

THE BOROUGH OF WEST EASTON

ORDINANCE NO. 2017-045

AN ORDINANCE OF THE BOROUGH OF WEST EASTON, COUNTY OF NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, ADOPTING THE MOST RECENT INTERNATIONAL FIRE CODE AND AUTOMATICALLY ADOPTING ALL FUTURE ADDITIONS, AMENDMENTS AND SUPPLEMENTS WITHOUT FURTHER ORDINANCE.

WHEREAS, the purpose of this ordinance is to promote the general health, safety and welfare of the citizens of the Borough of West Easton and to promote the safe and reasonable continued maintenance of all Properties and Premises within the Borough; and

WHEREAS, Section 1202(5) of the Borough Code, 8 Pa.C.S. §1202(5), grants the Borough of West Easton the specific power to make such regulations as may be necessary for the health, safety, morals, general welfare and cleanliness and the beauty, convenience, comfort and safety of the Borough; and

WHEREAS, Section 1202(15) of the Borough Code, 8 Pa.C.S. §1202(4), grants the Borough of West Easton the specific power to adopt and enforce a fire prevention code; and

WHEREAS, the Borough Council desires to adopt the current International Fire Code, and automatically adopt all future iterations thereof, as the Borough Fire Prevention Code and to revise the regulations related thereto in order to maintain, preserve and protect the public health, safety and welfare.

NOW THEREFORE, THE BOROUGH COUNCIL OF THE BOROUGH OF WEST EAST DOES HEREBY ORDAIN AS FOLLOWS:

Section 1. Adoption of Code.

That a certain document, three (3) copies of which are on file in the office of the Borough Manager of West Easton, being marked and designated as the International Fire Code, 2015 edition, and as subsequently amended, including any and all appendix chapters and subsequent appendix chapters as published by the

International Code Council, and is hereby adopted as the Fire Code of the Borough of West Easton, Northampton County, Pennsylvania, regulating and safeguarding of life and property from fire and explosive 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 at the West Easton Borough Municipal Building are hereby referred to, adopted and made a part hereof, as if fully set forth in length with additions, insertions, deletions and changes, if any, prescribed in Section 2. Revisions, of this article.

Section 2. Revisions.

The following sections and subsections of the 2015 International Fire Code are hereby added, inserted, deleted, restated or changed as set forth below:

A. In Section 101.1, insert the words “Borough of West Easton” in place of all references to “jurisdiction”.

B. Section 104.3, Right of Entry, shall read as follows:

Whenever it is necessary to make an inspection to enforce the provisions of this code, or whenever the fire code official has reasonable cause to believe that there exists in a building or upon any premises any conditions or violations of this code, the fire code official shall have the right and the power to enter upon and inspect the building or premises at all reasonable hours and in a reasonable manner for the administration and enforcement of 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 or other person having charge or control of the building or premises and request entry. In the event that entry upon any building or premises is refused by an owner, an agent of an owner or a tenant, the fire code official shall obtain an administrative search warrant from any magisterial district judge within the judicial district where the building or premises to be inspected is located. It shall be sufficient to support the issuance of a

warrant for the fire code official to provide to the magisterial district judge evidence of any of the following:

1. Reasonable standards and an administrative plan for conducting inspections.
2. The condition of the building, premises or general area and the passage of time since the last inspection.
3. Facts, supported by oath or affirmation, alleging that probable cause exists that a law, regulation or ordinance subject to enforcement by the fire code official has been violated.

C. Section 109.4, Violation Penalties, shall read 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 directive of the West Easton Borough Council, or of a permit or certificate used under provisions of this code, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not more than \$1,000.00 plus costs together with reasonable attorney fees and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this Part which shall be found to have been violated shall constitute a separate offense.

D. Section 111.4, Failure to Comply, shall read as follows:

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, upon conviction thereof in an action brought before a magisterial district judge in the manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure, shall be sentenced to pay a fine of not less than \$300.00 nor more than \$1,000.00 plus costs together with reasonable attorney fees and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 90 days. Each day that a violation of this Part continues or each section of this

Part which shall be found to have been violated shall constitute a separate offense.

Section 3. All other ordinances or parts of ordinances in conflict herewith are hereby repealed.

Section 4. That if any section, subsection, sentence, clause or phrase of this ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance.

Section 5. That nothing in this ordinance or in the Fire Prevention 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 as cited; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this ordinance.

Section 6. When the provisions of this Chapter are in conflict with other sections of the Code of the Borough of West Easton or any other Borough ordinance or any other applicable codes, the more stringent code, ordinance or regulation shall apply.

Section 7. That the Council President of West Easton Borough is hereby ordered and directed to cause this ordinance to be published.

Section 8. That this ordinance and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect within three business days and after the date of its final passage and adoption.

Section 9. This ordinance shall automatically adopt the most recent International Fire Code and shall automatically adopt all future additions, amendments and supplements without further ordinance.

ORDAINED AND ENACTED this _____ day of _____, 2017.

Borough Council
Borough of West Easton
County of Northampton
Pennsylvania

Daniel DePaul, Council President

ATTEST: _____
Joan L. Heebner, Borough Secretary

Approved _____ day of _____, 2017.

Gerald Gross, Mayor