

**CHADDS FORD TOWNSHIP  
DELAWARE COUNTY, PENNSYLVANIA**

**ORDINANCE NO. 155**

**AN ORDINANCE OF CHADDS FORD TOWNSHIP, DELAWARE COUNTY, PENNSYLVANIA ADOPTING THE STANDARDS, PRACTICES AND PROCEDURES OF THE LIFE SAFETY CODE (NFPA 101, 2018 EDITION); REQUIRING INSPECTIONS OF COMMERCIAL AND NON-RESIDENTIAL PROPERTIES AND BUILDINGS FOR THE PROTECTION OF LIFE AND PROMOTION OF SAFETY; REGULATING CERTAIN FIRE HAZARDS AND OTHER DANGEROUS MATERIALS; ESTABLISHING FEES AND PENALTIES FOR ENFORCEMENT AND ESTABLISHING A PROCEDURE TO APPEAL SUCH ENFORCEMENT; AMENDING THE POWERS AND DUTIES OF THE FIRE MARSHAL SET FORTH IN SECTION 10-5 OF THE CODE OF CHADDS FORD TOWNSHIP; AND REPEALING ALL INCONSISTENT ORDINANCES AND RESOLUTIONS.**

**WHEREAS**, the Board of Supervisors of Chadds Ford Township, Delaware County, Pennsylvania, desires to promote the health, safety and welfare of residents of the Township, by, among other things, encouraging property owners to keep and maintain their public or private non-residential buildings used for any business, commercial or industrial purpose, and any apartment or long or short-term residential rental or multi-family residential building or premises in safe condition; and

**WHEREAS**, Section 1601 of the Pennsylvania Second Class Township Code, [53 P.S. §66601] authorizes the Board to adopt ordinances, including without limitation, those regulating building, property maintenance, health, fire, public safety; and

**WHEREAS**, the Board of Supervisors believes it to be in the public interest for Chadds Ford Township to establish minimum regulations for the life and safety requirements of public or private non-residential buildings used for any business, commercial or industrial purpose, and any apartment or long or short-term residential rental or multi-family residential building or premises within the Township.

**NOW THEREFORE**, the Board of Supervisors of Chadds Ford Township do hereby **ENACT AND ORDAIN**, the following regulations:

**Section 1: Compliance with Recognized Standards and Practices.**

A. The recognized standards, practices and procedures under this Ordinance shall be the standards of the code known as the Life Safety Code (NFPA 101, 2018 Edition), as may be amended from time to time (the “Fire Prevention Code”), and the same are hereby adopted and made a part of this Ordinance by reference.

B. No person, firm or corporation in possession of or having control of any non-residential or multi-family residential building or premises in the Township shall permit or allow therein or thereon any fire hazard or any installation, construction equipment, matter or thing which, by reason of not being installed, constructed or maintained according to recognized standards and practices for the prevention of fire, creates or produces a danger to persons or property from fire in shared spaces or public areas of a non-residential or multi-family residential building or premises.

**Section 2: Inspections.**

The Township Fire Marshal may at all reasonable hours conduct an annual inspection or other inspection(s), such as: in the event of an emergency; a change in use or occupancy, change in ownership or modification or alteration in or to a building previously inspected. Except in the event of an emergency, the Fire Marshal shall provide reasonable notice of inspection to the property owner, tenant or other person making the application which necessitates the inspection. Notwithstanding anything in this Ordinance to the contrary, the Fire Marshal may enter any public or private non-residential building used for any business, commercial or industrial purpose, and any apartment or long or short-term residential rental or multi-family residential building or premises for the purpose of making an inspection of any shared spaces or public areas for the prevention of fire and to secure the safety of persons and property from fire. The Fire Marshal, may in connection with such inspection, enter such building(s) to confirm any necessary repairs, replacements or other work required in connection with such inspection have been satisfactorily completed. Inspection shall include, but not be limited, to:

- A. Presence and proper operation of emergency lighting.
- B. Presence and accessibility of emergency exits, egress and fire escapes.
- C. Presence and proper operation of fire alarm systems.
- D. Presence and property operation of fire extinguishers.
- E. Proper storage of explosives and flammable materials and liquids.
- F. Means of egress consistent with Section 702 of the 2018 International Property Maintenance Code.

**Section 3: Fire Hazards.**

A. Whenever the Fire Marshal shall find in any shared spaced or public areas within any non-residential or multi-family residential building or premises covered by this ordinance, combustible or explosive matter or dangerous accumulations of rubbish or unnecessary accumulation of wastepaper, boxes, shavings or any highly flammable material which is situated as to endanger property, or shall find obstructions to or on fire escapes, stairs, passageways, doors or windows liable to interfere with the operation of the Fire Department or egress of occupants in case of fire, the Fire Marshal shall order the same to be removed or remedied.

B. If, in the opinion of the Fire Marshal, an immediate fire hazard exists, the Fire Marshal may order immediate evacuation of such non-residential or multi-family residential building or premises and close the building or premises until such violation has been corrected.

C. It shall be unlawful for any person, persons, firm or corporation to possess, sell or distribute containers for carrying flammable liquids, which containers have not been OSHA approved for such use. Furthermore, it shall be unlawful for any person, persons, firm or corporation to dispense flammable liquids into any container other than those previously approved for such use by OSHA.

D. Notwithstanding any other Federal, State or Local regulations to the contrary, no person shall kindle or maintain any fire or authorize any such fire to be kindled or maintained, unless the location is at least fifty (50) feet from any structure and adequate provision is made to prevent fire from spreading closer than fifty (50) feet to any structure.

**Section 4: Other Dangerous Conditions and Materials.**

Whenever the Fire Marshal shall find any non-residential or multi-family residential building or premises covered by this ordinance which, for want of repairs, lack of sufficient fire escapes or automatic or other fire-alarm apparatus or fire-extinguishing equipment or by reason of age or dilapidated condition or from any other cause, is especially liable to fire and which is so situated as to endanger other property or the occupants thereof and whenever the Fire Marshal shall find, in any non-residential or multi-family residential building or premises covered by this Ordinance, combustible or explosive matter or flammable conditions dangerous to the safety of such buildings or the occupants thereof, the Fire Marshal shall order such dangerous conditions or materials to be removed or to be remedied in accordance with recognized standards and practices for the prevention of fire.

**Section 5: Records.**

The Fire Marshal shall keep records of all inspections and of all facts concerning the same on file at the Township. A copy of all inspection reports shall be provided to the property owner and any tenant of the property.

**Section 6: Correction of Dangerous Conditions.**

The owner, occupant or person in charge of or managing any non-residential or multi-family residential building or premises covered by this ordinance shall forthwith, after written notice from the Fire Marshal, correct any condition in such building or premises so that the premises, building, processes or materials shall be in such condition as to comply with the recognized standards and practices for the prevention of fire.

**Section 7: Fees.**

Inspection fees shall be set by the Board of Supervisors, from time to time, by resolution.

**Section 8. Penalties.**

Any person, persons, firm, or corporation who shall violate the provisions of this ordinance, shall, upon being found liable therefore in a summary enforcement proceeding commenced by the Township before the magisterial district justice, pay a fine of up to One Thousand Dollars (\$1,000.00) for each violation. A separate offense shall arise for each day or portion thereof in which the violation of this ordinance is found to exist and for each section of the ordinance which is found to be violated. Violators shall also be found responsible for court costs and reasonable attorney's fees of the Township, as permitted by law.

**Section 9: Fire Marshal.** Section 10.5 of the Code of Chadds Ford Township is hereby amended to revise the duties and powers of the Fire Marshal and read as follows:

A. The Fire Marshal shall perform all duties and shall have and exercise all powers prescribed by law. These duties and responsibilities shall include, but not necessarily be limited to, the following:

1. Maintain liaison with and keep the Board of Supervisors informed of the capabilities and needs of all fire companies serving the Township, and serve as liaison between local, state and federal emergency services departments, personnel and/or officials and Chadds Ford Township;

2. Initiate, with the appropriate law enforcement officials, investigate and take appropriate action on any suspicious fires where criminal activity may reasonably be suspected, and submit written reports on same to the Board of Supervisors in a timely fashion;

3. Maintain records of fire alarms, EMS and fire calls, organized by type and location, and submit to the Board a monthly report on all fires, investigations, inspections and other activities, and provide a verbal report at the monthly Board of Supervisors meeting upon request;

4. Assist the Township Building Inspector, when requested by such officer, in inspections for violations of regulations where fire safety or fire prevention matters are involved;

5. Inspect, investigate and cite per this chapter and/or any fire code adopted by the Board of Supervisors;

6. Monitor and inspect Township traffic light preemption devices, fire hydrants, fire lanes, fire hazards and other fire-related devices or conditions;

7. Monitor drought conditions to determine if water and/or burning restrictions are warranted;

8. Ensure proper training for the Deputy Fire Marshal and/or such other assistants to the Fire Marshal as the Board may authorize;

9. Submit reports to the Board of Supervisors on Township conditions or occurrences related to fire safety;

10. Enforce all laws, ordinances and regulations related to:

a. The prevention of fires.

b. The storage and use of explosive and flammable liquids and/or materials.

c. The installation and maintenance of private fire-alarm systems and fire-extinguishing equipment.

d. The maintenance and regulation of fire escapes.

e. The means of adequacy of exit in case of fire from all buildings covered by the ordinance and other places in which persons work or assemble for any purpose.

11. Respond and assist any responding fire departments and emergency services personnel on scene; and

12. Perform such other public safety duties as may be assigned to the Fire Marshal by the Board of Supervisors.

B. The Deputy Fire Marshal shall report to and assist the Fire Marshal with the above duties and shall perform the duties of the Fire Marshal in the Fire Marshal's absence.

C. The Fire Marshal is hereby given authority to adopt and enforce temporary parking regulations to cover emergencies or special conditions in any public or private street, lane, alley, shopping district or other areas of private property if the Fire Marshal shall determine that the parking of motor vehicles, trailers, etc., is liable to interfere with the operations of the Fire Department. Signs shall be posted on such street, lane, alley, shopping district, or area of private property reading "No Parking - Temporary Fire Regulation - by Order of the Fire Marshal of Chadds Ford Township" or "No Parking - Fire Lane."

**Section 10: Appeals.**

Except when the action of the Fire Marshal results in the filing of a non-traffic summary citation, an appeal from any other decision, action, order, or requirement of the Fire Marshal may be taken to the Board of Supervisors. Non-traffic summary citations shall be subject to the process and procedures provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure.

A. Such appeal shall be made in writing within five (5) business days after such decision, action, order, or requirement has been made and shall be filed with the Township. Failure to file an appeal within the time stated shall result in a waiver of appeal rights and may result in an enforcement action as provided in this ordinance.

B. A public hearing pursuant to public notice shall be scheduled not more than thirty (30) days from the date the appeal is filed with the Township.

C. The Board of Supervisors shall, following the close of the hearing, render a decision on the appeal in writing, and shall mail the decision to the appellant at their last known address within fifteen (15) days.

D. The Board of Supervisors may only consider the following factors when deciding an appeal to vary or modify the provisions of the Life Safety Code or this ordinance:

1. The true intent of the Life Safety Code was incorrectly interpreted.
2. The provisions of the Life Safety Code or this ordinance do not apply.
3. An equivalent form of a Life Safety measure is to be used.

**Section 11: Severability.**

If any section, subsection, sentence, clause, phrase or word of this ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not render this ordinance invalid.

**Section 12: Equal Application.**

The provisions of this ordinance shall be imposed equally upon and enforced against all persons owning, operating or occupying a non-residential property or business or apartment or rental home. This ordinance is intended to protect the health, safety and welfare of persons and property and nothing in the language or application of this ordinance shall be deemed to authorize or sanction the use of public or private non-residential buildings used for any business, commercial or industrial purpose, and any apartment or long or short-term residential rental or multi-family residential building or premises.

**Section 13: Effective Date.**


This ordinance shall become effective five (5) days after its enactment.

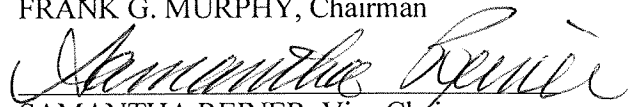
**Section 14: Repealer.**

All ordinances, resolutions or parts of ordinances or resolutions directly inconsistent herewith are hereby repealed to the extent of such inconsistencies only.

ENACTED AND ORDAINED, this 25<sup>th</sup> day of July, 2018 by the Board of Supervisors of Chadds Ford Township.

**CHADDS FORD TOWNSHIP  
BOARD OF SUPERVISORS**

  
FRANK G. MURPHY, Chairman

  
SAMANTHA REINER, Vice Chair

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NOELLE BARBONE, Supervisor

ATTEST:

  
MARYANN D. FURLONG, Township Secretary

(Township Seal)