

Chapter 58
FIRE PREVENTION AND BUILDING CONSTRUCTION

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[HISTORY: Adopted by the Borough Council of the Borough of Delmont as indicated in article histories. Amendments noted where applicable.]

ARTICLE I
National Fire Prevention Code
[Adopted by Ord. No. 96-7, as amended through 2000]

§ 58-1. Purpose.

The purpose of this article is to enact the rules and regulations specifically set forth in the BOCA National Fire Prevention Code of 1996. This enactment is being made pursuant to the borough's policing powers for the protection of its citizens and the community welfare. The purpose of the code is to eliminate and/or regulate hazards or potential hazards when the same are discovered by the borough.

§ 58-2. BOCA National Fire Prevention Code and regulations.

- A. The entire BOCA National Fire Prevention Code of 1996 is enacted and enforceable throughout the municipality. However, the code enacted herein shall be modified as per the following:
- (1) Administration and enforcement.
 - (a) Amend as follows: Section F101.1 Title. These regulations shall be known as the "Fire Prevention Code" of the Borough of Delmont hereinafter referred to as "this code."
 - (b) Amend as follows: Section F113.1 Application for Appeal. Any person or entity shall have the right of appeal of a decision of the borough code officials to Borough Council for a public hearing where evidence and documentation shall be presented. The borough, within 30 days of the hearing, will provide Findings of Fact and a Decision. The appellant therein has 30 days to appeal to the District

Justice from the Decision of the Code Official and/or the borough. The District Justice shall review the appellant's claim that the true intent of the 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 method of fire prevention is used.

- (c) Delete Sections F113.2 through F113.7.
 - (d) Add as follows: to Section F112.3. Penalty for Violations. Any person who shall violate any of the provisions of this code or fail to comply with this code, or who shall violate or fail to comply with any order made, or who shall build in violation of any detailed statement of specifications or plans submitted and approved, or builds in violation of any detailed statement or specification of any certificate or permit issued, and/or from which no appeal has been taken, or who shall fail to comply with an order affirmed or modified by the borough or by a court of competent jurisdiction within the time frame set by said order, said persons shall severally for each and every violation and noncompliance, respectively, be guilty of a violation and for each and every offense, upon conviction thereof, shall be sentenced to pay a fine not less than \$100 nor more than \$500, plus costs of fees, attorney's fees, BOCA Code consultants, and in default of payment of such fines or costs, imprisonment for not less than 10 days or more than 60 days. Upon the imposition of a penalty under this code and where the violation continues, said persons shall be cited as a separate offense if said prohibited condition exists 10 days beyond the order to correct or remedy such violation.
- (2) General precautions against fire.
 - (a) Add as follows: Section F303.4(6) Sign Requirements. Unless "hold open" devices are specifically permitted by the Borough Code Enforcement Officials, all fire-resistant rating doors or cement barriers shall be marked with signs approved by the borough, indicating that the door or barrier must be maintained in a closed position and may be opened only during time of actual passage of persons or materials.
 - (3) Fire Protection Systems – Code Section F512.0 Automatic Fire Detection System. This section shall also include the following sections:
 - (a) Amend as follows: Code Section F514.11 Flammable Liquids and Occupancy. All buildings having storage or combustible or flammable liquids in excess of 25 gallons and having multiple-family dwelling units or multiple dwelling units above the first floor shall be equipped with an approved fire alarm system throughout the building. Such system shall have the capability of transmitting an alarm signal in the building and operate a master fire box alarm.
 - (b) Add as follows: Section F514.12 Multiple Occupancy Uses. Fire alarm systems shall be required for new and existing hotels, apartments, apartment hotels, housing projects, townhouses, dormitories, lodging houses having three or more dwelling units or utilizing a resident staff that supervises occupants of the dwellings. Each building shall have installed an approved fire alarm system that

will transmit the alarm signal in the building and operate a master fire alarm box to transmit the alarm directly to the borough fire alarm system.

- (c) Add as follows: Section F519.2(9) Where Required. Any structure used as a multifamily dwelling structure shall be provided and equipped with a minimum of one portable fire extinguisher having a minimum 4A, 40B, C rating for each floor or level of such structure. No portion of the same floor level shall be further from 50 feet from the fire extinguisher location on said floor.
- (4) Emergency Planning and Preparedness.
- (a) Add as follows: Section F703.5 Inspection of Exits. Not more than 60 minutes prior to a scheduled commencement, activity, event, performance, show, meeting, function or other occasion for which persons will gather at a place of assembly (a place of assembly being a room or space accommodating 40 or more individuals), the owner or his designee shall inspect every required exit, means of egress or way of departure therefrom. Such inspection shall be to ensure unobstructed means of passage, removal of locks, fasteners that would render the means of egress unsuited for immediate use. The scheduled program shall not begin nor shall admittance to the place of assembly be permitted until the necessary corrective action and full inspection has been completed.
 - (b) Add as follows: Section F703.6 Alternatives. In the case of undue hardship or practical difficulties and where slight modification of compliance would not significantly increase life safety hazards, the Code Enforcement Officer may approve or accept an alternate means of accomplishing these objectives.
- (5) Amend as follows: Section F3003.2 Storage. The storage of explosives, explosive materials, blasting agents is prohibited within the borough limits. Any temporary storage for use in connection with approved blasting operations shall only occur upon permission by the Code Officer and inspection of said facilities.
- B. The BOCA Fire Prevention Code of 1996 shall be cited as Chapter 58, Article I, and followed by the applicable article and section numbers of the BOCA Code when notifying any persons of violations under the code. The designation as is set forth in this subsection shall be adopted as the codification sections pursuant to the Borough of Delmont's codification format.

§ 58-3. Borough structure numbering requirement.

Any structure or equivalent dwelling unit to which a street number has been assigned by the United States Postal Authorities or any other governmental agency shall have said assigned street number so displayed on one structure or structures to which the number refers. The street number shall be displayed in a position on the structure where the numbers would be easily observed and readable from the nearest public roadway/street. All numbers shall be in Arabic figures having a minimum height of three inches and a minimum width of 1/2 inch.

§ 58-4. Enforcement.

The enforcement of these sections shall be granted to the Borough Zoning Officer, authorized borough police officers, members of Borough Council, the Borough Fire Chief and/or the duly elected Mayor of the Borough of Delmont.

ARTICLE II
Building Code

[Adopted by Ord. No. 96-8, as amended through 2000]

§ 58-5. Purpose.

The purpose of this article is to enact rules and regulations specifically established by BOCA (Building Officials and Code Administrators International, Inc.) with respect to the design, installation, maintenance of fire suppression systems and alarm systems. This enactment is being made pursuant to the borough's policing powers for the protection of the citizen's and the community's welfare and to diminish or eliminate hazardous or potential life hazards.

§ 58-6. BOCA National Building Code regulations.

A. The entire BOCA National Building Code of 1996 is enacted as a borough ordinance within the municipality of the Borough of Delmont. However, changes, additions and/or deletions are as follows:

(1) Administration.

- (a) Amend as follows: Section 101.1 Title. These regulations shall be known as the "Building Code of the Borough of Delmont" and are hereinafter referred to as "the code."
- (b) Amend as follows: Section 101.2 Scope. These regulations shall control all matters concerning the construction, alteration, addition, repair, removal, demolition, use, location, occupancy and maintenance of all buildings and structures and shall apply to all existing structures upon sale or transfer of any interest in said property and shall apply to all new proposed buildings and structures.
- (c) Amend as follows: Section 102.2 Existing Structures. The legal occupancy of any structure existing on the date of adoption of this code where said occupancy does not violate any existing zoning, subdivision or other sewage or other borough ordinances, or that has not violated any prior code enactments, shall be permitted to continue without change, except as is required by this code or other adopted codes, if any.
- (d) Add as follows: Section 107.3. By Whom Application is Made. Application for a permit shall be made by the contractor performing work and the owner when a contractor is involved.
- (e) Amend as follows: Section 112.3.1 Fee Schedule. A fee for each plan examination, building permit, occupancy permit, review and/or inspection shall

be paid in accordance with the actual costs incurred relating to the use of the Borough Solicitor, Borough Engineer, and the costs shown on the borough's fee schedule as is adopted by the borough from time to time.

- (f) Amend as follows: Section 112.5 Refunds. In a case where bonding or other financial security was posted for and to insure completed work may be refunded to the person or entity posting said bonds when the work is completed pursuant to specifications and representations approved by the municipality.
 - (g) Amend as follows: 116.4 Violation Penalties. Any person who shall violate a provision of this code or shall fail to comply with any of its requirements or who shall erect, construct, alter, repair or rehabilitate a building or structure in violation of an approved plan or directive of the Code Official or of a permit or certificate issued under the provisions of this code shall be guilty of a summary offense punishable by fine of not more than \$500, plus costs of attorney's fees, engineering fees and BOCA Code consultants, if any. Each day that a violation continues shall be deemed a separate offense.
 - (h) Amend as follows: Section 117.2 Unlawful Continuance. Any person who shall continue any work in or about or on the structure 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 conditions or a condition violating this code) shall be liable to pay a fine of not less than \$100 nor more than \$500, plus costs of prosecution and any other consultant fees including, but not limited to, attorney's fees, engineering fees, architect fees or other BOCA Code consultant costs and expenses.
 - (i) Sections 121.1 through 121.7 are deleted.
 - (j) Amend as follows: Section 121.1 Means of Appeal: Any person or entity shall have the right of appeal of a decision of the Borough Code Officials to Borough Council for a public hearing where evidence and documentation shall be presented. The borough, within 30 days of the hearing, will provide Findings of Fact and a Decision. The appellant therein has 30 days to appeal to the District Justice from the Decision of the Code Official and/or the borough. The District Justice shall review the appellant's claim that the true intent of the 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 method of fire prevention is used.
- (2) Use or occupancy.
 - (a) Amend Section 310.2 Definitions: "Dwellings/one-family dwelling" definition as follows: a building containing one dwelling unit; or not more than three adult persons where there is no supervision required on the premises of the persons residing in said dwelling.
 - (3) Fire resistant materials in construction.
 - (a) Add as follows: Section 707.1.1(2) Use Group H1: Tenant separations shall have a fire partition having a fire resistance rating of not less than one hour. The fire

partition shall extend from the floor to the underside of the floor deck or floor deck above. (This section also amends Table Referencing Fire Resistant Requirements for Fire Separation Table 313.1.2)

- (4) Fire protection systems.
- (a) Amend as follows: Section 904.2 Use Groups. A1, A3 and A4 remain as stated with the deletion of exceptions 1 and 2.
 - (b) Amend as follows: Section 904.6 Use Group I. An automatic fire suppression system shall be provided throughout all buildings with a Use Group I fire area. An automatic fire suppression system shall not be required for a Use Group I – II Child Care Facilities located at the level of exit discharge, which accommodates 10 children or less in which each child care room has an exit door directly to the exterior.
 - (c) Amend as follows: Section 904.8 Use Group R1. An automatic fire suppression system shall be provided throughout all buildings with a Use Group R1 fire area in accordance with Section 906.2.1 or Section 906.2.2.
 - (d) Amend as follows: Section 904.9 Use Group R2. An automatic fire suppression system shall be provided throughout all buildings with an occupancy in Use Group R2 in accordance with Section 906.2.1 or Section 906.2.2.
 - (e) Add as follows: Section 904.12 Supplemental Requirements: Structures adding a comprehensive fire alarm and detection system with other important fire safety protection systems, accessibility, means of egress, building construction, design techniques, adjustment of occupancies and/or other methods of meeting the objectives of the code and where the code would require a fire suppression system when in fact the construction of the fire suppression system would exceed the value of the improvements and the building value, the suppression system may be waived. This exception may only occur when significant documentation is prepared and presented to the municipality certified by the owner and his qualified designated agents and consultants that the objectives of this code would be met with the alternative proposal.
 - (f) Amend as follows: Section 918.4(2) Use Group B. Fire alarm systems shall be installed and maintained in all occupancies in Use Group B where such buildings are two or more stories in height.
 - (g) Amend as follows: Section 918.4(6) Use Group R2. A fire alarm system shall be installed and maintained in all occupancies in Use Group R2 or when a dwelling unit is located on the second or more stories of said building.
 - (h) Amend as follows: Section 918.5 Location. Manual fire alarm boxes shall be located not more than five feet from the entrance to each exit.
 - (i) Amend as follows: Section 918.7.1 Activation. Remains the same; however, exception is deleted.

- (j) Add as follows: Section 918.7.2 Signaling System. All required fire protective signaling systems shall transmit alarm and trouble signals to an approved central station system.
 - (k) Amend as follows: 919.4.4 Use Group R1. An automatic fire detection system shall be installed and maintained in all occupancies in Use Groups R1, R2 and R3.
 - (l) Add as follows: Section 904.12 Other Miscellaneous Occupancies Requiring Suppression Systems. Where there are questions whether fire suppression may or may not apply, it is the intent of this article to apply fire suppression systems to occupancy uses of the following: group homes, nursing homes, hospices, inns, multifamily residential units, two-family units (other than duplexes), any buildings or units converted from a one-family dwelling unit to a multifamily or two-or-more-family residential units or conversion to a mixed residential and commercial use, shall apply to single-family units or two-family units where there are three or more adults in the same dwelling unit who are unrelated biologically or by adoption and where said occupants require supervision and/or monitoring; all multiple EDU structures regardless of commercial/residential combinations.
 - (m) Add as follows: Section 918.4(7) Other Miscellaneous Group Use. Where there are questions whether fire suppression may or may not apply, it is the intent of this article to apply fire suppression systems to occupancy uses of the following: group homes, nursing homes, hospices, inns, multifamily residential units, two-family units (other than duplexes), any buildings or units converted from a one-family dwelling unit to a multifamily or two-or-more-family residential units or conversion to a mixed residential and commercial use, shall apply to single-family units or two-family units where there are three or more adults in the same dwelling unit who are unrelated biologically or by adoption and where said occupants require supervision and/or monitoring; all multiple EDU structures regardless of commercial/residential combinations.
- (5) Means of egress.
- (a) Add as follows: Section 1010.2 Minimum Number: There shall not be less than two approved independent exitways serving each story except in the following:
 - [1] Except in one story (one- or two-family dwellings);
 - [2] In businesses containing not more than a maximum travel distance of 75 feet to a point of egress.
 - (b) Delete as follows: Sections 1010.3 Buildings With One Exit.

§ 58-7. Mandatory specific requirements that supersede BOCA National Building Code of 1996.

- A. The BOCA Code standards enacted by this article shall be required pertaining to sprinkler system, fire alarm, fire and smoke detection, and appropriate heat sensing devices shall be required in all two or more shall apply to the following:
- (1) All multifamily residential units, all two-family units.
 - (2) Any buildings or units converted from a one-family dwelling unit to multifamily or two-or-more-family residential units.
- B. A single-family unit with three or more persons over the age of 21 or a one-family unit where two or more persons are residing at the residence require continuous monitoring and/or supervision by third persons not residing on the premises.
- C. Group homes, nursing homes, hospice, inns, a single-family unit where three or more children reside in the same dwelling who require who are unrelated biologically or adoption, a single-family unit of three or more adults in the same dwelling unit who are biologically unrelated or are adopted;
- D. All multiple EDU structures regardless of commercial residential combinations;
- E. Any existing units existing for more than 10 years that may fall into the above categories that undergo significant building renovations or rehabilitations or reconstruction. "Significant" shall be defined as rehabilitation of more than one room, or expansion of a building's floor or living floor space by more than floor space.
- F. The BOCA Code standards pertaining to a sprinkler system design, construction and maintenance shall be met and required in all multifamily residential dwellings within the borough.
- (1) All multifamily residential units within the borough. Multifamily residential dwelling units shall be defined as found in the Borough Zoning Ordinance and include, but are not limited to, double-houses/townhouses with or without common walls; double-houses located on separate lots but sharing any common wall; double premanufactured houses sharing any common walls.
 - (2) Any buildings or dwelling units converted to two or more EDU residential units.
 - (3) A group home, nursing home, hospice, inn, of three or more children in the same dwelling who are unrelated; or of three or more adults in the same dwelling who are unrelated.
 - (4) All multiple EDU structures regardless of commercial/residential combinations.
 - (5) Any of the existing units (existing more than 10 years) falling in categories in Subsection F(1), (2), (3) and/or (4) above that undergo significant building renovations or rehabilitations. "Significant" shall be defined as rehabilitation of more than one room or expansion of a building's floor space by 20%.
- G. Fire alarm and detection systems shall be designed, constructed and maintained in each multifamily residential building within the borough pursuant to the BOCA Codes.

- (1) This system shall have detectors on each floor, basement and attic, a detector for each bedroom and a detector for each EDU unit. Systems may be modified upon compelling cause given where there are other detection system redundancies, and as approved by Council.
- H. Smoke detection and/or appropriate heat sensing devices shall also be constructed in each multifamily residential dwelling unit within the borough pursuant to the BOCA Codes.
 - (1) This system shall have detectors on each floor, basement and attic, a detector for each bedroom and a detector for each EDU unit. Systems may be modified upon compelling cause given where there are other detection system redundancies, and as approved by Council.
- I. All design and drawings shall be generated by Developers/owners and submitted for a review not to exceed a sixty-day period by the appropriate borough officers/agents. The owner/developer is responsible for ensuring that all designs, drawings and specifications meet the BOCA standards and that all proofed drawings are actually implemented as approved.
- J. Systems designed to comply with Subsections B and C shall have a front door indicator as to what floor and type of detector activated for fire/emergency response personnel shall have an internal alarm system.
- K. Any unit referred to in Subsection F(5) may be exempted from the sprinkler installation requirement if all of the following are met:
 - (1) There are not less than 750 square feet of living space per EDU;
 - (2) Not more than two EDU's per structure; and
 - (3) Not more than four people per two EDU's.