

ORDINANCE

AN ORDINANCE AMENDING ARTICLE III OF CHAPTER 115 OF THE CITY OF COATESVILLE'S CODE ENTITLED "FIRE PROTECTION AND PREVENTION" TO ADOPT THE INTERNATIONAL FIRE CODE (2009 EDITION) WITH CERTAIN AMENDMENTS THERETO

WHEREAS, the City of Coatesville is a Third Class City located in Chester County, Pennsylvania governed by a Home Rule Charter (hereinafter the "City"); and

WHEREAS, the City has not updated its Fire Code in over 11 years and there have been significant changes in and new versions of the International Fire Code warranting an update of the Fire Code to incorporate these changes with certain amendments thereto in the interim; and,

WHEREAS, the City also needs to revise the Fire Code so that changes in fees or regulations adopted under the Fire Code can be more swiftly addressed by the City Council and amended by Resolution of City Council.

NOW THEREFORE, in consideration of the foregoing, and the authority granted to the City under the Third Class City Code, the City Charter and other relevant law, the City of Coatesville does hereby amend Chapter 115 of the City Code by deleting Article III of the City Code in its entirety and adopting a new Article III beginning at Section 115-24 as follows:

1. A new Article III and Sections 115-24, 115-25 (adopting the International Fire Code, 2009 Edition with amendments thereto) are enacted (replacing the prior Article III which is deleted) and stating as follows:

"Article III: Adoption of Fire Prevention Code

§ 115-24. Standards adopted.

In accordance with the Third Class City Code, the City of Coatesville situate in Chester County, Pennsylvania hereby adopts the International Fire Code, 2009 Edition (Published by the International Code Council) as the Fire Prevention Code of the City of Coatesville, save and except such portions as are hereinafter deleted, modified or amended, of which three (3) copies have been and now are on file in the Office of the Fire Chief and the same are hereby adopted and incorporated as fully as if set forth at length herein, subject to the deletions, modifications or amendments set forth hereinafter. This adoption shall include all appendix chapters and all relative reference standards not adopted or restricted under Pennsylvania Construction Code Act (Act 45 of 1999), unless such standards are adopted in accordance with the provisions provided for municipal amendment to the Pennsylvania Construction Code Act.

§ 115-25. Scope.

The intent of this Code is to regulate those health, safety and welfare issues in legally existing buildings that are critical to the safe occupancy of said buildings and issues that are critical to the safety of the community. This chapter shall not apply to new construction that is otherwise regulated or under construction under permits issued under the Pennsylvania Construction Code Act (Act 45 of 1999). All provisions of the International Fire Code referenced herein regulating new construction, additions, alterations or repairs under the Pennsylvania Construction Code Act are hereby excluded from enforcement under this chapter. This code shall regulate and govern the safeguarding of 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 herein provided; providing for the issuance of permits and collection of fees therefore; and each and all of the regulations, provisions, penalties, conditions and terms of said Fire Code on file in the office of the Fire Chief of the City of Coatesville and hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes, if any, prescribed in Section of this ordinance. The fees and regulations may be modified by Resolution of City Council.”

2. A new Section 115-26 containing certain amendments to the Fire Code being adopted are made as follows:

“115-26. Amendments to standards.

The Fire Prevention Code (International Fire Code) hereby adopted is amended as follows:

A. Section 101.1 Title, is amended to read as follows:

Section 101.1 Title. These regulations shall be known as the "Fire Prevention Code of the City of Coatesville," hereinafter referred to as "this code”.

B. Section 103.1 General, is amended to read as follows:

Section 103.1 General. The Bureau of Fire is established within the jurisdiction under the direction of the fire code official. The function of the Bureau of Fire shall be the implementation, administration and enforcement of this code. As the phrase “Bureau of Fire” is substituted for the model code nomenclature “Department of Fire Prevention” each and every reference in this code to “Department of Fire Prevention” shall be amended and replaced with the term “Bureau of Fire.

C. Section 103.2 Appointment, is amended to read as follows:

Section 103.2 Appointment. The Code Official shall be substituted to replace references to “fire code official” as set forth in the model code so that all references in the model code to “fire code official” shall be amended and replaced with “Code Official”. Further, the Code Official(s) as just defined shall consist of the Fire Chief of the City of Coatesville and any duly appointed assistant Code Official(s) as well as all Career Firefighters employed by the City. Any Code Official as identified above must qualify for such designation by having been trained to no less than IFSAC/Pro-Board Fire Inspector I Certification or equivalent as determined by the Fire Chief.

D. New Section 105.3.9, Payment of permit fee is added by amendment to read as follows:

Section 105.3.9 Payment of permit fee. The fees for permits for all required under this code shall be as set forth in the fee schedule established in Chapter 108 Fees of the City of Coatesville, which such fees shall be established by Resolution of City Council.

E. New Section 105.3.10, Fee refund, is added by amendment to read as follows:

Section 105.3.10 Fee Refunds. The Code Official shall not be authorized to refund fees upon the written request of the applicant if such request is made later than 30 days after the issuance of the permit.

F. Sections 109.3 and 111.4 are amended with the following changes as noted below:

Section 109.3: Insert “Summary Offense”, “One Thousand (\$1000.00) Dollars” and “90 Days” in the locations in brackets in this code.

Section 111.4: Insert: Three Hundred Dollars (\$300.00) and One Thousand Dollars (\$1,000.00) in the locations in brackets in this code.

G. Section 307.1 prohibiting open burning is replaced with the a new section 307.1 (governing outdoor burning) and a new Section 307.1.1A (enacted to address illegal burning) are enacted by amendment to read as follows:

Section 307.1.1 Outdoor burning. Out door burning, bonfires, and recreational fires are prohibited in the City without a permit. Portable outdoor fire places may be used in accordance with the fire prevention code.

Section 307.1.1 Illegal burning. If a fire call is generated due to any illegal open burning the owner of the property on which such illegal burning occurred shall pay the Bureau of Fire a fee of not less than \$100.00 for the response. In addition, if any services are rendered to extinguish any illegal burn, the property owner shall be held s responsible to pay the City a sum based on the Apparatus Response Fee Schedule in Chapter 108, but which additional amount will not be less than the \$100.00 illegal burn fee.

H. Section 307.4.3 portable outdoor fireplaces is amended by the removal of the “exception” and the following quoted language is removed in its entirety and deleted.

“Exception: Portable outdoor fireplaces used at one- and two-family dwellings.”

I. Section 3304 “Explosive Materials Storage and Handling” is amended by a new Section 3304.1 prohibiting the storage of explosives and explosive materials within the City of Coatesville. And all other subsections of Section of 3304 (subsections 3304.2 through 3304.10.7) are deleted. The remaining Section 3304.1 as amended states as follows:

Section 3304.1.1: Storage. The storage of explosives and explosive materials is prohibited within the corporate limits of the City of Coatesville.

J. That the geographic limits referred to in certain sections of the 2009 International Fire Code are hereby established by amendment to add the following quoted language as noted:

Section 3404.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited): “See, § 115-5 of City Code (Storage of flammable liquids) which is controlling and is interpreted as applied to Class I and Class II liquids.”

Section 3406.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in aboveground tanks outside of buildings is prohibited): “See, § 115-5 of City Code (Storage of flammable liquids) which is controlling and is interpreted as applied to Class I and Class II liquids.”

Section 3505.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): “See, § 115-5 of City Code (Storage of flammable liquids) which is controlling and is interpreted as applied to flammable cyrogenic fluids).”

Section 3804.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): “See, § 115-5 of City Code (Storage of flammable liquids) which is controlling and is interpreted as applied to liquefied petroleum gas.”

3. New Sections 115-26, 115-27 , 115-28 and 115-29 are added stating as follows:

“§ 115-26 Conflicts with statutory provisions.

In all matters that are regulated by the law of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations or other ordinances of the City of Coatesville, as the case may be, shall control where the requirements thereof are the same as or in excess of the provisions of this Part 2. The Code shall control in all cases where the state requirements or the requirements of other ordinances of this City are not as strict as those contained in this Part 2.

§ 115-27 Continuation of existing regulations.

The provisions of this Part 2, so far as they are the same as those of ordinances and/or codes in force immediately prior to the enactment of this Part 2, are intended as a continuation of such ordinances and codes and not as new enactments. The provisions of this Part 2 shall not affect any act done or liability incurred, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or to punish any offense under the authority of any of the repealed ordinances.

§ 115-28 Any portions of Ordinance found to be unconstitutional, illegal or unenforceable is severed.

If any portion of the Ordinance shall be determined to be unconstitutional, illegal or unenforceable, then the portion and only that portion of this Ordinance, which is deemed to be unconstitutional, illegal or unenforceable, shall be severed from the remainder of this Ordinance and all other terms thereof shall remain in full force and effect.

§ 115-29 Effective date of Ordinance.

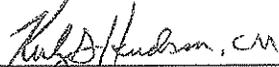
This Ordinance shall be effective thirty (30) days after publication following final adoption in accordance with the City Charter and the Third-Class City Code.”

ENACTED AND ORDAINED this 14 day of January, 2013.



 David Collins, President
 City Council

ATTEST:



Kirby A. Hudson, City Manager

CERTIFICATION

I HEREBY CERTIFY that the foregoing Ordinance was introduced on the ^{26th} day of ~~November~~ ^{November}, 2012, and was duly enacted by the Council of the City of Coatesville, Chester County, Pennsylvania on the ~~14~~ day of ~~January~~ ^{January}, 2012, that the vote upon the said Ordinance has been recorded in the Minutes of the City Council and that the Ordinance has been fully recorded.



Kirby A. Hudson, City Manager