

**RADNOR TOWNSHIP, DELAWARE COUNTY, PA
ORDINANCE NO. 2022-24**

**AN ORDINANCE OF RADNOR TOWNSHIP, DELAWARE COUNTY,
PENNSYLVANIA, AMENDING CHAPTER 166 OF THE RADNOR
TOWNSHIP CODE TO INCORPORATE THE 2018 INTERNATIONAL
FIRE CODE.**

Upon recommendation of the Radnor Township Staff, the Radnor Township Board of Commissioners hereby ENACTS and ORDAINS the following:

ARTICLE II ADOPTION OF CODE AMENDMENTS - IFC

Chapter 166 of the Radnor Township Code is hereby amended to read as follows:

§166-1 Adoption of code by reference.

Certain documents on file in the office of the Secretary of the Township of Radnor, being marked and designated as the "2018 International Fire Code," as published by the International Code Council, Inc., are hereby adopted as the Fire Code of Radnor Township, Delaware County, in the Commonwealth of Pennsylvania, for the control of buildings and structures as herein provided, and each and all of the regulations, provisions, conditions, and terms of said 2018 International Fire Code, as amended, are hereby referred to, adopted, and made a part hereof as if fully set forth in this chapter, with additions, deletions, insertions, and changes as prescribed by this chapter.

§166-2 Additions, insertions, deletions and changes to code.

The following sections and subsections of the aforementioned 2018 International Fire Code, as amended, are hereby added, amended, changed, deleted, and clarified as set forth below.

A. Chapter 1, Administration.

(1) Section 101, General.

(a) In Subsection 101.1, Title, the "Township of Radnor" shall be inserted as the name of the jurisdiction.

(b) Add Subsection 101.6 to read as follows:

101.6 Default Municipality. Whenever in said Fire Code a municipality or jurisdiction is mentioned and no name is given therefor, said reference to a municipality or jurisdiction shall be construed to mean the Township of Radnor, or where a state is mentioned, the same shall mean the

Commonwealth of Pennsylvania; and where the Department of Fire Prevention is mentioned, the same shall mean the Department of Community Development.

(2) Section 103, Department of Fire Prevention.

- (a) Delete Subsections 103.1 through 103.3 and substitute with the following:

103.1 General. The Director of Community Development or any authorized agent or employee thereof shall be designated as the fire code official for the purposes of this code.

103.2 Appointment. The fire code official and employees of the Department of Community Development shall be appointed in accordance with the personnel procedures and policies of the Township of Radnor.

103.3 Deputies. In accordance with the prescribed procedures of the Township of Radnor, the *fire code official* shall have the authority to appoint a deputy *fire code official*, other related technical officers, inspectors and other employees.

(3) Section 105, Permits.

- (a) Add to Subsection 105.1.2, Types of permits:

3. The fire code official shall determine when an operational permit or a construction permit is required.

- (b) Add a new Subsection 105.1.7, Fees that shall read as follows:

105.1.7 Fees. No permit under this Section shall be issued until the fees established by the Board of Commissioners have been paid in accordance with Chapter 162 of the Code of the Township of Radnor, as amended, nor shall an amendment to a *permit* necessitating an additional fee, because of an increase in the estimated cost involved, be approved until the additional fees have been paid in accordance with Chapter 162 of the Code of the Township of Radnor, as amended.

- (c) Subsection 105.3.1, Expiration. Delete all language following the words "first obtained" on line nine.

- (d) Subsection 105.6.32, Open burning. Delete "exception: recreational fires."

(4) Section 108, Board of Appeals.

- (a) Delete the entire Section 109, Board of Appeals, and substitute with the following:

**SECTION 109
APPEALS**

109.1 General. Whenever the owner or builder of any building about to be or in the course of being erected, altered, repaired, used or occupied, or any other person takes exception to the decision of the *fire code official* in refusing to approve the manner of construction or the type of materials to be used in the erection, alteration, or repair of any building or structure, or to his decision as to the occupation or use of any building or structure, or as to its safety or compliance with the provisions of this code, such owner or builder or duly authorized agent may, within thirty (30) days after such decision, take an appeal to the Code Appeals Board. Such appeal shall be in writing, state the decision of the *fire code official* and the reason for taking exception thereto, and shall be filed with the Department. The appeal shall be heard pursuant to and consistent with the practices and procedures established for or by the Code Appeals Board, as well as, the Pennsylvania Uniform Construction Code. A written decision to affirm, modify, or reverse the decision of the *code official* shall be issued by the Code Appeals Board and duly recorded, with such decision being final.

109.2 Limitations on authority. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The Code Appeals Board shall not have authority to waive requirements of this code.

- (5) Section 110, Violations.

- (a) Subsection 110.3.3, Prosecution of violations. Delete the following words on the third and fourth lines: "to request the legal counsel of the jurisdiction".
- (b) Subsection 110.4 Violation penalties. Delete this subsection and substitute with the following:

110.4 Violation penalties. Any person who violates a provision of this code; fails to comply with any of the requirements thereof; or erects, constructs, alters, repairs, or does work on a building or structure in violation of the *approved construction documents* or any approved plan, permit, certificate, application for permit or certificate, or directive of the *fire code official* shall, upon conviction, be punishable by a fine of not more

than \$1,000 per violation. Each day that each violation continues shall be deemed a separate offense.

(6) Section 112, Stop Work Order.

- (a) Subsection 112.4, Failure to comply. Insert in the first blank "Twenty-Five (25)" and in the second blank insert "One Thousand (1,000)."

B. Chapter 2, Definitions.

(1) Section 202, Definitions.

- (a) Add the definition of "Code Appeals Board" to read as follows:

CODE APPEALS BOARD. The Radnor Township Code Appeals Board created, organized, and operated in accordance with Chapter 15, Code Appeals Board; of the Code of the Township of Radnor, as amended.

- (b) Add the definition of "Department" to read as follows:

DEPARTMENT. The Department of Community Development of Radnor Township or any authorized agent or employee thereof.

- (c) Amend the definition of "fire code official" to read as follows:

FIRE CODE OFFICIAL. The Director of Community Development charged with the administration and enforcement of this code, or a duly authorized representative.

- (d) Change the definition of "Height, building" to read as follows:

HEIGHT, BUILDING. The vertical distance from the average grade (the average of the grades taken at twenty-foot intervals around the building perimeter) to the top of the highest roof beams of a flat roof or to the mean level of a sloped roof, provided that chimneys and spires shall not be included in measuring the height. Elevator, stair, and equipment penthouses, tanks, and air-conditioning towers shall not be included. The height shall be measured from finished grade, but such measurement shall not be made from a point higher than eight feet above original grade.

- (e) Add the definition of "Township" to read as follows:

TOWNSHIP. The Township of Radnor, Delaware County, Commonwealth of Pennsylvania.

C. Chapter 3, General Precautions Against Fire.

(1) Section 307, Open burning, recreational fires and portable outdoor fireplaces.

(a) Delete Subsections 307.1 through 307.5 and substitute with the following:

307.1 Outdoor fires. Outdoor fires shall be subject to the following regulations, and no person shall kindle or maintain any fire outdoors or authorize any such fire to be kindled or maintained unless the following conditions are met:

1. These regulations do not apply to the use of *recreational fires*, barbeque grills, or portable outdoor fireplaces.
2. Burning of dry tree limbs and brush and leaves shall be prohibited by this code.
3. No burning may occur before 8:00 a.m., and the fire must be completely extinguished, including smoldering, before 4:00 p.m.
4. The fire must be attended constantly by the property owner or by a designee competent to comply with these regulations. A charged water hose attached to an operable water faucet, capable of extending 15 feet beyond the site of the fire, shall be maintained at all times.
5. Burning shall not take place during periods of high winds or drought or in periods of weather inversion or any other situation deemed hazardous by the *fire code official*.
6. Burning shall be permitted only during the months of November through April. Burning shall be prohibited during all other months of the year.

307.2 Public bonfires. Public bonfires are prohibited unless a permit is first obtained from the *fire code official*. Permit fees shall be charged as set forth in Chapter 162, Fees, of the Code of the Township of Radnor, as amended. Permits will be issued only to schools, churches, or public service organizations. Permits will be issued only if the following conditions are met:

1. The location is approved by the *fire code official* and is not less than 150 feet from any structure.
2. Fire apparatus or equipment of the proper type and size shall be made available at the site of the bonfire.

3. Adequate provisions are made to keep spectators at a safe distance from the bonfire.
4. Fuel for bonfires shall consist of seasoned dry wood only and shall be ignited with a small quantity of paper. Bonfires shall not contain any rubbish, garbage, trash, or any material made or coated with rubber, plastic, leather, or petroleum-based materials and shall not contain any flammable or combustible liquids. The allowable quantity of wood to be burned shall be determined by the *fire code official* and shall be based upon the fire requirements of the situation and the desirable duration of burn.

307.3 Burning prohibited. The outdoor burning of any rubbish, garbage, or trash shall be strictly prohibited by this code.

307.4 Extinguishment authority. Where an outdoor fire creates or adds to a hazardous situation, or a required permit for the fire has not been obtained, the fire code official is authorized to order the extinguishment of the outdoor fire.

D. Chapter 4, Emergency Planning and Preparedness.

(1) Section 401, General.

- (a) Subsection 401.2, Approval. Add the words "and the *fire code official*" after the word "code" on line one.

E. Chapter 5, Fire Service Features.

(1) Section 501, General.

- (a) Subsection 501.3, Construction documents. Delete the term "fire department" on line five, and substitute with "*fire code official*."

F. Chapter 9, Fire Protection Systems.

(1) Section 903, Automatic Sprinkler Systems.

- (a) Subsection 903.2, Where required. Amend as follows:

[1] Delete Subsections 903.2.1 through 903.2.9.2 and substitute with the following:

903.2.1 Use Groups A, B, E, M, S, and U. An *automatic sprinkler system* shall be provided throughout all buildings or structures

exceeding 1,000 square feet in gross floor area and used for these occupancy groups, as provided in this section.

903.2.2 Use Groups R, F, H, I. An *automatic sprinkler system* shall be provided throughout all buildings or structures (or portions thereof) used for these occupancy groups, as provided in this section.

G. Chapter 31, Tents and Other Membrane Structures.

(1) Section 3103, Temporary Tents and Membrane Structures.

- (a) Delete the opening paragraph to Subsection 3103.2, Approval required, and substitute with the following:

3103.2 Approval required. Tents, air-supported structures, and membrane structures shall not be erected, operated, or maintained for any purpose without first obtaining a permit and approval from the *fire code official*. Approval shall not be required for tents utilized exclusively for recreational camping purposes.

- (b) Delete Subsection 3103.6, Construction documents, and substitute with the following:

3103.6 Construction documents. A detailed site and floor plan for tents, air-supported structures, or membrane structures shall be provided with each application for approval when required by the *fire code official*. When required, the tent, air-supported structure, or membrane structure floor plan shall indicate details of the means of egress facilities, seating capacity, arrangement of the crating, and location and type of heating and electrical equipment.

H. Chapter 56, Explosives and Fireworks.

(1) Section 5601, General.

- (a) Subsection 5601.2.4, Financial responsibility. Replace “\$100,000” on line four with “\$1,000,000”.

- (b) Delete Subsection 5601.2.4.1, Blasting, and replace with the following:

5601.2.4.1 Blasting. Before any blasting permit is issued, the applicant shall file a bond in such form, amount, and coverage as determined by the Township Solicitor to be necessary to insure against any damages arising from the permitted blasting and to be in compliance with the applicable state

and federal regulations. In no case, however, shall the bond be less than \$1,000,000.

- (c) Delete Subsection 5601.2.4.2, Fireworks display, and replace with the following:

5601.2.4.2 Fireworks display. Before a permit to display or discharge fireworks is issued, the applicant for said permit shall file a bond in the form, amount, and coverage as determined by the Township Solicitor to be necessary to insure against any damages arising from the permitted fireworks and to be in compliance with the applicable state and federal regulations. In no case, however, shall the bond be for an amount not less than \$1,000,000.

- (2) Section 5607, Blasting.

- (a) Delete Subsection 5607.4, Restricted hours, and replace with the following:

5607.4 Restricted time. Blasting operations shall be conducted only between the hours of 9:00 a.m. and 5:00 p.m., Monday through Friday. No blasting shall be permitted on Saturday, Sunday, or federal holidays.

I. Appendices.

- (1) Appendix A. Replace in its entirety with "Reserved".
- (2) Appendices B – K are adopted as requirements in their entirety.
- (3) Appendix L. Appendix L is adopted as a requirement in its entirety but shall only apply to high-rise buildings constructed after the effective date of this Ordinance.
- (4) Appendices M – N are adopted as requirements in their entirety.

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[Signatures to follow]

RADNOR TOWNSHIP, DELAWARE COUNTY, PA
ORDINANCE NO. 2022-24
IFC

ARTICLE II REPEALER

All ordinance or parts of ordinances which are inconsistent herewith are hereby repealed. In particular, Radnor Township Ordinance No. 2010-06, adopted February 22, 2010, is specifically repealed in full.

ARTICLE III 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 part of this Ordinance. It is hereby declared as the intent of the Board of Commissioners of Radnor Township, that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included therein.

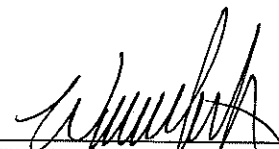
ARTICLE IV EFFECTIVE DATE

This Ordinance shall become effective in accordance with the Home Rule Charter of Radnor Township.

ENACTED and *ORDAINED* this 3rd day of January, 2023.

RADNOR TOWNSHIP

By: M. RA Mulkeny
Name: _____
Title: President

ATTEST: 
William M. White, Secretary