NEW CASTLE COUNTY COUNCIL
PUBLIC SAFETY COMMITTEE MEETING

Co-Chair: Brandon Toole, First District
Co-Chair: Kevin Caneco, Twelfth District

May 13, 2025
3:00 PM

VIRTUAL ZOOM WEBINAR MEETING &**
LOUIS L. REDDING CITY/COUNTY BUILDING
1ST FLOOR COUNCIL CHAMBERS
800 N. FRENCH STREET, WILMINGTON, DE 19801

AGENDA

A. Meeting Call to Order

B. Approval of Minutes

C. Review/Discussion of Resolution(s)

D. Review/Discussion of Ordinance(s)

°25-062: AMEND NEW CASTLE COUNTY CODE CHAPTER 6 ("BUILDING CODE"), ARTICLE 5 ("RESIDENTIAL CODE") RELATING TO AUTOMATIC FIRE SPRINKLER SYSTEMS
Prime Sponsor(s): Mr. Caneco, Ms. Kilpatrick, Mr. Carter
Co-sponsor(s): Ms. Durham

E. Presentations

- Director Setting's announcement of bimonthly "Public Safety One" meetings.

F. Other

G. Public Comment

H. Adjournment

AGENDA POSTED: DATE

*The agenda is posted (7) seven days in advance of the scheduled meeting in compliance with 29 *Del. C.* Section 10004(e)(2). The meeting may go into Executive Session to address issues that arise at the time of the meeting.

**Under Title 29, Section 10006A of *Delaware Code*, New Castle County Council is holding this meeting as a telephone and video conference, utilizing zoom Webinar. In addition, this meeting is open to the public in Council Chambers (800 N. French Street, Wilmington, DE 19801). The link to join the meeting via computer, smart device, or smart phone is : https://zoom.us/j/377322142 You may also call into the meeting (audio) using the following call in numbers: 1-312-626-6799 or +1-646-558-8656 or +1-346-248-7799 or +1-669-900-9128 or +1-253-215-8782 or +1-301-715-8592. Then enter the Webinar ID: 377 322 142. If you do not have a good connection with one, please try the others. Additional information regarding phone functionality during the meeting is available at: https://support.zoom.us/hc/en-us/articles/360029527911-Live-Training-Webinars

Meeting materials, including a meeting agenda, legislation to be addressed during the meeting, and other materials related to the meeting are electronically accessible at https://www.nccde.org/2351/Agendas-and-Minutes Members of the public joining the meeting may be provided an opportunity to make comments in real time. A comment period will be administered by a moderator to ensure everyone may have an opportunity to comment.

If permitted to comment, you will not be able to speak until called upon by the moderator. For those appearing virtually, there are functions in the program that allow you to do this. Please see the link in the previous paragraph.

Prime Sponsor(s): Mr. Caneco, Ms. Kilpatrick
Mr. Carter
Co-sponsor(s): Ms. Durham
Date of introduction: May 13, 2025

ORDINANCE NO. 25-062

TO AMEND *NEW CASTLE COUNTY CODE* CHAPTER 6 ("BUILDING CODE"), ARTICLE 5 ("RESIDENTIAL CODE") RELATING TO AUTOMATIC FIRE SPRINKLER SYSTEMS

WHEREAS, New Castle County government is charged with ensuring the health, safety, and welfare of the citizens of New Castle County by administering and enforcing the regulations of the building industry; and

WHEREAS, by passage of this Ordinance, New Castle County intends to update Chapter 6 of the *New Castle County Code* consistent with the *International Residential Code, 2021 edition* regarding fire sprinklers, as amended herein, and consistent with other jurisdictions and changes in the industry; and

WHEREAS, specifically, this Ordinance amends Chapter 6 to mandate installation of fire sprinkler systems in new permanent model homes only, which will take a meaningful step in the direction of enhancing public safety, reducing property loss, and affirming, to the highest degree, New Castle County's commitment to its citizens' health and well-being, while doing so in a cost-effective manner; and

WHEREAS, fire sprinklers are estimated to account for only 1-2% of the total project cost in new construction, with some systems coming in at less than 1%; and

WHEREAS, the increasing prevalence of deadly residential fires brings into laser focus the significant threat to the lives and safety of New Castle County residents, with data showing that nearly *3,000 people die annually* in home fires across the U.S., which easily could have been prevented, as the installation of fire sprinklers in residences has proven to substantially **reduce the risk of death by more than 80%**; thus far in this year alone, at least 2 Delawareans (in Newark and Claymont) have succumbed to injuries sustained in house fires; and

WHEREAS, New Castle County lags behind many other jurisdictions including several in Delaware, namely Newark, Lewes, Milton, Seaford, and Delaware City, all of which already require residential fire sprinklers in different styles of individual housing, in addition to Los Angeles, California, Scottsdale, Arizona, Prince George's County, Maryland, the City of Atlanta, Georgia, many jurisdictions in Colorado, Palm Beach, Florida, the State of Massachusetts, and jurisdictions in Pennsylvania (including the City of Philadelphia and Bucks County), to name only a few, which have already enacted sprinkler mandates for new residential construction, including townhouses (furthermore, the safety of its citizens being so core to it, the City of Atlanta also retroactively applied its sprinkler mandate to multifamily residential dwellings), in addition to municipalities across the country which are increasingly adopting similar legislation to enhance fire safety; and

WHEREAS, the New Castle County Department of Land Use and County Council recognize that requiring fire sprinklers in new permanent model homes is a necessary and progressive step forward to mitigate fire hazards, aligning with modern safety standards, and addressing the prior delay in adopting such critical protections for our citizens; and

WHEREAS, New Castle County Council finds that the provisions of this Ordinance are rationally and reasonably related to, substantially advance, and are narrowly tailored to achieve its goal of protecting and preserving legitimate government interests, including, but not limited to, the protection and preservation of the public health, safety, prosperity, general welfare, and quality of life.

NOW, THEREFORE, THE COUNTY OF NEW CASTLE HEREBY ORDAINS:

Section 1. *New Castle County Code* Chapter 6 ("Building Code"), Article 5 ("Residential Code") is hereby amended by adding the material that is underscored and deleting the material with strike throughs, as set forth below.

Chapter 6 – BUILDING CODE…
ARTICLE 5. - RESIDENTIAL CODE
Sec. 6.05.001. - Adoption of the International Residential Code.

That certain document, on file with the office of the Clerk of the County Council, being marked and designated as the International Residential Code, 2021 edition, including Appendices AE and AJ, as published by the International Code Council, be and is hereby adopted as the Residential Code of New Castle County. All the regulations, provisions, conditions, and terms of the International Residential Code, 2021 edition, and any supplements, referenced codes, and standards, are hereby referred to, adopted and made part of this Chapter, as if fully set out in this ~~legislation~~ ordinance, with the additions, insertions, deletions and changes prescribed in Section 6.05.002.

Sec. 6.05.002. Amendments to the International Residential Code.

The following sections of the International Residential Code, 2021 edition, are revised as follows. All Code references including text and lines are based on the 2021 International Residential Code, second printing: November 2021. *Note*: Although the International Residential Code does not identify sections with a "R" designation, such a designation is utilized to avoid any confusion as to which Code the amendment relates.

References to the International Fire Code, 2021 edition, as published by the International Code Council, are not specifically adopted. Provisions of the International Fire Code are addressed through the adoption of the National Fire Prevention Association (NFPA) Codes and Standards and the Delaware Fire Prevention Regulations as adopted by the Delaware State Fire Marshal's Office.
…

CHAPTER 2. DEFINITIONS

Section R202, DEFINITIONS, is amended by adding the definition "Permanent model home, as more fully defined in Section 40.03.335.B. of the *New Castle County Unified Development Code*, which is adopted herein by reference, is a permanent residential dwelling initially used for sales purposes within a subdivision."

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CHAPTER 3. BUILDING PLANNING

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SECTION R313 AUTOMATIC FIRE SPRINKLER SYSTEMS

Section R313 Automatic Fire Sprinkler Systems is amended by the addition of new Section R313.3 as indicated by the following underlined language.

Section R313.3, *Permanent model home automatic fire sprinkler systems.* An operative automatic fire sprinkler system shall be installed in all new permanent model homes for which a building permit is submitted on or after July 1, 2025.

Exception: An automatic fire sprinkler system shall not be required where additions or alterations are made to an existing permanent model home that does not have an automatic fire sprinkler system installed.

Section R313.3.1, Design and installation. An automatic fire sprinkler system for a permanent model home shall be designed and installed in accordance with NFPA 13D.

Section R313.3.2, Assessment. The Department of Land Use shall issue a report to County Council and the County Executive within 18 months after the effective date of this Section, reviewing variables such as the number of installation requests for fire sprinkler systems, efforts to promote sprinkler systems, costs of installation, ongoing monthly/quarterly/annual costs such as water bills and annual inspection, as well as related data which provides insight into the viability of automatic fire sprinkler systems and expansion thereof.

Section 2. This Ordinance shall take effect on July 1, 2025 after its adoption by New Castle County Council and approval by the County Executive, or as otherwise provided in 9 *Del. C.* Section 1156.

Adopted by County Council of
New Castle County on:

_____

Monique Williams-Johns
President of County Council
of New Castle County

Approved on:

_____

Marcus Henry
County Executive
of New Castle County

SYNOPSIS: This Ordinance, if enacted, would require the installation of an operative automatic fire sprinkler system in all new permanent model homes for which a building permit is submitted on or after July 1, 2025.

FISCAL NOTE: There is no discernible fiscal impact as a result of the enactment of this Ordinance.