

**AN ORDINANCE TO AMEND CHAPTER 4 OF THE CITY CODE REGARDING AMENDMENTS TO THE INTERNATIONAL BUILDING CODE OF 2012**

---

#4231

Sponsor:

Council Member Cabrera

**WHEREAS**, by Substitute No. 2 to Ordinance No. 13-034, Council of the City of Wilmington (the "Council") adopted the "The International Building Code of 2012," with amendments thereto; and

**WHEREAS**, the amendments to the "The International Building Code of 2012" appear under Section 4-27 of the City Code; and

**WHEREAS**, Council deems it appropriate and necessary to further amend Section 4-27 of the City Code by adding provisions relating to elevators and conveying systems.

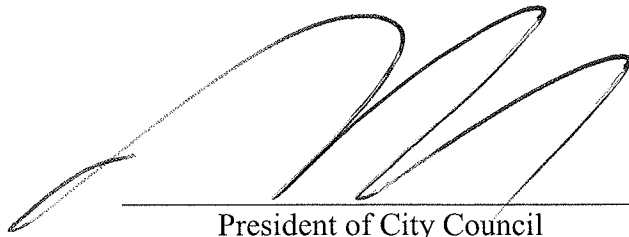
**NOW, THEREFORE, THE COUNCIL OF THE CITY OF WILMINGTON HEREBY ORDAINS:**

**SECTION 1.** Section 4-27 of the City Code, constituting amendments to "The International Building Code of 2012," is hereby amended by adding the provisions set forth in "Exhibit A", attached hereto and made a part hereof.

**SECTION 2.** This Ordinance shall become effective upon passage by City Council and approval by the Mayor.

First Reading . . . . June 2, 2016  
Second Reading . . . June 2, 2016  
Third Reading . . . . July 14, 2016

Passed by City Council,  
July 14, 2016



---

President of City Council

ATTEST: Graci L. Owens  
Deputy City Clerk

Approved as to form this 2nd  
day of June, 2016

Danya Bhatnagar  
Assistant City Solicitor

Approved this 20 day of  
July, 2016

Dennis P. Williams  
Mayor

**SYNOPSIS:** This Ordinance amends Section 4-27 of the City Code, constituting amendments to “The International Building Code of 2012”, by adding certain provisions related to elevators and conveying systems.

## SUBCHAPTER 2. BUILDING CODE

### Sec. 4-27. Amendments. INTERNATIONAL BUILDING CODE 2012

## CHAPTER 30. ELEVATORS AND CONVEYING SYSTEMS

### SECTION 3001. GENERAL

*3001.5. Periodic tests.* Periodic tests shall be made every 6 months by the owner's insurance company or its authorized agent or by an authorized elevator inspector agency approved by the code official, and shall be made at the expense and responsibility of the owner. Where such tests are not made by the code official, the authorized insurance company, its agent or the inspection agency shall submit a detailed, written report of the test and its results to the code official, on forms approved by the code official, not more than 30 days following the completion of such tests. This subsection shall not apply to elevators in structures in use group R-3 or R-4, which are not accessed by the general public. It shall be the sole responsibility of the owner to ensure the safety of operation of its elevating equipment.

*3001.6. Owner's proof of inspections and tests.* Every building owner or his legal agent shall submit a verified or certified copy of proof of all inspections and tests and maintenance tests of any and all elevators and equipment as required by this chapter at such times and in such manner as provided in this chapter. No certificate of registration shall be issued by the code official to any owner or his legal agent of the building until and unless such verified or certified copy of proof of inspections and tests and maintenance tests as provided herein shall have been submitted to and accepted by the code official.

*3001.7. Penalties for violation.* Any owner or his legal agent of any building who fails to comply with section 3001.5 of this chapter shall be deemed guilty of a misdemeanor and punishable as provided in section 114. Each day that a violation continues shall be deemed a separate offense.

*3001.8.* After the service of such notice, it shall be the duty of the owner to proceed within the time allowed to make such repairs or changes as are necessary to place the equipment in a safe condition; and it shall be unlawful to operate such equipment after the date stated in the notice unless such recommended repairs or changes have been made and the equipment and any repairs or changes have been inspected and tested by the owner or his insurance company or its authorized agent or an authorized elevator inspection agency and the equipment has been certified to the code official as being in compliance with the provisions of this chapter and such certification has been accepted and approved by the code official or an extension of time has been secured from him in writing.

*3001.9. Sealing of unsafe equipment.* The owner of the building in which the equipment is located or his legal agent shall be responsible for the maintenance and safe operation of all equipment covered by this chapter and shall be responsible for any unsafe condition of any device or equipment including any condition rendering such device or equipment totally unsafe for operation covered by this chapter. If the insurance company or its authorized agent or any authorized elevator inspection agency, when it has inspected or tested any such equipment or device in accordance with the provisions of this chapter, finds in its opinion a case of emergency or that any such device or equipment is in a condition to render it unsafe for operation, the insurance company or its agent or an authorized elevator inspection agency shall have the authority to seal out the service of any such device or equipment covered by this chapter.

*3001.10. Notice of sealing out of service.* Before sealing any device out of service, the insurance company or its authorized agent or the authorized elevator inspection agency, except

in case of emergency, shall serve written notice upon the building owner or lessee and upon the code official stating intention to seal equipment out of service and the reasons therefor. The certificate of registration of such equipment or device shall be immediately revoked.

*3001.11. Unlawful to remove seal.* Any device sealed out of service by the owner's or legal agent's insurance company or its authorized agent or any authorized elevator inspection agency shall be plainly marked with a sign or tag indicating the reason for such sealing, and any defacing or removal of the sign or tag, or any tampering with or removal of the seal without approval of the code official, shall constitute a violation of this chapter.

*3001.12. Accidents and malfunctions reported and recorded.* The owner of the building shall immediately notify the code official of every accident involving personal injury or damage to apparatus on or about or in connection with any equipment covered by this chapter, and shall assist the code official's investigation of such an accident. The owner of the building shall also immediately notify the code official of any malfunction to any equipment that renders or could render the equipment unsafe for operation. When an accident or malfunction involves the failure, breakage, damage or destruction of any part of the apparatus or mechanism, it shall be unlawful to use such device until after an examination by the owner's or his legal agent's insurance company or its authorized agent or an authorized elevator inspection agency of the equipment for continued use, submittal of a verified or certified copy of such examination and approval of the equipment for continued use by the insurance company or its agent or an authorized elevator inspection agency to the code official, and issuance by the code official of a certificate of registration as required by the provision of this chapter. The owner's or his legal agent's insurance company or its agent or an authorized elevator inspection agency shall make a prompt examination into the cause of the accident or malfunction and shall file a certified or verified copy of a full and complete report thereof with the code official. Such records shall be open for public inspection at all reasonable hours.

*3001.13. Registration of existing equipment.* The persons, associations or corporations responsible for the installing and maintaining of every existing elevator, escalator, equipment or device covered by this chapter shall within a period of six months after the adoption of the basic code, register with the code official each such existing elevator, escalator, equipment or device. Such registration shall be made on a form to be furnished by the code official giving type of equipment, name of manufacturer, its location and purpose, identification, serial number and such other information as required on the form