

ORDINANCE NO. 22-__

AN ORDINANCE OF MIDDLETOWN TOWNSHIP, BUCKS COUNTY, PENNSYLVANIA AMENDING CHAPTER 190 TO ADOPT THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE, , REGULATING AND GOVERNING THE SAFEGUARDING OF LIFE AND PROPERTY FROM FIRE AND FROM CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE MIDDLETOWN TOWNSHIP; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; 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, under Sections 66801 and 66805 of the Second Class Township Code, the Board of Supervisors may provide for fire protection within Middletown Township and adopt any standard fire prevention code published and printed in book form (53 P.S. § 66801 and 66805);

WHEREAS, the Board of Supervisors enacted a fire prevention code at Section 190-101 of the Middletown Township Code of Ordinances;

WHEREAS, the Board of Supervisors desires to amend Chapter 190, Article I, Fire Prevention Code, of the Middletown Township Code of Ordinances (the “Code”), in order to adopt the 2018 Edition of the International Fire Code, in lieu of the previously adopted 2015 Edition of the International Fire Code, to establish minimum rules and regulations regarding the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises in Middletown Township; and providing for the issuance of permits and collection of fees therefor; and

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 the Township of Middletown, Bucks County, Pennsylvania, that the Code is hereby **AMENDED** as follows:

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

A. **STRIKE** existing Section 190-101 and **REPLACE** it with the following:

190-101 Adoption of International Fire Code.

A. The International Fire Code, 2018 edition, including Appendix Chapters A, B, C, D, E, F, G, H, I (see International Fire Code Section 101.2.1, 2018 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of Middletown Township, in the State of Pennsylvania regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of Middletown Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed herein.

B. Three copies of the aforesaid International Fire Code shall be available for public inspection and use during normal business hours in the office of the Secretary of Middletown Township.”

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

190-102 Additions, insertions and changes.

A. The following sections of the 2018 International Fire Code are hereby revised as follows:

(1) The term “fire code official” within the 2018 International Fire Code shall be revised throughout to be referred to as the “Fire Marshal”.

(2) Amend Section 101.1 Title, by inserting “Middletown Township, Bucks County, Pennsylvania” as the name of jurisdiction.

(3) Amend 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 Fire Marshal. 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 Fire Marshal.

(4) Amend Section 103.3, Deputies. Delete the entire section and insert in its place the following language:

103.3 Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Fire Marshal shall have the authority to appoint all department certified fire inspectors, other related technical officers, inspectors and other employees.

(5) Amend Section 109.1, Board of Appeals to “Technical Code Review Board of Appeals”.

(6) Add Section 109.1.1, Membership of the Board. As follows:

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

(7) Amend Section 109.3 Qualifications. Delete the entire section and insert in its place the following language:

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

(8) Add Section 109.4, Application for Appeal. As follows:

109.4 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 Marshal 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 Building & 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.

(9) Amend Section 110.4 Violation penalties. Delete the entire section and insert in its place the following language:

110.4 Violation penalties. Persons 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, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a summary offense, punishable by a fine of not more than One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding 30 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. In addition to the above penalties, any person who shall violate the provisions of this Code, or fail to comply therewith, or with any of the requirements thereof, shall be subject, in the addition to the penalties imposed above, to the monetary penalties for all court costs, legal costs, attorneys' fees and other miscellaneous costs incurred by Middletown Township during successful prosecution of that person by Middletown Township.

(10) Amend Section 307.1.1 Prohibited Open Burning. Delete the entire section and insert in its place the following language:

307.1.1 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.

(11) Amend Section 401.3.2 Alarm Activations. Add Subsection 401.3.2.1 **Resetting of fire alarm systems.** As follows:

401.3.2.1 Resetting of fire alarm systems. Where a buildings fire alarm system activates for other than testing or maintenance, owners or occupants shall not reset the activated system. The fire department upon arrival will verify the location of the activated device(s) and reset the fire alarm system. A fire alarm system reset prior to the fire departments arrival shall constitute a false alarm.

(12) Amend 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 Sprinkler and Standpipe Systems. Buildings equipped with a sprinkler and/or standpipe system installed in accordance with sections 903 and 905 shall have a fire hydrant within 100 feet (30 480 mm) of the fire department connection. Exception: The distance shall be permitted to exceed 100 feet (30 480 MM) where approved by the Fire Marshal.

(13) Add Section 907.11 False Fire/Detector Alarms. as follows:

907.11 False Fire/Detector Alarms. A false alarm is an event that triggers an alarm system when no actual emergency is present.

False alarms include, but are not limited to:

Error or mistake- Any action by any person, which results in the activation of any alarm system when no emergency exists.

Malfunction - Any activation of any alarm system caused by a flaw in the normal operation, design, installation, or maintenance of the system, by faulty equipment, or by a change in the environment or premises upon, or within which, the alarm system is operating.

Intentional misuse – Any activation of an alarm system when one knows there is no emergency present.

All False alarms are subject to the fines established in the most recent township fee schedule.

(14) Add Section 5607.16 Certificate of Insurance required for blasting. as follows:

5607.16 Certificate of Insurance required for blasting. Before a permit to conduct blasting is issued, as required under section 105.5.16, the applicant for such permit shall file an insurance certificate for not less than Five Million Dollars (\$5,000,000.00) to the Township for the blasting, with the Township as an additional insured with a specific reference to the blasting activities.

(15) Add Section 5607.17 Blasting Procedures. as follows:

5607.17 Blasting Procedures. The following procedures are to be followed prior to the blasting operations:

1. Blasting operations must be conducted between 08:00 and 16:00 hours, Monday through Friday “ONLY”.
2. Prior to the commencement of blasting operations, the Fire Marshal’s Office must be notified.
3. All blasters must verify with the code official his/her blaster’s license issued by the ATF.
4. No smoking is permitted within 100' of the blasting site.
5. No open flame devices are permitted within 100' of the blasting area.
6. A distance of 150' shall be maintained between the magazines and the blasting area.
7. Before a shot is fired, the blasters must assure all people, vehicles, equipment and surplus of explosives are at a safe distance from the blast site.
8. A loud audible warning signal shall be sounded prior to the commencement of the shots being fired, and at the conclusion of the blast shot.
9. All blasting operations require ground vibration monitoring at the site or nearest building.

(16) Add Section 5607.18 Blasting Plan Required. as follows:

5607.18 Blasting Plan Required. Before a blasting permit is issued the applicant must submit a plan for the blasting activities. Such a plan shall be drawn to scale (the scale must be shown on the plan) and shall include, but not limited to the following information:

1. A plan of the blast-affected area showing all existing natural topographic features and significant subterranean features, including, but not limited to ground slope, water courses, ponds, lakes and dams, existing vegetative types (i.e., trees, brush etc.); existing and/or proposed utilities and/or easements; buildings and structures, roadway(s), subdivisions and/or property lines, private and public water supply systems, etc.
2. A plan showing the location and direction of the proposed shot line, the bottom elevation of the blast shot, the depth or bottom elevation of the bedrock along with the entire proposed shot line, the distance and/or proximity of the nearest residences to the line of blast.
3. A summary of shot details, including, but not limited to, the following information: blasting agent, general schedule of blasting activities including the number of blasts, blast per day, and anticipated time of commencement and completion of blasting activities, number of holes per shot.
4. Any further information as determined by the Fire Marshal, which may be required to be reviewed or submitted to evaluate the potential threat to public health, safety and welfare.

(17) Add Section 5607.19 Notification. as follows:

5607.19 Notification: Prior to the issuance of a blasting permit, the application shall notify all property owners within five hundred feet (500') of the blast-affected area, this notification shall be done five (5) working days prior to the blasting activities by certified mail, returned receipt requested. Issuance of the blasting permit may be withheld by the Fire Code Official if an application fails to provide evidence of compliance with this code.

(14) Amend Section 5607.8 Blasting Area Security. By inserting the following paragraph:

All roadways within three hundred and fifty feet (350') shall be posted with warning signs, the signs shall be posted in both directions of traffic and contain the following information:

WARNING - BLASTING AREA
"NO MOBILE RADIO TRANSMITTING DEVICES
ARE TO BE USED IN THIS AREA"

The sign shall display in bold 6" letters in height and of contrasting color.

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

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 2018 International Plumbing Code), and the 2018 International Fire Code in the manner directed by such codes.

II. 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 Ordinances inconsistent herewith or in conflict with any of the terms hereof are, to the extent of said inconsistencies or conflicts, hereby specifically repealed.

III. 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.

IV. 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 ____ day of _____, 2022.

BOARD OF SUPERVISORS OF MIDDLETOWN
TOWNSHIP, BUCKS COUNTY,
PENNSYLVANIA

Michael Ksiazek, Chair

Attest:

Dawn Quirple, Secretary

I hereby certify that the foregoing is a true and correct copy of Ordinance No. 22-_____, enacted by the Board of Supervisors of the Township of Middletown, County of Bucks, Commonwealth of Pennsylvania, on the ____ day of _____ 2022.

[SEAL]

Dawn Quirple, Secretary