

BOROUGH OF PITCAIRN
ORDINANCE NO. 2015 - 1009

AN ORDINANCE OF THE BOROUGH OF PITCAIRN, ALLEGHENY COUNTY, PENNSYLVANIA, TO ADOPT THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE, REGULATING AND GOVERNING THE SAFEGUARDS OF LIFE AND PROPERTY FROM FIRE AND EXPLOSION HAZARDS ARISING FROM THE STORAGE, HANDLING AND USE OF HAZARDOUS SUBSTANCES, MATERIALS AND DEVICES, AND FROM THE CONDITIONS OF HAZARDOUS TO LIFE OR PROPERTY IN THE OCCUPANCY OF BUILDINGS AND PREMISES IN THE BOROUGH OF PITCAIRN; SAID ORDINANCE FURTHER PROVIDES FOR THE DESIGNATION OF A REVISED DEFINITION OF FIRE CODE INSPECTOR; SAID ORDINANCE FURTHER PROVIDES FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFORE; SAID ORDINANCE REPEALS ALL OTHER ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT THEREWITH.

BE IT ORDAINED by the Borough of Pitcairn and it is hereby ordained by the authority of the same as follows:

SECTION I: LEGISLATIVE FINDINGS.

WHEREAS, the Borough of Pitcairn has been under the impression that except for Section 806.1.1 of the International Fire Code, 2015 Edition, the International Fire Code has been adopted by reference as a part of the Pennsylvania Uniform Construction Code; and, was therefore, the mandatory fire code standard for the Borough of Pitcairn.

WHEREAS, the Pennsylvania Department of Labor and Industry now takes the position that only those portions of the International Fire Code, 2015 Edition, specifically referenced in the Pennsylvania Uniform Construction Code has been incorporated by reference; and

WHEREAS, the Council of the Borough of Pitcairn have determined it to be necessary and appropriate to adopt the provisions of the International Fire Code, 2015 Edition, which are relevant to existing buildings and existing building systems as the Fire Prevention Code of the

Borough of Pitcairn, the following amendments to the Code of the Borough of Pitcairn are hereby adopted.

SECTION II: Department of Fire Safety, is hereby amended to read as follows:

Fire Code Inspector / Code Enforcement Officer: To be responsible for all administrative work directing and enforcing the Fire Prevention Code and various Ordinances relating to fire prevention and such other duties as may be assigned from time to time by the Borough Council. The general work responsibility will include compliance with the Fire Code provisions, patrol designated fire lanes and no parking zones and the issuance of citations for violations thereof.

SECTION III: FIRE SAFETY Fire Prevention and Safety Regulations is hereby repealed.

There shall be added a new section to read as follows:

Fire Prevention and Safety Regulations. That a certain document, three (3) copies of which are on file in the office of the Borough Secretary of the Borough of Pitcairn, being marked and designated as the International Fire Code, 2015 edition, including Appendix Chapter A-M (see International Fire Code Section 101.2.1, 2015 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the Borough of Pitcairn in the Commonwealth of 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 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 Borough Secretary 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 IV of this Ordinance.

SECTION IV: REVISIONS TO THE 2015 EDITION OF THE INTERNATIONAL FIRE CODE. The following Sections are hereby revised:

- A. Section 101.1 is revised to read as follows:

These regulations shall be known as the Fire Prevention Code of the Borough of Pitcairn, (hereinafter referred to as "Fire Code").

- B. Section 103 shall be revised as follows:

1. The heading shall be revised to read as follows:

§103.1 General. The Department of Fire Safety is established pursuant the Code of the Borough of Pitcairn. Said Department shall be under the direction of the Director of Fire Safety. The function of the Department of Fire Safety shall be the implementation, administration and enforcement of the provisions of this Code.

2. Section 103.2 shall be revised to read as follows:

§103.2 Appointment. The Director of Fire Safety shall be appointed by the Council of the Borough of Pitcairn. The Director of Fire Safety shall act as the Deputy Fire Marshal.

Section 104.1 and 104.2 are hereby revised to read as follows:

§104.1 General. Subject to the approval of the Borough Council, the Director of Fire Safety or his Deputy, is hereby authorized to enforce the provisions of this Code and shall have the authority to render interpretations of this Code, to adopt policies, procedures, rules and regulations in order to clarify the application of the its provisions. Such interpretations, policies, procedures, rules and regulations shall be in compliance with the intent and purpose of this Code and shall not have the effect of waiving requirements for which provision is specifically made in this Code.

Section 104.2 Applications and Permits is hereby amended to read as follows:

§104.2 Applications and Permits. The Building Code Official is authorized to receive applications, review construction documents and issue permits for construction regulated by this Code, issue permits for operations regulated by this Code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this Code.

Section 104.8 Modifications is hereby revised to read as follows:

§104.8 Modifications. The Building Code Official shall have authority to grant modifications for individual cases in accordance with the procedures and guidelines set forth in the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended.

Section 104.9 **Alternative Materials and Methods.** shall be revised to read as follows:

§104.9 Alternative Materials and Methods. The Borough Building Code Official shall have authority to authorize the use of alternative materials and methods in accordance with the procedures and guidelines set forth in the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended.

Section 105.1 **Permits** is revised to read as follows:

§105.1 Permits Required. Any property owner or authorized agent of a property owner who intends to conduct an operation or business or install or modify systems and equipment which is regulated by the International Fire Code, 2015 Edition, or cause any such work to be done, shall first make application to the Director of Fire Safety and obtain the required permit. In the event the proposed activity involves construction of facilities regulated by the Pennsylvania Uniform Construction Code, Act 45 of 1999, as amended, application for necessary permits shall also be made to the Building Code Official. In the event of inconsistent language between the Pennsylvania Uniform Construction Code and the International Fire Code, 2015 Edition, the provisions of the Pennsylvania Uniform Construction Code shall apply.

Section 108.1 **Board of Appeals Established** is hereby revised to read as follows:

§108.1 Board of Appeals Established. In order to hear and decide appeals of orders, decisions or determinations made by the Director of Fire Safety relative to the application and interpretation of this Chapter of the Borough Code, appeals will be to the Construction Code Board of Appeals established pursuant to Section _____ of the Code of the Borough of

Pitcairn. For purposes of appeals arising under this chapter of the Borough Code, in addition to membership of the Board of Appeals established under Section _____ of the Code of the Borough of Pitcairn.

Section 109.3 **Notice of Violation.** is revised to read as follows:

§109.3 Notice of Violation. Persons who shall violate a provision of this Code or shall fail to comply with any of the requirements hereof 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 used under the provisions of this Code, shall be guilty of a summary offense, punishable by a fine of not more than One Thousand (\$1,000.00) Dollars. Each day that a violation of this Ordinance continues shall be considered a separate violation.

Section 109.3.1 **Abatement of Violation.** is revised to read as follows:

§109.3.1 Abatement of Violation. In addition to the imposition of the penalties herein described, the Borough Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

Section 110.1 **General.** is revised to read as follows:

§110.1 General. If during the inspection of a premises, a building or structure, or any building system, in whole or in part, constitutes a clear and inimical threat to human life, safety or health, the Fire Code Official shall issue such notice or orders to remove, abate or remedy the conditions as shall be deemed necessary in accordance with this section, and shall refer the building to the building department for any repairs, alterations, remodeling, removing or demolition required.

Section 110.1.2 **Structural Hazards.** is revised to read as follows:

§110.1.2 Structural Hazards. When an apparent structural hazard is caused by the faulty installation, operation or malfunction of any of the items or devices governed by this Code, the Fire Code Official shall immediately notify the Building Code Official.

Section 110.4 **Abatement.** is revised to read as follows:

§110.4 Abatement. The owner, operator or occupant of a building or premises deemed unsafe by the Building Code Official shall abate or

cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action.

Section 113 **Fees**, specifically Sections 113.1 and 113.2 are revised to read as follows:

§113.1 Fees. A fee for each permit shall paid, as required, in accordance with the Fee Schedule established and revised from time-to-time by Resolution of the Board of Supervisors of the Borough of Pitcairn.

SECTION V: EFFECT OF ACT 45 OF 1999, AS AMENDED.

- a. To the extent of the Commonwealth of Pennsylvania has adopted regulations as part of the implementation of Act 45 of 1999, as amended, which is known as the Pennsylvania Uniform Construction Code, which differ from the 2015 Edition of the International Fire Code, the regulations of the Commonwealth of Pennsylvania, Department of Labor and Industry shall prevail.
- b. The effective Fire Prevention Code in the Borough of Pitcairn shall at all times be the most current edition of the International Fire Code published by the International Code Council and incorporated by the Commonwealth of Pennsylvania as part of the Pennsylvania Uniform Construction Code as revised and supplemented by regulations issued from time to time by the Pennsylvania Department of Labor and Industry. The following specific Sections from the 2015 Edition of the International Fire Code are adopted and revised as indicated. An asterisk appearing before a respective Code Section indicates that the Section has been incorporated by the Pennsylvania Uniform Construction Code.

SECTION VI: All other provisions of Chapter ~~1-79~~ not inconsistent herewith shall remain in full force and effect and all other Ordinances in conflict with are hereby repealed.

SECTION VII: 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 Borough of Pitcairn 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 VIII: 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; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

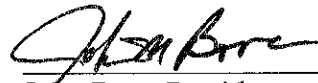
SECTION IX: This Ordinance shall take effect five (5) days after adoption hereof.

ORDAINED AND ENACTED by the Council of the Borough of Pitcairn, Allegheny County, Pennsylvania, at a meeting duly assembled this 10 day of August, 2015.

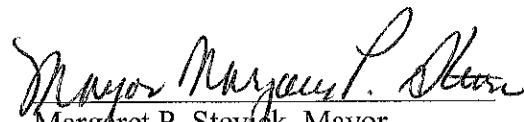
ATTEST:


Annette M. Deitz, Borough Manager

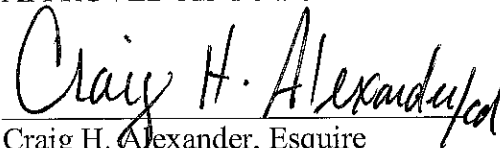
BOROUGH OF PITCAIRN:


John Bova President,
Pitcairn Borough Council

EXAMINED AND APPROVED by me this 10 day of August, 2015.


Margaret P. Stevie, Mayor

APPROVED AS TO FORM:


Craig H. Alexander, Esquire
Solicitor