

ORDINANCE 2015-02

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF LOWER ALLEN TOWNSHIP, CUMBERLAND COUNTY, PENNSYLVANIA REPEALING CHAPTER 106, FIRE SUPPRESSION EQUIPMENT, ADOPTING FIRE PREVENTION STANDARDS IN RESERVED CHAPTER 103, AND MODIFYING CHAPTER 70, BUILDING CONSTRUCTION AND SAFETY STANDARDS BY RELOCATING FIRE PREVENTION STANDARDS NOT ADOPTED BY THE PENNSYLVANIA CONSTRUCTION CODE ACT INTO CHAPTER 103, OF THE CODE OF THE TOWNSHIP OF LOWER ALLEN.

WHEREAS, Chapter 70 of the Code of the Township of Lower Allen (Code) expresses the intent to protect the general health, safety and welfare of citizens of the Township by electing to administer and enforce the Pennsylvania Construction Code Act (PCCA) and adopting the codes and standards referenced in the PA Uniform Construction Code (UCC) regulations promulgated by the PA Department of Labor and Industry (DLI), including the International Fire Code (IFC), and

WHEREAS, Chapter 70 of the Code adopted the IFC, 2003 Edition, with modifications and more stringent local standards than contained in the UCC regulations, and

WHEREAS, subsequent to the enactment of Chapter 70 of the Code, DLI issued a ruling that the provisions of the IFC are only adopted by UCC regulations to the extent referenced in the International Building Code (IBC) for construction activities, and

WHEREAS, subsequent adoption of the 2006, then 2009 editions of the International Codes in the UCC regulations has only updated the IFC standards pertaining to building construction activities, not the IFC standards pertaining to life safety and property protection associated with proper maintenance of fire protection systems, storage of materials, conduct of special events, and operation of regulated activities, and

WHEREAS, administration and enforcement of the complete set of regulations contained in the IFC is necessary to complement life safety and fire protection measures provided by administration and enforcement of building code regulations, and

WHEREAS, fire suppression equipment regulations contained in Chapter 106 of the Code are sufficiently covered by regulations contained in the IFC,

NOW, THEREFORE, BE IT ENACTED AND ORDAINED by the Board of Commissioners of Lower Allen Township, Cumberland County, Pennsylvania, as follows:

SECTION I

Chapter 106, Fire Suppression Equipment, is hereby deleted in its entirety.

SECTION II

Chapter 103, Fire Prevention, reserved for review and adoption of new standards, is hereby re-established as follows:

103-1. Intent.

The purpose of this chapter is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from hazards of fire, explosion, or dangerous conditions in new and existing buildings, structures and premises, and to provide safety to fire fighters and emergency responders during emergency operations.

103-2. Adoption of code standards.

The International Fire Code, 2009 Edition, is hereby adopted as the Fire Code of Lower Allen Township.

103-3 Applicability.

The Fire Code of Lower Allen Township shall apply to any situation where the requirements of the International Fire Code 2009 are not referenced in the International Building Code 2009 and administered and enforced under the Township's Pennsylvania Uniform Construction Code (UCC) program established in Chapter 70 of this Code.

103-4 Revisions to International Fire Code 2009 standards.

The following regulations are hereby enacted to facilitate administration and enforcement of a national model code within Lower Allen Township.

A. The text of Chapter 1, Scope and Administration, is amended as follows:

- (1) Section 101.1, Title, is amended by inserting "Lower Allen Township"
- (2) Section 103, Department of Fire Prevention, is deleted in its entirety and replaced with new Section 103, Fire Prevention Agencies, as follows:

103.1 General. The Department of Community Development shall be charged with the task of implementing, administering and enforcing this Code. Police officers and law enforcement officers within the Department of Public Safety are hereby authorized to institute appropriate action for violations of Section 104.11.2, obstruction of Fire Department operations; Section 307.1.1, prohibited open burning; Section 307.3, extinguishment authority for open burning; and Section 503.4, obstruction of fire apparatus access roads, including fire lanes.

103.2 Appointment. The Community Development Director is hereby authorized to designate law enforcement officers from within the Department to serve as Fire Code Official and Deputy Fire Code Officials for the purpose of administering and enforcing this Code in accordance with this chapter. The Board of Commissioners shall appoint the Community Development Director, the law enforcement officers within that department, and all Public Safety Department police and law enforcement officers.

- (3) Section 105.1.1 Permits required, is amended by replacing the first sentence as follows: Permits required by this code, not issued by the Building Code Official for matters subject to the UCC and regulated by Chapter 70, shall be issued by the Fire Code Official.
- (4) Section 105.6, Required operational permits, is amended by adding new section 105.6.47, Fire Suppression and Detection Systems, as follows: An operational permit is required for all occupancies except those classified as R-3 in Section 202 of this Code, General Definitions, Occupancy Classification, that are equipped with fire suppression and/or fire detection systems that must be maintained in accordance with NFPA 25 or NFPA 72 standards.
- (5) Section 108.1, Board of appeals established, is deleted in its entirety and replaced with a new Section 108.1, Board of appeals established, as follows: For matters not subject to the UCC and regulated by Chapter 70 of this code, for which a Board of Appeals has been established in accordance with Section 70-5, a board of appeals for this Code is hereby created to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code. The Board of Commissioners shall serve as the Fire Code of Lower Allen Township Board of Appeals, shall adopt rules of procedure for conduction its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official. When deemed necessary to address technical matters, the Board may retain individuals who are qualified by experience and training to advise it on matters pertaining to hazards of fire, explosions, hazardous conditions or fire protection systems. These technical advisors may not be employees of the Township.

- (6) Section 109.3, Violation penalties, is amended by inserting “summary offense” at [SPECIFY OFFENSE], “\$1,000.00” at [AMOUNT] and “10” at [NUMBER OF DAYS].
- (7) Section 109, Violations, is amended by adding new Section 109.3.2, Penalty for obstruction of fire apparatus, as follows: When a violation of Section 503.4, Obstruction of fire apparatus access roads, involves a parked vehicle within a fire apparatus access road that is posted with signs or other markings approved by the fire code official that contain the words, NO PARKING-FIRE LANE, an enforcement action shall be initiated by any authorized police officer or law enforcement officer in accordance with Chapter 209, Vehicles and traffic, Section 209-8., Violation notice issuance; payment. The penalty shall be a fine of \$50.00; however, failure to comply with provisions of Section 209-8.A. shall subject the person receiving the violations notice to a summary offense proceeding authorized by Section 290-8.B., and the penalty provisions of this Code contained in Section 109.3 shall apply.
- (8) Section 111.4, Failure to comply, is amended as follows: “condition, shall be liable to a fine of not more than \$1,000.00.”
- (9) Section 113.2, Schedule of permit fees, is amended as follows: “...schedule as established by a resolution of the Board of Commissioners.”
- (10) Section 307.1.1, Prohibited open burning, is deleted in its entirety and replaced with a new Section 307.1.1, Prohibited open burning, as follows: Open burning that is offensive or objectionable because of smoke emissions or when atmospheric or local conditions make such fires hazardous shall be prohibited. Burning of any material that must be recycled, or disposed at an approved solid waste facility in accordance with a township ordinance or state statute is also prohibited.
- (11) Section 307.3, Extinguishment authority, is amended as follows: “The Fire Code Official and any other person authorized by Section 103.1 to enforce this Code is authorized ...”.
- (12) Section 307.4.2, Recreational fires, is deleted in its entirety and replaced as follows: Recreational fires shall not be conducted within 25 feet of a structure or combustible material unless contained in a noncombustible outdoor fireplace, fire pit or fire ring. Recreational fires in township parks shall be further restricted by applicable regulations in Chapter 151, Parks and playgrounds.
- (13) Section 3404.2.9.6.1, Locations where above-ground tanks are prohibited, is deleted in its entirety and replaced with a new Section 3404.2.9.6.1, Locations where above-ground storage tanks are prohibited, as follows: “Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within any zoning district depicted on the Zoning Map of Lower Allen Township except the C-2, I-1 and I-3 Districts.”
- (14) Section 3406.2.4.4, Locations where above-ground tanks are prohibited, is deleted in its entirety and replaced with a new Section 3406.2.4.4, Locations where above-ground storage tanks are prohibited, as follows: “Storage of Class I and Class II liquids in above-ground tanks is prohibited within any zoning district depicted on the Zoning Map of Lower Allen Township except the C-2, I-1 and I-3 Districts.”
- (15) Section 3506.2, Limitations, is deleted in its entirety and replaced with a new Section 3506.2, Limitations follows: Storage of flammable cryogenic fluids in stationery containers is prohibited within any zoning district depicted on the Zoning Map of Lower Allen Township except the C-2, I-1 and I-3 Districts.”
- (16) Section 3804.2, Maximum capacity within established limits, is deleted in its entirety and replaced with a new Section 3804.2, Maximum capacity within established limits, as follows: “The geographic limits in which the aggregate capacity of any one installation of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L) for the protection of heavily populated or congested areas cannot be

established by Lower Allen Township because the Propane and Liquefied Petroleum Gas Act (35 P.S. §§ 1329.1 through 1329.19) does not permit municipalities to prohibit or regulate storage of these materials.”

SECTION III

Section 70-7.F. is deleted in its entirety and replaced by a new Section 70-7.F. as follows:

F. The text of the 2009 International Fire Code, adopted as a referenced standard by the UCC, is amended as follows:

- (1) Section 101.1, Title, is amended by inserting “Lower Allen Township”

Section 103 shall be deleted in its entirety and replaced with the following: 103.1 Enforcement agency. The Department of Community Development shall be charged with the task of administering and enforcing this Code. The executive official in charge thereof shall be known as the “Code Official”. The Board of Commissioners shall appoint the Code Official and his deputies.

- (2) Section 109.3, Violation penalties, is amended by inserting “summary offense” at [SPECIFY OFFENSE], “\$1,000.00” at [AMOUNT] and “10” at [NUMBER OF DAYS].
- (3) Section 111.4, Failure to comply, is amended as follows: “condition, shall be liable to a fine of not more than \$1,000.00.”
- (4) Section 113.2, Schedule of permit fees, is amended as follows: “...schedule as established by a resolution of the Board of Commissioners.”
- (5) Section 3404.2.9.6.1, Locations where above-ground tanks are prohibited, is deleted in its entirety and replaced with a new Section 3404.2.9.6.1, Locations where above-ground storage tanks are prohibited, as follows: “Storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited within any zoning district depicted on the Zoning Map of Lower Allen Township except the C-2, I-1 and I-3 Districts.”
- (6) Section 3406.2.4.4, Locations where above-ground tanks are prohibited, is deleted in its entirety and replaced with a new Section 3406.2.4.4, Locations where above-ground storage tanks are prohibited, as follows: “Storage of Class I and Class II liquids in above-ground tanks is prohibited within any zoning district depicted on the Zoning Map of Lower Allen Township except the C-2, I-1 and I-3 Districts.”
- (7) Section 3506.2, Limitations, is deleted in its entirety and replaced with a new Section 3506.2, Limitations follows: Storage of flammable cryogenic fluids in stationery containers is prohibited within any zoning district depicted on the Zoning Map of Lower Allen Township except the C-2, I-1 and I-3 Districts.”
- (8) Section 3804.2, Maximum capacity within established limits, is deleted in its entirety and replaced with a new Section 3804.2, Maximum capacity within established limits, as follows: “The geographic limits in which the aggregate capacity of any one installation of liquefied petroleum gas shall not exceed a water capacity of 2,000 gallons (7570 L) for the protection of heavily populated or congested areas cannot be established by Lower Allen Township because the Propane and Liquefied Petroleum Gas Act (35 P.S. §§ 1329.1 through 1329.19) does not permit municipalities to prohibit or regulate storage of these materials.”

SECTION IV

Section 70-8.E is hereby deleted from Chapter 70.

SECTION V

In the event that any provision, section, sentence, clause, or part of these Documents shall be held to be invalid, such invalidity shall not affect or impair any remaining provision, section, sentence, clause, or part of the Document, it being the intent of the Township that such remainder shall remain in full force and effect.

ENACTED AND ORDAINED THIS 26th DAY OF May, 2015.

**Attest:
(Corporate Seal)**

**BOARD OF COMMISSIONERS
LOWER ALLEN TOWNSHIP**

(Assistant) Secretary

(Vice) President