**Chapter 1 Scope and Administration**

User note:

About this chapter: Chapter 1 establishes the limits of applicability of this code and describes how the code is to be applied and enforced. Chapter 1 is in two parts: Part 1—Scope and Application (Sections 101 and 102) and Part 2—Administration and Enforcement (Sections 103—115). Section 101 identifies which buildings and structures come under its purview and references other I-Codes as applicable. Standards and codes are scoped to the extent referenced (see Section 102.8).

This code is intended to be adopted as a legally enforceable document and it cannot be effective without adequate provisions for its administration and enforcement. The provisions of Chapter 1 establish the authority and duties of the code official appointed by the authority having jurisdiction and also establish the rights and privileges of the design professional, contractor and property owner.

Part 1 Scope and Application

Section 101 Scope and General Requirements

[A] 101.1 Title

These regulations shall be known as the Plumbing Code of The 2021 Delaware Plumbing Code hereinafter referred to as "this code."

UpCodes note: The amendments to Section 101.1 appear to contain a typographical error - the text read "The 2018 Delaware Plumbing Code". We believe the correct text was intended to read "The 2021 Delaware Plumbing Code". Please contact your local building department for further information.

[A] 101.2 Scope

The provisions of this Code shall apply to the erection, installation, alteration, repair, and relocation, and replacement, addition to, use or maintenance of plumbing systems within the State of Delaware.

[A] 101.3 Purpose

The purpose of this code is to establish minimum requirements to provide a reasonable level of safety, health, property protection and general welfare by regulating and controlling the design, construction, installation, quality of materials, location, operation and maintenance or use of plumbing equipment and systems.

[A] 101.4 Severability

If any section, subsection, sentence, clause or phrase of this code is for any reason held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this code.

Section 102 Applicability

[A] 102.1 General

Where there is a conflict between a general requirement and a specific requirement, the specific requirement shall govern. Where, in any specific case, different sections of this code specify different materials, methods of construction or other requirements, the most restrictive shall govern.

[A] 102.2 Existing Installations

The legal use and occupancy of any structure existing on the effective date of this Code, or for which it had been heretofore approved, may be continued without change.

Exception: Upon change of permit holder in facilities and operations regulated by the Delaware Division of Public Health such systems shall comply with the requirements of this Code and applicable regulations promulgated and standards established by the Delaware Division of Public Health.

[A] 102.3 Maintenance

Plumbing systems, materials and appurtenances, both existing and new, and parts thereof, shall be maintained in proper operating condition in accordance with the original design in a safe and sanitary condition. Devices or safeguards required by this code shall be maintained in compliance with the edition of the code under which they were installed.

The owner or the owner's authorized agent shall be responsible for maintenance of plumbing systems. To determine compliance with this provision, the code official shall have the authority to require any plumbing system to be reinspected.

[A] 102.4 Additions, Alterations or Repairs

Additions, alterations, renovations or repairs to any plumbing system shall conform to that required for a new plumbing system without requiring the existing plumbing system to comply with all of the requirements of this code. Additions, alterations or repairs shall not cause an existing system to become unsafe, unsanitary or overloaded.

Minor additions, alterations, renovations and repairs to existing plumbing systems shall meet the provisions for new construction, unless such work is done in the same manner and arrangement as was in the existing system, is not hazardous and is approved.

[A] 102.5 Change in Occupancy

It shall be unlawful to make any change in the occupancy of any structure that will subject the structure to any special provision of this code applicable to the new occupancy without approval of the code official. The code official shall certify that such structure meets the intent of the provisions of law governing building construction for the proposed new occupancy and that such change of occupancy does not result in any hazard to the public health, safety or welfare.

[A] 102.6 Historic Buildings

The provisions of this code relating to the construction, alteration, repair, enlargement, restoration, relocation or moving of buildings or structures shall not be mandatory for existing buildings or structures identified and classified by the state or local jurisdiction as historic buildings where such buildings or structures are judged by the code official to be safe and in the public interest of health, safety and welfare regarding any proposed construction, alteration, repair, enlargement, restoration, relocation or moving of buildings.

[A] 102.7 Moved Buildings

Except as determined by Section 102.2, plumbing systems that are a part of buildings or structures moved into or within the jurisdiction shall comply with the provisions of this code for new installations.

[A] 102.8 Referenced Codes and Standards

The codes and standards referenced in this code shall be those that are listed in Chapter 15 and such codes and standards shall be considered as part of the requirements of this code to the prescribed extent of each such reference and as further regulated in Sections 102.8.1 and 102.8.2.

[A] 102.8.1 Conflicts

Where conflicts occur between provisions of this code and the referenced standards, the provisions of this code shall apply.

[A] 102.8.2 Provisions in Referenced Codes and Standards

Where the extent of the reference to a referenced code or standard includes subject matter that is within the scope of this code, the provisions of this code, as applicable, shall take precedence over the provisions in the referenced code or standard.

102.8.3

ICC codes referenced in the Delaware Plumbing Code shall be enforced by jurisdictions adopting said codes.

[A] 102.9 Requirements Not Covered by Code

Any requirements necessary for the strength, stability or proper operation of an existing or proposed plumbing system, or for the public safety, health and general welfare, not specifically covered by this code shall be determined by the code official.

[A] 102.10 Other Laws

The provisions of this code shall not be deemed to nullify any provisions of local, state or federal law.

[A] 102.11 Application of References

Reference to chapter section numbers, or to provisions not specifically identified by number, shall be construed to refer to such chapter, section or provision of this code.

Part 2 Administration and Enforcement

Section 103 Code Compliance Agency

[A] 103.1 Creation of Agency

The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge thereof shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

[A] 103.2 Appointment

The code official shall be appointed by the chief appointing authority of the jurisdiction.

[A] 103.3 Deputies

In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the code official shall have the authority to appoint a deputy code official, other related technical officers, inspectors and other employees. Such employees shall have powers as delegated by the code official.

Section 104 Duties and Powers of the Code Official

[A] 104.1 General

The code official is hereby authorized and directed to enforce the provisions of this code. The code official shall have the authority to render interpretations of this code and to adopt policies and procedures in order to clarify the application of its provisions. Such interpretations, policies and procedures shall be in compliance with the intent and purpose of this code. Such policies and procedures shall not have the effect of waiving requirements specifically provided for in this code.

[A] 104.2 Applications and Permits

The code official shall receive applications, review construction documents and issue permits for the installation and alteration of plumbing systems, inspect the premises for which such permits have been issued, and enforce compliance with the provisions of this code.

[A] 104.3 Inspections

The code official shall make all of the required inspections, or shall accept reports of inspections by approved agencies or individuals. Reports of such inspections shall be in writing and be certified by a responsible officer of such approved agency or by the responsible individual. The code official is authorized to engage such expert opinion as deemed necessary to report on unusual technical issues that arise, subject to the approval of the appointing authority.

[A] 104.4 Right of Entry

Where it is necessary to make an inspection to enforce the provisions of this code, or where the code official has reasonable cause to believe that there exists in any building or on any premises any conditions or violations of this code that make the building or premises unsafe, unsanitary, dangerous or hazardous, the code official shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed upon the code official by this code. If such building or premises is occupied, the code official shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the code official shall first make a reasonable effort to locate the owner, the owner's authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the code official shall have recourse to every remedy provided by law to secure entry.

Where the code official shall have first obtained a proper inspection warrant or other remedy provided by law to secure entry, the owner, owner's authorized agent, occupant or person having charge, care or control of any building or premises shall not fail or neglect, after proper request is made as herein provided, to promptly permit entry therein by the code official for the purpose of inspection and examination pursuant to this code.

[A] 104.5 Identification

The code official shall carry proper identification when inspecting structures or premises in the performance of duties under this code.

[A] 104.6 Notices and Orders

The code official shall issue all necessary notices or orders to ensure compliance with this code.

[A] 104.7 Department Records

The code official shall keep official records of applications received, permits and certificates issued, fees collected, reports of inspections, and notices and orders issued. Such records shall be retained in the official records for the period required for the retention of public records.

[A] 104.8 Liability

The code official, member of the board of appeals or employee charged with the enforcement of this code, while acting for the jurisdiction in good faith and without malice in the discharge of the duties required by this code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of any act or by reason of an act or omission in the discharge of official duties.

[A] 104.8.1 Legal Defense

Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this code shall be defended by the legal representative of the jurisdiction until the final termination of the proceedings. The code official or any subordinate shall not be liable for costs in any action, suit or proceeding that is instituted in pursuance of the provisions of this code.

Section 105 Approval

[A] 105.1 Modifications

Where there are practical difficulties involved in carrying out the provisions of this code, the code official shall have the authority to grant modifications for individual cases, upon application of the owner or owner's authorized agent, provided that the code official shall first find that special individual reason makes the strict letter of this code impractical and the modification conforms to the intent and purpose of this code and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the plumbing inspection department.

[A] 105.2 Alternative Materials, Design and Methods of Construction and Equipment

The provisions of this code are not intended to prevent the installation of any material or to prohibit any design or method of construction not specifically prescribed by this code, provided that any such alternative has been approved. An alternative material or method of construction shall be approved where the code official finds that the proposed design is satisfactory and complies with the intent of the provisions of this code, and that the material, method or work offered is, for the purpose intended, not less than the equivalent of that prescribed in this code in quality, strength, effectiveness, fire resistance, durability and safety. Where the alternative material, design or method of construction is not approved, the code official shall respond in writing, stating the reasons why the alternative was not approved.

[A] 105.2.1 Research Reports

Supporting data, where necessary to assist in the approval of materials or assemblies not specifically provided for in this code, shall consist of valid research reports from approved sources.

[A] 105.3 Required Testing

Where there is insufficient evidence of compliance with the provisions of this code, or evidence that a material or method does not conform to the requirements of this code, or in order to substantiate claims for alternative materials or methods, the code official shall have the authority to require tests as evidence of compliance to be made at no expense to the jurisdiction.

[A] 105.3.1 Test Methods

Test methods shall be as specified in this code or by other recognized test standards. In the absence of recognized and accepted test methods, the code official shall approve the testing procedures.

[A] 105.3.2 Testing Agency

Tests shall be performed by an approved agency.

[A] 105.3.3 Test Reports

Reports of tests shall be retained by the code official for the period required for retention of public records.

[A] 105.4 Approved Materials and Equipment

Materials, equipment and devices approved by the code official shall be constructed and installed in accordance with such approval.

[A] 105.4.1 Material and Equipment Reuse

Materials, equipment and devices shall not be reused unless such elements have been reconditioned, tested, placed in good and proper working condition and approved.

Section 106 Permits

[A] 106.1 Where Required

Any owner, owner's authorized agent or contractor who desires to construct, enlarge, alter, repair, move, demolish or change the occupancy of a building or structure, or to erect, install, enlarge, alter, repair, remove, convert or replace any plumbing system, the installation of which is regulated by this code, or to cause any such work to be performed, shall first make application to the code official and obtain the required permit for the work. The Division of Public Health shall issue plumbing permits and a $100 fee shall be assessed for all plumbing permits issued by the Division of Public Health. Apartments and condominiums shall be charged $100.00 per each individual unit. Local jurisdictions set their own fee schedule. A $50.00 re-inspection fee is charged to any job requiring more than 3 inspections, which will be implemented six months after the effective date of this regulation. Commercial permit applications require an approval to construct document from the Division of Public Health prior to the issuance of plumbing permits unless otherwise waived by the code official or plan review office in accordance with subsection 106.3.1.

[A] 106.1.1 Annual Permit

Instead of an individual construction permit for each alteration to an already approved system or equipment or appliance installation, the code official is authorized to issue an annual permit upon application therefor to any person, firm or corporation regularly employing one or more qualified tradespersons in the building, structure or on the premises owned or operated by the applicant for the permit.

[A] 106.1.2 Annual Permit Records

The person to whom an annual permit is issued shall keep a detailed record of alterations made under such annual permit. The code official shall have access to such records at all times or such records shall be filed with the code official as designated.

[A] 106.2 Exempt Work

The following work shall be exempt from the requirement for a permit:

The stopping of leaks in drains, water, soil, waste or vent pipe provided, however, that if any concealed trap, drainpipe, water, soil, waste or vent pipe becomes defective and it becomes necessary to remove and replace the same with new material, such work shall be considered as new work and a permit shall be obtained and inspection made as provided in this code.

The clearing of stoppages or the repairing of leaks in pipes, valves or fixtures, and the removal and reinstallation of water closets, provided that such repairs do not involve or require the replacement or rearrangement of valves, pipes or fixtures.

No permit or fee is required by the Division of Public Health for the replacement of an existing fixture, piece of equipment or related piping, including but not limited to hot water heaters and water conditioning systems.

The relocation of any plumbing fixture and related pipe requires a permit.

Any new fixture, piece of equipment, backflow prevention assembly or system that connects to the potable water supply shall require a permit and shall meet the provisions of this Code.

Exemption from the permit requirements of this code shall not be deemed to grant authorization for any work to be done in violation of the provisions of this code or any other laws or ordinances of this jurisdiction.

[A] 106.3 Application for Permit

Each application for a permit, with the required fee, shall be filed with the code official on a form furnished for that purpose and shall contain a general description of the proposed work and its location. The application shall be signed by the owner or owner's authorized agent. The permit application shall indicate the proposed occupancy of all parts of the building and of that portion of the site or lot, if any, not covered by the building or structure and shall contain such other information required by the code official.

[A] 106.3.1 Preliminary Inspection

Before a permit is issued, the code official shall be authorized to inspect and evaluate the systems, equipment, buildings, devices, premises and spaces or areas to be used.

[A] 106.3.2 Time Limitation of Application

An application for a permit for any proposed work shall be deemed to have been abandoned 180 days after the date of filing, unless such application has been pursued in good faith or a permit has been issued; except that the code official shall have the authority to grant one or more extensions of time for additional periods not exceeding 180 days each. The extension shall be requested in writing and justifiable cause demonstrated.

[A] 106.4 By Whom Application Is Made

Application for a permit shall be made by the person or agent to install all or part of any plumbing system. The applicant shall meet all qualifications established by statute, or by rules promulgated by this code, or by ordinance or by resolution. The full name and address of the applicant shall be stated in the application.

[A] 106.5 Permit Issuance

The application, construction documents and other data filed by an applicant for permit shall be reviewed by the code official. If the code official finds that the proposed work conforms to the requirements of this code and all laws and ordinances applicable thereto, and that the fees specified in Section 109.1 have been paid, a permit shall be issued to the applicant.

[A] 106.5.1 Approved Construction Documents

When the code official issues the permit where construction documents are required, the construction documents shall be endorsed in writing and stamped "APPROVED." Such approved construction documents shall not be changed, modified or altered without authorization from the code official. Work shall be done in accordance with the approved construction documents.

The code official shall have the authority to issue a permit for the construction of a part of a plumbing system before the entire construction documents for the whole system have been submitted or approved, provided that adequate information and detailed statements have been filed complying with all pertinent requirements of this code. The holders of such permit shall proceed at their own risk without assurance that the permit for the entire plumbing system will be granted.

[A] 106.5.2 Validity

The issuance of a permit or approval of construction documents shall not be construed to be a permit for, or an approval of, any violation of any of the provisions of this code or any other ordinance of the jurisdiction. A permit presuming to give authority to violate or cancel the provisions of this code shall not be valid.

The issuance of a permit based on construction documents and other data shall not prevent the code official from thereafter requiring the correction of errors in said construction documents and other data or from preventing building operations being carried on thereunder where in violation of this code or of other ordinances of this jurisdiction.

[A] 106.5.3 Expiration

No permit shall be issued by the Division of Public Health for the same work on an active permit without cause unless the permit holder relinquishes said permit or the permit expires or there is no work on the permit for a period exceeding 6 months or otherwise is canceled by the code official for cause. An active permit issued by the Division of Public Health is valid for 1 year.

[A] 106.5.4 Extensions

Any permittee holding an unexpired permit shall have the right to apply for an extension of the time within which the permittee will commence work under that permit when work is unable to be commenced within the time required by this section for good and satisfactory reasons. The code official shall extend the time for action by the permittee for a period not exceeding 180 days if there is reasonable cause. A permit shall not be extended more than once. The fee for an extension shall be one-half the amount required for a new permit for such work.

[A] 106.5.5 Suspension or Revocation of Permit

The code official shall have the authority to suspend or revoke a permit issued under the provisions of this code wherever the permit is issued in error or on the basis of incorrect, inaccurate or incomplete information, or in violation of any ordinance or regulation or any of the provisions of this code.

[A] 106.5.6 Previous Approvals

This code shall not require changes in the construction documents, construction or designated occupancy of a structure for which a lawful permit has been heretofore issued or otherwise lawfully authorized, and the construction of which has been pursued in good faith within 180 days after the effective date of this code and has not been abandoned.

[A] 106.5.7 Posting of Permit

The permit or a copy shall be kept on the site of the work until the completion of the project.

Section 107 Temporary Equipment, Systems and Uses

[A] 107.1 General

The code official is authorized to issue a permit for temporary equipment, systems and uses. Such permits shall be limited as to time of service, but shall not be permitted for more than 180 days. The code official is authorized to grant extensions for demonstrated cause.

[A] 107.2 Conformance

Temporary equipment, systems and uses shall conform to the structural strength, fire safety, means of egress, accessibility, light, ventilation and sanitary requirements of this code as necessary to ensure the public health, safety and general welfare.

[A] 107.3 Temporary Utilities

The code official is authorized to give permission to temporarily supply utilities before an installation has been fully completed and the final certificate of completion has been issued. The part covered by the temporary certificate shall comply with the requirements specified for temporary lighting, heat or power in the code.

[A] 107.4 Termination of Approval

The code official is authorized to terminate such permit for temporary equipment, systems or uses and to order the temporary equipment, systems or uses to be discontinued.

Section 108 Inspections and Testing

[A] 108.1 General

It shall be unlawful for any person to work as a master plumber in the State of Delaware unless such person has received a license from the Delaware Department of State, Division of Professional Regulation, showing that said person has been duly licensed as a master plumber, except as provided by Title 24, Section 1807(c) of the Delaware Code, and has a permit issued by the Delaware Division of Public Health or local jurisdiction. Master Plumbers shall display their DE master plumber license number on all company vehicles. The lettering shall be 3 inches high and shall be of a contrasting color of the vehicle to which it is affixed.

Exception: The homeowner of a single-family residence occupied, or to be occupied by the homeowner for not less than 1 year and not for sale, rent or lease, may perform plumbing work only on such residence itself or auxiliary structures, and in compliance with a permit issued by the Delaware Division of Public Health, or applicable authority, and in compliance with all provisions of these regulations.

[A] 108.2 Required Inspections and Testing

The code official, upon notification from the permit holder or the permit holder's agent, shall make the following inspections and such other inspections as necessary, and shall either release that portion of the construction or shall notify the permit holder or an agent of any violations that must be corrected. The holder of the permit shall be responsible for the scheduling of such inspections.

Underground plumbing covered before an inspection takes place must be uncovered unless compliance may otherwise be determined.

Rough-in plumbing covered before an inspection takes place will have to be uncovered unless compliance may otherwise be determined.

An inspection request for final inspection only must accompany a record of underground and rough-in inspections unless otherwise approved.

The Division of Public Health has 3 working days to respond to an inspection report.

Each permit is allowed 3 inspections, including improper work, incomplete work and inaccessible installations. Subsequent re-inspections are charged a $50.00 fee for service by the Delaware Division of Public Health, which will be implemented six months after the effective date of this regulation. Local jurisdictions have their own fee schedules.

UpCodes note: The amendments to Section 107.2 appear to be the incorrect reference and add two Item #4. We believe the correct section was intended to be Section 108.2 and the Items were intended to be Items #4 and #5. Please contact your local building department for further information.

[A] 108.2.1 Other Inspections

In addition to the inspections specified in Section 108.2, the code official shall be authorized to make or require other inspections of any construction work to ascertain compliance with the provisions of this code and other laws that are enforced.

[A] 108.2.2 Inspection Requests

It shall be the duty of the holder of the permit or their duly authorized agent to notify the code official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this code.

[A] 108.2.3 Approval Required

Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the code official. The code official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his or her agent wherein the same fails to comply with this code. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the code official.

[A] 108.2.4 Approved Agencies

The code official is authorized to accept reports of approved inspection agencies, provided that such agencies satisfy the requirements as to qualifications and reliability.

[A] 108.2.5 Evaluation and Follow-Up Inspection Services

Prior to the approval of a closed, prefabricated plumbing system and the issuance of a plumbing permit, the code official shall require the submittal of an evaluation report on each prefabricated plumbing system indicating the complete details of the plumbing system, including a description of the system and its components, the basis on which the plumbing system is being evaluated, test results and similar information, and other data as necessary for the code official to determine conformance to this code.

[A] 108.2.5.1 Evaluation Service

The code official shall designate the evaluation service of an approved agency as the evaluation agency, and review such agency's evaluation report for adequacy and conformance to this code.

[A] 108.2.5.2 Follow-Up Inspection

Except where ready access is provided to all plumbing systems, service equipment and accessories for complete inspection at the site without disassembly or dismantling, the code official shall conduct the frequency of in-plant inspections necessary to ensure conformance to the approved evaluation report or shall designate an independent, approved inspection agency to conduct such inspections. The inspection agency shall furnish the code official with the follow-up inspection manual and a report of inspections on request, and the plumbing system shall have an identifying label permanently affixed to the system indicating that factory inspections have been performed.

[A] 108.2.5.3 Test and Inspection Records

Required test and inspection records shall be available to the code official at all times during the fabrication of the plumbing system and the erection of the building, or such records as the code official designates shall be filed.

[A] 108.3 Special Inspections

Special inspections of alternative engineered design plumbing systems shall be conducted in accordance with Sections 108.3.1 and 108.3.2.

[A] 108.3.1 Periodic Inspection

The registered design professional or designated inspector shall periodically inspect and observe the alternative engineered design to determine that the installation is in accordance with the approved construction documents. Discrepancies shall be brought to the immediate attention of the plumbing contractor for correction. Records shall be kept of all inspections.

[A] 108.3.2 Written Report

The registered design professional shall submit a final report in writing to the code official upon completion of the installation, certifying that the alternative engineered design conforms to the approved construction documents. A notice of approval for the plumbing system shall not be issued until a written certification has been submitted.

[A] 108.4 Testing

Any person who shall violate any provisions of this Code, or shall fail to comply with the requirements thereof, or who shall install plumbing work in violation of an approved plan or directive of the Code Official or the plumbing inspector(s), or of a permit or certificate issued under the provisions of this Code, shall be subject to penalties as provided by Title 16, Chapter 79 of the Delaware Code or penalties of the local jurisdiction.

[A] 108.4.1 New, Altered, Extended or Repaired Systems

New plumbing systems and parts of existing systems that have been altered, extended or repaired shall be tested as prescribed herein to disclose leaks and defects, except that testing is not required in the following cases:

In any case that does not include addition to, replacement, alteration or relocation of any water supply, drainage or vent piping.

In any case where plumbing equipment is set up temporarily for exhibition purposes.

[A] 108.4.2 Equipment, Material and Labor for Tests

Equipment, material and labor required for testing a plumbing system or part thereof shall be furnished by the permit holder.

[A] 108.4.3 Reinspection and Testing

Where any work or installation does not pass any initial test or inspection, the necessary corrections shall be made to comply with this code. The work or installation shall then be resubmitted to the code official for inspection and testing.

Section 109 Fees

Any person shall have the right to appeal a decision of the code official to the Division of Public Health in accordance to law or to the local jurisdiction where a permit is issued. The Division of Public Health does not refund plumbing permit fees.

UpCodes note: The amendments to Section 106.6.3 appear to be the incorrect reference. We believe the correct section was intended to be Section 109. Please contact your local building department for further information.

Section 110 Construction Documents

[A] 110.1 Construction Documents

Construction documents, engineering calculations, diagrams and other such data shall be submitted in two or more sets, or in a digital format where allowed by the code official, with each application for a permit. The code official shall require construction documents, computations and specifications to be prepared and designed by a registered design professional where required by state law. Construction documents shall be drawn to scale and shall be of sufficient clarity to indicate the location, nature and extent of the work proposed and show in detail that the work conforms to the provisions of this code. Construction documents for buildings more than two stories in height shall indicate where penetrations will be made for pipes, fittings and components and shall indicate the materials and methods for maintaining required structural safety, fire-resistance rating and fireblocking.

Exception: The code official shall have the authority to waive the submission of construction documents, calculations or other data if the nature of the work applied for is such that the reviewing of construction documents is not necessary to determine compliance with this code.

[A] 110.2 Retention of Construction Documents

One set of approved construction documents shall be retained by the code official for a period of not less than 180 days from date of completion of the permitted work, or as required by state or local laws.

One set of approved construction documents shall be returned to the applicant, and said set shall be kept on the site of the building or work at all times during which the work authorized thereby is in progress.

Section 111 Notice of Approval

[A] 111.1 Approval

After the prescribed tests and inspections indicate that the work complies in all respects with this code, a notice of approval shall be issued by the code official.

[A] 111.1.1 Revocation

The code official is authorized to, in writing, suspend or revoke a notice of approval issued under the provisions of this code wherever the notice is issued in error, or on the basis of incorrect information supplied, or where it is determined that the building or structure, premise or portion thereof is in violation of any ordinance or regulation or any of the provisions of this code.

Section 112 Service Utilities

[A] 112.1 Connection of Service Utilities

A person shall not make connections from a utility, source of energy, fuel, power, water system or sewer system to any building or system that is regulated by this code for which a permit is required until authorized by the code official.

[A] 112.2 Temporary Connection

The code official shall have the authority to authorize the temporary connection of the building or system to the utility, source of energy, fuel, power, water system or sewer system for the purpose of testing plumbing systems or for use under a temporary approval.

[A] 112.3 Authority to Disconnect Service Utilities

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by this code and the referenced codes and standards in case of emergency where necessary to eliminate an immediate hazard to life or property or where such utility connection has been made without the approval required by Section 112.1 or 112.2.

The code official shall notify the serving utility, and wherever possible the owner or the owner's authorized agent and occupant of the building, structure or service system, of the decision to disconnect prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

Section 113 Stop Work Order

[A] 113.1 Authority

Where the code official finds any work regulated by this code being performed in a manner contrary to the provisions of this code or in a dangerous or unsafe manner, the code official is authorized to issue a stop work order.

[A] 113.2 Issuance

The stop work order shall be in writing and shall be given to the owner of the property, the owner's authorized agent or the person performing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state the reason for the order and the conditions under which the cited work is authorized to resume.

[A] 113.3 Emergencies

Where an emergency exists, the code official shall not be required to give a written notice prior to stopping the work.

[A] 113.4 Failure to Comply

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 subject to penalties as provided by Title 16, Chapters 1 and 79 of the Delaware Code or penalties of the local jurisdiction.

UpCodes note: The amendments to Section 108.5 appear to be the incorrect reference. We believe the correct section was intended to be Section 113.4. Please contact your local building department for further information.

Section 114 Means of Appeals

[A] 114.1 General

In order to hear and decide appeals of orders, decisions or determinations made by the code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adopt rules of procedure for conducting its business and shall render all decisions and findings in writing to the appellant with a duplicate copy to the code official.

[A] 114.2 Limitations on Authority

An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent or better form of construction is proposed. The board shall not have authority to waive requirements of this code or interpret the administration of this code.

[A] 114.3 Qualifications

The board of appeals shall consist of members who are qualified by experience and training and are not employees of the jurisdiction.

[A] 114.4 Administration

The code official shall take immediate action in accordance with the decision of the board.

Section 115 Violations

[A] 115.1 Unlawful Acts

It shall be unlawful for any person, firm or corporation to erect, construct, alter, repair, remove, demolish or utilize any plumbing system, or cause same to be done, in conflict with or in violation of any of the provisions of this code.

[A] 115.2 Notice of Violation

The code official shall serve a notice of violation or order to the person responsible for the erection, installation, alteration, extension, repair, removal or demolition of plumbing work in violation of the provisions of this code, or in violation of a detail statement or the approved construction documents thereunder, or in violation of a permit or certificate issued under the provisions of this code. Such order shall direct the discontinuance of the illegal action or condition and the abatement of the violation.

[A] 115.3 Prosecution of Violation

If the notice of violation is not complied with promptly, the code official shall request the legal counsel of the jurisdiction to institute the appropriate proceeding at law or in equity to restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the structure in violation of the provisions of this code or of the order or direction made pursuant thereto.

[A] 115.4 Violation Penalties

Any person who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter or repair plumbing work in violation of the approved construction documents or directive of the code official, or of a permit or certificate issued under the provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

[A] 115.5 Abatement of Violation

The imposition of the penalties herein prescribed shall not preclude the legal officer of the jurisdiction from instituting appropriate action to prevent unlawful construction or to restrain, correct or abate a violation, or to prevent illegal occupancy of a building, structure or premises, or to stop an illegal act, conduct, business or utilization of the plumbing on or about any premises.

[A] 115.6 Unsafe Plumbing

Any plumbing regulated by this code that is unsafe or that constitutes a fire or health hazard, insanitary condition, or is otherwise dangerous to human life is hereby declared unsafe. Any use of plumbing regulated by this code constituting a hazard to safety, health or public welfare by reason of inadequate maintenance, dilapidation, obsolescence, fire hazard, disaster, damage or abandonment is hereby declared an unsafe use. Any such unsafe equipment is hereby declared to be a public nuisance and shall be abated by repair, rehabilitation, demolition or removal.

[A] 115.6.1 Authority to Condemn Equipment

Where the code official determines that any plumbing, or portion thereof, regulated by this code has become hazardous to life, health or property or has become unsanitary, the code official shall order in writing that such plumbing either be removed or restored to a safe or sanitary condition. A time limit for compliance with such order shall be specified in the written notice. A person shall not use or maintain defective plumbing after receiving such notice.

Where such plumbing is to be disconnected, written notice as prescribed in Section 115.2 shall be given. In cases of immediate danger to life or property, such disconnection shall be made immediately without such notice.

[A] 115.6.2 Authority to Disconnect Service Utilities

The code official shall have the authority to authorize disconnection of utility service to the building, structure or system regulated by the technical codes in case of an emergency, where necessary, to eliminate an immediate danger to life or property. Where possible, the owner or the owner's authorized agent and occupant of the building, structure or service system shall be notified of the decision to disconnect utility service prior to taking such action. If not notified prior to disconnecting, the owner, the owner's authorized agent or occupant of the building, structure or service systems shall be notified in writing, as soon as practical thereafter.

[A] 115.6.3 Connection After Order to Disconnect

A person shall not make connections from any energy, fuel, power supply or water distribution system or supply energy, fuel or water to any equipment regulated by this code that has been disconnected or ordered to be disconnected by the code official or the use of which has been ordered to be discontinued by the code official until the code official authorizes the reconnection and use of such equipment.

Where any plumbing is maintained in violation of this code, and in violation of any notice issued pursuant to the provisions of this section, the code official shall institute any appropriate action to prevent, restrain, correct or abate the violation.