

**ORDINANCE NO. 260**

**AN ORDINANCE OF NEW GARDEN TOWNSHIP,  
CHESTER COUNTY, PENNSYLVANIA, ADOPTING  
THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE**

WHEREAS, pursuant to Articles XV and XVIII, of the Second Class Township Code, including but not limited to Sections 66505, 66506, 66517, 66527, 66529 and 66805, New Garden Township has the ability to govern the conditions and maintenance of all property, buildings, and structures within the Township, and more specifically concerning fire and explosion prevention; and

WHEREAS, New Garden Township Board of Supervisors desires to establish minimum regulations for the governing and safeguarding of life and property from fire, explosion hazards, and conditions hazardous to life or property; and

WHEREAS, New Garden Township Board of Supervisors desires to establish controls and regulations governing the safety and occupancy of buildings and premises within New Garden Township as herein provided.

NOW THEREFORE, it is hereby ENACTED and ORDAINED by the Board of Supervisors of New Garden Township, as follows:

**SECTION I. Purpose**

AN ORDINANCE of New Garden Township adopting the 2018 edition of the *International Fire Code*, 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 in New Garden Township; providing for the issuance of permits and collection of fees therefor; repealing all ordinances or parts in conflict therewith.

**SECTION II. Adoption of International Fire Code**

That a certain document, three (3) copies of which are on file in the office of the Secretary of New Garden Township, being marked and designated as the *International Fire Code*, 2018 edition, including Appendices (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 New Garden Township, Chester County, 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 proved; 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 the Secretary of New Garden Township are hereby referred to, adopted and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section III of this ordinance.

SECTION III. That the following sections are hereby revised:

Section 101.1. The New Garden Township Fire Code

Section 108.1. Board of Appeals Established

The New Garden Township UCC Board of Appeals will serve as the Board of Appeals for the New Garden Township Fire Code in order 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 fire code official shall be an ex officio member of the said board but shall have no vote on any matter before the board. The Board shall adopt rules of procedure before conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.

Section 109.4. 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 use under provisions of this code, shall be guilty of summary offense, punishable by a fine of not less than \$100.00 and not more than \$1,000.00 plus the cost of prosecution. Such fine and costs shall be collectable before any magisterial District Justice as like fines and penalties are now by law collectable. Each twenty-four period during which failure to comply continues shall constitute a separate offense.

Section 111.4. Failure to Comply

Any person who shall continue any work after having been served with a stop work order, except such work as that person is directed to perform to remove a violation or unsafe condition, shall be in violation of this code and subject to fines as specified in Section 109.4.

SECTION IV. That the geographic limits referred to in certain sections of the 2018 *International Fire Code* are hereby established as follows:

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): within residential zoning districts.

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): within residential zoning districts.

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): within residential and commercial zoning districts.

SECTION V. That if any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The New Garden Township hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

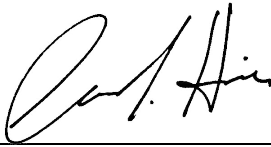
SECTION VI. That nothing in this legislation or in the fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 4 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

SECTION VII. Repealer. All Ordinances or parts of Ordinances that are in conflict with the provisions of this Ordinance are hereby repealed.

SECTION VIII. That this Ordinance shall take effect and be in full force and effect 5 days after adopted.

**ENACTED** and **ORDAINED** this 21st day of August, 2023 by the New Garden Township Board of Supervisors.

ATTEST:



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Christopher Himes, Township Secretary

NEW GARDEN TOWNSHIP  
BOARD OF SUPERVISORS

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*David Unger*  
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David Unger, Chair

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*Kristie Brodowski*  
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Kristie Brodowski, Vice Chair

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*Stephen Allaband*  
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Stephen E. Allaband

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*Edward T. Gallivan, Jr.*  
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*Troy Wildrick*  
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