

WEST BRADFORD TOWNSHIP

CHESTER COUNTY, PENNSYLVANIA

ORDINANCE 24-09

AN ORDINANCE OF THE TOWNSHIP OF WEST BRADFORD, CHESTER COUNTY, PENNSYLVANIA, AMENDING THE WEST BRADFORD TOWNSHIP CODE BY ADOPTING A NEW CHAPTER 184 TITLED "FIRE CODE" AND ADOPTING THE INTERNATIONAL FIRE CODE, 2018 EDITION, AND PROVIDING SEVERABILITY, REPEALER, GENERAL CODE AND EFFECTIVE DATE PROVISIONS.

IT IS HEREBY ORDAINED AND ENACTED, by the Board of Supervisors of West Bradford Township, that the Code of the Township of West Bradford, shall be amended by adopting a new Chapter 184 titled, "Fire Code" which shall provide as follows:

**"CHAPTER 184
FIRE CODE**

§ 184-1. Adoption of standards.

A certain document, three copies of which are on file in the office of the Township Secretary, being marked and designated as the International Fire Code, 2018 Edition, as published by the International Code Council, is hereby adopted as the Fire Code of the Township of West Bradford; and each and all of the regulations, provisions, penalties, conditions and terms of the said International Fire Code are hereby referred to, adopted and made part hereof, as if fully set out in this chapter, with the additions, insertions, deletions and changes, if any, prescribed in § 184-2 of this chapter; provided however that if any provisions in the Pennsylvania Uniform Construction Code ("UCC") conflict with the provisions in the International Fire Code, the provisions in the UCC shall govern.

§ 184-2. Additions, insertions, deletions and changes.

- A. Section 101.1 "Title." shall be amended by the deletion of the words "[NAME OF JURISDICTION]" and the replacement thereof with "Township of West Bradford."
- B. Section 103.1 "General" shall be amended to read as follows:

"103.1. Code Official. The Director of Code Enforcement and his designees shall administer and enforce the provisions of this Code and shall be known as the Fire Code Official."

103.2. Appointment. The Fire Code Official shall be appointed by the chief appointing authority of the jurisdiction.

103.3. Deputies. In accordance with the prescribed procedures of this jurisdiction and with the concurrence of the appointing authority, the Fire Code Official shall have the authority to appoint a deputy Fire Code Official, other related technical officers, inspectors and other employees.

103.4. Liability. The Fire Code Official, member of the board of appeals, officer or employee charged with the enforcement of this Code, while acting for the jurisdiction, in good faith and without malice in the discharge of the duties required by this Code or other pertinent law or ordinance, shall not thereby be rendered civilly or criminally liable personally, and is hereby relieved from all personal liability for any damage accruing to persons or property as a result of an act or by reason of an act or omission in the discharge of official duties.

103.4.1. Legal Defense. Any suit or criminal complaint instituted against any officer or employee because of an act performed by that officer or employee in the lawful discharge of duties and under the provisions of this Code shall be defended by the legal representatives of the jurisdiction until the final termination of the proceedings. The Fire Code Official or any subordinate shall not be liable for costs in an action, suit or proceeding that is instituted in pursuance of the provisions of this Code; and any officer of the department of fire prevention, acting in good faith and without malice, shall be free from liability for acts performed under any of its provisions or by reason of any act or omission in the performance of official duties in connection therewith."

C. Section 106.2 "Schedule of permit fees" shall be amended to read as follows:

106.2. Schedule of permit fees. Permit fees shall be as set forth by resolution as adopted by the Board of Supervisors of the Township of West Bradford and shall be made available to the public. The Board of Supervisors shall be empowered to reevaluate the fee schedule and make any necessary alterations to it. Such alterations shall not be considered an amendment to this chapter and may be adopted at any public meeting of the Board of Supervisors by resolution.

D. Section 109.1 "Board of appeals established" shall be amended to read as follows:

109.1. Board of appeals. The Township designates the Western Chester County UCC Regional Board of Appeals as the Board of Appeals for the Township who shall hear appeals from decisions of the Code Enforcement Officer which are filed pursuant to the Fire Code. Such an appeal shall be filed within 20 days after the decision, notice or order was served. The appeal form, and all documents related to same, are readily available at the Township office, and may also be posted on the Township's website."

E. Section 110.4 "Violation penalties" shall be amended to read as follows:

110.4 Violation Penalties. Any person who violates or permits a violation of this Code shall, upon conviction in a summary proceeding brought before a Magisterial

District Judge under the Pennsylvania Rules of Criminal Procedure, be guilty of a summary offense and shall be punishable by a fine of not more than \$1,000, plus costs of prosecution. In default of payment thereof, the defendant may be sentenced to imprisonment for a term not exceeding 90 days. Each day or portion thereof that such violation continues or is permitted to continue shall constitute a separate offense, and each section of this chapter that is violated shall also constitute a separate offense.

F. Section 112.4 "Failure to comply" shall be amended to read as follows:

112.4. Failure to comply. 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, shall be subject to fines as specified in Section 110.4.

§ 184-3. Construal of provisions.

Nothing in this chapter or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in 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 in this chapter, nor shall any just or legal right or remedy of any character be lost, impaired or affected by this chapter.

§ 184-4. Conflicts with existing state regulations.

Wherever any provisions or requirements of the regulations of the Department of Labor and Industry of the Commonwealth of Pennsylvania are more stringent than a provision or requirement of this chapter, the applicable provision or requirement of the said Department of Labor and Industry shall supersede any such provision or requirement of this chapter."

SECTION 2. 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 hereof. It is hereby declared as the intent of the Board of Supervisors that this Ordinance would have been adopted had such unconstitutional, illegal, or invalid sentence, clause, section, or part thereof not been included herein.

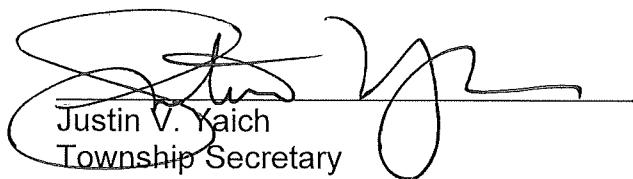
SECTION 3. General Code. General Code is hereby authorized to make whatever numbering and formatting changes are needed in order to proper codify this ordinance and properly incorporate this ordinance into the Township's Code.

SECTION 4. Repealer. All ordinances or parts of ordinances conflicting with any provision of this Ordinance are hereby repealed insofar as the same affects this Ordinance.

SECTION 5. Effective Date. This Ordinance shall become effective five (5) days following the enactment as by law provided.

ENACTED AND ADOPTED by the Board of Supervisors this 12 day of March, 2024.

ATTEST:



Justin V. Kaich
Township Secretary

**WEST BRADFORD TOWNSHIP
BOARD OF SUPERVISORS**

By: 
Jack M. Hines, Jr., Chairman

By: 
Kevin Houghton, Vice Chairman

By: 
Laurie W. Abele, Member