE OF THE WHOLE MEETING
Tuesday, November 24, 2026 at 6:00 PM

City Hall Council Chambers, 15 Loockerman Plaza, Dover, Delaware

AGENDA

Public comments are welcomed on any item and will be permitted at the appropriate time. When possible, please notify the City Clerk (302-736-7008 or email at cityclerk@doverde.gov) should you wish to be recognized.

VIRTUAL MEETING NOTICE

This meeting will be held in City Hall Council Chambers with electronic access via WebEx. Public participation information is as follows:

Dial: 1-650-479-3208
Link: https://shorturl.at/SkSOu
Event number: 2533 124 1390
Event password: DOVER (if needed)

If you are new to WebEx, get the app now at https://www.webex.com/ to be ready when the meeting starts.

CALL COUNCIL COMMITTEE OF THE WHOLE MEETING TO ORDER

ADOPTION OF AGENDA

SAFETY ADVISORY AND TRANSPORTATION COMMITTEE

ADOPTION OF THE AGENDA

1. **Quarterly Briefing on Dover/Kent County Metropolitan Planning Organization (MPO) Projects (Marilyn Smith, Executive Director of the Dover/Kent MPO)**

   (Committee Action Not Required)

2. **Holmes Street Alley East Fence Replacement Feasibility Discussion (Jason Lyon, Assistant City Manager)**

   (Committee Action Not Required)

ADJOURNMENT OF THE SAFETY ADVISORY AND TRANSPORTATION COMMITTEE MEETING

LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE

ADOPTION OF THE AGENDA

1. **Change Order - Garrison Oak Technology Center Entrance Design Engineering Support (Jason Lyon, Assistant City Manager)**

   (Staff Recommendation: Approval of the proposed change order to the engineering design scope by the consulting firm to complete the design of the project)

2. **Proposed Ordinance #2026-16 - 2024 ICC Codes (Matthew Brown, Deputy Fire Marshal)**

   (Staff Recommendation: Forward Proposed Ordinance #2026-16 to Council for approval)

ADJOURNMENT OF THE LEGISLATIVE, FINANCE, AND ADMINISTRATION COMMITTEE MEETING

ADJOURNMENT OF THE COUNCIL COMMITTEE OF THE WHOLE

THE AGENDA ITEMS AS LISTED MAY NOT BE CONSIDERED IN SEQUENCE. PURSUANT TO 29 DEL. C. §10004(e)(2), THIS AGENDA IS SUBJECT TO CHANGE TO INCLUDE THE ADDITION OR THE DELETION OF ITEMS, INCLUDING EXECUTIVE SESSIONS, WHICH ARISE AT THE TIME OF THE MEETING

DOVER/KENT COUNTY MPO

METROPOLITAN PLANNING ORGANIZATION

Council Committee of the Whole

City of Dover

November 24, 2026

Marilyn J. Smith – Executive Director

What is an MPO?

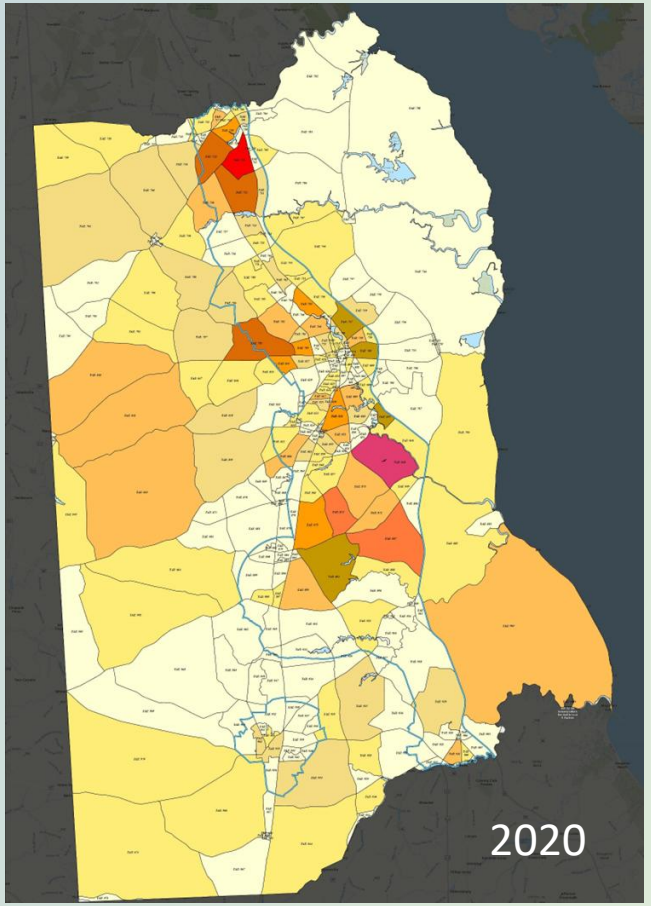
(Metropolitan Planning Organization)

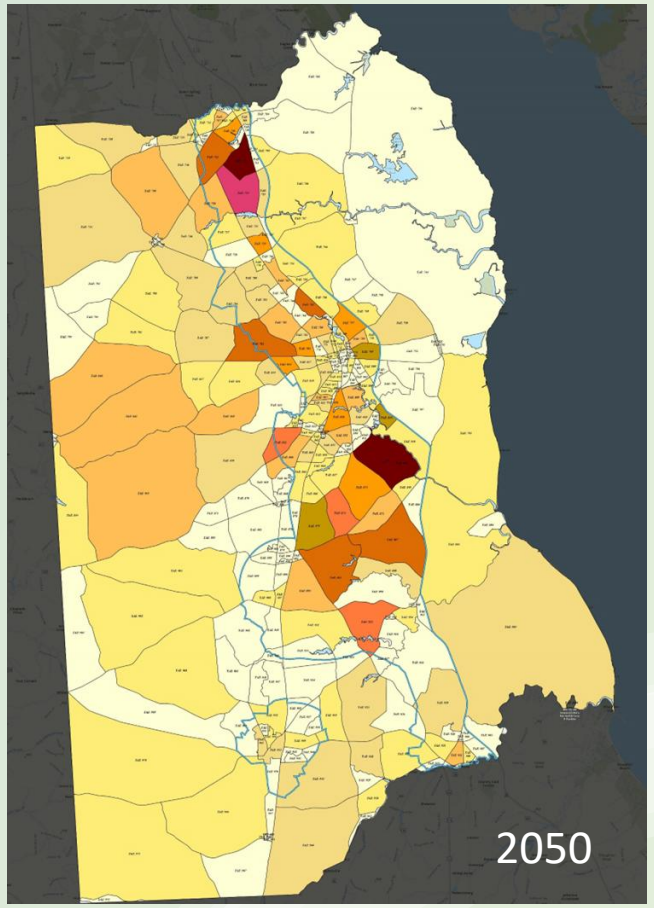
- MPOs are federally mandated and mostly federally funded (80% federal, 20% state and local)
- All urban areas over 50,000 in population are required to have an MPO **if federal funds will be spent on transportation improvements**
- Transportation planning and policy-making organizations
  - We're all about transportation infrastructure planning
  - Everything that needs to be in place to get you from point A to point B, regardless of which mode of transportation you're using
  - Which projects are coming up that need federal funding
- Coordinate with DelDOT, DART and municipalities to prioritize projects and set spending levels for federal funds designated for transportation projects
- Work with partners on issues such as air quality, environmental justice, safety, economic growth, public mobility
- **Focused on public input and participation**
- **Dover Kent MPO is your transportation planning partner**

Dover Kent County MPO

- Dover Kent MPO has existed since 1992
- Planning and programming in Kent County – 586 square miles, 3 cities and 17 towns
- Serve both urban and rural population
- Population – 181,497, 12% increase since 2010, 44% increase since 2000
- Projected population increase by 2050 is 16.3%

Metric	2020	2030	2040	2050	% increase
Population	181,497	196,709	205,139	211,150	16.3%
Households	68,224	77,683	82,151	84,615	24.0%
Employment	66,246	74,416	77,965	81,136	22.5%





Source: US Census Bureau – 2020 Census (adjusted to remove Group Quarters Population)
Source: Delaware Population Consortium Projections Series – 10/26/23 (adjusted to remove Group Quarters Population)

Innovations 2050 – MTP (long-range plan)

- Vision - *"The future transportation system in the Dover Kent County Metropolitan region is safe, resilient, and sustainable, supports economic development, allows easy access and mobility for all people and goods to reach their destinations, and serves desired growth patterns in a manner that is fair and just to all people and respectful of community character and our natural environment."*

- **What's in the Plan?**
  - Long Range Plan (25-year Horizon) – updated every 4 years
  - Our Vision for Transportation Services in Kent County
  - Goals and Objectives: Near- and Long-Term
  - Growth and Travel Demand Forecast
  - Operations and Management Plan
  - Financing Plan for Implementation

- **Primary Themes**
  - Enhanced Mobility – Network Continuity
  - Inter-Jurisdictional Coordination and Concurrency
  - Economic Vitality
  - Social Equity
  - Resiliency and Sustainability
  - User Experience

https://doverkentmpo.delaware.gov/innovations2050/

Current FY27 UPWP Projects

- Clayton to Marydel Rail Trail
- Diamond State Line Passenger Rail (supporting DTC)
- Expanded Rail Corridor Land Use (southern New Castle & Sussex Counties)
- HIN Intersection Studies (three US13 locations, Smyrna & Felton)
- Milford US113 Corridor
- School District Walk Zone Inventory & Analysis
- South State Street (Dover) Corridor – phase 1
- SR300 Corridor (Smyrna to Kenton)
- SS4A – US13 in Dover (received the FHWA grant agreement)
- Statewide Freight Plan Update (supporting DelDOT)
- Statewide Rail Plan Update (supporting DelDOT)
- Western Kent County Circulation & Safety



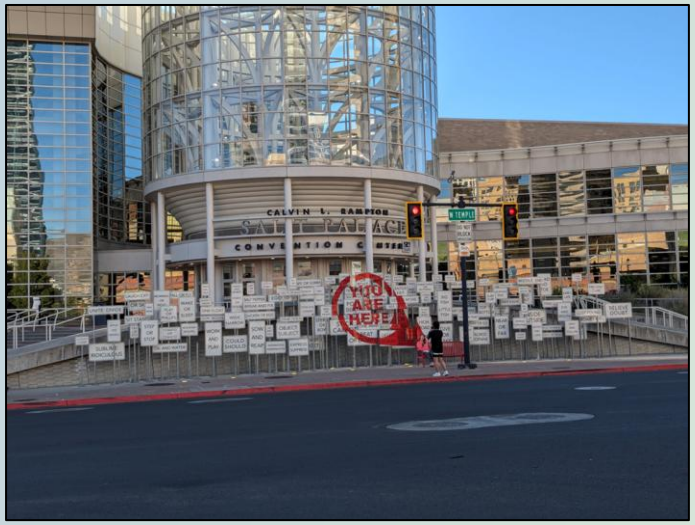
https://doverkentmpo.delaware.gov/current-study-pages/

Placemaking through Transportation and Land Use









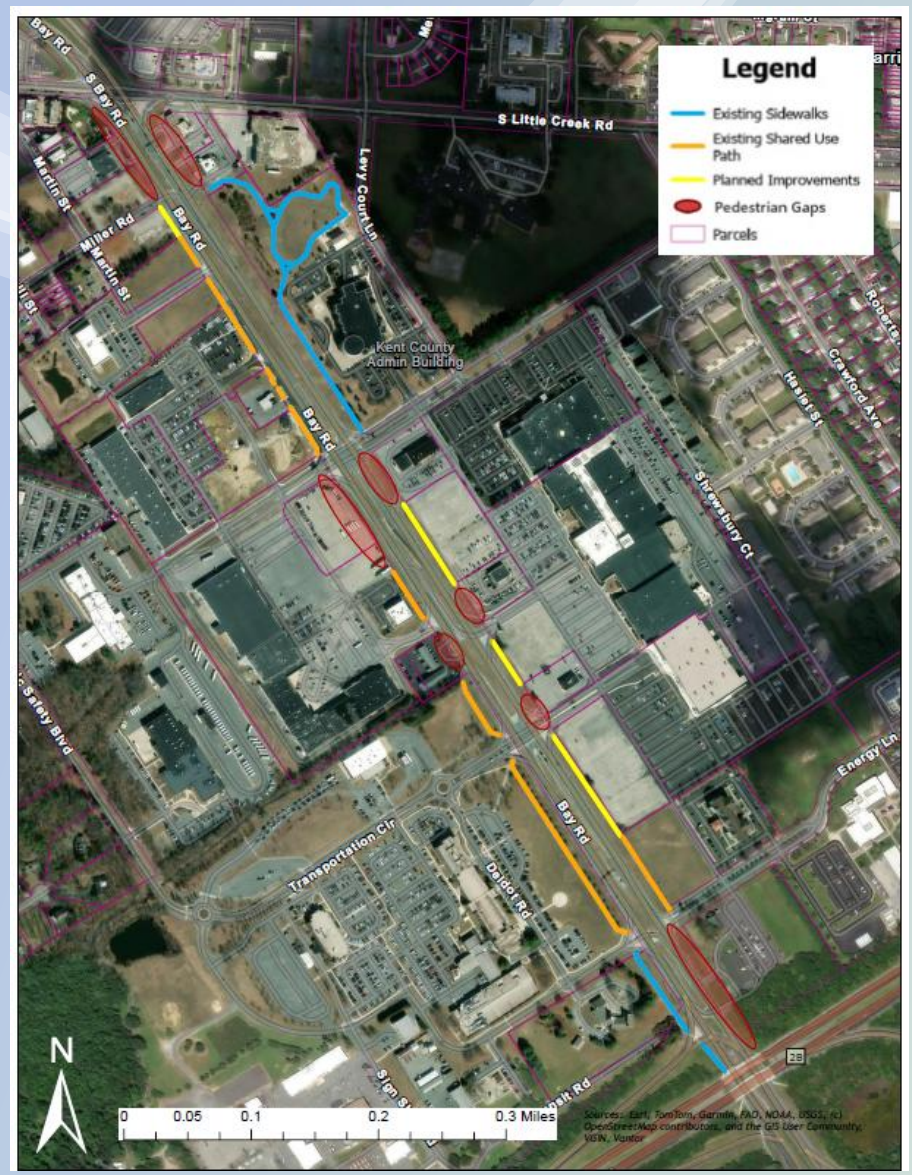
"Need to be more aggressive in requiring pedestrian facilities by developers. Local land use decisions, not enough attention to pedestrian connectivity"

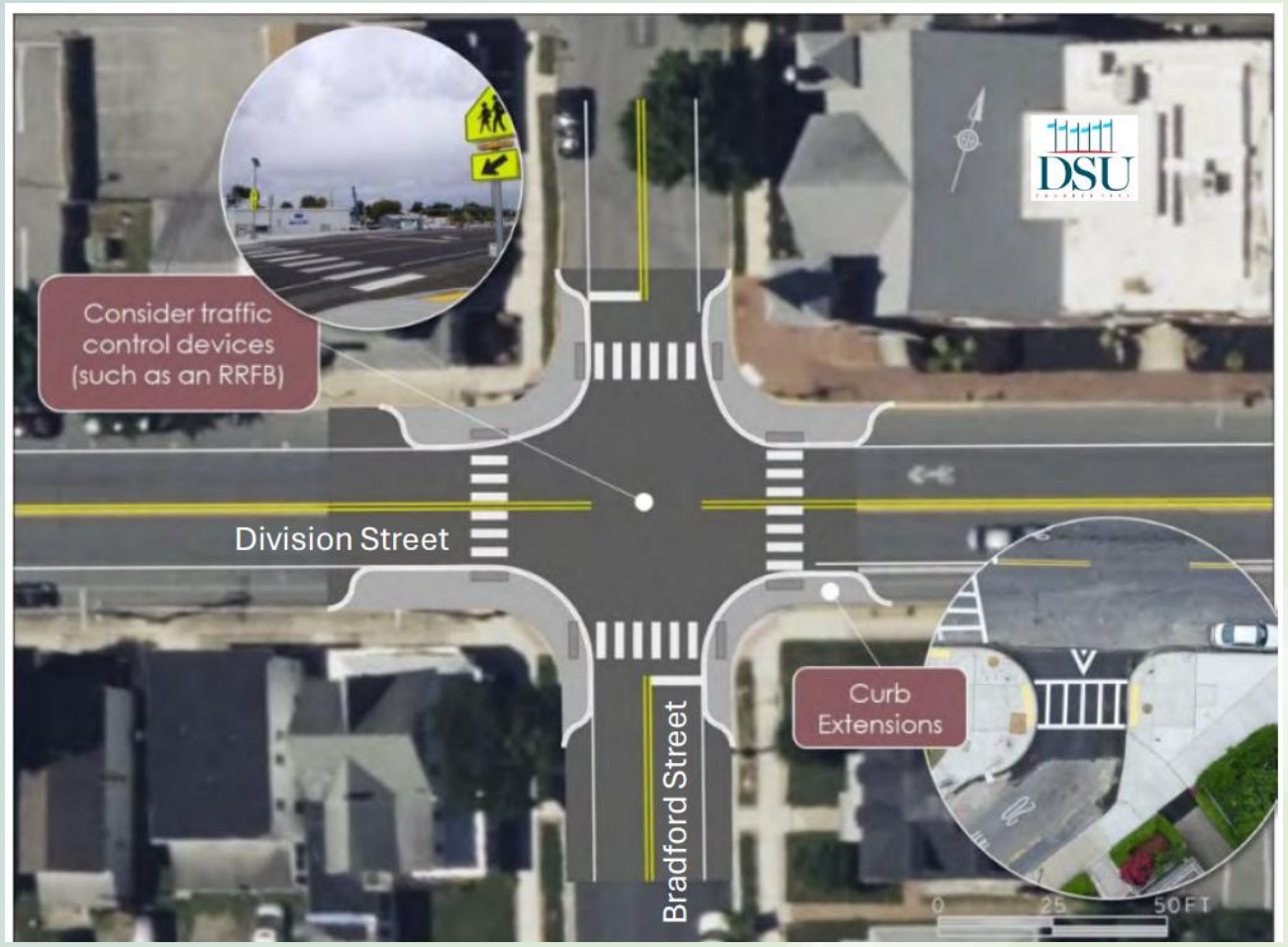
- Creating, developing, or enhancing public spaces to make them more inviting and engaging
- Land use and transportation are inextricably linked
- Better integrate transportation into the public realm – user experience

MPO Advisory Briefings

- Dover Kent MPO provides Advisory Briefings to PLUS (Office of State Planning Coordination Preliminary Land Use Service), DAC (City of Dover Development Advisory Committee), and Kent County Regional Planning Commission (QOL)
- We review applications as part of the MPO's ongoing goals of **promoting transportation safety and connectivity** within the region (MPO Council 11/6/24)
  - Typical comments include:
  - Inadequate pedestrian and bicycle facilities
  - Inadequate attention to existing conditions
  - Poor ingress and egress
  - Incompatible uses

Current Dover TAP Projects



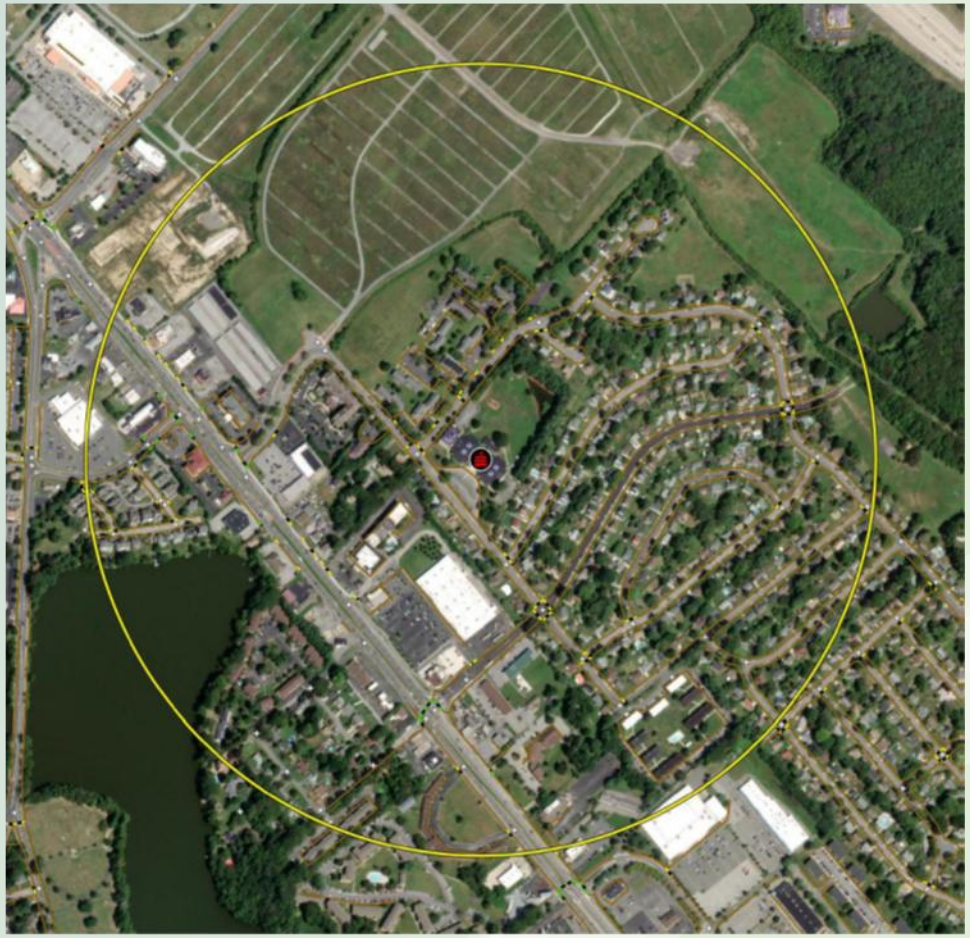


Kent County School Walk Zone Inventory - Examples











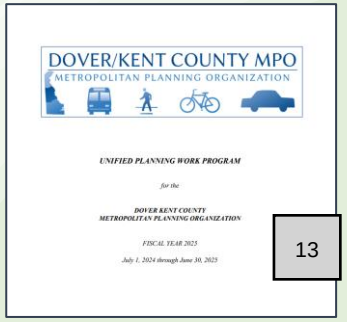


Kent County School Walk Zone Inventory Findings & Recommendations

- Schools are often located in older neighborhoods with **cracked, incomplete, or obstructed sidewalks**
- Each school has unique deficiencies and hazards
- Maintenance responsibility is an ongoing question
- Disconnect between local schools, local school boards, State Education Department, DelDOT, municipalities, developers, etc.
- Disconnect between the designated walk zone and the roads that the MPO understands to be unsafe for students (High Injury Network, high AADT, etc.)
- Whenever residential development is taking place close to a school, sidewalks gaps should be filled
- Study includes individual appendix specific to each school district and the school locations within that district - existing conditions and recommendations are location specific

FY28 Project Development

- Municipalities and partners submit planning project ideas and study requests for consideration in the FY28 UPWP
- MPO partners typically contribute 10-20% to any selected transportation study contract, specifically negotiated at the time a project is selected for inclusion in the FY28 UPWP
- Project solicitation will begin in December, the deadline will be mid-January
- You will receive an email and letter, but you don't have to wait
- MPO evaluates and prioritizes all submitted requests, with attention toward supporting the goals and objectives articulated in our long-range plan



Questions???

Connect with Us - #doverkentmpo



Holmes Street Alley East Fence Replacement Feasibility Discussion

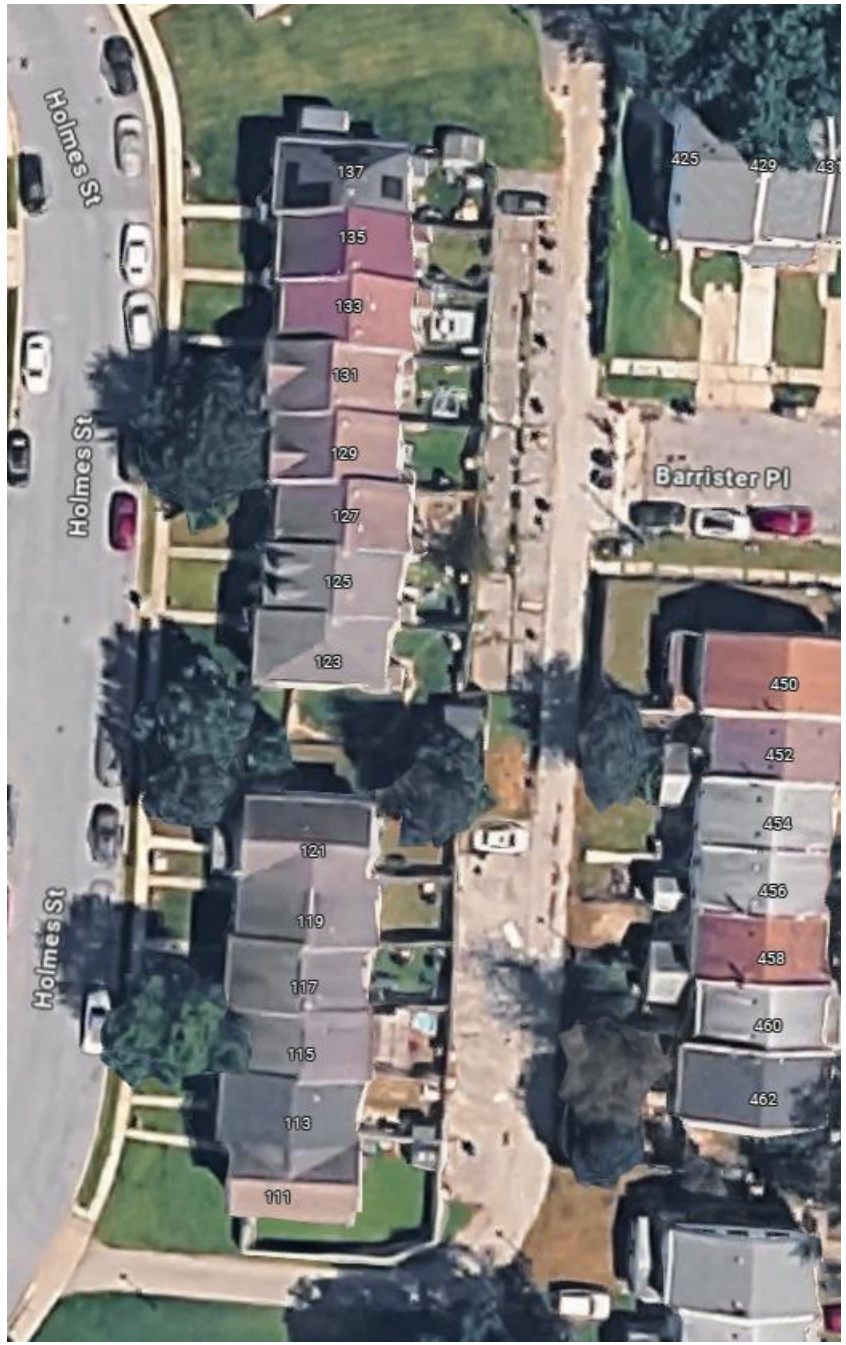
City of Dover

Safety Advisory and Transportation Committee

November 24, 2026

Situation

- Community members have concerns with various activities, including illegal dumping in the alley
- A fence was previously constructed between the Holmes Street East Alley and the rear of properties on Barrister Place
- Currently, bollards are still at the end of Barrister Place, adjacent to the Holmes Street Alley East



Next Steps

- An engineering survey would need to be conducted to determine property lines and identify the location that is potentially available to install a fence.
  - Approximate Cost - $3,000
- Coordinate with property owners to identify any potential unforeseen issues.
- Identify any issues that may prohibit proper operational activities.



Fence Considerations

- Assuming a survey concludes that a fence could physically be installed within the right-of-way, the following must be considered:
  - 6’ tall vinyl fence, approximate cost: $30,000 (375 lf)
  - 6’ tall concrete masonry unit (CMU): $75,000 (375 lf)
  - Long term maintenance costs

Other Considerations

- This work is not budgeted in the current Fiscal Year 2027 Budget.
- Cross access is not currently available due to the bollards; therefore, emergency access availability would not change from the current situation.
- Some Barrister Place properties currently have fencing on the rear of the property; coordination would be required with removal of existing fencing and connection to existing side yard fencing
- Potential Funding Options:
  - Potential Savings from General Fund Capital Projects
  - Community Transportation Fund (CTF) from State Legislators

CITY OF DOVER, DELAWARE

ACTION FORM

PROCEEDING: Council Committee of the Whole (Leg & Fin)

DEPARTMENT OF ORIGIN: City Manager's Office **SUBMITTED ON:** November 13, 2026

PREPARED BY: Jason A. Lyon, P.E., Assistant City Manager

REVIEWED BY: Sharon J. Duca, P.E., ICMA-CM, City Manager and Patricia M. Marney, Controller / Treasurer

---

SUBJECT: Change Order – Garrison Oak Technology Center Entrance Design Engineering Support

TIMETABLE: Notice to proceed to be issued within seven (7) days of Council approval.

RELATED PROJECT: X

REFERENCE: X

EXPENDITURE REQUIRED: $135,000

AVAILABLE BUDGET: $90,000

FUNDING SOURCE (Dept./Page in CIP & Budget): Department of Public Works, Streets Division, ST2702, Account Number 101-12-18-60-000-54031. Shortfall to be funded by FY27 budget transfer to the General Fund from the Economic Development Fund, Account Number 211-14-99-99-000-59091

STAFF RECOMMENDATION:

Approval from City Council of the proposed change order to the engineering design scope by the consulting firm to complete design of this project.

BACKGROUND AND ANALYSIS:

The City of Dover entered into an agreement with Davis, Bowen & Friedel, Inc. (DBF) in accordance with the City's Purchasing Policy to provide engineering design services for entrance improvements at the Garrison Oak Technology Center. Pursuant to Section 3.11 of the City of Dover Purchasing Policy, Council approval is required for any change order that is 15% greater than the original approved budget.

The need for these improvements originated from the development agreement with DelDOT, which established traffic volume thresholds for vehicles entering the park. Once traffic volumes reached the specified threshold, the park owner (the City of Dover) would be responsible for constructing entrance improvements to meet DelDOT's requirements.

The original scope of services included the design of entrance improvements at the two (2) Garrison Oak Drive intersections with White Oak Road and obtaining DelDOT approval of the entrance plans. The scope also required coordination with and approval from other applicable regulatory agencies, including, but not limited to, the Kent Conservation District (KCD) and the Delaware Department of Natural Resources and Environmental Control (DNREC).

During the design process, DelDOT required three (3) separate design revisions. These additional revisions resulted in multiple review cycles, extended project timelines, and additional design and coordination efforts by DBF beyond those originally anticipated.

The shortfall is proposed to be supplemented by the following:

Funding Source	**Description**	**Current Budget**	**Spent / Encumbered**	**Savings / Remaining**	**Requested Change**	**Proposed Budget Remaining**
General Fund	ST2702 Garrison Oak Tech Park Entrance Improvements	$90,000	$90,000	$0	$45,000	$135,000
General Fund	FY27 Budget Transfer to General Fund from Economic Development Fund	$1,426,000	$0	$1,426,000	($45,000)	$1,381,000

Staff Recommendation

City staff recommends that City Council authorize the proposed amendments to the agreement with Davis, Bowen & Friedel, Inc. to provide the additional services necessary to finalize the design for the entrance improvements at the Garrison Oak Technology Center.

City of Dover

PROPOSED ORDINANCE #2026-16

BE ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF DOVER:

That Chapter 22 –BUILDINGS AND BUILDING REGULATIONS, ARTICLE III.- BUILDING CODE, Sec. 22-61.- Adopted be replaced in its entirety with the following:

Sec. 22-61.- Adopted.

(a) The International Building Code is hereby adopted with the following amendments:

A copy of the International Building Code, 2024 Edition, as published by the International Code Council and available at the International Code Council website (codes.iccsafe.org), is hereby adopted as the Building Code of the City of Dover for the control of buildings and structures. The code is adopted as if fully set out herein, with the following additions, insertions, deletions, and changes:

- **Section 101.1 Insert: "City of Dover, Delaware" in place of [Name of Jurisdiction].**
- **Section 103.1 Insert: "Department of Planning and Inspections" in place of [Name of Department].**
- **Section 105.2 Work exempt from permit.**

The published 2024 list is adopted. Local approvals preserved: An exemption from a building permit does not exempt any work or development activity from zoning review, a zoning permit, floodplain review, site-plan review, sign approval, utility or right-of-way approval, or any other permit or approval required by the Dover Code or applicable law. This includes accessory structures, buildings, fences, and signs.

- **Section 105.5 Expiration.**

Insert the following text following the word "demonstrated" at the end of the section: "and does not exceed the 3-year time limit as stated in (b) "; and insert the following subsections:

(a) Time limitation of permit. A permit for any activity for which a permit is required shall be valid for 180 days from the date of issuance. One 180-day extension may be granted without additional charge to the permit holder. Additional 180-day extensions may be granted with payment of a renewal fee as specified in Appendix F—Fees and Fines.

(b) Completion of construction. All construction for which a building permit is required must be completed and pass final inspection within three (3) years after issuance of the building permit. If not completed within three (3) years, a new building permit must be obtained and any applicable fees paid. Fees paid under the expired permit are not credited unless the building official approves credit in writing.

- **Section 107.1 General. Replace this section with the following:**

DRAFT

Submittal documents and other data shall be submitted in one paper set and in an approved digital format. One reviewed paper set or an approved digital set shall be returned or made available to the applicant. Documents involving the practice of architecture or engineering shall be prepared, signed, sealed, and dated by a Delaware-registered design professional as required by Delaware professional-registration law. The building official may require additional documents where special conditions exist and may waive documents not required by law when they are unnecessary to determine code compliance. The building official may remove the requirement for a paper set.

- **Section 109.3 Permit valuations.**

  This section is not adopted. See Section 22-65 and Appendix F—Fees and Fines of the City of Dover Code of Ordinances. New-construction valuation shall be calculated using the most recently published ICC Building Valuation Data table unless otherwise approved in writing by the building official.

- **Section 113 Means of Appeals**

  This section is not adopted. See Section 22-1 of the City of Dover Code of Ordinances, Construction and Property Maintenance Code Board of Appeals.

- **Section 114.4 Violation penalties. Replace with the following text: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, or repairs a building or structure in violation of the approved construction documents or directive of the code official, inspector, or of a permit or certificate issued under the provisions of this code, shall be charged with a violation of this code and be guilty of a misdemeanor, punishable by a fine as provided for in Appendix F—Fees and Fines, or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.**

- **Section 115.4 Failure to comply. Replace with the following text: Any person who shall continue any work 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 charged with a violation of this section and shall be fined as provided for in Appendix F—Fees and Fines. Each day that a violation continues shall be deemed a separate offense.**

- **Section 903.2.1 Group A**

  The published requirements of Section 903.2.1 remain in effect. The additional local sprinkler requirements in Section 46-162 are supplemental; where requirements differ, the more restrictive requirement applies.

- **Section 1105.1.1 Power-operated doors at public entrances and Table 1105.1.1**

  Retain the published section and table. In addition, each main public entrance to a newly constructed place of public accommodation shall have an automatic door or a qualifying calling device as required by 6 Del. C. § 4504(d).

DRAFT

Energy and flood-resistant construction

- **Section 1301.1.1 Criteria. Replace with the following text: Buildings shall be designed and constructed in accordance with the Statewide Energy Conservation Code then in effect under 16 Del. C. ch. 76 and 7 DE Admin. Code 2101.**
- **Section 1612.3 Insert "Kent County, Delaware and Incorporated Areas" in place of Name of Jurisdiction and "July 7th, 2014" in place of [Date of Issuance].**
- **Section 1612.4.1 Insert the following text as an addition to the code: (a) The minimum elevation shall be the elevation required by ASCE 24, the design flood elevation, or the base flood elevation plus 18 inches, whichever is highest.**

International Building Code Appendices

- **Appendix G, Flood-Resistant Construction. Appendix G is adopted in its entirety. Chapter 50 of the Dover Code controls where it is more restrictive.**

(b) International Residential Code is adopted:

A copy of the International Residential Code for One- and Two-Family Dwellings, 2024

Ground Snow Load	Wind Design				Seismic Design Category [f]	Subject to Damage From			Ice Barrier Underlayment Required [h]	Flood Hazards [g]	Air Freezing Index [i]	Mean Annual Temperature [j]
	Speed [d] (mph)	Topographic effects [k]	Special wind region [l]	Windborne debris zone [m]		Weathering [a]	Frost line Depth [b]	Termite [c]				
25 psf	115 mph	No	No	No	A	Severe	24"	Moderate To Heavy	Yes	See Chapter 50	596	54°F

Edition, as published by the International Code Council, shall be authenticated and recorded by the City Clerk and is adopted for regulating one- and two-family dwellings and townhouses within its published scope, subject to the following local amendments:

- **Section R101.1 Insert: "City of Dover" in place of [Name of Jurisdiction].**
- **Table R301.2 Amended as follows:**

TABLE R301.2 CLIMATIC AND GEOGRAPHIC DESIGN CRITERIA

- **R101.2 Scope Insert the following text as an addition to the code:**

  (a) A home day-care facility serving twelve or fewer children may be within the scope of this code only as provided in Section 22-61(a) and Appendix BD. Adoption of Appendices BB or BC does not authorize a tiny house or accessory dwelling unit where the use, density, lot, dimensional, parking, or other development standard is not permitted by the Dover Zoning Ordinance.

- **R105.2 Work exempt from permit with the following amendments.**

  1. Replace 200 Square feet with 120 square feet.

  2.- 6. Not adopted.

  7. Replaced with the following text: Prefabricated swimming pools accessory to a Group R-3 occupancy provided that the swimming pools are not designed to retain a depth of 24 inches (610 mm) or more, and do not exceed 5,000 gallons (18,925 L) and are installed entirely above ground."

DRAFT

(a) An exemption from a building permit does not exempt any work or development activity, including an accessory structure or deck, from zoning review, a zoning permit, floodplain review, or another approval required by the Dover Code or applicable law.

- **Section R106.1 Submittal Documents. Replace with the following text: Construction documents and other data shall be submitted in one paper set and an approved digital format. One reviewed paper set or approved digital set shall be returned or made available to the applicant. Documents shall be prepared, signed, sealed, and dated by a Delaware-registered design professional where required by Delaware law. The building official may require additional information or waive documents not required by law when it is unnecessary to determine compliance. The building official may change the paper requirement as needed. Exception: The building official is authorized to waive the submission of construction documents and other data not required to be prepared by a registered design professional if it is found that the nature of the work applied for is such that review of construction documents is not necessary to obtain compliance with this code.**
- **Section R108.2 Schedule of permit Fees.**

  Insert "see Section 22-65 Fees for permits" in place of "in accordance with the schedule as established by the applicable governing authority."
- **Section R112 Means of Appeal.**

  This section is not adopted. See Section 22-1 of the City of Dover Code of Ordinances, Construction and Property Maintenance Code Board of Appeals.
- **Table R301.5 Live Load.**

  Insert the following at the end of footnote "c": Calculations demonstrating compliance with the minimum live load shall be provided by a registered design professional for stairs and fire escapes that do not have additional "stringer" or "carriage" support located and equally distributed in the middle section of the stair width.
- **Section R306.1.4 Establishing the design flood elevations.**

  Replace with the following text: The design flood elevation shall be established using Chapter 50 and the FEMA Flood Insurance Study and Flood Insurance Rate Maps for Kent County, Delaware, and Incorporated Areas, effective July 7, 2014, as amended or revised.
- **Section R306.2.1 and R306.3.2 Elevation Requirements**

  Where the published code establishes elevation using the base flood elevation, the required elevation shall be the design flood elevation or the base flood elevation plus 18 inches, whichever is higher. In Zone AO, the lowest floor shall be elevated above the highest adjacent grade by the mapped depth plus 18 inches, but not less than 3.5 feet where no depth number is specified. Chapter 50 controls where it is more restrictive.

DRAFT

- **Section R309 AUTOMATIC SPRINKLER SYSTEMS Adopted with the following amendments:**

  (a) Applicability to existing residential structures and additions.

  Section R309 applies to newly constructed one- and two-family dwellings and townhouses. No automatic residential sprinkler system shall be required in any portion of a one- or two-family dwelling or townhouse that existed before an addition, alteration, repair, renovation, or other work, even where the scope, value, floor area, percentage, or other threshold associated with the work would otherwise require that existing portion to comply with current-code automatic-sprinkler requirements. Where an addition, considered independently of the existing portion, meets or exceeds an otherwise applicable threshold requiring an automatic residential sprinkler system, the system shall be installed in the addition only and shall not be required to extend into the existing portion. A system required in an addition shall be designed and installed in accordance with Section R309.1.1 or R309.2.1, as applicable. This local amendment does not waive the sprinkler requirement for a newly constructed dwelling or townhouse and does not waive any fire- or life-safety requirement other than the installation or extension of an automatic residential sprinkler system into the existing portion.

  (b) Home day care serving twelve or fewer children – condition (6):

  A newly constructed dwelling shall comply with IRC Section R309. No automatic residential sprinkler system shall be required in the existing portion of a dwelling solely because the dwelling is used for child day care or because work to the dwelling meets a current-code threshold. An addition shall be governed by the local amendment titled "Applicability to existing residential structures and additions" in Section 22-61(b).

- **Section R331.2 Installation. Replace the reference to IRC fuel-gas and electrical chapters with "the Statewide Fuel Gas Code and the edition of NFPA 70 adopted and amended by the Delaware State Fire Marshal."**

- **Section R403.1.1 Minimum Size**

  Insert the following text: All continuous footings shall be a minimum of 8 inches in depth by 16 inches in width. Footings shall be sized to support imposed loads. Footing projections, P, shall be not less than 2 inches (51 mm) and shall not exceed the footing thickness. Footing thickness and projection for fireplaces shall comply with Section R1001.2. Footings supporting piers and columns shall be sized for tributary load and allowable soil pressure under Table R401.4.1. Footings for wood and precast foundations shall comply with the applicable published details, tables, and figures in Sections R403.2 and R403.4.

  Exceptions:

  1. Minimum footings for single-story decks shall be three times the widest nominally measured side of the post and shall be sized to support imposed loads; interior posts ordinarily support more load than perimeter posts.

DRAFT

2. Decks having vertical members spaced 6 feet (1,829 mm) on center or less may be placed on a 4-inch (101 mm) concrete pad where the vertical members are placed 12 inches (305 mm) inside the pad perimeter, and all corners are anchored with approved anchoring devices. Decks 20 feet (6,096 mm) or more in length shall have two additional anchors on each side at mid-span.

3. Residential accessory structures less than 300 square feet (27.9 m^2), other than pole buildings and garages, shall be leveled and secured with tie-downs or equivalent manufactured-home anchoring devices, one at each corner. Structures 20 feet (6,096 mm) or more in length shall have two additional anchors on each side at mid-span. Lumber and wood siding from grade to 8 inches (203 mm) above finished grade shall be pressure-treated in accordance with Section R317.

4. Prefabricated room enclosures shall be placed on an approved support system in accordance with the manufacturer's installation instructions.

- **Section R403.1.3 Footing and stem wall reinforcing in Seismic Design Categories D_0, D_1, D_2. This section is not adopted.**
- **Section R403.1.4 Minimum Depth. Insert "24 inches" in place of "12 inches."**
- **Section R403.1.4.1 Frost protection.**
- **Exceptions: The exception is revised to coordinate with Section R403.1.1: freestanding accessory structures of less than 300 square feet, other than pole buildings and garages, may use the anchoring method in Section R403.1.1, Exception 3. All pole buildings, garages, and accessory structures of 300 square feet or more shall have frost-protected footings. Footings shall not bear on frozen soil unless the frozen condition is permanent.**

International Residential Code Appendices

- **Appendix BB, Tiny Houses, is adopted in its entirety.**
- **Appendix BC, Accessory Dwelling Units (ADU), is adopted in its entirety.**
- **Appendix BD, Home Day Care Occupancy—R-3, is adopted in its entirety.**
- **Appendix BO, Existing Buildings and Structures, is adopted in its entirety.**
- **Appendices BB and BC regulate construction only and do not authorize a land use or dwelling unit not permitted by the Dover Zoning Ordinance.**
- **Appendix BD is subject to the licensing, zoning, and inspection conditions in Section 22-61(a).**
- **Appendix BO applies only to buildings within the IRC scope; Chapter 50 and any more restrictive applicable provision control.**

DRAFT

- **Appendix NE, Electric Vehicle Charging Infrastructure, is not separately adopted because the Statewide Energy Conservation Code includes the state-adopted Appendix RE.**

(c) International Existing Building Code is hereby adopted with the following amendments: The International Existing Building Code, 2024 Edition, as published by the International Code Council, is adopted by reference for the repair, alteration, change of occupancy, addition, and relocation of existing buildings, including historic buildings. A copy shall be authenticated and recorded by the City Clerk. No IEBC appendix is adopted.

- **Section 101.1 Insert: "City of Dover, Delaware" in place of [Name of Jurisdiction].**
- **Section 103.1 Insert: "Department of Planning and Inspections" in place of [Name of Department].**
- **Section 112 MEANS OF APPEALS-**

  This section is not adopted. See Section 22-1 of the City of Dover Code of Ordinances, Construction and Property Maintenance Code Board of Appeals.
- **Section 202, General definitions. Add: "International Fuel Gas Code means the Statewide Fuel Gas Code; International Mechanical Code means the Statewide HVACR Code; International Plumbing Code means the Statewide Plumbing Code; and International Energy Conservation Code means the Statewide Energy Conservation Code."**
- **The published definition of "Existing building" is retained. The published Sections 406, 806, and 1007 are retained. Appendix E is not adopted.**

(d) Statewide Energy Conservation Code.

Pursuant to 16 Del. C. ch. 76, the City shall enforce the Statewide Energy Conservation Code then in effect as adopted and amended by the Delaware Department of Natural Resources and Environmental Control or its successor. As of this adoption, the statewide code is based on the 2024 IECC for residential construction and the 2024 IECC/ASHRAE 90.1-2022 for commercial and high-rise residential construction, including state-adopted Appendices RE and CB. The controlling edition and effective date are those established by state law and regulation; no local appendix of adoption dates is created.

(e) International Swimming Pool and Spa Code is hereby adopted with the following amendments:

- **The International Swimming Pool and Spa Code, 2024 Edition, as published by the International Code Council, is adopted by reference for the construction, alteration, movement, renovation, replacement, repair, and maintenance of swimming pools, spas, hot tubs, and aquatic facilities. A copy shall be authenticated and recorded by the City Clerk.**
- **Section 101.1 Insert: "City of Dover, Delaware" in place of [Name of Jurisdiction].**

DRAFT

- **Section 103.1 Insert: "Department of Planning and Inspections" in place of [Name of Department].**
- **Section 112 MEANS OF APPEALS-**

  This section is not adopted. See Section 22-1 of the City of Dover Code of Ordinances, Construction and Property Maintenance Code Board of Appeals.
- **Section 113.4 Violation Penalties.**

  Replace with the following text: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, or repairs a building or structure in violation of the approved construction documents or directive of the code official, inspector, or of a permit or certificate issued under the provisions of this code, shall be charged with a violation of this code and be guilty of a misdemeanor, punishable by a fine as provided for in Appendix F—Fees and Fines, or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.
- **Section 202, General definitions. Add the same Statewide Code definitions stated for IEBC Section 202 above.**
- **Sections 305.4 and 305.5: The published 2024 barrier provisions are retained without local amendment.**
- **Section 406.2 Pool perimeter access. Delete the published subsection and substitute: "Walkways. Public swimming pools shall have walkways not less than 4 feet in width extending around the pool. Curbs and sidewalks around a public swimming pool shall have a slip-resistant surface and shall be arranged to prevent the return of surface water to the pool."**

BE IT FURTHER ORDAINED:

That Chapter 22 –BUILDINGS AND BUILDING REGULATIONS, ARTICLE V.- MECHANICAL CODE, Sec. 22-141.- Adopted be replaced in its entirety with the following:

- **Sec. 22-141.- Adopted.**

A copy of the International Mechanical Code, 2024 Edition, as published by the International Code Council and available at the International Code Council website (codes.iccsafe.org), is hereby adopted as the Mechanical Code of the City of Dover for the control of buildings and structures. The code is adopted as if fully set out herein, with the following additions, insertions, deletions, and changes:

- **Section 101.1 Insert: "City of Dover, Delaware" in place of [Name of Jurisdiction].**
- **Section 103.1 Insert: "Department of Planning and Inspections" in place of [Name of Department].**
- **Section 112 MEANS OF APPEALS**

DRAFT

This section is not adopted. See Section 22-1 of the City of Dover Code of Ordinances, Construction and Property Maintenance Code Board of Appeals.

- **Section 113 BOARD OF APPEALS- Delete in its entirety.**
- **Section 114.4 Violation Penalties.**

Replace with the following text: Any person who violates a provision of this code or fails to comply with any of the requirements thereof or who erects, constructs, places, alters, or repairs a building or structure in violation of the approved construction documents or directive of the code official, inspector, or of a permit or certificate issued under the provisions of this code, shall be charged with a violation of this code and be guilty of a misdemeanor, punishable by a fine as provided for in Appendix F—Fees and Fines, or by imprisonment not exceeding thirty (30) days, or both such fine and imprisonment. Each day that a violation continues shall be deemed a separate offense.

BE IT FURTHER ORDAINED:

That Chapter 22–BUILDINGS AND BUILDING REGULATIONS, ARTICLE VI.- PLUMBING CODE, Sec. 22-181.- Adopted be replaced in its entirety with the following:

- **Sec. 22-181.- Adopted.**
- **(a) Statewide Plumbing Code. Pursuant to 16 Del. C. ch. 79, the City shall enforce the Statewide Plumbing Code then in effect as adopted and modified by the Delaware Division of Public Health. As of this adoption, the statewide code is based on the 2021 International Plumbing Code. The controlling edition and effective date are those established by state law and regulation. Local water, wastewater, and administrative requirements apply only to the extent allowed by state law. The International Private Sewage Disposal Code is not adopted because other authorities having jurisdiction enforce private sewage disposal.**

BE IT FURTHER ORDAINED:

That Chapter 22–BUILDINGS AND BUILDING REGULATIONS, ARTICLE VII.- PROPERTY MAINTENANCE CODE, Sec. 22-221.- Adopted be replaced in its entirety with the following:

- **Section 22-221. Adopted.**
- **The International Property Maintenance Code is hereby adopted with the following amendments:**
- **A copy of the International Property Maintenance Code, 2024 Edition, as published by the International Code Council and available at the International Code Council website (codes.iccsafe.org), is hereby adopted as the Property Maintenance Code of**

DRAFT

the City of Dover for the control of buildings and structures. The code is adopted as if fully set out herein, with the following additions, insertions, deletions, and changes:

- **Section 101.1 Title. Insert "City of Dover, Delaware."**
- **Section 111 Means of Appeal. See Chapter 22 – Buildings and Building Regulations, Article I – In General, Sec. 22-1 Construction and property maintenance code board of appeals.**
- **Section 103.1 Creation of enforcement agency. Insert "Department of Planning and Inspections" for the name of the department of building safety and "building official" for the title of the official in charge.**
- **Section 302.4 Weeds. Insert "8 inches" in place of "[JURISDICTION TO INSERT HEIGHT IN INCHES]."**
- **Section 304.14 Insect screens. Insert "March 1st to November 30th" in place of "[date] to [date]."**
- **Section 602.3 Heat supply. Insert "September 15th to May 1st" in place of "[date] to [date]."**
- **Section 602.4 Occupiable workspaces. Insert "September 15th to May 1st" in place of "[date] to [date]."**
- **(b) It shall be unlawful for any person to violate any of the provisions of the publication adopted in subsection (a).**

BE IT FURTHER ORDAINED:

That Chapter 46–FIRE PREVENTION AND PROTECTION, ARTICLE III.- FIRE CODES, Sec. 46-121.- Adopted be replaced in its entirety with the following:

- **Chapter 46 – Fire Prevention and Protection, Article III – Fire Codes, Section 46-121 is hereby repealed in its entirety and replaced with the following:**
- **Sec. 46-121. Adopted.**
- **(a) International Fire Code adopted. A certain document, three copies of which are on file in the Licensing and Permitting Office of the city, being marked and designated as "International Fire Code, 2024 Edition," as published by the International Code Council, is hereby adopted as the Fire Prevention Code of the City of Dover in the State of Delaware for the control of buildings, structures, and premises as herein provided; and each and all of the regulations, provisions, penalties, conditions, and terms of said International Fire Code are hereby referred to, adopted, and made part hereof as if fully set out in this section, with additions, insertions, deletions, and changes as follows:**
- **Section 101.1. Insert "City of Dover, Delaware," in place of [NAME OF JURISDICTION].**

DRAFT

- **Section 103.1 Creation of agency. Insert "City of Dover Fire Marshal's Office" and "fire code official."**
- **Sections 105.5 and 105.6 Required operational and construction permits. Delete the published permit lists. Permit requirements expressly established elsewhere in Chapter 46 remain in effect.**
- **(b) National Fire Codes adopted. There is hereby adopted the most recently published edition of the National Fire Prevention Association's (NFPA) National Fire Codes (excluding NFPA Codes 11C, 13E, 402M, -41s, 422, 424M-473, 901-906, 1001-1041, 1201-1410, 1452-1999, 5000).**
- **(c) The more restrictive provisions of the International Fire Code as set forth in subsection (a) above or the National Fire Codes as set forth in subsection (b) above shall apply whenever they may be in conflict.**
- **(d) It shall be unlawful for any person to violate any of the provisions of the publications adopted in subsection (a) or (b).**

Transition Rule, Conflict, Severability, and Effective Date.

(a) Transition rule:

This ordinance takes effect immediately upon adoption. Notwithstanding its immediate effectiveness, a project may, at the owner's or applicant's written election, be designed, submitted, reviewed, and permitted under the codes in effect immediately before this ordinance if the owner or applicant demonstrates that: (1) a registered design professional was retained for the project under a written contract or other written engagement before the effective date; and (2) that design professional performed active design work on the project during the six months immediately preceding the effective date. The building official may require the written contract or engagement together with dated drawings, specifications, invoices, progress reports, or other records reasonably sufficient to establish eligibility. This exception applies only to the project and scope documented and does not waive any applicable zoning, floodplain, fire, utility, licensing, or other approval. A permit validly issued before the effective date remains governed by the prior code while the permit remains valid.

(b) Conflict:

All ordinances or parts of ordinances in conflict with this ordinance are repealed to the extent of the conflict. The repeal of the ICC Performance Code for Buildings and Facilities is express and complete.

(c) Severability:

If any provision, sentence, clause, section, or application of this ordinance is held invalid, the invalidity does not affect any other provision or application that can be given effect without the invalid provision or application.

(d) Effective date:

DRAFT

This ordinance takes effect immediately upon adoption. [Insert final adopted date]

ADOPTED: *

SYNOPSIS

This ordinance replaces the City of Dover's locally adopted 2009 construction, fire, and property-maintenance codes with the 2024 editions of the applicable International Codes, including the IBC, IRC, IEBC, ISPSC, IPMC, and IFC, with Dover-specific amendments. The ordinance also coordinates City regulations with Delaware-controlled energy, mechanical, fuel-gas, and plumbing requirements and updates provisions addressing zoning coordination, residential sprinklers, home day care, tiny houses, accessory dwelling units, flood-resistant construction, permit administration, fees, and fines, while expressly repealing the obsolete 2009 ICC Performance Code. The ordinance is structured as a clean repeal-and-replace of the affected code sections to facilitate codification.

(SPONSORS: ARNDT & DUCA)

Actions History

11/24/2026- Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee (Was tabled during the 11/10/2026 meeting)

11/10/2026- Introduction - Council Committee of the Whole/Legislative, Finance, and Administration Committee

DRAFT