

NEW BRITAIN TOWNSHIP
Bucks County, Pennsylvania

ORDINANCE #2022-04-02

**AN ORDINANCE AMENDING CHAPTER 5, PART 3 OF THE
CODIFIED ORDINANCES OF NEW BRITAIN TOWNSHIP
ADOPTING THE 2018 EDITION OF THE INTERNATIONAL
FIRE CODE AS THE TOWNSHIP'S FIRE CODE REGULATING
AND GOVERNING THE SAFEGUARDING OF LIFE AND
PROPERTY FROM FIRE AND EXPLOSION HAZARDS, FROM
THE STORAGE, HANDLING, AND USE OF HAZARDOUS
SUBSTANCES, MATERIALS AND DEVICES, AND FROM
CONDITIONS HAZARDOUS TO THE OCCUPANCY OF
BUILDINGS AND PREMISES.**

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, the New Britain 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, the New Britain Township Board of Supervisors desires to establish minimum regulations for the governing and safeguarding of fire and explosion hazards.

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

ARTICLE I Adoption and Codification of the Fire Code

Section 5-301 of the Codified Ordinances of New Britain Township is hereby amended to read as follows:

§5-301 Adoption of Standards.

The *2018 International Fire Code*, as published by the International Code Council, Inc., as amended, revised, and/or reprinted from time to time, is hereby adopted as the Fire Code of New Britain Township; for the control, regulation, and governing of the safeguarding of life and property from fire and explosion hazards, from conditions hazardous to life or property, and generally concerning the occupancy of buildings and premises within New Britain Township as herein provided; and each and all of the regulations, provisions, penalties, conditions and terms of said *International Fire Code* are hereby referred to, adopted, and made a part hereof, as if fully set out in this Part, with the additions, insertions, deletions, and changes as prescribed below in this Part.

ARTICLE II Modification of International Property Maintenance Code Standards

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Section 5-302 of the Codified Ordinances of New Britain Township is hereby amended to read as follows:

§5-302 Revisions to Standards.

The following replacements, insertions, changes, modifications, and deletions shall be made in the *2015 International Property Maintenance Code*, as amended, at the places hereinafter indicated:

A. Subsection **101.1 Title.**

Replace "[NAME OF JURISDICTION]" with "New Britain Township".

B. A new Subsection 101.6, Default Municipality, shall be added to the code and shall read as follows:

101.6 Default Municipality. Whenever in this code a municipality or jurisdiction is mentioned and no name is given therefor, said reference to a municipality or jurisdiction shall be construed to mean New Britain Township, or where a state is mentioned, the same shall mean the Commonwealth of Pennsylvania; and where the Department of Fire Prevention is mentioned, the same shall mean the New Britain Township Fire Marshal.

C. Subsection **102.3 Change of use or occupancy.**

Modify to read as follows: "Changes shall not be made in the use or occupancy of any structure that would place the structure in a different division of the same group or occupancy or in a different group of occupancies, unless such structure is made to comply with the requirements of this code and the provisions of the Pennsylvania Uniform Construction Code, as adopted by New Britain Township ("PA UCC"). Subject to the approval of the *fire code official*, the use or occupancy of an existing structure shall be allowed to be changed and the structure is allowed to be occupied for purposes in other groups without conforming to all of the requirements of this code and the PA UCC, for those groups, provided the new or proposed use is less hazardous, based on life and fire risk, than the existing use.

D. Subsection **102.4 Application of building code.**

Modify to read as follows: "The design and construction of new structures shall comply with the PA UCC, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the PA UCC, shall be made in accordance therewith.

E. Subsection **102.5 Application of residential code.**

Modify to read as follows: "Where structures are designed and constructed in accordance with the *International Residential Code*, as adopted by the PA UCC, the provisions of this code shall apply as follows:

1. Construction and design provisions of this code pertaining to the exterior of the structure shall apply including, but not limited to, premises identification, fire apparatus access and water supplies. Where interior or exterior systems or devices are installed, construction permits required by Section 105.7 of this code shall apply.
 2. Administrative, operational, and maintenance provisions of this code shall apply.
- F. Subsections **103.1** through **103.2**, inclusive, shall be modified to read as follows:
- 103.1 General.** The New Britain Township Fire Marshal or any authorized agent or employee thereof shall be designated as the *fire code official* for the purposes of this code.
- 103.2 Appointment.** The *fire code official* shall be appointed in accordance with the personnel procedures and policies of New Britain Township.
- G. Subsection **104.10 Fire Investigations.**
- Modify to read as follows: "The **fire code official** shall have the authority to investigate the cause and circumstances of any fire, explosion, or other hazardous condition. Information that could be related to trade secrets or processes shall not be made part of the public record except as directed by a court of law."
- H. Subsection **104.11 Authority at fires and other emergencies.**
- Insert the following sentence at the end of this Subsection: "The *fire code official* is to direct the operation of the scene if no fire chief or fire officer from the fire department in charge of the fire district the emergency is located in is currently onsite."
- I. A third subparagraph shall be added to Subsection **105.1.2 Types of permits** and shall read as follows:
1. The *fire code official* shall determine when an operational permit or a construction permit is required.
- J. **Section 109, Board of Appeals** shall be deleted in its entity and replaced with the following:

SECTION 109 APPEALS

109.1 General. Whenever the owner or builder of any building about to be or in the course of being erected, altered, repaired, used or occupied, or any other person takes exception to the decision of the *fire code official* in refusing to approve the manner of construction or the type of materials to be used in the erection, alteration, or repair of any building or structure, or to his/her decision as to the occupation or use of any building or structure, or as to its

safety or compliance with the provisions of this code, such owner or builder or duly authorized agent may, within thirty (30) days after such decision, take an appeal to the Board of Appeals. Such appeal shall be in writing, state the decision of the *fire code official* and the reason for taking exception thereto, and shall be filed with the Township. The appeal shall be heard pursuant to and consistent with the practices and procedures established for or by the Board of Appeals and in accordance with the Pennsylvania Local Agency Law (2 Pa.C.S.A §IOI et seq., as amended). The Board of Appeals shall have exclusive jurisdiction to hear and render final adjudications on such appeals. A written decision to affirm, modify, or reverse the decision of the *code official* shall be issued by the Code Appeals Board and duly recorded, with such decision being final.

109.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Board of Appeals shall not have authority to waive requirements of this code.

109.3 Court review. Any person aggrieved by a Board of Appeals decision, including the Township, may appeal this decision to the Court of Common Pleas. Such an appeal shall be filed within 30 days of the issuance of the decision. Within 30 days of the filing of an appeal, the Township and the *owner* and/or tenant of the premises directly involved in the appeal may intervene in the appeal as of course by filing a notice of intervention, accompanied by proof of service of the same upon each appellant or each appellant's counsel of record. All other intervention shall be governed by the Pennsylvania Rules of Civil Procedure.

K. Subsection **110.4 Violation penalties**

Modify to read as follows: "Any person who is found by a court of competent jurisdiction, including but not limited to a Magisterial District Court or Court of Common Pleas, to have violated a provision of this code; to have failed to comply with any of the requirements of this code; to have erected, constructed, altered, repaired, or otherwise undertaken work on a building or structure in violation of the *approved construction documents* or any approved plan, permit, certificate, application for permit or certificate, or directive of the *fire code official*; or to have failed to comply with an order, directive, or notice of the code official concerning this code shall be liable for a civil penalty not less than Two Hundred Dollars (\$200.00) nor more than One Thousand Dollars (\$1,000.00) for each violation, plus any and all costs incurred by the Township in bringing an action against such violation, including but not limited to consultant fees, attorney's fees, and expert witness fees. Each day that a violation continues shall be deemed a separate violation."

L. Subsection **112.4 Failure to comply.**

Replace the phrase "a fine of not less than [AMOUNT] dollars or more than [AMOUNT] dollars." with "a fine of not less than One Hundred Dollars (\$100.00) or more than One Thousand Dollars (\$1,000.00). Each day the work continues after the issuance of the stop work order shall constitute a separate finable offense. Such fines are in addition to any fines

or penalties imposed pursuant to Section 109 - Violations."

M. Subsection **106.2 Schedule of permit fees.**

Modify to read as follows: "A fee for each permit shall be paid as required, in accordance with the schedule set by resolution of the Board of Supervisors of New Britain Township."

N. **Section 202, Definitions.** The following definitions shall be amended to read as follows:

FIRE CODE OFFICIAL. The Township Fire Marshal or Code Enforcement Officer charged with the administration and enforcement of this code, or a duly authorized representative.

O. **Section 202, Definitions.** The following definitions shall be added to this Section and shall read as follows:

BOARD OF APPEALS. The New Britain Township Building Code Board of Appeals created, organized, and operated in accordance with Chapter 5, Code Enforcement, of the Code of Ordinances of New Britain Township, as amended.

TOWNSHIP. New Britain Township, Bucks County, Commonwealth of Pennsylvania.

P. **Section 307 Open Burning, Recreational Fires and Portable Outdoor Fireplaces** shall be deleted in its entirety and replaced with the following:

**SECTION 307
OPEN BURNING, RECREATIONAL FIRES AND PORTABLE
OUTDOOR FIREPLACES**

307.1 General. No person shall kindle or maintain or authorize to be kindled or maintained any open burning in the Township, except for *recreational fires* and *portable outdoor fireplaces*. *Bonfires* are specifically prohibited.

307.2 Prohibited open burning. Any and all open burning shall be prohibited when atmospheric conditions or local circumstances make such fires hazardous in the opinion of the *fire code official*, such as periods of high winds, drought, or weather inversion. Moreover, the outdoor burning of any rubbish, garbage, or trash is strictly prohibited.

307.3 Extinguishment authority. Where open burning creates or adds to a hazardous situation, is not allowed under this code, or a required permit for such burning has not been obtained, the *fire code official* is authorized to order the extinguishment of the open burning operation.

307.4 Location. The location for *open burning* shall not be less than 25 feet from any property line or public right-of-way and shall comply with the following:

307.4.1 Recreational fires. *Recreational fires* shall not be conducted within 25 feet of a structure or combustible material. Conditions that could cause a fire to spread

within 25 feet of a structure shall be eliminated prior to ignition.

307.4.2 Portable outdoor fireplaces. *Portable outdoor fireplaces* shall be used in accordance with the manufacturer's instructions and shall not be operated within 15 feet of a structure or combustible material. Conditions that could cause a fire to spread within 15 feet of a structure shall be eliminated prior to ignition.

307.5 Attendance. *Open burning, recreational fires, and operating portable outdoor fireplaces* shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other *approved* on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose, or water truck, shall be available for immediate utilization.

Q. Subsection **501.3 Construction documents.**

Replace the term "fire department" on line five with the term "*fire code official*".

R. Subsection **503.6 Security gates.**

Replace the term "fire chief" on lines two and three with the term "*fire code official*".

S. Subsection **903.2 Where required.**

Modify to read as follows: "An automatic fire suppression system shall be installed in all newly constructed or reconstructed buildings and structures, or additions to existing buildings and structures in all of the following Building Use Groups: A-1, A-2, A-3, A-4, B, E, F-1, F-2, 1-1, 1-2, I-3, 1-4, M, R-1, R-2, R-3, R-4, S-1, and S-2. Use Group H shall meet Section 904.5 of this code and as per Table 903.2.11.6. All buildings and structures shall be 100 percent covered and designed to meet N.F.P.A. 13, 2013 Edition, or as amended. Existing non-sprinklered buildings and structures shall meet Sections 903.2.1 through 903.2.12 of this code, as amended, when their Building Use Group changes.

T. Subsection **903.2.3 Group E.**

Modify entire subsection and exception to read as follows: "An automatic fire suppression system shall be provided throughout all buildings."

U. Subsection **905.3.1 Building height.**

Modify entire subsection and exception to read as follows: "Class III standpipe systems shall be installed throughout buildings where the floor level of the highest story is located more than 8 feet above the lowest level of the fire department vehicle access or where the floor level of the lowest story is located more than 8 feet below the highest level of the fire department vehicle access."

V. Subsection **1103.7 Fire Alarm Systems** shall be replaced with the following:

1103.7 Fire alarm systems. An *approved* fire alarm system, along with an automatic fire detection system, shall be required in all existing buildings with occupancies in Use Groups A, B, E, F, H, I M, S, R-1, and R-2. Smoke detectors are required in all egress, access corridors, hallways, stairways, lobbies, vestibules, and telephone rooms. All other areas of the building, including attic areas, shall be equipped with rate of rise heat detectors. All detectors in the system are to be interlocked and coupled to a means of producing a visual and audible alarm as per Subsection 907.6 of this code. All fire alarm systems shall be installed per N.F.P.A. 72, as listed in Chapter 80 of this code. All fire alarm systems shall be monitored as per Section 907.6 of this code.

Exceptions:

1. Sprinklered Buildings. Occupancies in existing buildings and structures without an existing, previously *approved* fire alarm system shall install an *approved* fire alarm system in accordance with Sections 1103.7.1 through 1103.7.7 and provide occupant notification in accordance with Section 907.5 unless other requirements are provided by other sections of this code.
2. Existing Non-Sprinklered Buildings under 5,000 square feet of total floor area (includes all floors and basement areas within the building or structure). Buildings less than 5,000 square feet shall have 100 volt interconnected smoke alarms or heat detectors spaced no more than 30 feet on center and at least one in each room. All detectors shall have battery backup. An exterior horn/strobe shall be connected to the smoke detectors.
3. Existing Buildings with a fire alarm system and sprinkler system may meet Exception No. 1 above, only after the fire alarm system has been installed for at least five years.
4. Existing Non-Sprinklered R-1 and R-2 Use Groups. An automatic fire detection system is not required in existing buildings that do not have interior corridors serving guest rooms and apartments as their means of egress. These Building Use Groups will be required to meet Sections 1103.5 through 1103.7.6 of this code.

W. Subsection **5704.2.9.6.1 Locations where above-ground tanks are prohibited.**

Modify to read as follows: "Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited throughout the Township, except within the I-Industrial and the IO-Industrial Office Zoning Districts."

X. Subsection **5706.2.4.4 Locations where above-ground tanks are prohibited.**

Modify to read as follows: "Storage of Class I and II liquids in above-ground tanks is prohibited throughout the Township, except within the I-Industrial and the IO-Industrial Office."

Y. Subsection **5806.2 Limitations.**

Modify to read as follows: "Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited throughout the Township, except within the I-Industrial and the IO-Industrial Office Zoning Districts."

Z. Subsection **6104.2 Maximum capacity within established limits.**

Modify to read as follows: "Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons, except within the I-Industrial and the IO-Industrial Office Zoning Districts of the Township."

Exception: In particular installations, this capacity limit shall be determined by the *fire code official*, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP- gas containers, degree of fire protection to be provided and capabilities of the local fire department.

ARTICLE III SAVINGS CLAUSE

Nothing in this Ordinance, or in the International Fire Code adopted hereby, shall be construed to affect any enforcement action, suit, or proceeding pending before any court or other legal body nor construed to affect any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed by this Ordinance. Furthermore, no just or legal right or remedy of any character shall be lost, impaired, or affected by the adoption of this Ordinance.

ARTICLE IV REPEALER

New Britain Township Ordinance Nos. 2010-02-01 and 2019-04-01 are hereby repealed in their entirety. All other Township ordinances or parts of ordinances which are inconsistent herewith are hereby repealed but only to the extent of such conflict.

ARTICLE V SEVERABILITY

If any sentence, clause, section, or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

ARTICLE VI EFFECTIVE DATE

Ordinance shall become effective five (5) days after enactment.

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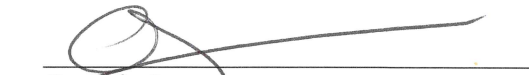
**NEW BRITAIN TOWNSHIP
ORDINANCE NO. 2022-04-02
Fire Code**

ENACTED AND ORDAINED this 18th day of April, 2022, A.D., by the Board of Supervisors of New Britain Township in lawful session duly assembled.

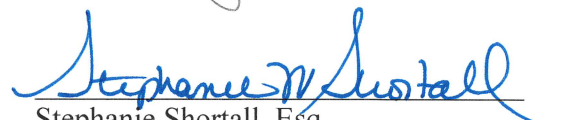
NEW BRITAIN TOWNSHIP
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