

**MONTGOMERY TOWNSHIP
MONTGOMERY COUNTY, PENNSYLVANIA**

ORDINANCE NO. 23-332

AN ORDINANCE OF MONTGOMERY TOWNSHIP, MONTGOMERY COUNTY, PENNSYLVANIA, ADOPTING THE 2018 INTERNATIONAL FIRE CODE AS THE TOWNSHIP FIRE PREVENTION CODE

WHEREAS, the Board of Supervisors of Montgomery Township has enacted the Code of Ordinances of Montgomery Township which includes, inter alia, provisions governing fire & life safety in Montgomery Township; and

WHEREAS, said enacting Ordinance does prescribe a procedure for amendments to the code; and
WHEREAS, Montgomery Township Board of Supervisors enacted Ordinance No 96-70 which established a commercial fire inspection program to allow fire inspections of non-residential properties within Montgomery Township that is codified under Chapter 69 of the Montgomery Township Code;

and

WHEREAS, Montgomery Township Board of Supervisors authorizes the Township to conduct Life Safety & Fire Inspections, General Safety Inspections, and Fire & Code Inspections consistent with nationally recognized standards and the 2018 International Fire Code;

and

WHEREAS, Chapter 69 of the Montgomery Township Code authorizes the Township to charge inspection fees as part of the annual fire inspection program in order to cover the costs associated with the administration, inspection, and enforcement;

and

WHEREAS, Chapters 69 and 80 permit the Township to establish such inspection fees by resolutions; and

WHEREAS, Montgomery Township desires to set for the fees applicable to the fire inspection program as recommended by the Fire Marshal by amending the Township's Fee Schedule

WHEREAS, the Board of Supervisors has determined that the recommended adoption of the 2018 International Fire Code and its Appendices as the Township Fire Prevention Code to the Code of Ordinances, as recommended by the Fire Marshal, has merit and desires to implement this adoption in the best interest of the health, safety, and welfare of the residents of Montgomery Township;

NOW, THEREFORE, be it, and it is hereby **ORDAINED** by the Board of Supervisors of Montgomery Township, and it is hereby **ENACTED** and **ORDAINED** by authority of same as follows:

- I. That a certain document, copies of which are on file in the office of the Fire Marshal of Montgomery Township, being marked and designated as the *International Fire Code*, 2018 edition, including Appendix 1 & Chapters B, C, D, E, F (these are already adopted under the UCC adoption), as published by the International Code Council, be and is hereby adopted as the Fire Code of Montgomery Township, 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 Fire Marshal 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 2 of this ordinance.

Effect on New Construction; Conflicts with UCC

This Chapter shall not apply to new construction that is otherwise regulated or under construction through permits issues under the Pennsylvania Unified Construction Code and the International Codes which are mandatorily adopted by the Township of Montgomery thereunder (collectively the "UCC")

To limit the extent of any conflicts between the provisions of the UCC (including, without limitation, the International Fire Code to the extent that the International Fire Code is referenced by the International Building Code). The provisions of the UCC shall apply.

II. That the following sections are hereby revised:

A. Section 101.1. Insert: Montgomery Township, Montgomery County

B. Section 103.1, General, shall be modified and read as follows:

Add: The Department of Fire Services (Prevention) is established within the jurisdiction and under the direction of the Fire Marshal/ Fire Chief. The Fire Marshal/Fire Chief shall be in charge of the operation of this Department and its function shall be the implementation, administration, and enforcement of the provisions of this code.

C. Section 103.2, Appointment, shall be deleted and the following language substituted:

Add: The Fire Marshal/Fire Chief position shall be filled as prescribed in the Code of the Township of Montgomery. The Fire Marshal/Fire Chief shall be appointed by the Montgomery Township Board of Supervisors, and the Fire Marshal/Fire Chief 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 appointing authority. The Fire Marshal/Fire Chief will be the Township's Fire Code Official.

D. Sections 105, Permits, shall read as follows:

Add: The Fire Chief is authorized to issue operational permits subsequent to Life Safety & Fire Inspections.

E. Section 107 Inspections

Add: The Fire Chief is authorized to appoint Fire Inspectors to conduct Life Safety & Fire Inspections in Montgomery Township. Appointed Fire Inspectors will meet the following minimum qualifications

1. Employee of Montgomery Township & the Montgomery Township Department of Fire Services.
2. Possession of a valid Commonwealth of Pennsylvania Department of Labor and Industry Uniform Construction Code Certification Card as a Fire Inspector.
3. Nationally Certified Fire Inspector 1 NFPA 1031

Add: The Fire Chief and appointed Fire Inspectors shall conduct Life Safety & Fire Inspections not less the 1 year since the occupancies last inspection. Additional inspections may be required based upon further investigation and or information received.

Add: The Fire Chief is authorized to conduct Re-Tenant Inspections of new Tenant spaces of commercial occupancies when there is a change of ownership and/or tenant.

Add: Businesses are required to send their annual sprinkler, fire alarm and NFPA inspections report to the Fire Chief.

F. Section 110.4. Insert: Summary, not to exceed \$1,000, 30 days

Add: The Fire Chief and authorized Fire Inspectors may file Non-Traffic Summary Citations with the District Magistrate's Office for violations of a provision of this code.

G. Section 202 shall have the following definitions added:

FIRE MARSHAL -- The Fire Marshal of Montgomery Township, who shall also be the Fire Chief and Fire Official as referred to in this code

(Ordinance Number 22-237, adopted 1-24-2022)

H. Section 307 Recreational Fires

Add: Homeowners shall have an annual site inspection completed by the Fire Code Official or Fire Inspector. The Fire Chief will issue a Recreational Fire Permission Letter that expires 12 months after date that letter is issued. Homeowner must comply with the requirements on the letter as well as this code.

I. Section 506 Lock Boxes

Add: The key box shall be a Knox Box. The Knox Box will be installed at a location that is that is approved by the Fire Chief.
Township Code 69-3 Knox Box

J. *Current Codes Previously Adopted*

- a. *69-8 & 9 BOCA Fire Code, 1996*
- b. *69- 16 NFPA Life Safety Code, 1994*
- c. *Ordinance 04-188 Truss Placard*

K. *All geographic limits referred to in certain sections of the 2018 International Fire Code are to comply with the Montgomery Township Zoning Code.*

III. All ordinances of parts thereof inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency.

IV. The provisions of this Ordinance are declared to be severable. If any provision of this Ordinance is declared by a court of competent jurisdiction to be invalid or unconstitutional, such determination shall have no effect on the remaining provisions of this Ordinance or on the provisions of the Code of Ordinances of Montgomery Township.

V. This Ordinance shall become effective five (5) days following its legal enactment.

ENACTED and **ORDAINED** this 23rd day of January, 2023.

Attest:

**MONTGOMERY TOWNSHIP
BOARD OF SUPERVISORS**


Carolyn McCreary, Secretary


Candyce Fluehr Chimera, Chair