

ALBURTIS CODIFIED ORDINANCES

Chapter 34

Fire Code

Chapter 34 — Fire Code

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Article I — In General

§ 34-101 Short Title.

This Chapter shall be known, and may be cited, as the “Fire Code of the Borough of Alburtis.”

§ 34-102 Adoption.

A certain document, three (3) copies of which are on file in the office of the Borough Manager of the Borough of Alburtis, being marked and designated as “The 2021 International Fire Code,” as published by the International Code Council, Inc., and including its appendices (said code being incorporated herein by reference), as modified by the additions, insertions, deletions, and changes set forth in § 34-103 and Articles II and III is hereby adopted as the Fire Code of the Borough of Alburtis, Lehigh County, Pennsylvania.

§ 34-103 No Applicability to New Construction.

Notwithstanding anything to the contrary in the 2021 International Fire Code, the Fire Code of the Borough of Alburtis shall not be applicable to new construction subject to the Pennsylvania Construction Code Act, 35 PA. STAT. ANN. § 7210.101 *et seq.* or the Uniform Construction Code, 34 PA. CODE ch. 401-405, as amended, or any matter pre-empted by that Act and/or the Uniform Construction Code, except to the extent the International Fire Code is incorporated into the Uniform Construction Code. This Chapter is only intended to constitute a fire prevention code and property maintenance code.

§ 34-104 Cross References.

(a) *See* Codified Ordinances Chapter 35, Article III regarding key lock boxes for fire department access to buildings or properties.

(b) *See* Codified Ordinances Chapter 35, Article IV regarding prohibitions and regulations of open burning.

Article II — Modifications of International Code

§ 34-201 Deleted Provisions.

The following provisions of the 2021 International Fire Code are deleted in their entirety, including any subsections or other subdivisions thereof, from the Fire Code of the Borough of Alburtis:

(a) Section 102.3 (relating to Scope and Administration—General Provisions—Applicability—Change of use or occupancy);

(b) Section 102.5 (relating to Scope and Administration—General Provisions—Applicability—Application of residential code);

(c) Section 102.6 (relating to relating to Scope and Administration—General Provisions—Applicability—Historic buildings);

(d) Section 104.2 (relating to Scope and Administration—Administration and Enforcement—Duties and Powers of the Fire Code Official—Applications and permits);

(e) Section 104.10 (relating to Scope and Administration—Administration and Enforcement—Duties and Powers of the Fire Code Official—Alternative materials, design and methods of construction and equipment);

(f) Section 105 (relating to Scope and Administration—Administration and Enforcement—Permits);

(g) Section 106 (relating to Scope and Administration—Administration and Enforcement—Construction Documents);

(h) Section 107 (relating to Scope and Administration—Administration and Enforcement—Fees);

(i) Section 111.3 (relating to Scope and Administration—Administration and Enforcement—Means of Appeals—Qualifications);

(j) Section 307 (relating to General Requirements—Open Burning, Recreational Fires and Portable Outdoor Fireplaces). *See* Codified Ordinances Chapter 35, Article IV (relating to Property Maintenance—Open Burning) for replacement provisions;

(k) Section 308.2 (relating to General Requirements—Open Flames—Permits required);

(l) Sections 311.1.1 through 311.6 (relating to General Requirements—Vacant Premises);

(m) Section 506 (relating to Fire Service Features—Key Boxes). *See* Codified Ordinances Chapter 35, Article III (relating to Property Maintenance—Key Boxes) for replacement provisions;

(n) Section 901.2 (relating to Fire Protection and Life Safety Systems—General—Construction documents);

(o) Section 3105.2 (relating to Tents, Temporary Special Event Structures and Other Membrane Structures—Temporary Special Event Structures—Approval);

(p) Section 3501.2 (relating to Welding and Other Hot Work—General—Permits);

(q) Section 3504.3 (relating to Welding and Other Hot Work—General—Area reviews);

(r) Chapter 36 (relating to Marinas);

(s) Section 5001.5 (relating to Hazardous Materials—General Provisions—General—Permits);

(t) Section 5001.6 (relating to Hazardous Materials—General Provisions—General—Facility closure);

(u) Section 5301.2 (relating to Compressed Gases—General—Permits);

(v) Section 5706.4.7 (relating to Flammable and Combustible Liquids—Special Operations—Bulk plants or terminals—Wharves);

(w) Section 5706.5.4.1 (relating to Flammable and Combustible Liquids—Special Operations—Bulk transfer and process transfer operations—Dispensing from tank vehicles and tank cars—Marine craft and special equipment);

(x) Section 5706.5.4.5 (relating to Flammable and Combustible Liquids—Special Operations—Bulk transfer and process transfer operations—Dispensing from tank vehicles and tank cars—Commercial, industrial, governmental or manufacturing);

(y) Section 5706.6 (relating to Flammable and Combustible Liquids—Special Operations—Tank vehicles and vehicle operation);

(z) Section 5706.7 (relating to Flammable and Combustible Liquids—Special Operations—Refineries);

(aa) Section 6101.2 (relating to Liquefied Petroleum Gases—General—Permits);

(bb) Section 6101.3 (relating to Liquefied Petroleum Gases—General—Construction documents);

(cc) Appendix A (relating to Board of Appeals) (a) Section 102.3 (relating to Scope and Administration—General Provisions—Applicability—Change of use or occupancy);

(dd) Appendix J (relating to Building Information Sign);

(ee) Appendix K (relating to Construction Requirements for Existing Ambulatory Care Facilities);

(ff) Appendix L (relating to Requirements for Fire Fighter Air Replenishment Systems);

(gg) Appendix M (relating to High-Rise Buildings—Retroactive Automatic Sprinkler Requirements).

§ 34-202 In General.

The 2021 International Fire Code is modified for purposes of the Fire Code of the Borough of Alburty as set forth in the remaining sections of this Article II (with insertions indicated by double underlining and deletions indicated by ~~stricken through~~ type).

§ 34-203 Title.

Section 101.1 (relating to Scope and Administration—General Provisions—Scope and General Requirements—Title) is modified as follows:

These regulations shall be known as the *Fire Code of* ~~[NAME OF JURISDICTION]~~ the Borough of Alburty, hereinafter referred to as “this code.”

§ 34-204 Scope.

Section 101.2 (relating to Scope and Administration—General Provisions—Scope and General Requirements—Scope) is modified as follows:

This code establishes regulations affecting or relating to structures, processes, premises, and safeguards regarding all of the following:

1. The hazard of fire and explosion arising from the storage, handling or use of structures, materials, or devices.

2. Conditions hazardous to life, property, or public welfare in the occupancy of structures or premises.
3. Fire hazards in the structure or on the premises from occupancy or operation.
4. ~~Matters related to the construction, extension, repair, alteration or removal of fire protection systems [Deleted].~~
5. Conditions affecting the safety of the firefighters and emergency responders during emergency operations.

~~101.2.1 Appendices. Provisions in the appendices shall not apply unless specifically adopted.~~

§ 34-205 Purpose.

Section 101.3 (relating to Scope and Administration—General Provisions—Scope and General Requirements—Purpose) is modified as follows:

The purpose of this code 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 buildings, structures, and premises, and to provide a reasonable level of safety to firefighters and emergency responders during emergency operations.

§ 34-206 Applicability of Construction and Design Provisions.

Section 102.1 (relating to Scope and Administration—General Provisions—Applicability—Construction and design provisions) is modified as follows:

The construction and design provisions of this code shall apply to:

1. ~~Structures, facilities, and conditions arising after the adoption of this code [Deleted].~~
2. Existing structures, facilities, and conditions not legally in existence at the time of adoption of this code.
3. Existing structures, facilities and conditions where required in Chapter 11.
4. Existing structures, facilities, and conditions that, in the opinion of the *fire code official*, constitute a distinct hazard to life or property.

§ 34-207 [RESERVED]

§ 34-208 Applicability of Building Code.

Section 102.4 (relating to Scope and Administration—General Provisions—Applicability—Application of building code) is modified as follows:

The design and construction of new structures ~~shall comply with the *International Building Code*~~, and any *alterations*, additions, changes in use or changes in structures ~~required by this code, which are within the scope of the *International Building Code*~~, shall be made in accordance ~~therewith~~ with the applicable Building Code and the Pennsylvania Uniform Construction Code, contained in 34 PA. CODE Chapters 401–405, as amended from time to time.

§ 34-209 Other Laws.

Section 102.11 (relating to Scope and Administration—General Provisions—Applicability—Other laws) is modified as follows:

The provisions of this code are intended to ensure life safety for existing commercial buildings and shall not be deemed to nullify or contradict any provisions of local, state, or federal law for new buildings, additions, alteration or structures that comply with the applicable Building Code or the Pennsylvania Construction Code.

§ 34-210 Duties of Fire Code Official.

Section 103.1 (relating to Scope and Administration—General Provisions—Code Compliance Agency—Creation of agency) is modified as follows:

The ~~[INSERT NAME OF DEPARTMENT]~~ is hereby created and the official in charge thereof shall be known as the *fire code official*. ~~The function of the agency~~ The *fire code official* shall be responsible for the implementation, administration, and enforcement of the provisions of this code.

§ 34-211 Right of Entry.

The first paragraph of Section 104.3 (relating to Scope and Administration—Administration and Enforcement—Duties and Powers of the Fire Code Official—Right of entry) is modified as follows:

Where it is necessary to make an inspection to enforce the provisions of this code, or where the *fire code official* has reasonable cause to believe that there exists in the building or on any premises any conditions or violations of this code that make the building or premises unsafe, dangerous, or hazardous, the *fire code official*

shall have the authority to enter the building or premises at all reasonable times to inspect or to perform the duties imposed on the *fire code official* by this code. If such building or premises is occupied, the *fire code official* shall present credentials to the occupant and request entry. If such building or premises is unoccupied, the *fire code official* shall first make a reasonable effort to locate the *owner*, the *owner's* authorized agent or other person having charge or control of the building or premises and request entry. If entry is refused, the *fire code official* ~~has re-~~
~~course~~ is authorized to seek an administrative warrant, in addition to every any
other remedy provided by available under applicable law in order to secure entry.

§ 34-212 Fire Records.

Section 104.6.3 (relating to Scope and Administration—Administration and Enforcement—Duties and Powers of the Fire Code Official—Official records—Fire records) is modified as follows:

The Borough of Alburdis (or the fire department serving it) 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*.

§ 34-213 Board of Appeals.

Section 111.1 (relating to Scope and Administration—Administration and Enforcement—Means of Appeals—Board of appeals established) is modified as follows:

~~In order~~ The joint Board of Appeals under Codified Ordinances § 30-301 (relating to Uniform Construction Code) shall be the board of appeals to hear and decide appeals of orders, decisions, or determinations made by the *fire code official* relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the applicable governing authority and shall hold office at its pleasure. The board shall adapt rules of procedure for conducting its business and if that Board is willing to accept jurisdiction regarding this code in the same manner as appeals under the Pennsylvania Construction Code Act and the Uniform Construction Code. Otherwise, the Borough of Alburdis Zoning Hearing Board shall be the board of appeals under this code. The joint Board or Zoning Hearing Board shall conduct appeals under this code in accordance with its ordinary practices and procedures, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the *fire code official*.

§ 34-214 Appeals to Court.

Section 111.4 (relating to Scope and Administration—Administration and Enforcement—Means of Appeals—Administration) is modified as follows:

~~111.4 Administration. The fire code official shall take immediate action in accordance with the decision of the board.~~

111.4 Appeals to Court. Any appeal from a decision of the board of appeals under this code shall be filed with the Lehigh County Court of Common Pleas within thirty (30) days of the issuance of the board's decision and proceed in accordance with the Pennsylvania Local Agency Law, 2 PA. CONS. STAT. § 751 et seq. Within thirty (30) days of the filing of such an appeal, the Borough and the owner or tenant of the premises directly involved in the action appealed from 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.

§ 34-215 Violation Penalties.

Section 112.4 (relating to Scope and Administration—Administration and Enforcement—Violations—Violation penalties) is modified as follows:

~~Persons who shall violate a provision of this code, or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or direction of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFIED OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

Any person who shall violate a provision of this code, or fail to comply with a notice of violation or order served in accordance with Section 112 within the timeframe set forth therein, or who shall erect, install, alter, repair or do work in violation of the direction of the fire code official or of a permit or certificate used under provisions of this code, shall be subject to prosecution in the same manner as provided for a summary offense under the Pennsylvania Rules of Criminal Procedure, and upon conviction thereof, be sentenced to pay a criminal fine of not less than One Hundred Dollars (\$100.00) nor more than One Thousand Dollars (\$1,000.00) for each violation or imprisonment for a term not to exceed thirty (30) days, or both, at the discretion of the court, plus court costs and reasonable attorney fees incurred by the Borough in the enforcement proceeding. The violation shall be deemed a strict liability offense. Each violation of a separate section, subsection, paragraph, or other division of this code shall constitute a separate offense, and each day that a violation continues after due notice has been served shall be deemed a separate offense. The enforcement action shall be brought before a mag-

isterial district judge or, where applicable under Borough Code § 3321(b)(4), 8 PA. CONS. STAT. § 3321(b)(4), the Lehigh County Court of Common Pleas.

112.4.1 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 a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises. Any action taken by the authority having jurisdiction on such premises, shall be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

§ 34-216 Cost of Emergency Repairs.

A new Section 114.8 is added as follows:

114.8 Cost of emergency repairs. Costs incurred in the performance of emergency work are the responsibility of the owner of the premises where the unsafe structure is or was located. Such costs, however, may be paid initially by the Borough. The Borough Solicitor may institute the appropriate proceeding at law or in equity against the owner of the premises where the unsafe structure is or was located for the recovery of such costs. The costs shall also be charged against the real estate upon which the structure is located and shall be a lien upon such real estate.

§ 34-217 Definitions.

Section 202 (relating to Definitions—General Definitions) is modified as follows:

* * *

FIRE CHIEF. ~~The chief officer of the fire department serving the jurisdiction,~~ Fire Chief of the Borough of Alburtis or a duly authorized representative.

* * *

JURISDICTION. ~~The government unit that has adopted this code~~ Borough of Alburtis.

* * *

§ 34-218 Vacant Premises.

The first paragraph of Section 311.1 (relating to General Requirements—Vacant Premises—General) is modified as follows:

Temporarily unoccupied buildings, structures, premises or portions thereof, including tenant spaces, shall be safeguarded and maintain in accordance with ~~Sections 341.1.1 through 341.6~~ the Borough of Alburtis Property Maintenance Code. See Codified Ordinances Chapter 35.

§ 34-219 Approval of Emergency Plans and Procedures.

Section 401.2 (relating to Emergency Planning and Preparedness—General—Approval) is modified as follows:

Where required by this code, fire safety plans, emergency procedures and employee training programs shall be *approved* by the ~~fire code official~~ property owner and/or occupant. Any reference to an approved fire safety plan, emergency procedures, or training programs shall be deemed to be that approved by the property owner and/or occupant, and not the fire code official.

§ 34-220 Maintenance of Emergency Guides in Long-term Group Residences.

Section 403.9.2.2.2 (relating to Emergency Planning and Preparedness—Emergency Preparedness Requirements—Group R occupancies—Group R-2 occupancies—Emergency guide—Emergency guide maintenance) is modified as follows:

Emergency guides shall be reviewed and *approved* by the ~~fire code official~~ property owner and/or occupant.

§ 34-221 Lease Plans for Covered and Open Mall Buildings.

Section 403.10.1.3 (relating to Emergency Planning and Preparedness—Emergency Preparedness Requirements—Special uses—Covered and open mall buildings—Lease plan approval) is modified as follows:

The lease plan shall be ~~submitted to the fire code official for approval~~ reviewed and approved by the property owner and/or occupant, and shall be maintained on-site for immediate reference by responding fire service personnel.

§ 34-222 Lockdown Plans.

The first paragraph of Section 404.2.3 (relating to Emergency Planning and Preparedness—Fire Safety, Evacuation and Lockdown Plans—Contents—Lockdown plans) is modified as follows:

Lockdown plans shall ~~only be permitted where such plans are approved by the fire code official and are~~ be reviewed and approved by the property owner and/or occupant, and shall be in compliance with Sections 404.2.3.1 and 404.2.3.2.

§ 34-223 Plans for Fire Service Features.

Section 501.3 (relating to Fire Service Features—General—Construction documents) is modified as follows:

Construction documents for proposed fire apparatus access, location of fire lanes, security gates across fire apparatus access roads and *construction documents* and hydraulic calculations for fire hydrant systems shall be submitted to the ~~fire department~~ Borough Engineer for review and approval prior to construction.

501.3.1 Site safety plan. The *owner* or *owner's* authorized agent shall be responsible for the development, implementation, and maintenance of ~~an approved~~ a written site safety plan approved by the property owner and/or occupant in accordance with Section 3308. Any reference to an approved site safety plan shall be deemed to be that approved by the property owner and/or occupant, and not the fire code official.

§ 34-224 Permits for Emergency Responder Radio Coverage Systems.

Section 510.3 (relating to Fire Service Features—Emergency Responder Communication Coverage—Permit required) is modified as follows:

~~A construction permit~~ Permits for the installation of or modification to ~~in-building, two-way~~ emergency responder ~~communication~~ radio coverage systems and related equipment ~~is required as specified in Section 105.6.4~~ shall comply with the applicable Building Code or the Pennsylvania Uniform Construction Code. Maintenance performed in accordance with this code is not considered a modification and does not require a permit.

§ 34-225 Scope of Building Services and Systems.

Section 601.1 (relating to Building Services and Systems—General—Scope) is modified as follows:

The provisions of this chapter shall apply to the ~~installation,~~ operation and maintenance of the following building services and systems:

1. Electrical systems; ~~and equipment, and wiring.~~
2. ~~Information technology server rooms~~ [Deleted].

3. Elevator ~~systems, emergency operation, and recall.~~
4. Fuel-fired appliances; and heating systems; ~~chimneys, and fuel oil storage.~~
5. Commercial ~~cooking~~ kitchen equipment ~~and systems.~~
6. ~~Commercial cooking oil storage~~ [Deleted].
7. Mechanical refrigeration systems.
8. ~~Hyperbaric facilities~~ [Deleted]
9. ~~Clothes dryer exhaust systems~~ [Deleted].
10. Emergency and standby power systems.
11. Stationary storage battery systems.

All new construction, additions, installations, or alterations to buildings, structures or equipment shall comply with the applicable Building Code or the Pennsylvania Uniform Construction Code.

§ 34-226 Scope of Fire Protection and Life Safety Systems.

Section 901.1 (relating to Fire Protection and Life Safety Systems—General—Scope) is modified as follows:

The provisions of this chapter shall specify where *fire protection* and *life safety systems* are required, and shall apply to ~~the design, installation,~~ inspection, operation, testing and maintenance of all *fire protection* and *life safety systems*. All new construction, additions, installations, or alterations to buildings, structures or equipment shall comply with the applicable Building Code or the Pennsylvania Uniform Construction Code.

§ 34-227 Permits for Fire Protection and Life Safety Systems.

Section 901.3 (relating to Fire Protection and Life Safety Systems—General—Permits) is modified as follows:

~~Permits shall be required as set forth in Sections 105.5 and 105.6 for work under this chapter~~ shall comply with the applicable Building Code or the Pennsylvania Uniform Construction Code.

§ 34-228 Permits for Construction in Existing Buildings.

Section 1101.3 (relating to Construction Requirements for Existing Buildings—General—Permits) is modified as follows:

Permits ~~shall be required as set forth in sections 105.5 and 105.6 and the *International Building Code*~~ for work under this chapter shall comply with the applicable Building Code or the Pennsylvania Uniform Construction Code.

§ 34-229 Construction Documents for Existing Buildings.

Section 1101.4.1 (relating to Construction Requirements for Existing Buildings—General—Owner notification—Construction documents) is modified as follows:

Construction documents necessary to comply with this chapter shall be completed and submitted within a time schedule *approved* by the ~~fire code official~~ Borough's Construction Code Inspector.

§ 34-230 Sprinkler Systems for Existing Group I-2, Condition 2 Buildings.

Section 1103.5.3 (relating to Construction Requirements for Existing Buildings—Fire Safety Requirements for Existing Buildings—Sprinkler systems—Group I-2, Condition 2) is modified as follows:

In addition to the requirements of Section 1103.5.2, existing buildings of Group I-2, Condition 2 occupancy shall be equipped throughout with an *approved automatic sprinkler system* in accordance with Section 903.3.1.1. The *automatic sprinkler system* shall be installed ~~as established by the adopting ordinance~~ within one (1) year after notice from the Borough to the owners of all such buildings pursuant to motion or resolution adopted by Borough Council. [DATE BY WHICH SPRINKLER SYSTEM MUST BE INSTALLED].

§ 34-231 Scope of Tents, Temporary Stage Canopies, and Other Membrane Structures.

Section 3101.1 (relating to Tents, Temporary Special Event Structures and Other Membrane Structures—General—Scope) is modified as follows:

Tents, temporary ~~special event structures~~ stage canopies and *membrane structures* shall comply with this chapter. The provisions of Section 3103 are applicable only to temporary *tents* and *membrane structures*. The provisions of ~~Sections~~ Section 3104 and 3106 are applicable to temporary and permanent *tents* and *membrane structures*. ~~The provisions of Section 3105 are applicable to temporary special event structures. The provisions of Section 3106 are applicable to outdoor assem-~~

bly events. ~~Other~~ All temporary structures shall comply with ~~the *International Building Code*~~ Alburtis Codified Ordinances Chapter 21 (relating to Zoning) and permits for work under this chapter shall comply with the Pennsylvania Uniform Construction Code.

§ 34-232 Fire Safety Plan for Tire Storage Yards.

Section 3404.5 (relating to Tire Rebuilding and Tire Storage—Precautions Against Fire—Fire safety plan) is modified as follows:

The *owner* or individual in charge of the tire storage yard shall be required to prepare and submit to the *fire code official* a fire safety plan ~~for review and approval upon request~~. ~~The fire safety plan shall include provisions for fire department vehicle access. Not less than one copy of the fire safety plan shall be prominently posted and maintained at the storage yard.~~

§ 34-233 Areas Where Hot Work May Be Conducted.

Section 3501.3 (relating to Welding and Other Hot Work—General—Restricted areas) is modified as follows:

Hot work shall only be conducted in areas designed or authorized for that purpose by the personnel responsible for a hot work program. ~~Hot work shall not be conducted in the following areas unless approval has been obtained from the *fire code official*:~~

- ~~1. Areas where the sprinkler system is impaired.~~
- ~~2. Areas where there exists the potential of an explosive atmosphere, such as locations where flammable gases, liquids, or vapors are present.~~
- ~~3. Areas with readily ignitable materials, such as storage of large quantities of bulk sulfur, baled paper, cotton, lint, dust, or loose combustible materials.~~
- ~~4. On board ships at dock or ships under construction or repair.~~
- ~~5. At other locations as specified by the *fire code official*.~~

§ 34-234 Hot Work Near Automatic Sprinkler Protection.

Section 3504.1.8 (relating to Welding and Other Hot Work—Fire Safety Requirements—Protection of combustibles—Sprinkler protection) is modified as follows:

Automatic sprinkler protection shall not be shut off while hot work is performed. Where hot work is performed close to automatic sprinklers, non-combustible barri-

ers or damp cloth guards shall shield the individual sprinkler heads and shall be removed when the work is completed. If the work extends over several days, the shields shall be removed at the end of each workday. ~~The fire code official shall approve hot work where sprinkler protection is impaired.~~

§ 34-235 Security for Areas with Hazardous Materials.

Section 5003.9.2 (relating to Hazardous Materials—General Provisions—General Requirements—General safety precautions—Security) is modified as follows:

Storage, dispensing, use and handling areas ~~should~~ shall be secured against unauthorized entry and safeguarded ~~in a manner approved by the fire code official.~~

§ 34-236 Permits for Explosives and Fireworks.

The first paragraph of Section 5601.2 (relating to Explosives and Fireworks—General—Permit required) is modified as follows:

Permits shall be required as set forth in Section 105.5 and regulated in accordance with this section. Notwithstanding anything to the contrary in this code, persons shall comply with all applicable permit, fee, insurance, and other requirements of Alburdis Codified Ordinances Chapter 95 (relating to Fireworks), and no regulation in this code shall be valid to the extent it is in conflict with or preempted by the State Fireworks Law, 3 PA. CONS. STAT. § 1101 et seq., Codified Ordinances Chapter 95, or any license or permit issued thereunder.

§ 34-237 Scope of Flammable and Combustible Liquids Regulations.

Section 5701.1 (relating to Flammable and Combustible Liquids—General—Scope and application) is modified as follows:

Prevention, control, and mitigation of dangerous conditions related to storage, use, dispensing, mixing and handling of *flammable* and *combustible liquids* shall be in accordance with Chapter 50 and this chapter and shall not be deemed to nullify or contradict any provisions of Pennsylvania Act 15 of 1998, the Combustible and Flammable Liquids Act, 35 PA. STAT. ANN. § 1241 et seq., and any amendments thereto.

§ 34-238 Site Assessment Due to Leak of Flammable and Combustible Liquids from a Tank System.

Section 5703.3 (relating to Flammable and Combustible Liquids—General Requirements—Site assessment) is modified as follows:

In the event of a spill, leak or discharge from a tank system, a site assessment shall be completed by the *owner* or operator of such tank system if the *fire code official* determines that a potential fire or explosion hazard exists. Such site assessment shall be conducted to ascertain potential fire hazards and shall be completed and submitted to the ~~fire department~~ Borough within a time period established by the *fire code official*, not to exceed 60 days.

§ 34-239 Scope of Regulation of Liquified Petroleum Gases.

Section 6101.1 (relating to Liquified Petroleum Gases—General—Scope) is modified as follows:

Storage, handling, and transportation of liquefied petroleum gas (LP-gas) ~~and the installation of LP-gas equipment pertinent to systems for such uses~~ shall comply with this chapter and NFPA 58. Properties of LP-gases shall be determined in accordance with Appendix B of NFPA 58. Nothing set forth in this chapter shall be deemed to nullify or contradict any provisions of Pennsylvania Act 61 of 2002, the Propane and Liquified Petroleum Gas Act, 35 PA. STAT. ANN. § 1329.1 et seq., as amended.

Article III — Inspection Program

§ 34-301 Addition to the Fire Code.

The provisions of this Article are hereby added to and incorporated into the Fire Code of the Borough of Alburtis. Except as may be provided otherwise in this Article, the administrative provisions of the Fire Code as established under Articles I and II of this Chapter shall apply to the matters regulated in this Article, including but not limited to enforcement, notices, appeals, penalties, and definitions.

§ 34-302 Short Title.

This Article shall be known, and may be cited, as the “Alburtis Fire Inspection Ordinance.”

§ 34-303 Commercial Structure.

For purposes of this Article, the term “Commercial Structure” shall mean any building or facility, either open or closed, which includes an occupancy group defined in Section 202 of the *International Fire Code* other than:

- (a) a Residential Group R-3 occupancy;
- (b) a Storage Group S occupancy accessory to a *dwelling unit* which is part of a Residential Group R-3 occupancy; or
- (c) a Miscellaneous Group U occupancy.

The term includes, without limitation, office buildings, community centers, personal service businesses, industrial property, financial institutions, schools and educational facilities, cultural facilities, medical centers, hotels, motels, malls, retail stores, theaters, restaurants, taverns, shopping centers, places of worship, utility buildings, and warehouses.

§ 34-304 Inspections.

(a) **Biennial Inspections.** The *fire code official* is hereby authorized and directed to conduct inspections at least once every two (2) years on each Commercial Structure in the Borough to determine whether it is in compliance with the Fire Code. An inspection under Codified Ordinances Chapter 30 (relating to Uniform Construction Code) or Chapter 36 (relating to Residential Rental Properties) shall satisfy this requirement.

(b) **Other Inspections.** Additional or more frequent inspections under the Fire Code may be conducted if.

- (1) the *fire code official* reasonably determines they are necessary;
- (2) the use or occupancy of the Commercial Structure is to be changed and no inspection is to be made under the Uniform Construction Code; or
- (3) fixed fire suppression equipment, sprinkler systems, fire alarm systems, or fire hydrants are to be installed or modified, or activities involving blasting are to occur, unless a permit is required and an inspection is to be made under the Uniform Construction Code in connection therewith or inspection under the Fire Code is preempted by the Uniform Construction Code.

§ 34-305 Supplemental Duties of Fire Code Official.

In addition to all other duties under the Fire Code, the *fire code official* shall:

- (a) explain the results of all inspections under this Article with the property *owner*;
- (b) suggest measures which can be taken by the property *owner* to correct all dangerous and unsafe conditions which are in violation of the Fire Code; and
- (c) ensure compliance with the Fire Code and orders of the *fire code official*.

§ 34-306 Fees.

The *owner* or operator of a Commercial Structure shall pay a fee for inspections conducted under this Article as follows. The fee shall be due within thirty (30) days after billing by the Borough, together with a penalty of one percent (1%) of the unpaid balance for each month or fraction that payment is past due:

(a) Group A, B, M, S, and U occupancies—

(1) 1-999 ft ²	\$310.00
(2) 1,000-5,000 ft ²	\$345.00
(3) 5,001-10,000 ft ²	\$415.00
(4) 10,001-50,000 ft ²	\$470.00
(5) 50,001-100,000 ft ²	\$565.00
(6) 100,001-250,000 ft ²	\$685.00
(7) 250,001-500,000 ft ²	\$800.00
(8) over 500,000 ft ²	\$925.00
(9) additional inspections beyond 2/other services	\$70.00/hr

(b) Group E, F, H, I, and R occupancies—

(1) 1-999 ft ²	\$160.00
(2) 1,000-5,000 ft ²	\$175.00
(3) 5,001-10,000 ft ²	\$210.00
(4) 10,001-50,000 ft ²	\$240.00
(5) 50,001-100,000 ft ²	\$300.00
(6) 100,001-250,000 ft ²	\$350.00
(7) 250,001-500,000 ft ²	\$415.00
(8) over 500,000 ft ²	\$475.00
(9) additional inspections beyond 2/other services	\$70.00/hr

Appendix

§ 34-A Source Ordinances.

Ordinance 599 09-10-2025