

TOWNSHIP OF SPRING  
ORDINANCE NO. 436

AN ORDINANCE OF THE TOWNSHIP OF SPRING, BERKS COUNTY, PENNSYLVANIA, AMENDING AND RESTATING IN ITS ENTIRETY PART 7, ENTITLED "FIRE PREVENTION CODE", OF CHAPTER IX, ENTITLED "FIRE PREVENTION AND FIRE PROTECTION" OF THE TOWNSHIP OF SPRING CODE OF ORDINANCES ADOPTING THE PROVISIONS OF THE INTERNATIONAL FIRE CODE, 2015 EDITION, WITH APPENDICES, EXCEPT FOR CERTAIN REVISIONS AS SET FORTH IN SECTION 702 OF THE ORDINANCE, INCLUDING, BUT NOT LIMITED TO, TITLE, PROCEDURE FOR APPOINTMENT OF FIRE CODE OFFICIAL, TYPE AND DURATION OF CERTAIN PERMITS, ELIMINATING PROVISIONS FOR BOARDS OF APPROVAL, PROVIDING FOR PENALTIES, ELIMINATING PROVISIONS FOR STRUCTURAL HAZARDS AND RESTRICTED OCCUPANCIES, AND SETTING FEES FOR CERTAIN INSPECTIONS AND PERMITS, AND REPEALING IN ITS ENTIRETY ORDINANCE NO. 405 ADOPTING THE INTERNATIONAL FIRE CODE, 2009 EDITION.

BE IT ENACTED AND ORDAINED, by the Board of Supervisors of the Township of Spring, Berks County, Pennsylvania, and it is hereby ENACTED AND ORDAINED by the authority of the same as follows:

SECTION 1. Part 7 entitled "Fire Prevention Code", of Chapter IX entitled "Fire Prevention and Fire Protection" of the Township of Spring Code of Ordinances is hereby amended and restated in its entirety as follows:

"PART 7 FIRE PREVENTION CODE

Section 701. Adoption of the Fire Prevention Code. That a certain document, copies of which are on file and available for public use, inspection and examination in the offices of the Secretary of the Board of Supervisors of the Township of Spring ( "Township"), being marked and designated as the International Fire Code, 2015 edition, in its entirety with Appendices except for revisions as noted in Section 702 of this Ordinance written by the International Code Council, be and is hereby adopted and reaffirmed as the Fire Prevention Code of the Township of Spring, in the Commonwealth of Pennsylvania regulating and governing the protection

of life and property from fire and explosion hazards arising from the storage, handling and use of hazardous substances, materials and device; 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 incorporating each and all of the regulations, provisions, penalties conditions and terms of said Fire Prevention Code on file in the office of the Township of Spring as if fully set forth herein, with the additions, insertions, deletions and changes, if any, prescribed in Section 702 of this Ordinance.

Section 702. Fire Prevention Code of the Township of Spring. The 2015 International Fire Code is hereby adopted and affirmed by reference, subject to the following additions, insertions, deletions and changes:

Section 101.1, Title, shall be amended and restated in its entirety as follows:

“101.1 Title. These regulations shall be known as the Fire Prevention Code of the Township of Spring, hereinafter referred to as the “code”.

Section 103.2, Appointment, shall be amended and restated in its entirety as follows:

“103.2 Appointment. The fire code official/fire marshal shall be appointed by the Board of Supervisors of the Township of Spring.”

Section 105.1.2, Types of Permits, shall be amended and restated in its entirety as follows:

“105.1.2(1) Operational Permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.6 for a period of one (1) year based upon a calendar year running from January 1 to December 31, without proration or until it is renewed or revoked.”

Section 105.1.2(2), Construction Permits, shall be DELETED in its ENTIRETY.

Section 105.4, Construction Documents, shall be DELETED in its ENTIRETY.

Section 105.6, Required Operational Permits, shall be amended and restated in its entirety as follows:

"105.6. Required operational permits. The fire code official is authorized to issue annual operation permits for the operations set forth in Section 105.6.1 through 105.6.48."

Section 108, Board of Appeals, shall be DELETED in its ENTIRETY.

Section 109.4, Violation Penalties, shall be amended and restated in its entirety as follows:

"109.4. Violation Penalties. 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 fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a summary offense, punishable by a fine of not more than \$1,000.00 or by imprisonment not exceeding 30 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."

Section 110.1.2, Structural Hazards, shall be DELETED in its ENTIRETY.

Section 806.1.1, Restricted Occupancies, shall be DELETED in its ENTIRETY.

Appendix A, Board of Appeals, shall be DELETED in its ENTIRETY.

Section 703. Fees.

A. Annual Operational Permit Fees

1. The owner, lessee, tenant or operator of all structures in the Township used for Assembly, Business, Educational, Mercantile,

Factory Industrial, Institutional, High Hazard, Residential R-1, R-2, Storage, Utility and miscellaneous purposes as defined in the International Building Code shall pay an annual Operational Permit Fee for permits issued pursuant to and under Section 105 of the 2015 International Fire Code, with such fees being due within thirty (30) days of billing.

2. Annual Operational Permit Fees are established as set forth herein. Future amendments or alterations to the inspection fee schedule shall be made by resolution of the Township of Spring Board of Supervisors.

<u>Relevant Section of the International Fire Code, 2015 Edition</u>	<u>Annual Fee</u>
105.6.1 Aerosol Products in excess of 500 pounds	\$75.00 per year
105.6.2 Amusement Buildings	\$75.00 per year
105.6.3 Aviation Facilities	\$100.00 per year
105.6.4 Carbon Dioxide Systems Used in Beverage Dispensing Applications	\$75.00 per year
105.6.5 Carnivals and Fairs	\$75.00 per year
105.6.6 Cellulose Nitrate Film	\$75.00 per year
105.6.7 Combustible Dust-Producing Operations	\$100.00 per year
105.6.8 Combustible Fibers in excess of 100 Cubic Feet	\$75.00 per year
105.6.9 Compressed Gases	\$75.00 per year
105.6.10 Covered and Open Mall Buildings	\$300.00 per year
105.6.11 Cryogenic Fluids	\$75.00 per year
105.6.12 Cutting and Welding	\$75.00 per year
105.6.13 Dry Cleaning	\$75.00 per year
105.6.14 Exhibits and Trade Shows	\$75.00 per year
105.6.15 Explosives/ Fire Works	\$150.00 per year
105.6.16 Fire Hydrants and Valves	\$75.00 per year
105.6.17 Flammable and Combustible Liquids	\$75.00 per year
<u>Underground Tanks - Install/Remove</u>	
<u>Residential</u>	

<u>Relevant Section of the International Fire Code, 2015 Edition</u>	<u>Annual Fee</u>
Less than 275 Gallons	\$75.00 per year
In excess of 275 Gallons	\$75.00 per year
<u>Non-Residential</u>	
Greater than 275 Gallons and less than 500 Gallons	\$100.00 per year
Greater than 501 Gallons and less than 10,000 Gallons	\$150.00 per year
In Excess of 10,000+ Gallons	\$200.00 per year
105.6.18 Floor Finishing	\$75.00 per year
105.6.19 Fruit and Crop Ripening	\$75.00 per year
105.6.20 Fumigation and Insecticidal Fogging	\$75.00 per year
105.6.21 <u>Hazardous Materials</u>	
Combustible Liquids	\$75.00 per year
Corrosive Materials	\$75.00 per year
Explosive Materials	\$100.00 per year
Flammable Materials	\$75.00 per year
Highly Toxic Materials	\$100.00 per year
Oxidizing Materials	\$75.00 per year
Organic Peroxides	\$100.00 per year
Pyrophoric Materials	\$100.00 per year
Toxic Materials	\$100.00 per year
Unstable (Reactive) Materials	\$100.00 per year
Water Reactive Materials	\$100.00 per year
105.6.22 HPM Facilities	\$75.00 per year
105.6.23 High Piled Storage in Excess of 500 Square Feet	\$75.00 per year
105.6.24 Hot Work Operations	\$75.00 per year
105.6.25 Industrial Ovens	\$75.00 per year
105.6.26 Lumber Yards and Wood Working Plants	\$75.00 per year
105.6.27 Liquid or Gas Fueled Vehicles / Equipment in Assembly Buildings	\$75.00 per year
105.6.28 LP Gas	\$50.00 per year

Relevant Section of the  
International Fire Code, 2015 Edition

Annual Fee

Above Ground-Install / Remove

Less Than 2000 Gallons	\$50.00 per year
In Excess of 2000 Gallons	\$100.00 per year
105.6.29 Magnesium Greater Than 10 Pounds	\$75.00 per year
105.6.30 Miscellaneous Combustible Storage-Excess of 2500 cf	\$75.00 per year
105.6.31 Motor Fuel Dispensing Facilities	\$100.00 per year
105.6.32 Open Burning	\$75.00 per year
105.6.33 Open Flames and Torches	\$75.00 per year
105.6.34 Open Flames and Candles (Assembly Occupancy)	\$75.00 per year
105.6.35 Organic Coatings Greater Than One (1) Gallon	\$75.00 per year
105.6.36 Place of Assembly	\$75.00 per year
105.6.37 Private Fire Hydrants - Each Hydrant	\$75.00 per year
105.6.38 Pyrotechnic Special Effects Material	\$75.00 per year
105.6.39 Pyroxylin Plastics	\$75.00 per year
105.6.40 Refrigeration Equipment	\$75.00 per year
105.6.41 Repair Garages and Motor Fuel Dispensing Facilities	\$75.00 per year
105.6.42 Rooftop Heliports	\$100.00 per year
105.6.43 Spraying / Dipping	\$75.00 per year
105.6.44 Storage of Scrap Tires and Tire Byproducts	\$75.00 per year
105.6.45 Temporary Membrane Structures and Tents (Tents and Canopies)	\$75.00 per year
105.6.46 Tire Rebuilding Plants	\$75.00 per year
105.6.47 Waste Handling	\$75.00 per year
105.6.48 Wood Products in Excess of 200 Cubic Feet	\$75.00 per year

B. Failure to Obtain a Permit. Should any owner or operator of a business or premises that is required to have an Annual Fire Safety Inspection performed or required to obtain an Annual Operational Permit fail to pay the within fee associated with said required inspection or permit or should any owner or operator of a business or premises fail to

obtain said permit or inspection, that owner or operator shall be deemed to be in violation of this Ordinance and subject to the violation provisions set forth in Section 109, and any such fees together with interest and costs of collection, including attorney's fees, shall constitute a municipal claim and may be entered as a lien against the subject property.

Section 704. Repealer. Any and all ordinances or parts of ordinances conflicting with the provisions of this Ordinance are hereby repealed insofar as they impose lesser standards than this Ordinance.

Section 705. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts of this Ordinance. It is hereby declared as the intent of the Board of Supervisors of the Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein."

SECTION 2. All ordinances or parts of ordinances conflicting with the provisions of this Ordinance, specifically Ordinance No. 405 adopted by the Board of Supervisors of the Township of Spring on August 12, 2013, are hereby repealed insofar as they are inconsistent with and impose lesser standards than what is imposed by this Ordinance.

SECTION 3. That nothing in this Ordinance or the Fire Prevention Code hereby adopted shall be construed to affect any suit or proceeding pending in any court, or any rights acquired, or liability incurred, or any cause or cause of action acquired or existing, under any act or ordinance hereby repealed; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this Ordinance.

SECTION 4. It is declared that enactment of this Ordinance is necessary for the protection, benefit and preservation of health, safety and welfare of the inhabitants of the Township.

SECTION 5. 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 on the earliest date permitted by law following the date of enactment.

DULY ENACTED AND ORDAINED this 13<sup>th</sup> day of November, 2018.

BOARD OF SUPERVISORS  
TOWNSHIP OF SPRING  
Berks County, Pennsylvania

  
\_\_\_\_\_  
Patti Smith, Chairperson

  
\_\_\_\_\_  
Robert M. Myer, Vice Chairperson

  
\_\_\_\_\_  
James R. Oswald

  
\_\_\_\_\_  
George W. Stuck, III

  
\_\_\_\_\_  
Barry W. Ulrich

Attest:   
(Assistant) Secretary

[SEAL]



MUNICIPAL CERTIFICATION

I, Sheryl Rowan, (Assistant) Secretary of the Township of Spring, Berks County, Pennsylvania, do hereby certify that the foregoing Ordinance No. 436 was advertised in the *Reading Eagle*, a daily newspaper of general circulation in the Township of Spring, on November 5, 2018, and was duly enacted and approved as set forth at a Regular Meeting of the Board of Supervisors held on November 13, 2018.

[SEAL]

Sheryl Rowan  
(Assistant) Secretary