

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

**ORDINANCE NO. 3169**

**(BILL NO. 42-2019)**

**AN ORDINANCE AMENDING CHAPTER 7, FIRE PREVENTION  
AND PROTECTION, TO CREATE A NEW ARTICLE (ARTICLE  
IV) TO INSTITUTE A FIRE PREVENTION AND LIFE SAFETY  
PROGRAM FOR THE PURPOSE OF REDUCING POTENTIAL  
FIRE HAZARDS AND COLLECTING FEES RELATED THERETO**

**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 it would be in the best interest of the Township of Whitehall to provide for certain amendments to Chapter 7, Fire Prevention and Protection, by enacting Article IV, which establishes a statutory framework for the implementation of the Fire Prevention and Life Safety Program, related fire inspections by a Township of Whitehall Designated Official (as hereinafter defined), and the collection of fees related thereto; 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 7, Fire Prevention and Fire Protection, is hereby amended to include the following:

**ARTICLE VI            Fire Prevention and Life Safety Program**

**Section 7-33. Title.**

This Part may be cited, and shall be known, as the "Township of Whitehall Fire Prevention and Life Safety Program," hereinafter referred to as the "Fire Prevention Program".

**Section 7-34. Purpose, Applicability.**

The Fire Prevention Program is designed to reduce conditions which would pose a threat to life, property and the environment through a regular inspection and enforcement program.

**Section 7-35. Designated Official; Inspections**

1. The Township of Whitehall designates the Fire Inspector, or the Fire Inspector's designee ("Designated Official") as the official who shall inspect all commercial industrial, institutional and multifamily residential facilities/buildings according to an established schedule. The Designated Official may, upon reasonable belief or suspicion of hazard, inspect such facility as necessary to ensure compliance with applicable codes. The Designated Official shall be an employee under the supervision and control of the Township Mayor. The Designated Official will be the authority having jurisdiction (AHJ) pertaining to the violations and repairs of properties within the scope of the International Property Maintenance Code/2009, as amended, and all later versions adopted by the Township of Whitehall.
2. Educational uses, child day-cares, assembly uses with a fifty-person (50) occupancy load or higher, institutional uses, factories, buildings over three stories in height above grade plane, buildings of greater than twenty thousand (20,000) square feet, and high-hazard uses shall be inspected annually (the "Annual Inspection").
3. Other occupancies shall be inspected at two (2) year intervals (the "Biannual Inspection").
4. In buildings or structures containing more than one (1) business, a separate inspection shall be required for each business or commercial area. Any areas under the control of the owner shall also require an inspection.
5. Inspections shall be based on the fire, safety and health code requirements within the current International Property Maintenance Code/2009, as amended, and all later versions adopted by the Township of Whitehall. The person(s) designated under this part, may, during hours of operation or by agreement of the building owner/agent, enter any public or private building for the purpose of inspection under the Fire Prevention Program.
6. Initial fire inspections shall be based on the same requirements as the periodic inspections required to obtain a Certificate of Occupancy as defined in the International Property Maintenance Code/2009, as amended, and all later versions adopted by the Township of Whitehall. Initial fire inspections will be conducted when a change in the business owner or the occupancy within a commercial, industrial or multifamily dwelling or building occurs. A business owner or property owner must contact the Township of Whitehall Designated Official for notification and scheduling of an initial inspection before an occupancy shall be allowed to open and operate.

7. During all inspections, the Designated Official shall provide the owner/agent with a written or electronically communicated list of code violations, if any, and a date by which all violations must be corrected. In cases where an owner/agent does not agree with a violation(s) or the required correct measures order by the Designated Official and believes he/she does meet the intent of the Code by other means, the owner/agent may file an appeal with Whitehall Township Building Code Board of Appeals as defined in the International Property Maintenance Code/2009, as amended, and all later versions adopted by the Township of Whitehall.
8. Failure to allow access for the Designated Official to perform the scheduled inspection(s) may result in violation of this Part. The Designated Official may obtain an administrative search warrant to enter any property or structure when an owner/agent denies access.

**Section 7-36. Inspection Fees.**

1. The fees for the Fire Prevention Program shall be established by the Board of Commissioners of the Township of Whitehall and shall be set forth in the Township of Whitehall Schedule of Fees. Fees shall be amended by Ordinance.
  - a. The inspection fee shall cover the initial inspections, and any second or subsequent inspection shall be billed to the property owner at an hourly rate as set forth in the Township of Whitehall schedule of fees. Such billing shall be for a minimum of one (1) hour, and shall continue after the first hour in thirty (30) minute increments thereafter.
  - b. Any additional re-inspections shall be subject to an additional fee, as contained in the fee schedule, until code compliance is achieved.
  - c. Permit fees shall be assessed and collected along with the inspection fee.
  - d. All inspection fees shall be collected prior to the completion of any Fire Prevention Program initial inspection. Failure to submit payment by the specified date will prevent the inspection and shall constitute a violation of this Part, excepting that the property owner will be billed for re-inspections.

**Section 7-37. Inspection Certificate Required.**

1. Upon approval by the Designated Official, the business or property owner will be issued a certificate of compliance.
  - a. The certificate of compliance shall indicate the following:
    - i. Owner/occupant name and address.
    - ii. Applicable codes of compliance.

- iii. Date of inspection.
  - iv. Time for which the certificate is valid.
  - v. Any other information as the Designated Official deems necessary
- b. The certificate shall be posted in a conspicuous place, as to be visible to any employee, customer or Township official entering the facility.

**Section 7-38. Keeping of Records.**

All official records of inspection and certificates of compliance shall be kept by the Township of Whitehall Fire Code Official in the offices of the Township of Whitehall for a period of five (5) years.

**Section 7-39. Immediate Fire or Other Safety Hazard.**

If, upon inspection, it is the opinion of the Designated Official that an immediate fire hazard or condition dangerous to human life or property exists, the Designated Official is hereby authorized to order an immediate evacuation of the premises and to secure the same until such hazard or condition has been corrected.

**Section 7-40. Responsibility of Owner/Occupant.**

Scheduling of the Fire Prevention Program inspections shall be made by the Designated Official. It is the responsibility of the owner/occupant to maintain all systems and premises in accordance with applicable codes. If violations occur, then the owner, agent or occupant is responsible to correct such violation as to be in compliance with said codes. This will include vacant/not in use commercial, industrial, intuitional and multi-residential properties, in which case the property manager or building owner will be responsible for all repairs and fees.

**Section 7-41. Failure to Comply.**

The failure or neglect of any person designated by this Part to comply with any order or directive issued by the Designated Official under this Part, within the specified period of time and pursuant to the provisions of this Part or applicable codes, shall be deemed to be in violation of this Part.

**Section 7-42. Violations and Penalties.**

1. Any person, partnership, corporation, trust or other entity, who or which, in any way violates any of the provision of this Part of the Code or who or which refuses to obey any lawful order issued thereunder shall be liable, upon conviction in a summary jurisdiction, to pay a fine or penalty to the Township of Whitehall in an amount not less than One Hundred and 00/100 Dollars (\$100.00) nor more than One Thousand and 00/100 Dollars (\$1,000.00) and/or be sentenced to imprisonment in the county prison for a period not exceeding thirty (30) days, as provided by the law.

2. Prosecution of Violations. If the notice of violation is not complied with promptly, the Designated Official is authorized to institute the appropriate legal proceedings at law or in equity to restrain, correct or abate such violation of the provisions of this code or of the order or direction made pursuant thereto.
3. Each day of penalties of this Part or applicable code shall be considered separate offense, for which the fines and penalties stated herein may be imposed on a daily basis.

**Section 7-43. Appeals.**

Any person, partnership, corporation, trust or other entity aggrieved by any provision of this Part or any code issued thereunder may appeal the same to the Township of Whitehall Building Code Board of Appeals.

**DULY ORDAINED AND ENACTED** this 12<sup>th</sup> day of August, 2019, at a regular public meeting in lawful session duly assembled.

**BOARD OF COMMISSIONERS  
TOWNSHIP OF WHITEHALL**

By: Dennis C. Hower  
Dennis C. Hower, President

ATTEST:

Thomas Slonaker  
Thomas Slonaker, Secretary

AND NOW, to wit, this 13<sup>th</sup> day of August 2019, the above is approved.

Michael P. Haraka, Jr.  
Michael P. Haraka, Jr., Mayor