

**TOWNSHIP OF WILLIAMS
COUNTY OF NORTHAMPTON**

ORDINANCE NO. 2024-4

**AN ORDINANCE OF WILLIAMS TOWNSHIP, AMENDING CHAPTER 5,
CODE ENFORCEMENT, WITH THE ADDITION OF A PART 3 WHICH
ESTABLISHES REGULATIONS FOR INDUSTRIAL USE FIRE
INSPECTIONS**

The Williams Township Board of Supervisors hereby enacts the following ordinance:

ARTICLE I.

Chapter 5, Code Enforcement, of the Code of Ordinances of Williams Township is hereby amended by establishing a Part 3, Industrial Use Fire Inspections, which will read as follows:

§ 5-301 General.

1. **Title.** These regulations shall be known as the "Williams Township Industrial-Use Fire Inspection Ordinance," hereinafter referred to as this "Part."
2. **Scope.** This Part establishes regulations affecting or relating to industrial structures, processes, premises and safeguards regarding:
 - A. The hazard of fire and explosion arising from the storage, handling or use of structures, materials or devices.
 - B. Conditions hazardous to life, property or public welfare in the occupancy of structures or premises.
 - C. Fire hazards in the structure or on the premises from occupancy or operation.
 - D. Matters related to the construction, extension, repair, alteration or removal of fire suppression or alarm systems.
3. **Intent.** The purpose of this Part is to establish the minimum requirements consistent with nationally recognized good practice for providing a reasonable level of life safety and property protection from the hazards of fire, explosion or dangerous conditions in new and existing industrial buildings, structures and premises and to provide safety to firefighters and emergency responders during emergency operations.

§ 5-302 Definitions.

INDUSTRIAL STRUCTURE

Any building or facility, either open or enclosed, used and maintained for industrial purposes. Industrial structures include, but are not limited to, manufacturing facilities, warehouses, distribution centers and other structures of an industrial nature and not primarily of a commercial, institutional or residential nature.

FIRE CODE OFFICIAL

A duly authorized Township representative, code enforcement officer, building code official, Fire Marshall, or other designated authority charged with the administration and enforcement of the code.

PERSON

Any individual, partnership, association, syndicate, company, firm, trust, corporation, department, bureau, agency, or other entity recognized by law as the subject of rights and duties.

§ 5-303 Applicability.

1. The provisions of this Part shall apply to:
 - A. Industrial structures and conditions arising after the adoption of this Part.
 - B. Existing industrial structures and conditions not legally in existence at the time of adoption of this Part.
 - C. Existing industrial structures and conditions when identified in specific sections of this Part.
 - D. Existing industrial structures and conditions which, in the opinion of the Fire Code Official, constitute a distinct hazard to life or property.
2. **Matters Not Provided For.** Requirements that are essential for the public safety of an existing or proposed activity, building or structure, or for the safety of the occupants thereof, which are not specifically provided for by this Part shall be determined by the Fire Code Official.

§ 5-304 General Authority and Duties.

1. Authority. Pursuant to Chapter 5, Part 2 of this Code, the Township has adopted certain sections of the International Fire Code for the purpose of 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

provided in Chapter 5, Part 2. The Fire Code Official shall implement, administer and enforce of the provisions of this Part in accordance Chapter 5, Part 2, of this Code.

2. **Duties.** The Fire Code Official's duties shall include, but are not limited to, the following:
 - A. Conducting all inspections required pursuant to this Part.
 - B. Completing the Williams Township Fire Inspection Report Form in accordance with his/her findings upon inspection.
 - C. Explaining the results of all inspections with the property owners.
 - D. Ensuring compliance with all recommendations made as a result of any inspections conducted pursuant to this Part.
3. **Right of entry.** Whenever it is necessary to make an inspection to enforce the provisions of this Part, or whenever the Fire Code Official has reasonable cause to believe that there exists in an industrial structure any conditions or violations of this Part which make the industrial structure unsafe, dangerous or hazardous, the Fire Code Official shall have the authority to enter the industrial structure at all reasonable times to inspect or to perform the duties imposed upon the Fire Code Official by this Part. If such industrial structure is occupied, the Fire Code Official shall present credentials to the occupant and request entry. If such industrial structure is unoccupied, the Fire Code Official shall first make a reasonable effort to locate the owner or other person having charge or control of the industrial structure and request entry. If entry is refused, the Fire Code Official has recourse to every remedy provided by law to secure entry.
4. **Warrant.** When the Fire Code Official has first obtained a proper inspection warrant or other remedy provided by law to secure entry, an owner or occupant or person having charge, care or control of the industrial structure shall not fail or neglect, after proper request is made as herein provided, to permit entry therein by the Fire Code Official for the purpose of inspection and examination pursuant to this Part.
5. **Identification.** The Fire Code Official shall carry proper identification when inspecting industrial structures or premises in the performance of duties under this Part.
6. **Notices and Orders.** The Fire Code Official is authorized to issue such notices or orders as are required to affect compliance with this Part in accordance with the provisions contained herein.
7. **Official Records.** The Township shall keep an official record of each inspection made, including notices and orders issued, showing the findings and disposition of each. Additionally, the Township shall keep a record of all building preplans conducted within

the Township. Such official records shall be retained for not less than five years or for as long as the industrial structure or activity to which such records relate remains in existence, unless otherwise provided by other regulations. When requested, the aforementioned records, including statistical information, shall be made available to the Fire Department Chief Officer.

8. **Approvals.** A record of approvals shall be maintained by the Township subject to the method of release and retention of the Pennsylvania Uniform Construction Code.
9. **Fire Records.** The fire department shall keep a record of fires occurring within its jurisdiction and of facts concerning the same, including statistics as to the extent of such fires and the damage caused thereby, together with other information as required by the Fire Code Official.
10. **Approved Materials and Equipment.** All materials, equipment and devices approved by the Fire Code Official shall be constructed and installed in accordance with such approval.
11. **Technical Assistance.** To determine the acceptability of technologies, processes, products, facilities, materials and uses attending the design, operation or use of an industrial structure or premises subject to inspection by the Fire Code Official, the Fire Code Official is authorized to require the owner or agent to provide, without charge to the Township, a technical opinion and report. The opinion and report shall be prepared by a qualified engineer, specialist, laboratory or fire safety specialty organization acceptable to the Fire Code Official and shall analyze the fire safety properties of the design, operation or use of the industrial structure or premises and the facilities and appurtenances situated thereon, to recommend necessary changes. The Fire Code Official is authorized to require design submittals to be prepared by and bear the stamp of a registered design professional.
12. **Modifications.** Whenever there are practical difficulties involved in carrying out the provisions of this Part, the Fire Code Official shall have the authority to grant modifications for individual cases, provided the Fire Code Official shall first find that special individual reason makes the strict letter of this Part impractical, and the modification is in compliance with the intent and purpose of this Part and that such modification does not lessen health, life and fire safety requirements. The details of action granting modifications shall be recorded and entered in the files of the Fire Code Official.
13. **Alternative Materials and Methods.** The provisions of this Part are not intended to prevent the installation of any material or to prohibit any method of construction not specifically prescribed by this Part, provided that any such alternative has been approved. The Fire Code Official is authorized to approve an alternative material where the Fire Code Official finds that the proposed design is satisfactory and complies with the intent of the provisions of this Part, and that the material, method or work offered is, for the purpose intended, at least the equivalent of that prescribed in this Part in quality, strength,

effectiveness, fire resistance, durability and safety. This is limited to the findings of the fire inspection program conducted by the Fire Code Official.

14. **Fire Investigations.** The Fire Marshal, Fire Code Official or other responsible authority shall have the authority to investigate the cause, origin 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.
15. **Liability.** The Township and its agents, officials, representatives and/or employees charged with the enforcement of this Part, while acting for the Township, shall not thereby be rendered liable, and are hereby relieved from all liability for any damage occurring to persons or property as a result of an act required or permitted in the discharge of official duties.

§ 5-305 Inspections.

1. **Inspection Authority and Qualifications.** The Fire Code Official and any individual or outside agency appointed by the Township shall be authorized to enter and examine any industrial structure or vehicle or premises for the purpose of enforcing this Part. Any individual performing inspections pursuant to this Part shall have at minimum the qualifications set forth in and required by the Township's position description.
2. **Inspections.** The Fire Code Official is authorized to conduct such inspections at least once every two years, or as are deemed necessary to determine the extent of compliance with the provisions of this Part. All reports of such inspections shall be prepared and submitted in writing for review and approval by the Township prior to release to the property owner, occupant and/or custodian. Inspections and reports shall be managed under the direction of the designated responsible officer of the Township. The Fire Code Official is authorized to engage such expert opinion as deemed necessary to report upon unusual, detailed or complex technical issues subject to the approval of the Township.
3. **Inspection Requests.** It shall be the duty of the holder of the permit or his/her/its duly authorized agent to notify the Fire Code Official when work is ready for inspection. It shall be the duty of the permit holder to provide access to and means for inspections of such work that are required by this Part.
4. **Approval Required.** Work shall not be done beyond the point indicated in each successive inspection without first obtaining the approval of the Fire Code Official. The Fire Code Official, upon notification, shall make the requested inspections and shall either indicate the portion of the construction that is satisfactory as completed, or notify the permit holder or his/her/its agent wherein the same fails to comply with this Part. Any portions that do not comply shall be corrected and such portion shall not be covered or concealed until authorized by the Fire Code Official.

5. **Concealed Work.** It shall be the duty of the permit applicant to cause the work to remain accessible and exposed for inspection purposes. Whenever any installation subject to inspection prior to use is covered or concealed without having first been inspected, the Fire Code Official shall have the authority to require that such work be exposed for inspection. Neither the Fire Code Official nor the Township shall be liable for expense entailed in the removal or replacement of any material required to allow inspection.
6. **Approvals.** Approval as the result of an inspection shall not be construed to be an approval of a violation of the provisions of this Part or of other Township ordinances. Inspections presumed to give authority to violate or cancel provisions of this Part or of other ordinances of the Township shall not be valid.

§ 5-306 Fees.

1. **Fees.** A permit shall not be issued until the fees have been paid, nor shall an amendment to a permit be released until the additional fee, if any, has been paid.
2. **Fire Safety Inspections Fees.**
 - A. The owner or operator of industrial structures in the Township shall pay an industrial fire safety inspection fee for inspections performed pursuant to and under this Part, with such fees being due within 30 days of billing.
 - B. Fire safety inspection fees shall be established and may be amended from time to time by resolution of the Williams Township Board of Supervisors.

§ 5-307 Maintenance.

1. **Maintenance of Safeguards.** Whenever or wherever any device, equipment, system, condition, arrangement, level of protection, or any other feature is required for compliance with the provisions of this Part, or otherwise installed, such device, equipment, system, condition, arrangement, level of protection, or other feature shall thereafter be continuously maintained in accordance with this Part and applicable standards.
2. **Testing and Operation.** Equipment requiring periodic testing or operation to ensure maintenance shall be tested or operated as specified in this Part.
 - A. **Test and Inspection Records.** Required test and inspection records shall be available to the Fire Code Official at all times or such records as the Fire Code Official designates shall be filed with the Fire Code Official.
 - B. **Reinspection and Testing.** Where any work or installation does not pass an initial test or inspection, the necessary corrections shall be made so as to achieve

compliance with this Part. The work or installation shall then be resubmitted to the Fire Code Official for inspection and testing.

3. **Supervision.** Maintenance and testing shall be under the supervision of a responsible person who shall ensure that such maintenance and testing are conducted at specified intervals in accordance with this Part.
4. **Rendering Equipment Inoperable.** Portable or fixed fire-extinguishing systems or devices and fire-warning systems shall not be rendered inoperative or inaccessible except as necessary during emergencies, maintenance, repairs, alterations, drills or prescribed testing.
5. **Owner/Occupant Responsibility.** Correction and abatement of violations of this Part shall be the responsibility of the owner. If an occupant creates, or allows to be created, hazardous conditions in violation of this Part, the owner and the occupant shall be held responsible for the abatement of such hazardous conditions.
6. **Overcrowding.** Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The Fire Code Official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

§ 5-308 Violations.

1. **Notice of Violation.** When the Fire Code Official finds an industrial structure, building, premises, vehicle, storage facility or outdoor area that is in violation of this Part, the Fire Code Official is authorized to prepare a written notice of violation describing the conditions deemed unsafe and, when compliance is not immediate, specifying a time for compliance and reinspection.
2. **Service.** A notice of violation issued pursuant to this Part shall be served upon the owner, operator, occupant, or other person responsible for the condition or violation, either by personal service, mail, or by delivering the same to, and leaving it with, the person of responsibility upon the premises. For unattended or abandoned locations, a copy of such notice of violation shall be posted on the premises in a conspicuous place at or near the entrance to such premises and the notice of violation shall be mailed by certified mail with return receipt requested or a certificate of mailing, to the last known address of the owner, occupant or both.
3. **Compliance with Orders and Notices.** A notice of violation issued or served as provided by this Part shall be complied with by the owner, operator, occupant or other person responsible for the condition or violation to which the notice of violation pertains.

4. 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 Chapter; to have failed to comply with any of the requirements of this Chapter; or to have failed to comply with an order, directive, or notice of the fire code official concerning this code shall be liable for a civil penalty not less than \$500 nor more than \$1,000 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.
5. **Prosecution of Violations.** If the notice of violation is not complied with within the time frame set forth in the notice of violation, the Fire Code Official is authorized to request the Township Solicitor to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation or to require removal or termination of the unlawful occupancy of the structure in violation of the provisions of this Part or of the order or direction made pursuant hereto.
6. **Abatement of Violation.** In addition to the imposition of the penalties herein described, the Fire Code Official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of an industrial structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. The costs of any such abatement of violation authorized by the Fire Code Official shall be chargeable to the property owner(s).
7. **Appeals.** Any appeal from any decision of the Fire Code Official shall be heard by the Williams Township Building Code Board of Appeals, pursuant to and consistent with the adopted practices and procedures established for or by such Board.
8. **Court Review.** Any person aggrieved by a Board decision 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.

§ 5-309 Stop Work Order.

1. **Order.** Whenever the Fire Code Official finds any work regulated by this Part being performed in a manner contrary to the provisions of this Part or in a dangerous or unsafe manner, the Fire Code Official is authorized to issue a stop work order.
2. **Issuance.** A stop work order shall be in writing and shall be given to the owner of the property, or to the owner's agent, or to the person doing the work. Upon issuance of a stop work order, the cited work shall immediately cease. The stop work order shall state

the reason for the order, and the conditions under which the cited work is authorized to resume.

3. **Emergencies.** Where an emergency exists, the Fire Code Official shall not be required to give a written notice prior to stopping the work.
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 liable to a fine of not less than \$300 nor more than \$500.

§ 5-310 Service Utilities.

Authority to Disconnect Service Utilities. The Fire Code Official shall have the authority to authorize disconnection of utility service to the building, structure or system in order to safely execute emergency operations or to eliminate an immediate hazard. The Fire Code Official shall notify the serving utility and, whenever possible, the owner and occupant of the building, structure or service system of the decision to disconnect prior to taking such action if not notified prior to disconnection. The owner or occupant of the building, structure or service system shall be notified in writing as soon as practical thereafter.

§ 5-311 Unsafe Structures.

1. **General.** If, during the inspection of an industrial structure, the Fire Code Official determines, in whole or in part, that a clear and inimical threat to human life, safety or health exists, the Fire Code Official shall issue such notice or orders to remove or remedy the conditions as shall be deemed necessary in accordance with this section and shall refer the building to Township Code Enforcement for any repairs, alterations, remodeling, removing or demolition required.
2. **Unsafe Conditions.** Industrial structures or existing equipment that are or hereafter become unsafe or deficient because of inadequate means of egress or which constitute a fire hazard, or are otherwise dangerous to human life or the public welfare, or which involve illegal or improper occupancy or inadequate maintenance, shall be deemed an unsafe condition. A vacant industrial structure which is not secured against unauthorized entry shall be deemed unsafe.
3. **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 Part, the Fire Code Official shall immediately notify the Township Building Code Enforcement Officer.
4. **Evacuation.** The Fire Code Official shall be authorized to order the immediate evacuation of any occupied industrial structure deemed unsafe when such building has hazardous conditions that present imminent danger to building occupants. Persons so notified shall immediately leave the industrial structure or premises and shall not enter or re-enter until authorized to do so by the Fire Code Official.

5. **Abatement.** The owner, operator, or occupant of an industrial structure or premises deemed unsafe by the Fire Code Official shall immediately abate or cause to be abated or corrected such unsafe conditions either by repair, rehabilitation, demolition or other approved corrective action

ARTICLE II.

All ordinances or parts of ordinances inconsistent herewith are hereby repealed.

ARTICLE III.


If any section, paragraph, sub-section, clause, or provision of this Ordinance shall be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this Ordinance as a whole or any part thereof other than that portion specifically declared invalid.

ARTICLE IV.

This Ordinance shall become effective five (5) days after its passage or adoption.

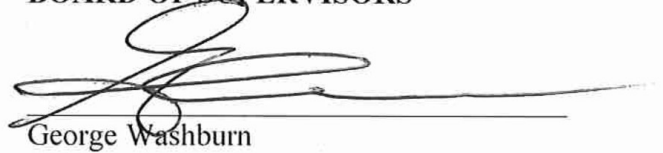
ENACTED AND ORDAINED this 13th day of March 2024.

ATTEST:



Hannah Warner, Township Secretary
Williams Township

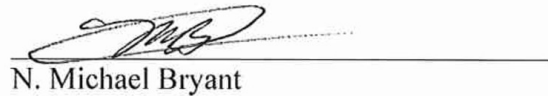
**WILLIAMS TOWNSHIP
BOARD OF SUPERVISORS**



George Washburn



Raymond Abert



N. Michael Bryant