

**BOROUGH OF CHESTER HEIGHTS
DELAWARE COUNTY, PENNSYLVANIA**

ORDINANCE NO. 218

AN ORDINANCE OF THE BOROUGH OF CHESTER HEIGHTS, DELAWARE COUNTY, PENNSYLVANIA, AMENDING PART II: GENERAL LEGISLATION, CHAPTER 97 "FIRE PREVENTION" TO THE BOROUGH OF CHESTER HEIGHTS CODE OF ORDINANCES TO ADOPT PURSUANT TO THE PENNSYLVANIA CONSTRUCTION CODE ACT, THE 2018 INTERNATIONAL FIRE CODE APPLICABLE IN THE COMMONWEALTH OF PENNSYLVANIA; REPEALING ALL INCONSISTENT ORDINANCES, OR PARTS THEREOF IN CONFLICT THEREWITH; AND PROVIDING FOR A SEVERABILITY CLAUSE AND AN EFFECTIVE DATE.

WHEREAS, the Borough of Chester Heights, Delaware County, Pennsylvania (hereinafter "the Borough") is a Borough, organized and existing under the laws of the Commonwealth of Pennsylvania; and

WHEREAS, the Pennsylvania Borough Code (the "Code"), grants the Borough Council for the Borough of Chester Heights the authority to enact certain regulations relating to the public health, safety and welfare of the citizens of the community of the Borough of Chester Heights; and

WHEREAS, the Borough previously adopted provisions of the International Fire Code pursuant to the Pennsylvania Construction Code Act, 35 P.S. § 7210.101, *et seq.*, most recently adopting the 2003 set of codes issued by the International Code Council, as promulgated and amended by the Pennsylvania Department of Labor and Industry; and

WHEREAS, the Department of Labor and Industry has adopted the 2018 version of certain codes of the International Code Council, as well as certain amendments thereto, as the Uniform Construction Code applicable in the Commonwealth of Pennsylvania; and

WHEREAS, the Borough Council of the Borough of Chester Heights wishes to adopt the 2018 version of the International Fire Code Council as adopted by the Department of Labor and Industry as the code applicable in the Borough of Chester Heights as well as retain certain currently enacted provisions which are characterized as more stringent standards than the 2018 version of the International Fire Code.

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Borough Council of the Borough of Chester Heights, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

SECTION I: ADOPTION OF THE INTERNATIONAL FIRE CODE, 2018 EDITION.

The Borough of Chester Heights hereby elects to administer the 2018 edition of the International Fire Code issued by the International Code Council as adopted by the Pennsylvania Department

of Labor and Industry as part of the Uniform Construction Code, pursuant to the Pennsylvania Construction Code Act.

SECTION II: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined. Any section of Chapter 97 not mentioned or detailed in this amended ordinance shall be retained and not affected by these present amendments.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 77 (Construction Codes, Uniform), Section 77-3 (Enumeration of codes adopted by reference) is hereby amended to read as follows:

§ 77-3 Enumeration of codes adopted by reference

G. The "~~International Fire Code 2003~~" "*International Fire Code of 2018*".

SECTION III: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. *All amendments to the code are marked in bold font, italics and underlined.*

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-8 (Adoption) is hereby amended to read as follows:

§ 97-8 Adoption.

- E. For the purpose of prescribing requirements and controls to safeguard life, property and public welfare from the hazards of fire and explosions arising from the storage, handling or use of substances, materials, devices, and from conditions hazardous to life, property and public welfare in the use or occupancy of buildings, structures and premises, the Borough Council of the Borough of Chester Heights, Delaware County, Pennsylvania, does hereby adopt a certain document marked and designated as the *International Fire Code of 2018* ~~BOCA National Fire Prevention Code, 1996~~, as published by the ~~Building Officials and Code Administrators International, Inc.~~, *International Code Council*, save and except such portions of the *BOCA National Fire Prevention Code, 1996 retained and any sections of the International Fire Code of 2018* as hereinafter deleted, modified or amended by other sections of this chapter. A copy of the above referenced Code is on file in the Office of the Borough Fire Marshal and is available for public inspection.
- B. The Borough Council of the Borough of Chester Heights deems it appropriate to make certain amendments, deletions and modifications to said *International Fire Code of 2018*

~~BOCA National Fire Code~~ in an effort to further safeguard life, property and public welfare from the hazards of fire and explosion.

SECTION IV: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-10 (Amendments and deletions) is hereby amended to read as follows:

§ 97-10 Amendments and deletions.

A. ~~Amendments to the BOCA National Fire Prevention Code, 1996 Edition.~~

- (1) ~~Chapter 1, Section F-100: The words "The Borough of Chester Heights" shall be inserted after the words "Fire Prevention Code of ...," to designate the name of the adopting municipality.~~
- (2) ~~Appendix A, Section 1: The words "The Borough of Chester Heights shall be inserted after the words "adopted by ...," to designate the name of the adopting municipality."~~
- (3) ~~Appendix A, Section 6: The word "Pennsylvania" shall be inserted after the words "the State of ...," in the first sentence.~~
- (4) ~~Appendix A, Section 20: the specific effective date of this chapter shall and is hereby inserted in the second sentence.~~

B. ~~Deletions to the BOCA National Fire Prevention Code, 1996 Edition.~~

(E) ~~Chapter 1, Section F-107.2, Permits required, and Section F-107.8, Payment of Fees, are hereby deleted, and the following new provisions substituted in their place:~~

- (E) ~~Section 107.2 Permits Required. Permits are required for the various uses and activities as provided in this Code, except that no permit is required whenever a Borough of Chester Heights building permit has been issued governing the construction, installation, or demolition of the prescribed item of this Code. Required permits shall at all times be maintained on the premises designated therein and shall at all times be subject to inspection by the Fire marshal.~~
- (b) ~~Section F-107.8 Payment of Fees. A permit shall not be issued until the proper fee has been paid. The fee shall be calculated from the Fee Schedule adopted by the Borough Council.~~

- (2) ~~Chapter 1, Section F-112.3 Penalty for Violation: is hereby deleted in its entirety.~~
- (3) ~~Chapter 1, Section F-113.0 Means of Appeal: is hereby deleted in its entirety.~~
- (4) ~~Chapter 3, Section F-311.0 Fire Lanes: is hereby deleted and the following provisions substituted in its place:~~
- (E) ~~F 311.0 Fire Lanes on Private Property for public use.~~
- (b) ~~F 311.1 Marking of Fire Lanes: The marking of fire lanes on private property devoted to public use shall be required on all parking areas and other similar places, so as to insure that fire fighting and other lifesaving equipment shall have access to all portions of the property at all times. All building permit applications (except for single family residential where no new streets are required) shall be submitted to the Fire Marshal for review prior to approval by the Building Inspector. The plans that accompany building permit application shall include the location and marking of fire lanes and shall be submitted to and approved by the Fire Marshal, and a permanent record of the marking of said fire lanes shall be maintained by the Borough of Chester Heights. The cost of marking and thereafter maintenance of said fire lanes and plan of same shall be borne by the owner of the property where said lanes are located.~~
- © ~~F 311.2 Parking or Otherwise Obstructing Fire Lanes: The parking of any vehicle or otherwise obstructing fire lanes shall be prohibited at all times.~~
- (5) ~~Article 31, Section F-3101.2 Permit Required: Delete the words "Sale or Discharge" in the first sentence. By this deletion, the sale or discharge of fireworks, as defined in the BOCA National Fire Code, cannot be approved by the issuance of a permit. The sale or discharge of fireworks is thus clearly prohibited by Section F-3101.1 of the Code unless covered by a state granted permit.~~

This section shall be reserved for future amendments to the International Fire Code of 2018.

SECTION V: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-15 (Fire hydrants) is hereby amended to read as follows:

§ 97-15 Fire hydrants, *Public and Private.*

B. Private and municipal fire hydrants shall adhere to the following specifications:

(2) Two-and-one-half-inch National Standard Thread (NST), and one (1) 4-1/2 inch NST outlets nipple outlets pumper connection, with caps and chains.

SECTION VI: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-18 (Approval of sprinkler plans) is hereby amended to read as follows:

§ 97-18 Approval of sprinkler plans.

Before any automatic sprinkler equipment is installed and/or altered in any building, detailed plans and calculations thereof shall be first submitted to and approved in writing by the Fire Marshal. The drawings and calculations must be certified as complying with NFPA 13 in writing by the sprinkler installer with a 10% safety factor built into the calculations. If the Fire Marshal deems it necessary, the plans shall be signed by a licensed professional engineer.

SECTION VII: AMENDMENT OF THE CODE.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-20 (Standpipes) is hereby amended to read as follows:

§ 97-20 Standpipes.

~~Dry~~ Fire standpipes shall be installed and maintained in any building more than 30 feet in overall height. The installation shall be done in accordance with the NFPA 14. A ~~dry~~ fire standpipe is not required in the following:

- A. Single-family dwellings.
- B. Two-family dwellings.
- C. Sprinkled buildings, provided that they are not more than three stories in height.

SECTION VIII: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-22 (Fire inspection program), Subsection A is hereby amended to read as follows:

§ 97-22 **Fire inspection program.**

- A. Inspections shall be completed by the Fire Marshal or his assistant according to the following schedule:
- (1) All buildings prior to the issuance of any occupancy permit.
 - (2) All buildings prior to the transfer of title.
 - (3) All rental properties ~~every two years~~ annually.
 - (4) All public buildings including offices, industrial buildings, every two years.

SECTION IX: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-25 (Fire drills) is hereby amended to read as follows:

§ 97-25 **Fire drills.**

Fire drills shall be conducted in all buildings as specified by IFC 2018, and records of these drills shall be maintained for two years for review by the Fire Marshal.

SECTION X: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-26 (Grant of relief from provisions) is hereby amended to read as follows:

§ 97-26 **Grant of relief from provisions.**

The Fire Marshal shall have the power to interpret and/or grant relief from a strict interpretation of the ~~BOCA National Fire Prevention Code~~ International Fire Code of 2018 when, upon application in writing by the owner or lessee, or their duly authorized agent, there appear to be practical difficulties in carrying out the strict letter of said Code; provided, however, that the

spirit of the Code shall be observed, public safety secured, and substantial justice accomplished; provided further, however, that no such interpretation by the Fire Marshal shall be made without prior approval of the Borough Council and the Fire Chief. The particulars of such proposed interpretation, when granted, shall be entered upon the records of the Fire Marshal and a signed copy shall be sent to the applicant. A signed copy shall be retained by the Borough Secretary.

SECTION XI: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-27 (Determination of new materials, processes or occupancies requiring permits) is hereby amended to read as follows:

§ 97-27 Determination of new materials, processes or occupancies requiring permits.

The Borough Council and the Fire Marshal shall act as a committee to determine and specify *which new materials, processes or occupancies shall require a fire permit from the Borough pursuant to this Chapter.* After giving affected persons an opportunity to be heard, any new materials, processes or occupancies which shall alter the requirement for permits as enumerated in this Code, ~~the~~ Fire Marshal shall post such a proposal in a conspicuous place in the Borough Fire Hall at 222 Llewelyn Road, Chester Heights, Pennsylvania and distribute copies thereof to interested persons so that they may have an opportunity to be heard.

SECTION XII: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-28 (Methods of restricting access to roadways or other vehicle paths) is hereby amended to read as follows:

§ 97-28 Methods of restricting access to roadways or other vehicle paths.

All gates, chains or other methods of blocking or restricting access to a private road, public road, pathway or other clearing capable of supporting vehicular traffic shall provide, at the expense of the property owner, a method of access ~~according~~ *pursuant to the regulations contained in § 97-21, regarding* secured key access.

SECTION XIII: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-29 (Burning of brush, leaves and other natural vegetation) is hereby amended to read as follows:

§ 97-29 Burning of brush, leaves and other natural vegetation.

- A. The burning of any brush or other type of natural vegetation from ~~that property, on~~ that private property, shall be allowed on any Friday or Saturday or on other days with notice to the Fire Marshal by telephone. Said burning shall be done in a controlled fashion as follows:
- (1) Leaves shall be placed in a noncombustible drum-type container with a screen or other type mesh lid approved by the Fire Marshal to control embers.
 - (2) Wood and other non-leaf vegetation may be burned in piles not to exceed 10 feet in diameter and no higher than five feet.
 - (3) Construction and other type building materials shall not be burned at any time.
 - (4) Burning of any other type of material is prohibited.
- B. All burning under this section shall be attended at all times and shall be extinguished completely at dusk. Persons not abiding by these requirements are in direct violation of the Fire Code and shall be fined accordingly.

SECTION XIV: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-30 (Appeals) is hereby amended to read as follows:

§ 97-30 Appeals.

- E. Whenever the Fire Marshal rejects an application or refuses to grant a permit, or when it is claimed that the provisions of the Code do not apply, or that the true intent and the meaning of the Code have been misconstrued or wrongly interpreted, the applicant may appeal the decision of the Fire Marshal to the Borough Council within ~~60~~ 30 days of the date of said decision.
- B. The appeal shall be submitted in writing to the Borough Secretary. The Borough Council shall render a written decision within 90 days. The applicant shall be notified in writing of the decision of the Borough Council within 14 days of that decision. ~~The decision of the Borough Council shall be final.~~

SECTION XV: AMENDMENT OF THE CODE.

All deletions are marked in bold font and crossed out. All amendments to the code are marked in bold font, italics and underlined.

The Borough of Chester Heights Code of Ordinances, Part II General Legislation, Chapter 97 (Fire Prevention), Article II (Fire Prevention Code) Section 97-31 (Violations and penalties) is hereby amended to read as follows:

§ 97-31 Violations and penalties.

- A.** The Fire Marshal and assistants shall have the authority to cite any person, business, corporation, or other entity who shall violate any provision of this Code, or who shall fail to comply therewith, or who shall violate or fail to comply with any order made thereafter, or who shall build in violation of any detailed statement of specifications or plans submitted and approved thereunder, or any certificate or permit issued thereunder, and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Borough of Chester Heights or by a court of competent jurisdiction, within the time allowed, shall be deemed to have committed a violation of this Code (except as noted in Subsection A below) and shall upon conviction, be guilty of a summary offense which shall be punishable by a fine of not more than \$300 for each offense or, in default thereof, may be imprisoned in the Delaware County Prison for a period not to exceed 30 days. Each day that the violation continues shall be considered a separate offense.
- B.** Any person, business, corporation or other entity who or which has been cited for parking in a fire lane, fire zone, obstructing an emergency exit or entrance (any part or component of a required means of egress), fire hydrant, or fire department connection shall pay, within five days, to the Borough of Chester Heights, a fine set by the Borough for each citation. ~~If the fine is not paid within the five days, the fine shall be increased.~~ A new citation may be issued every day that the specific violation continues.
- C.** Any person, business, corporation or other entity notified of a violation as set forth in this section, who or which does not elect to pay the fine as hereinabove provided, shall, upon summary conviction, be punishable by a fine of not less than \$35 nor more than \$300 for each violation or offense, or upon failure to pay such fine, shall be imprisoned not more than 30 days.
- D.** In addition to the punishment for violations set forth in § 97-31A, B and C above, any person, business or corporation who or which parks in a fire lane or fire zone, obstructs an emergency exit or entrance, fire hydrant, or fire department connection shall be subject to have his, her, or their vehicle towed immediately and without further notice. The cost of towing and/or storage of said vehicle, shall be borne entirely by the owner thereof, in accordance with the standard schedule of charges of the towing firm then in effect.

- E. The Fire Marshal may, at his option, issue warnings to cars parked in a fire lane. Such warning shall take the form of a sticker to be placed on the driver's window of the offending vehicle.

SECTION XVI: SEVERABILITY.

The terms, conditions and provisions of this Ordinance are hereby declared to be severable, and should any portion, part or provision of this Ordinance be found by a court of competent jurisdiction to be invalid, unenforceable or unconstitutional, the Borough Council of Chester Heights hereby declares its intent that the Ordinance shall have been enacted without regard to the invalid, unenforceable, or unconstitutional portion, part or provision of this Ordinance.

SECTION XVII: REPEALER.

Any and all other Ordinances or parts of Ordinances in conflict with the terms, conditions and provisions of this Ordinance are hereby repealed to the extent of such irreconcilable conflict.

SECTION XVIII: EFFECTIVE DATE.

This Ordinance shall be effective five (5) days after enactment.

ORDAINED AND ENACTED by the Borough Council of the Borough of Chester Heights, Delaware County, Pennsylvania, this 20th day of May, 2024.

Attest:

BOROUGH OF CHESTER HEIGHTS


Darlene Kurten, Secretary


Marta Driscoll, President

