

## ORDINANCE 2025 - 3

### **An Ordinance of the Township of Millcreek, Erie, County Pennsylvania Repealing and Replacing Chapter 29, Code Enforcement, Part 4, Fire Prevention, Article XI, Fire Prevention Code of the Millcreek Township Code.**

**WHEREAS**, the Township of Millcreek (the "Township") has previously adopted the International Fire Code, 2015 Edition, as modified by the Township, as the Township's Fire Code;

**WHEREAS**, more a more recent edition of the International Fire Code has been issued by International Code Council;

**WHEREAS**, the Township's Code Enforcement Officer recommends that the Township adopt the 2021 Edition of the International Fire Code, with certain modifications, as the Township's Fire Code; and

**WHEREAS**, the Board of Supervisors, upon consideration of the recommendation, deems it to be in the best interests of the Township to adopt the International Fire Code, 2021 Edition, as modified by the Township, as the Township's Fire Code.

**NOW, THEREFORE, BE IT ENACTED AND ORDAINED** by the Board of Supervisors of Millcreek Township, Erie County, Pennsylvania and it is hereby enacted and ordained as follows:

**SECTION 1.** The caption of and recitals to this Ordinance as set forth above are incorporated herein by reference.

**SECTION 2. Repealed and Replaced.** Chapter 29, Code Enforcement, Part 4, Fire Prevention, Article XI, Fire Prevention Code of the Millcreek Township Code is hereby repealed and replaced, as follows:

**§ 29-73. Adoption of standards.** The International Fire Code, 2021 Edition, is hereby adopted as the Fire Code of Millcreek Township, 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 and property in the occupancy of buildings and premises as herein provided as if fully set forth in this Part 4, with the additions, deletions and changes prescribed in Section 29-74 and Section 29-75 of this Part 4, below.

**§ 29-74. Revisions.** The following sections of Chapter 1, Scope and Administration, of the International Fire Code, 2021 Edition, are amended and restated, as follows:

- A. In Section 101.1, Millcreek Township, Erie County, Pennsylvania shall be inserted as the name of jurisdiction.
- B. Section 101.2.1 is amended to specify that Appendices A, B, C, D, F, H, and I of the 2021 International Fire Code are adopted.

- C. Section 102.4, Application of Construction Code, is substantially amended, to provide as follows:

**102.4 Application of Construction Code.** The design and construction of new structures shall comply with the Pennsylvania Construction Code, as adopted in Chapter 29, Code Enforcement, Part 3, Uniform Construction Code of the Millcreek Township Code ("Millcreek Construction Code"), and any *alterations*, additions, changes in use or changes in structures required by this code, which are within the scope of the Millcreek Construction Code, shall be made in accordance therewith.

- D. Section 103.1, is amended as follows:

**Section 103.1 Designated Authority.** The Millcreek Township Code Enforcement Office shall be the primary authority to implement, administer and enforce the provisions of this Code, with the assistance of the Millcreek Township Fire Department. The person in charge of the Office shall be known as the *fire code official*.

- E. Section 103.3, Deputies, is amended and restated as follows:

**103.3 Deputies.** In accordance with the prescribed procedures of the Township, the Board of Supervisors may employ one or more deputies if this code is enforced by a department of the Township or, if the Township retains an entity to enforce this code, said entity shall appoint such deputy(ies) as are deemed appropriate. Deputies shall have such powers as are delegated by the *fire code official*.

- F. Section 105.5.34, Open Burning, is amended as follows:

**105.5.34 Open Burning.** Where not prohibited by Chapter 40, Article V, Open Burning, of the Millcreek Township Code, an operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be adhered to.

**Exception:** *Recreational fires.*

- G. Section 112.2, Unlawful Acts, is amended so as to add as its final sentence:

It shall be unlawful for a person, firm or corporation to 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 the provisions of this code.

- H. Section 112.3.3, Prosecution of Violations, is amended as follows:

**112.3.3 Prosecution of Violations.** Any person failing to comply with any provision of the code or with a notice of violation or order served in accordance with this section shall be deemed guilty of a summary criminal offense as determined by Section 1601(c.1)(2) of the Second Class Township Code. If the notice is not complied with, the code official shall institute the appropriate proceeding at law or in equity to

restrain, correct or abate such violation, or to require the removal or termination of the unlawful occupancy of the premises, vehicle, storage facility or outdoor area in violation of the provisions of this code or of the order or direction made pursuant to this code. All costs of any action taken by the Township on such premises and after notice shall be charged against the real estate upon which the premises, structure, vehicle, storage facility or outdoor area is located and shall be a lien upon such real estate. The code official may seek the imposition of fines even if the violator complies with the notice of violation.

- I. Section 112.3.4, Unauthorized Tampering, is amended so as to add as its final sentence:

Any such unauthorized tampering shall be a violation of this code.

- J. Section 112.3.5 is added as follows:

**112.3.5 Form of notice.** Such notice prescribed in Section 112.3 shall be in accordance with all of the following:

1. Be in writing.
2. Include a description of the building, premises, vehicle, storage facility or outdoor area sufficient for identification.
3. Include a statement of the violation(s) and why the notice is being issued.
4. Include a correction order allowing a reasonable time to make the repairs and improvements required to bring the premises, vehicle, storage facility or outdoor area into compliance with the provisions of this code.
5. Inform the property owner or other responsible party of the right to appeal.
6. Inform the property owner that, in the event the cited violation(s) is or are not rectified by the time of the scheduled reinspection, the Township retains rights to bring an action to obtain a judgment for fines for violation.

- K. Section 112.4, Violation Penalties, is amended as follows:

**112.4 Violation Penalties.** A fine in an amount not less than \$250 and not more than \$1,000 shall be imposed upon any person or entity found by a Magisterial District Judge to have violated any provision of this code. The fine for a third or greater violation shall be in an amount not less than \$500 and not more than \$1,000. Each violation of this code shall constitute a separate violation and be subject to a separate penalty. Each day a violation occurs and/or continues shall constitute a separate violation.

- L. Appendix A is amended as follows:

**A101.3 Membership of board.** The board shall consist of three (3) voting members appointed by the chief appointing authority of the jurisdiction. Each member shall sever for three (3) years or until a successor has been appointed. The board member's terms shall be staggered at intervals so as to provide continuity. The *fire code* official shall be an ex officio member of said board but shall not vote on any matter before the board.

**A101.7.1 Resolution.** The decision of the board shall be by resolution. Every decision

shall be promptly filed in writing in the office of the *fire code official* within fifteen (15) business days and shall be open to the public for inspection. A certified copy shall be furnished to the appellant or the appellant's representative and to the *fire code official*.

§ 29-75. (Reserved)

§ 29-76. **Geographic limits for storage of flammable materials.** The geographic limits referred to in Sections 5704.2.9.6.1 (Locations of where above-ground tanks are prohibited), 5706.2.4.4 (Locations where above ground storage tanks are prohibited), 5806.2 (Limitations), and 6104.2 (maximum capacity within established limits) of the code shall be as established by state law or regulation or by ordinance of the Township, as the case may be.

§ 29-77. (Reserved)

SECTION 3. **Severability.** If any section, subsection, sentence, clause, phrase or portion of this Ordinance or its application to any person(s) or circumstances is for any reason held to be invalid or unconstitutional by any court, such holding(s) shall not be construed to affect the validity of any of the remaining provisions of the Ordinance. It is hereby declared the legislative intent that this Ordinance would have been adopted had such invalid or unconstitutional provision or its application not be included herein.

SECTION 4. **Repealer.** Any other Ordinance or parts thereof inconsistent with this Ordinance shall be and are hereby expressly repealed.

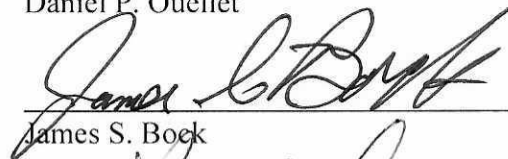
SECTION 5. **Effective Date.** This Ordinance shall be effective on April 1, 2025.

**BE IT ENACTED** this 25th day of March, 2025.

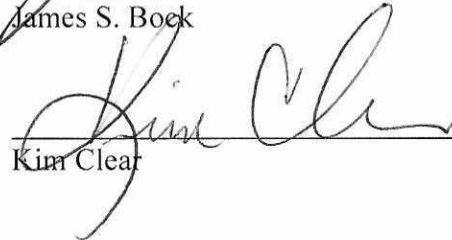
**MILLCREEK TOWNSHIP SUPERVISORS**



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Daniel P. Ouellet



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James S. Bock



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Kim Clear

#1917321

## **Supplement to Ordinance 2025-3**

To view 2021 International Fire Code:

<https://codes.iccsafe.org/content/IFC2021P2>