



**TOWNSHIP OF NORTH FAYETTE
ALLEGHENY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 506

AN ORDINANCE OF THE TOWNSHIP OF NORTH FAYETTE, ALLEGHENY COUNTY, PENNSYLVANIA, ADOPTING THE “2018 ICC INTERNATIONAL FIRE CODE” WITH SUCH REVISIONS AS NOTED HEREIN, ESTABLISHING MINIMUM STANDARDS AND RELATED REGULATIONS GOVERNING FIRE SAFETY, FIRE PROTECTION AND FIRE PREVENTION SYSTEMS AND OTHER REQUIREMENTS WITH REGARD TO THE USE AND OCCUPANCY OF BUILDINGS AND PREMISES.

WHEREAS, pursuant to its power and duty under law to provide reasonable regulations to enhance the health, safety, and welfare of the community, and, specifically, to assure the conditions of all property, buildings, and structures within the Township, including with regard to fire safety and suppression capabilities, the Township Board of Supervisors is authorized to adopt and enforce as its fire code a nationally recognized code in whole or in part and with such further additions, revisions and deletions, and modifications as determined necessary in its sound judgment; and

WHEREAS, the Township Board of Supervisors finds that the “ICC 2018 International Fire Code,” as adopted with such additions, revisions and deletions, and modifications as set forth herein, provides for a modern and effective set of standards for promoting and protecting properties within the Township with regard to fire safety and suppression capabilities.

WHEREAS, all previous references to fire codes and all ordinances or portions of ordinances which conflict with any of the provisions of this Ordinance are hereby repealed to the extent they are in conflict with this Ordinance.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Board of Supervisors for the Township of North Fayette, and it is hereby ordained and enacted by the authority of the aforesaid as follows:

SECTION 1: ENACTMENT OF PROPERTY MAINTENANCE CODE.

The Township Code of Ordinances, as amended, is hereby amended to repeal, and replace, in its entirety, Chapter 5, Part 5, entitled “International Fire Code”, as set forth below:

Chapter 5, Part 5
International Fire Code

§5-501 Adoption.

That a certain document, a true and correct copy of which is on file at the office of the Township Secretary of the Township of North Fayette, also available online at <https://codes.iccsafe.org/content/IFC2018>, titled "International Fire Code, 2018 Edition," published by the International Code Council, Inc., be and is hereby adopted as the "Fire Code of the Township of North Fayette," 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 the Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with such additions, insertions, modifications, changes, and deletions, if any, as prescribed in Article 2 of this Ordinance.

§5-202 Modifications.

1. That the 2018 International Fire Code, as adopted by the Township hereby as the Fire Code of the Township of North Fayette, is hereby revised, with the following additions, insertions, modifications, changes, and deletions/omissions:
 - A. Section 101.1. Insert: Township of North Fayette
 - B. Section 103, Department of Fire Prevention. The title of this section is hereby changed to "Department of Community Development, Division of Code Enforcement and Permitting".
 - (1) Revise Section 103.1 to read:

103.1. General. The Division of Code Enforcement and Permitting is hereby created within the Department of Community Development and is charged with the implementation, administration, and enforcement of the provisions of this code. The official responsible for administering and enforcing this code shall be known as the Fire Code Official.
 - (2) Revise Section 103.2 to read:

103.2. Appointment. The Board of Supervisors shall designate and appoint a qualified Fire Code Official. The Fire Code Official shall not be removed from office except for cause and after full opportunity to be heard on specific and relevant charges by and before the Board of Supervisors.
 - (3) Revise Section 103.3 to read:

103.3. Deputies. To assist with the administration and enforcement of this code, the Township Board of Supervisors shall appoint Code Administrators to serve as Deputy Fire Code Officials. The Code Administrators shall have the same authority and responsibility to enforce and administer this code as the Fire Code Official. For the purposes of this code, the Code Administrator(s) shall also be referred to as the "Deputy Fire Code Official(s)". The Township Board of Supervisors may appoint and contract with outside persons and entities to serve as subcontractors for the performance of such portions of the inspection or other duties of the Fire Code Official as the Township Board of Supervisors may deem appropriate.

C. Section 109, Board of Appeals. The title of this section is hereby changed to "Appeals".

(1) Revise Section 109.1 to read:

109.1, **Appeals to the Codes Appeals Board.** Appeals of orders, decisions, or determination(s) made by the Fire Code Official relative to the application and interpretation of this code shall be under the jurisdiction of and shall be heard by the Building, Fire and Property Maintenance Codes Appeals Board for the Township of North Fayette (hereafter referred to as the "Codes Appeals Board").

(2) Revise Section 109.2 to read:

109.2, **Application for Appeal.** Any person aggrieved by an order, decision, or determination of the Fire Code Official or a notice or order issued under this Code shall have the right to appeal, within twenty (20) days after the date of the decision, notice or order appealed from, to the Codes Appeals Board, which shall have jurisdiction to hear and rule on appeals filed hereunder. Such appeal shall be filed in writing, shall state the grounds for appeal, be accompanied by the required appeal fee as may be set hereafter by Resolution under the Township's Fee Schedule as adopted or modified from time to time, and shall be processed and heard, and determinations and decisions rendered, and served, in accordance with the procedural requirements of the Codes Appeals Board.

(3) Revise Section 109.3 to read:

109.3, **Limitations on authority.** An application for appeal shall be based on a claim that the intent of this Fire Code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or an equivalent method of protection or safety is proposed. The Codes Appeals Board shall not have authority to waive requirements of this Fire Code.

(4) Revise Section 109.4 to read:

109.4, **Court Review.** Any person aggrieved by a Decision of the Codes Appeals Board hereunder shall have the right to apply to the appropriate court for a petition for a writ of certiorari to correct errors of law. Applications for review

shall be made in the manner and within such time required by law following the Date of the Notice of Decision.

D. Section 110.4. Violation Penalties. Insert the following:

Insert: [Summary Offense]

Insert: [\$1,000.00]

Insert: [30 days]

E. Section 112.4 Failure to comply. Insert the following:

Insert: [\$500.00]

Insert: [\$1,000.00]

F. Section 901.6.3. Records. delete/replace with the following:

Records of all system inspections, tests, and maintenance required by the referenced standard shall be maintained on the premises for a minimum of three years and shall be provided to the Township by the company performing the inspections and maintenance, via the Township's third-party inspection reporting system, Brycer, LLC, and Brycer's The Compliance Engine.

G. That the geographic limits referred to in the following 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): As determined by the Fire Code Official and the Allegheny County Fire Marshal's Office.

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): As determined by the Fire Code Official and the Allegheny County Fire Marshal's Office.

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): As determined by the Fire Code Official and the Allegheny County Fire Marshal's Office.

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): As determined by the Fire Code Official and the Allegheny County Fire Marshal's Office.

H. Appendix A, Board of Appeals: delete/omit.

SECTION 2: SEVERABILITY.

That 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.

SECTION 3: CONFLICT.

Any ordinances or any part of any ordinance which conflict with this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 4: EFFECTIVE DATE.

That this Ordinance shall take effect immediately upon enactment as provided by law.

ENACTED AND ORDAINED into Law this the 13th day of September 2022.

ATTEST:

TOWNSHIP OF NORTH FAYETTE

James R. Mangan
Township Manager

James Morosetti
Chairman, Board of Supervisors

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