

ORDINANCE NO. 2851

AN ORDINANCE TO AMEND CHAPTER 52, § 52-1 OF THE CODE OF SUSSEX COUNTY TO ADOPT THE BUILDING CONSTRUCTION STANDARDS IN THE INTERNATIONAL BUILDING CODE 2021 EDITION AND THE INTERNATIONAL RESIDENTIAL CODE 2021 EDITION.

WHEREAS, with certain exemptions, Sussex County previously adopted the International Building Code 2012 Edition, Chapters 1-26 and 35, which governs the construction of commercial buildings; and

WHEREAS, International Building Code 2012 Edition has been updated, most recently by the International Building Code 2021 Edition; and

WHEREAS, with certain exemptions, Sussex County previously adopted the International Residential Code 2012 Edition, Chapters 1-10, which governs the construction of residential buildings; and

WHEREAS, International Residential Code 2012 Edition has been updated, most recently by the International Residential Code 2021 Edition; and

WHEREAS, Sussex County desires to update the building standards for both commercial and residential construction by adopting the International Building Code 2021 Edition, Chapters 1-26, and the International Residential Code 2021 Edition, Chapters 1-10, subject to certain exemptions.

NOW, THEREFORE, THE COUNTY OF SUSSEX HEREBY ORDAINS:

Section 1. The Code of Sussex County, Chapter 52, Article I, § 52-1, Adoption of standards; exemptions, is hereby amended by deleting the language in brackets and inserting the italicized and underlined language as follows:

§ 52-1, Adoption of standards; exemptions.

A. The International Building Code (hereinafter “IBC”), Chapters 1 through 26, [and Chapter 35, 2012] 2021 Edition [and future editions], as promulgated, after 60 days subsequent to the nonchallenged publication of the edition, is hereby adopted as the building standard for construction in Sussex County as it relates to the following structures: multifamily residential dwellings, assembly occupancy, business occupancy, educational occupancy, hazardous occupancy, factory industrial occupancy, institutional occupancy, mercantile occupancy and storage occupancy.

B. IBC Exemptions.

- (1) "Farm buildings," defined as any nonresidential structures, that are located on a farm and are used in the farming operation (barns, sheds, poultry houses, swine houses, etc.), are exempt from the provisions of the IBC as regards construction, alteration or repair. Any reference to "farm buildings" in any chapter, section, paragraph, appendix or table in the IBC shall not be applicable.
- (2) Land used for agricultural purposes shall be exempt from the provisions of the IBC as regards construction, alteration or repair. Land shall be deemed to be in agricultural use when

devoted to the production for sale of plants and animals useful to man, including but not limited to forages and sod crops; grains and feed crops; dairy animals and dairy products; poultry and poultry products; livestock, including beef cattle, sheep, swine, horses, ponies, mules or goats, including the breeding and grazing of any or all of such animals; bees and apiary products; fur animals; trees and forest products; or, when devoted to and meeting the requirements and qualifications for payments or other compensation pursuant to a soil-conservation program under an agreement with an agency of the federal government.

- (3) The obtaining of building permits for assessment purposes continues to remain in effect.
- (4) Where the provisions of the IBC and the provisions of the Sussex County Code conflict, the provisions contained in the Sussex County Code shall control.

C. The provisions and regulations of the International Residential Code, Chapters 1 through 10, [2012]2021 Edition[and future editions], (hereinafter “IRC”), as promulgated after 60 days subsequent to the nonchallenged publication of the edition, as they relate to one- and two-family dwellings, are hereby adopted as the building standards for construction in Sussex County.

D. IRC Exemptions

- (1) Carports. Carports *less than 400 square feet in size* are excluded from inspections.
- (2) [Landings. A landing is not required on the exterior of a sliding door.

- (3) Riser height.
 - (a) Maximum riser height is 8 ¼ inches.
 - (b) The greatest riser height within any flight of stairs shall not exceed the smallest by more than 3/8 inches, excluding the first and last step of interior stairs, which may have a difference of 5/8 inches.
- (4) Tread depth. Minimum tread depth shall be nine inches, including winders.
- (5) Foundation anchorage. No anchor bolts will be required at the end of each plate section, excluding corners.]
- (6) Automatic fire sprinkler systems, IRC § R313. Automatic fire sprinkler systems shall be exempted from one- and two-family dwellings and townhouses.
- ([7]3) Where the provisions of IRC and the provisions of the Sussex County Code conflict, the provisions contained in the Sussex County Code shall control.

Section 4. Effective Date. This Ordinance shall become effective on January 1, 2023.

Synopsis

This Ordinance amends Chapter 52, § 52-1 by adopting the International Building Code (“IBC”) 2021 Edition, Chapters 1-26, and the International Residential Code (“IRC”) 2021 Edition, Chapters 1-10, subject to the exemptions set forth in Chapter 52, § 52-1B. and §52-1D., respectively.

Deleted text is in brackets. Additional text is italicized and underlined.

I DO HEREBY CERTIFY THAT THE FOREGOING IS A TRUE AND CORRECT COPY OF ORDINANCE NO. 2851 ADOPTED AND AMENDED BY THE SUSSEX COUNTY COUNCIL ON THE 9TH DAY OF AUGUST 2022.

**Tracy N. Torbert
Clerk of the Council**

