

**BEFORE THE BOARD OF COMMISSIONERS OF
THE TOWNSHIP OF WHITEHALL**

ORDINANCE NO. 3151

(BILL NO. 22-2019)

AN ORDINANCE AMENDING CHAPTER 5, CODE ENFORCEMENT, ARTICLE VI, INTERNATIONAL FIRE CODE, SECTION 5-20 (ADDITIONS, AMENDMENTS AND DELETIONS) TO RESTRICT OPEN FLAME COOKING DEVICES FROM STORAGE ON COMBUSTIBLE BALCONIES. (FIRE)

WHEREAS, the Township of Whitehall is a Township organized and operating under the laws of the Commonwealth of Pennsylvania and the Home Rule Charter of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall may, under the general authority of the Home Rule Charter, enact regulations to ensure the health, safety, and general welfare of the citizens of the Township of Whitehall; and

WHEREAS, the Board of Commissioners of the Township of Whitehall has determined that the health, safety, and general welfare of the citizens of the Township of Whitehall will be promoted and served by enacting this Ordinance.

NOW, THEREFORE be it **ORDAINED** and **ENACTED** by the Board of Commissioners that, Chapter 5, Code Enforcement, Article VI, International Fire Code Section 5-20 (Additions, amendments and deletions.), is hereby repealed in its entirety and replaced by the following:

A. The following additions, amendments and deletions shall be made as indicated:

- (1) Section 103, Department of Fire Prevention, Subsection 103.1, shall be amended to read:

103.1, General: It shall be the duty and the responsibility of the Chief of the Bureau of Fire and/or the Whitehall Township Fire Marshal to enforce the provisions of this code as herein set forth. The designated Enforcement Officer of this code is herein referred to as the Code Official.

- (2) Section 105, Permits, is hereby deleted in its entirety.

- (3) Subsection 109.3, Violation penalties, shall be amended to read as follows:

109.3 Violation penalties. Any person who shall violate a provision of this code or who shall fail to comply with any of the requirements thereof in violation of the

approved construction documents or directive of the Code Official, or of a permit, license or certificate issued under the provisions of this code, shall be guilty of a criminal offense, punishable by a fine of not more than \$1,000, 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 upon judgment against any person.

- (4) Section 108, Board of Appeals, shall be amended to read as follows:

Any appeal from any decision of the Code Official shall be heard by the Whitehall Township Building Code Board of Appeals pursuant to and consistent with the practice and procedures established for or by such Board. The application for appeal shall be filed on a form obtained from the Department of Operations within 20 days after the Code Official's decision or within 20 days after the notice was served.

- (5) 307.5 shall be amended to read as follows:

307.5 Open-flame cooking devices. Charcoal burners and other open-flame cooking devices shall not be operated or stored on combustible balconies or within 10 feet (3048 mm) of combustible construction.

Exceptions:

1. One- and two-family dwellings.
2. Where buildings, balconies and decks are protected by an automatic sprinkler system.
3. LP-gas cooking devices having an LP-gas container with a water capacity not greater than 2.5 pounds [nominal 1 pound (0.454 kg) LP-gas capacity].

- (6) Section 308.7, shall be added to read as follows:

308.7 outdoor wood-fired boiler appliances.

308.7.1 Outdoor wood-fired boiler appliance. An accessory structure, designed and intended, through the burning of wood, for the purpose of heating the principal structure or any other site, building, or structure on the premises. Also known as an "outdoor wood-fired furnace."

308.7.2 Prohibition. No person shall install an outdoor wood-fired boiler in Whitehall Township until federal or state regulations pertaining to the manufacturing and installation of wood-fired boilers are adopted by the State of Pennsylvania as part of the Uniform Construction Code, and subsequently by Whitehall Township.

- (7) Chapter 33, Explosives and Fireworks, Sections 3301, 3302, 3303, 3304, 3305, 3306, 3307 and 3308, shall be deleted in their entireties and shall be replaced with the following subsections:

3307.1. Scope:

The equipment, processing and operations involving the manufacture, possession, storage, sale, transportation and use of explosives and blasting agents shall comply with applicable requirements, ordinances, laws, rules and regulations of the Commonwealth of Pennsylvania and the United States Federal Government, and pursuant to the licenses issued to the person, firm, corporation or entity operating or conducting such business or activity.

3307.1.1. A notice of activity shall be filed with the Whitehall Township Bureau of Planning, Zoning and Development for any of the following conditions, activities or operations:

1. The manufacture, possession, storage, sale, or other disposal of explosives or blasting agents.
2. The transportation of explosives or blasting agents in or through the Township.
3. The use of explosives or blasting agents in the Township.
4. The operation of a terminal for handling explosives or blasting agents.
5. The delivery to or receipt of explosives or blasting agents from a carrier at its terminal between the hours of sunset and sunrise.
6. The transportation of blasting caps or electric blasting caps on the same vehicle with explosives.

3307.1.2. Filing of notice of activity:

The notice of activity together with adequate documentation of insurance coverage, at a minimum of \$50,000, shall be filed with the Whitehall Township Bureau of Planning, Zoning and Development prior to the commencement, undertaking or establishment of any condition or operation listed in Chapter 33. The notice of activity shall be filed by the individual, person, corporation, firm or entity which shall be engaged in, practice, or establish the condition, activity or operations set forth in this subsection.

3307.1.3. Prohibited activities.

The following conditions, activities, operations or types of blasting agents or explosives are strictly prohibited:

1. Liquid Nitroglycerin.
2. Dynamite containing over 60% of liquid explosive ingredient.
3. Dynamite having an unsatisfactory absorbent or dynamite that permits leakage of a liquid explosive ingredient under any conditions liable to exist during storage.
4. Nitrocellulose in a dry and uncompressed condition in a quantity greater than 10 pounds (4.54kg) net weight in one package.
5. Fulminate of mercury in a dry condition, and fulminate of all other metals in any condition, except as a component of manufactured articles not hereinafter forbidden.
6. Explosive compositions that ignite spontaneously or undergo marked decomposition, rendering the products or their use more hazardous when subject for 48 consecutive hours or less to a temperature of 167° F (75°C).
7. New explosives until approved by DOTn 49 CFR listed in Chapter 44, except for permits issued to educational, governmental or industrial laboratories or instructional research purposes.
8. Explosives condemned by DOTn 49 CFR listed in Chapter 45.
9. Explosives not packed or marked in accordance with the requirements of DOTn 49 CFR Parts 100-178 listed in Chapter 45.
10. Explosives containing an ammonium salt and chlorate.

Exception: Gelatin dynamite.

§ 3308 shall be amended as follows:

§ 3308. The manufacture, display, sale or discharge of fireworks shall be governed by, and comply with applicable requirements, ordinances, laws, rules, and regulations of the Commonwealth of Pennsylvania and the United States Federal Government.

3308.1. Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks is prohibited.


Exceptions:

1. Storage and handling of fireworks is permitted only with a notice of activity as stated in Subsection 3308.2
2. The use of fireworks for display as stated in 3308.2
3. The possession, storage, sale, handling and use of specific types of Division 1.4G where allowed by applicable state laws, ordinances and regulations provided such fireworks comply with CPSC 16 CFR, parts 1500-1507, and DOTn 49 CFR parts 100-178, for consumer fireworks.

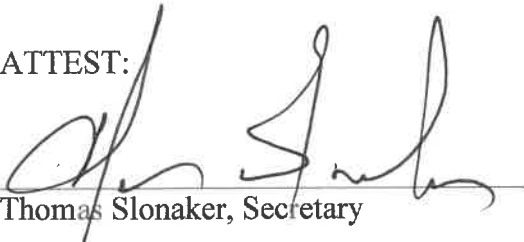
3308.2. Notice of activity. Any person, firm, corporation, or entity practicing or engaged in the manufacture, display, sale or discharge of fireworks shall file a notice of activity with the Bureau of Planning, Zoning and Development prior to the commencement or establishment of such manufacture, sale, or discharge. The notice of activity shall be made in writing on a form as prescribed by the Whitehall Township Bureau of Planning, Zoning and Development.

DULY ORDAINED AND ENACTED this 13th day of May, 2019, at a regular public meeting in lawful session duly assembled.

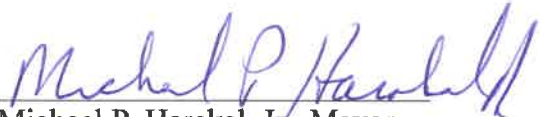
**BOARD OF COMMISSIONERS
TOWNSHIP OF WHITEHALL**

By: 
Dennis C. Hower, President

ATTEST:


Thomas Slonaker, Secretary

AND NOW, to wit, this 14th day of May, 2019, the above is approved.


Michael P. Harakal, Jr., Mayor