

**ORDINANCE #19-01**

**AN ORDINANCE OF MIDDLETOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA AMENDING CHAPTERS 190 AND 249 PERTAINING TO CONSTRUCTION AND FIRE CODES TO REVISE REQUIREMENTS FOR ANNUAL FIRE CODE COMPLIANCE INSPECTIONS OF APARTMENT BUILDINGS, AND MAKE OTHER ASSOCIATED REVISIONS**

**WHEREAS**, under sections 607 and 1506 of the Second Class Township Code, the Board of Supervisors of Middletown Township (“Board of Supervisors”) are charged with the general governance of the Township in order to, among other things, secure the health, safety and welfare of the citizens of the Township and may adopt any ordinances, bylaws, rules and regulations necessary therefore, so long as they are not inconsistent with or restrained by the Constitution and laws of the Commonwealth of Pennsylvania; and,

**WHEREAS**, under the general powers granted under Pennsylvania law, including the Second Class Township Code and the Pennsylvania Construction Code Act and its associated regulations, Middletown Township has the power to establish building and housing regulations, and to administer and enforce the Pennsylvania Uniform Construction Code, including the regulations thereunder;

**WHEREAS**, the Uniform Construction Code and its regulations classify apartment buildings as commercial buildings;

**WHEREAS**, 34 Pa. Code § 403.102(1) permits the Township to enact an ordinance that meets or exceeds the requirements of 34 Pa. Code § 403.45 regarding commercial building inspections;

**WHEREAS**, yearly apartment building, including tenant unit, inspections for compliance with the applicable standard fire code in effect under the Uniform Construction Code promote the public health, safety, and welfare, and decrease the risk of serious injury and/or loss of life from fires in apartment complexes;

**WHEREAS**, Section 1601 of the Second Class Township Code provides that the Board of Supervisors may adopt Ordinances in which general or specific powers of the Township may be exercised, and, by the enactment of subsequent Ordinances, the Board of Supervisors may amend, repeal, or revise existing Ordinances (53 P.S. § 66601);

**WHEREAS**, the proposed amendments have been advertised, considered, and reviewed in accordance with Pennsylvania law;

**NOW THEREFORE**, in consideration of the foregoing, be it **ENACTED** and **ORDAINED** by the Board of Supervisors of Middletown Township, Bucks County, Pennsylvania, that the Township's Code of Ordinances is **AMENDED** as follows:

**I. STRIKE Chapter 249** of the Middletown Township Code of Ordinances in its entirety and **REPLACE** it with "RESERVED."

**II. Chapter 190** of the Middletown Township Code of Ordinances is hereby **AMENDED** as follows:

**A. AMEND** existing Section 190-101 to **STRIKE** "International Fire Code, by the International Code Council" and **REPLACE** it with "2015 International Fire Code, as specified by the Uniform Construction Code, including all appendices".

**B. STRIKE** existing Section 190-102 and **REPLACE** it with the following:

**A.** The following sections of the 2015 International Fire Code are hereby revised as follows:

(1) The term "fire code official" within the 2015 International Fire Code shall be revised throughout to be referred to as the "Municipal Fire Official".

(2) Change Section 101.1, General, title, Insert "Middletown Township, Bucks County, Pennsylvania" as the name of the jurisdiction.

(3) Change Section 103.1, General. Delete the entire section and insert in its place the following language:

**103.1 General.** The department of Fire and Emergency Management is established within the jurisdiction under the direction of the Municipal Fire Official. The function of the department shall be fire suppression and emergency management, and implementation, administration and enforcement of the provisions of this code. The department director will be herein referred to as the Municipal Fire Official.

(4) Change Section 103.4, Liability. Delete the entire section and insert in its place the following language:

**103.4 Liability.** The Township of Middletown shall indemnify, save harmless and defend any fire official, officer or employee charged with enforcement of this code, while acting for the municipality and within the scope of their authority, for any damage that may accrue to persons or property as a result of any act required or permitted in the discharge of office duties. Any suit instituted against any officer or employee because of an act for and under the provisions of this code shall be defended by the legal representative of the Township until the final termination of proceedings. The Fire Code

Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this code, and any officer of the Department of Fire and Emergency Management, acting in good faith or without malice, shall be free from liability for acts performed under any of its provisions or by reason of act or omission in the performance of official duties in connection therewith.

(5) Change Section 103.4.1, Legal defense. Delete the entire section and insert in its place the following language:

**103.4.1 Legal defense.** The liability of the Township of Middletown shall be limited to that imposed under the Statutes and Common Law of the Commonwealth of Pennsylvania; Township of Middletown assumes no liability under this code for any damage to persons or property by reason of the inspection or reinspection of buildings, structure or equipment authorized herein or failure to inspect or reinspect such building, structures or equipment or by reason of the approval or disapproval of any building, structure or equipment authorized herein.

(6) Change Section 104.1, General authority and responsibilities, general. Delete entire text and insert in its place the following language:

**104.1 General authority and responsibilities, general.** It shall be the duty and responsibility of the Office of Fire & Emergency Management or the duly authorized representatives to enforce the International Fire Code herein set forth. The designated enforcement officer of this code is herein referred to as the "Municipal Fire Official."

(7) Change Section 104.2, General authority and responsibilities, applications and Permits. Add, on line three, after the word "permits" and before the word "for" "and Registration."

(8) Change Section 104.10, Fire Investigation. Delete the entire section and insert in its place the following language:

**104.10 Fire Investigation.** The office of Fire & Emergency Management in Middletown Township will have the responsibility for investigating all fires of value loss, hazardous materials incidents explosions, bomb threats and bomb incidents explosions or other Hazardous conditions within the boundaries of Middletown Township. It shall also be the office of the Fire & Emergency Management responsibility to ensure compliance with the National Fire Protection Association Codes and International Fire Code.

(9) Change Section 104.11, Authority at fires and other emergencies. Delete the entire section and insert in its place the following language:

**104.11 Authority at fires and other emergencies.** The Fire Marshal fire chief or officer of the department at the scene of a fire or other emergency involving the protection of life or property, or any part thereof, shall have the authority to direct such operation as necessary to extinguish or control any fire, perform any rescue operation, investigate the existence of suspected or reported fires, gas leaks or other hazardous conditions or situations, or take any other action necessary in the reasonable performance of duty. In the exercise of such power, the Fire Marshal and Emergency Manager fire chief or Designee is authorized to prohibit any person, vehicle, vessel or thing from approaching the scene, and is authorized to remove, or cause to be removed or kept away from the scene, any vehicle, vessel or thing that could impede or interfere with the operations of the fire department and, in the judgment of the Fire Marshal and Emergency Manager fire chief, or Designee, any person not actually and usefully employed in the extinguishing of such fire or in the preservation of property in the vicinity thereof.

(10) Change Section 104.11.1, Barricades. Delete the entire section and insert in its place the following language:

**104.11.1 Barricades.** The Fire Marshal and Emergency Manager fire chief or office of the department at the scene of an emergency is authorized to place ropes, guards, barricades or other obstructions across any street, alley, place or private property in the vicinity of such operation so as to prevent accidents or interference with the lawful efforts of the fire department to manage and control the situation and to handle fire apparatus.

(11) Change Section 105.1.1, Permits, permits required. Add, on line one, as the first word, before the word "Permits," "Registration and."

(12) Add Section 106.5, Permits, payment of fees. Insert entire text using the following language:

**106.5 Payment of fees.** A permit shall not be issued until the fees for such permit, as designated in this article or by later resolution of the Board of Supervisors, shall have been paid.

(13) Change Section 108 to read "Board of Appeal."

(14) Change § 108.1, Board of Appeals to "Technical Code Review Board of Appeals".

(15) Add Section 108.1.1, Membership of the Board. Insert entire text using the following language:

**108.1.1 Membership of the Board.** See the Technical Code Review Board of Appeals (Chapter 15, Article I).

(16) Change Section 1082.3 Qualifications. Delete the entire section and insert in its place the following language:

**108.3. Qualifications of board members.** See the Technical Code Review Board of Appeals (Chapter 15, Article I).

(17) Add Section 108.4, Application for Appeal. Insert entire text using the following language:

**108.4 Application for appeal.** Any person aggrieved by the issuance, transfer, refusal, suspension, revocation or cancellation of any permit or registration or by any notice, order or action of the Fire Official may appeal to the Technical Code Review Board of Appeals within 30 days after being given notice of the decision, action or order of the Fire Official. The appeal shall be taken by filing with the Director of Planning & Zoning, in triplicate, a letter addressed to the Board, describing the action appealed from and stating the reason why the applicant considers the Fire Official's action improper. Within 30 days after filing of the appeal, the Technical Code Review Board shall hold a hearing on the appeal.

(18) Change Section 108.5, Variances. Said section is hereby amended by the addition of the following sentence in said section:

The Board may authorize, in writing, a variance from the terms of the adopted Fire Prevention Code when, because of the special conditions, undue hardship would result from the literal enforcement and the work authorized by the variance complies substantially with the purpose of such code. Recommendations by the Municipal Fire Official as to the variance and its terms shall be considered by the Board.

(19) Change Section 109.4, Violations, penalty for violations. Delete the entire text and insert in the place the following language:

**109.4 Penalty for violations.** Any person, firm or corporation violating any of the provisions of this code or failing to comply with an order issued pursuant to any section hereof shall, upon conviction thereof before a Magisterial District Judge, be sentenced to pay a fine of not more than \$1,000 per violation per day and costs of prosecution and, in default of payment thereof, shall be subject to imprisonment for a term not to exceed 30 days. Each day that a violation continues after service or notice shall be considered a separate offense as provided for in the code.

(20) Add Section 109.4.2, as follows:

**109.4.2 Recovery of abatement of costs.** Recovery of abatement costs: The continuance and maintenance of any condition in violation of this code or requiring Department Staff is hereby declared to be an emergency, planned event, nuisance,

prejudicial to the public health and safety of the Township, and the Board of Supervisors may abate such a nuisance and collect the costs thereof together with a penalty of 10% of such costs in a manner provided by law for the collection of municipal claims or by action in assumpsit without filing the claim or by seeking relief by a bill in equity.

(21) Change Section 202, General Definitions, by inserting "Amusements" as to a use or activity under "[BG] Assembly Group A-5".

(22) Change Section 304, Combustible waste material, by removing the heading "Combustible Waste Material" and replacing it with "Combustible Waste Material and Vehicle Wrecking/Junkyards."

(23) Change Section 304.1, Waste accumulation prohibited. On line one, insert the words "or flammable" after the word "combustible" and before the word "waste."

(24) Change Section 304.1.1, Waste materials. At the end of line seven, insert the sentence: "A vehicle wrecking yard, junkyard or waste material handling plant shall be located so not as to represent a serious exposure hazard to adjoining or adjacent premises."

(25) Add Section 307.6, as follows:

**307.6 Prohibited Open Burning.** Open burning that is offensive or objectionable because of smoke or odor emissions or when atmospheric conditions or local circumstances make such fires hazardous shall be prohibited.

(26) Add Section 404.5, as follows:

**404.5 Emergency Trauma (Bleeding)** Kits that are approved by the Municipal Fire Official will be provided by the business for a minimum of 1 kit per 700 persons.

(27) Add Section 404.5.1, as follows:

**404.5.1 Bleeding Control Training.** Approved Training is required for the bleeding control training.

(28) Change Section 502, Definitions, fire land. On line one after the word "passageway" and before the word "developed," insert the words "of sufficient size."

(29) Add Section 503.7, Fire lanes, designation. Insert the following language:

**503.7. Fire lanes, designation.** The Fire Official, after consultation with the Chief of Police and Township Manager of Middletown Township, shall designate certain

areas of the Township as vehicular fire lanes. Said designation shall be described in writing and shall be supplemented by attaching to said writing a map or plan of the development or area in which or on which such lanes are established. The owner thereof shall be duly notified by certified mail. Fire lanes shall have a minimum width of 18 feet (5,486 mm) and shall be lettered and posted in accordance with a specification set forth by the Municipal Fire Official.

(30) Add Section 503.7.1, Fire lanes, enforcement. Add the following:

**503.7.1 Fire lanes, enforcement.** The fire lanes shall be kept or maintained free from any form or manner or obstruction or interference which does or might hamper, interfere or impede the full, complete, free and rapid dispatch and movement of emergency vehicular equipment and apparatus over, on or through any fire lane. The Middletown Township Police Department and/or the Fire Official and/or his designees shall enforce the provisions of the obstructed fire lanes as herein set forth.

(31) Change Section 505.1, Address identification. Delete the entire section and insert in its place the following language:

**505.1 Address identification.** New and existing buildings shall be provided with *approved* address identification. The address identification shall be legible and placed in a position that is visible from the street or road fronting the property. Address identification characters shall contrast with their background. Address numbers shall be Arabic numbers or alphabetical letters. Numbers shall not be spelled out. Each character shall be not less than 4 inches (102 mm) high with a minimum stroke width of ½ inch (12.7 mm) for residential 10" high with minimum stroke width of 1" for commercial. Where required by the Municipal Fire Official, address identification shall be provided in additional *approved* locations to facilitate emergency response. Where access is by means of a private road and the building cannot be viewed from the *public way*, a monument, pole or other sign or means shall be used to identify the structure. Address identification shall be maintained.

(32) Change Section 507.5.1.1, Hydrant for standpipe systems. Delete the entire section and insert in its place the following language:

**507.5.1.1 Hydrant for standpipe systems.** Buildings equipped with a standpipe system installed in accordance with Section 905 shall have a fire hydrant within 50 feet (15,240 mm) of the fire department connections.

**Exception.** The distance shall be permitted to exceed 50 feet (15,240 mm) where *approved* by the Municipal Fire Official.

(33) Add Section 603.10, Chimneys and heating appliances, as follows:

**603.10 Chimneys and heating appliances.** Installation and Maintenance of Boilers and/or Chimneys in Levittown Style Homes. The Installation and maintenance of new oil-fired hot-water-heating boilers and chimneys, including the type of boiler and/or chimney and methods of installation found in the Middletown Township Levittown Homes known as the Pennsylvanian, 1956 Jubilee, Large and Small Country Clubber and Colonial Styles, shall be in accordance with the Standard 85-8 specifications on file with the Township Fire Official or with any additional specifications approved by the Technical Code Review and Appeals Board of Middletown Township in accordance with Section 603.10.

- (1) Suggested replacement installation specification for new oil-fired hot-water-heating boilers in Levittown, Pennsylvania, "Pennsylvanian" style homes.
- (2) Suggested replacement installation specification for new oil-fired hot-water-heating boilers in Levittown, Pennsylvania, "Jubilee 1956" style homes.
- (3) Suggested replacement installation specification for new oil-fired hot-water-heating boilers in Levittown, Pennsylvania, "Large Country Clubber" style homes.
- (4) Suggested replacement installation specification for new oil-fired hot-water-heating boilers in Levittown, Pennsylvania, "Small County Clubber" style homes.
- (5) Suggested replacement installation specification for new oil-fired hot-water-heating boilers in Levittown, Pennsylvania, "Colonial" Style homes.

In the event of a conflict between the specification booklet and other adopted codes, the most restrictive language shall prevail.

- (34) Add Section 603.10.2 as follows:

**603.10.2 Approval of other installations.** The Technical Code Review and Appeals Board of Middletown Township may approve additional specifications for the installation of new oil-fired hot-water-heating boilers, including the type of boiler or method of installation, in accordance with the following procedure:

- (1) Any person seeking to obtain approval for oil burner equipment and/or a method of installation of oil burner equipment shall present such a request, in person or in writing, to the Technical Code Review and Appeals Board.



- (2) The meeting of the Technical Code Review and Appeals Board at which such presentation will be made shall be advertised by the Board in a newspaper of general circulation in the manner in which public notice of public meetings are advertised by the Township.
- (3) The Middletown Township Fire Official may make any appropriate recommendations, suggestions or comments to the Technical Code Review and Appeals Board concerning any such presentation by any person with respect to the Board's decision or any oil burner equipment and/or any method of installation.
- (4) Upon approval by the Technical Code Review and Appeals Board of the new oil burner equipment and/or new method of installation, that approved new oil burner will be added to the Standard 85-8 specification booklet as an additional approved oil burner for the particular style Levittown house for which it is approved, and any approved new methods of installation, with all schematic drawings, as well as other drawings, shall be set forth in writing and made part of the aforesaid specification booklet in the same form as the specifications set forth in Section 603.10 herein above.

- (35) Add Section 603.10.3 Emergency installations.

**603.103 Emergency installations.** In the event that the owner of one of the aforesaid style Levittown homes requests a permit for the installation of an oil-fired hot-water-heating boiler which is not in accordance with the aforesaid approved specifications, and the Municipal Fire Official determines that the request is due to an emergency situation in which the home is without heat due to an inoperable or unsafe boiler, then in that event the Municipal Fire Official may approve an alternate method of installation or type of boiler equipment in accordance with Section 104.9 of this code. Any such emergency installation shall be permanent unless otherwise specified by the Municipal Fire Official.

- (36) Section 907.2.9 Group R-2. Remove the entire text and insert the following text:

A fire alarm system shall be installed in all new and existing Group R-2 occupancies.

C. **STRIKE** existing Section 190-103 and **REPLACE** it with the following:

Section 190-103. Adoption of fire control measures and regulations.

There is hereby adopted by the Township of Middletown the fire control measures and regulations as set forth herein below for the purpose of controlling conditions which could impede or interfere with the fire-suppression forces.

- A. Compliance with orders. A person shall not willfully fail or refuse to comply with any lawful order or direction of the Fire Official or to interfere with the compliance attempts of another individual.
- B. Vehicles crossing fire hose. A vehicle shall not be driven or propelled over any unprotected fire hose of the Fire Department when laid down on any street, alley, way, private drive or any other vehicular roadway without the consent of the Fire Official in command of said operation. <sup>{1}</sup>  
*{1} Editor's Note: Amended at time of adoption of Code (see Ch. 1, General Provisions, Art. I).*
- C. Definition of authorized emergency vehicle. "Authorized emergency vehicles" shall be restricted to those which are defined and authorized under the laws of the Commonwealth of Pennsylvania.
- D. Operation of vehicles on approach of authorized emergency vehicle. Upon the approach of any authorized emergency vehicle, giving audible and visual signal, the operator of every vehicle shall immediately drive the same to a position as near as possible and parallel to the right-hand edge or curb of the street or roadway, clear of any intersection, and shall stop and remain in that position until the authorized emergency vehicle or vehicles shall have passed, unless otherwise directed by the Fire Official or police officer.
- E. Vehicles following fire apparatus. It shall be unlawful for the operator of any vehicle, other than an emergency vehicle, to follow closer than 500 feet from any fire apparatus traveling in response to an emergency call or to drive any vehicle within the block or immediate area where fire apparatus has stopped in answer to an emergency call.
- F. Unlawful boarding or tampering with Fire Department equipment. A person shall not without proper authorization from the Fire Official in charge of said Fire Department emergency cling to, attach himself to, climb upon or into, board or swing upon any Fire Department emergency vehicle, whether the same is in motion or at rest, or sound the siren, horn, bell or other sound-producing device thereon, or to manipulate or tamper with, or attempt to manipulate or tamper with, any levers, valves, switches, starting devices, brakes, pumps or any equipment or protective clothing on or a part of any Fire Department emergency vehicle.

- G. Damage, injury: Fire Department equipment, personnel. It shall be unlawful for any person to damage or deface or attempt or conspire to damage or deface any Fire Department emergency vehicle at any time or to injure or attempt to injure or conspire to injure Fire Department personnel while performing their duties.
- H. Blocking fire hydrants and Fire Department connections.
- (1) It shall be unlawful to obscure from view, damage, deface, obstruct or restrict the access to any fire hydrant or any Fire Department connection for the pressurization of any fire-suppression systems, including fire hydrants and Fire Department connections that are located on public or private streets and access lanes or on private property.
  - (2) If upon expiration of the time mentioned in a notice of violation obstructions or encroachments are not removed, the Municipal Fire Official or Designee may cite or shall proceed to remove same. Any cost incurred in the performance of necessary work shall be paid from the municipal treasury on certification of the Fire Official and with the approval of the Manager, and the legal authority of the municipality shall institute action for the recovery of such costs.
- I. Hydrant use approval. A person shall not use or operate any fire hydrant intended for use of the Fire Department for Township approved purposes unless such person first secures a permit for such use from the Municipal Fire Official or the water company having jurisdiction. This subsection shall not apply to the use of such hydrants by a person employed by, and authorized to make such use by, the water company having jurisdiction.
- J. Public water supply. The Fire Official shall recommend to the Township Manager the location or relocation of new or existing fire hydrants and the placement or replacement of inadequate water mains located upon public property and deemed necessary to provide an adequate fire flow and distribution pattern. A fire hydrant shall not be placed into or removed from service until approved by the Municipal Fire Official.
- K. Yard systems. All new and existing shipyards, oil storage plants, lumberyards, amusement or exhibition parks and educational or institutional complexes and similar occupancies, and uses involving high fire or life hazards and which are located more than 150 feet from a public street or which require quantities of water beyond the capabilities of the public water distribution system shall be provide with property placed fire hydrants. Such fire hydrants shall be capable of supplying fire flows as required by the Municipal Fire Official and shall be connected to a water system in accordance with accepted engineering practices. The Municipal Fire

Official shall designate and approve the number and location of fire hydrants. The Municipal Fire Official may require the installation of sufficient fire hose and equipment, housed in accordance with the approved rules, and may require the establishment of a trained fire brigade when the hazard involved requires such measures. Private hydrants shall not be placed into or removed from service until approved by the Fire Official.

- L. Maintenance of fire-suppression equipment. A person shall not obstruct, remove, tamper with or otherwise disturb any fire hydrant or fire appliance required to be installed or maintained under the provisions of the Fire Prevention Code except for the purpose of extinguishing a fire, for training or testing purposes, recharging or making necessary repairs or when permitted to do so by the Fire Official. Whenever a fire appliance is removed as herein permitted, it shall be replaced or reinstalled as soon as the purpose for which it was removed has been accomplished. Defective and nonapproved fire appliances or equipment shall be replaced or repaired as directed by the Fire Official.
- M. Sale of defective fire extinguishers. A person shall not sell, trade, loan or give away any form, type or kind of fire extinguisher which is not approved by the Municipal Fire Official, or which is not in proper working order, or the contents of which do not meet the requirements of the Code. The requirements of this subsection shall not apply to the sale, trade or exchange of obsolete or damaged equipment for junk when said units are permanently disfigured or marked with a permanent sign identifying the unit as junk.
- N. Street obstructions. A person or persons shall not erect, construct, place or maintain bumps, fences, gates, chains, bars, pipes, wood or metal horses or any other type of obstruction in or on any street within the boundaries of the municipality. The word "street" as used in this article shall mean roadway accessible to the public for vehicular traffic, including, but not limited to, private streets or access lanes as well as public streets and highways within the boundaries of the Township.
- O. Fire (Heat and Smoke) detection and suppression systems. Fire (Heat and Smoke) detection and suppression systems are required in accordance with the following schedule:
  - (1) Less than 3,500 Square Foot: A simplified detection system in accordance with NFPA 72 is required. This type of system must have minimum of two detectors interconnected to an audible and visual alarm inside the property and a flashing or rotating blue light visible from the street and in the vicinity of the front door outside the property, with pulls stations at the exit doors.

- (2) 3,501 to 4,999 Square Foot: A supervised hard-wired detection system in accordance with NFPA 72 is required in all rooms and spaces except closets less than 24 square foot. The detectors must be interconnected to an audible and visual alarm inside the property and a flashing or rotating blue light visible from the street and in the vicinity of the front door outside the property, with pulls stations at the exit doors.
- (3) 5,000 to 9,999 Square Foot: A supervised, monitored, addressable hard-wired fire detection system in accordance with NFPA 72 is required in all rooms and spaces except closets less than 24 square foot. The detectors must be interconnected to an audible and visual alarm inside the property and a flashing or rotating blue or clear light visible from the street and in the vicinity of the front door outside the property, with pulls stations at the exit doors.
- (4) 10,000 Square Foot and above: A Monitored fire suppression system in accordance with NFPA 13, 13R and 13D is required. If this is the sole type of fire detection within the building (no smoke or heat detection system) an audible, visible notification appliances, pull stations at the exit doors must be connected to the suppression system and placed inside the property.

All Plans should be in accordance with the current year of the International Codes, NFPA, and ANSI Standards on Accessibility. All fire alarm systems shall be installed in accordance with NFPA 72 and International Fire Code (IFC) most current edition.

At the completion of a job a written certification letter is required stating compliance with the applicable codes and standards, if the system is monitored system – provide who will be monitoring and servicing the system, three (3) after-hour emergency contacts for the property must be provided and a copy of the NFPA 72 certification test(s).

An annual system certification is required for all occupancies in Middletown Township. All fire system and sprinkler systems require a permit for Middletown Township.

D. **STRIKE** existing Section 190-104 and **REPLACE** it with the following:

Section 190-104. National Fire Protection Association Standards.

The Township will use National Fire Protection Association (“NFPA”) codes, standards and practices referenced in the Uniform Construction Code (including the codes

encompassed therein such as the 2015 International Plumbing Code), and the 2015 International Fire Code in the manner directed by such codes.

E. **ADD** a new Section 190-107 as follows:

190-107 Annual Apartment Inspections for Fire Code Compliance.

A. Definitions.

Fire Code – The version of the International Fire Code or other standard fire code in effect at the time of inspection, as specified by the Pennsylvania Uniform Construction Code and the Township’s ordinances.

Responsible Apartment Building Official – Apartment building administrator, manager, landlord, and/or other person responsible for building oversight and communication with tenants.

B. Requirements.

1. The Office of Fire and Emergency Management shall inspect each apartment building, including each tenant unit therein, annually for compliance with the Fire Code.
2. Such inspections shall pertain only to Fire Code compliance and may not involve any inspection or searches of tenant belongings unrelated to determining Fire Code compliance. All inspections must be conducted in accordance with the Pennsylvania Construction Code Act, the Uniform Construction Code, the Fire Code, and constitutional limitations.
3. The Office of Fire and Emergency Management shall provide advance notice of the annual inspection to the Responsible Apartment Building Official.
4. Upon receiving the Office of Fire and Emergency Management notice of upcoming annual apartment inspection, each Responsible Apartment Building Official must inform every tenant in the building of the inspection, anticipated inspection date, and scope of inspection.
5. If any tenant in the apartment building to be inspected objects to the Fire Marshal or Municipal Fire Official’s entry into that tenant’s unit, each Responsible Apartment Building Official must promptly inform the Office of Fire and Emergency Management.

6. If any tenant or Responsible Apartment Building Official refuses entry for the annual inspection, the Office of Fire and Emergency Management may pursue legal means to enter the building for such inspections, including but not limited to, obtaining an administrative warrant.
7. The Office of Fire and Emergency Management shall keep records of the inspections in accordance with the Uniform Construction Code and the Fire Code.
8. The Office of Fire and Emergency Management may charge a fee to cover administration and enforcement costs pertaining to the annual inspections in accordance with 34 Pa. Code §§ 401.2a and 403.101(h) and Section 190-207 of the Township's Code of Ordinances. The fee shall be incorporated into the Township's publicly-available fee schedule.

### **III. Partial Repealer**

All other provisions of the Ordinances of Middletown Township, as amended, shall remain in full force and effect. All other Ordinances or provisions of the Ordinance inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

### **IV. Severability**

The provisions of this Ordinance are severable. If any section, clause, sentence, part or provision thereof shall be held illegal, invalid, or unconstitutional by a court of competent jurisdiction, such decision of the court shall not affect or impair any of the remaining sections, clauses, sentences, parts or provisions of this Ordinance. It is hereby declared to be the intent of the Board of Supervisors that this Ordinance would have been adopted if such illegal, invalid, or unconstitutional section, clause, sentence or part of a provision had not been included herein.

### **V. Effective Date**

All provisions of this Ordinance shall be in full force and effect five (5) days after the approval and adoption.

**ORDAINED AND ENACTED** this 19<sup>th</sup> day of February, 2019.

BOARD OF SUPERVISORS OF MIDDLETOWN  
TOWNSHIP, BUCKS COUNTY,  
PENNSYLVANIA



\_\_\_\_\_  
Tom Tosti, Chairman



\_\_\_\_\_  
Amy Strouse, Secretary

[SEAL]

I hereby certify that the foregoing is a true and correct copy of Ordinance #19-01, enacted by the Board of Supervisors of the Township of Middletown, County of Bucks, Commonwealth of Pennsylvania, on the 19th day of February, 2019.

Attest:



\_\_\_\_\_  
Amy Strouse, Secretary