

**TOWNSHIP OF MANHEIM
LANCASTER COUNTY, PENNSYLVANIA**

ORDINANCE NO. 2021-01

**AN ORDINANCE AMENDING CHAPTER 259 FIRE PREVENTION
AND PROTECTION BY ADDING ARTICLE III, FIRE SAFETY AND
EMERGENCY EQUIPMENT INSPECTIONS OF COMMERCIAL
STRUCTURES, BUILDINGS AND/OR BUSINESSES.**

BE IT ENACTED AND ORDAINED by the Board of Commissioners of the Township of Manheim, Lancaster County, Pennsylvania, as follows:

SECTION 1. The Code of the Township of Manheim, as amended ("Code"), is hereby amended by adding Article III "Fire Safety and Emergency Equipment Inspections" to Chapter 259 Fire Prevention and Protection as follows:

**ARTICLE III
FIRE SAFETY AND EMERGENCY EQUIPMENT INSPECTIONS**

§ 259-31. Inspection program authorized.

A program of fire safety and emergency equipment inspections is authorized for the following facilities located in the Township: industrial facilities, commercial facilities, retail businesses, banks, lodging and treatment facilities and all other facilities used for retail, wholesale, educational and day-care purposes, and places of worship.

§ 259-32. Inspection timetable; guidelines.

Regular fire inspections of all commercial structures and/or businesses may be conducted by the Manheim Township Fire Rescue, as outlined below. All inspections shall be conducted in conformance with the protections guaranteed businesses and/or individuals in the United States and Pennsylvania Constitution(s).

A. The following commercial properties and/or businesses are subject to annual fire inspections:

- (1) Structures containing fire-protection systems equipment which includes automatic fire sprinkler systems, standpipes, fire extinguishing systems for spray booths and commercial cooking hoods and automatic or manual fire alarm systems.
- (2) Places of assembly.
- (3) Occupancies that involve the manufacturing, processing, generation or storage of materials that constitutes a fire, explosion or health hazard.
- (4) Day-care centers, nurseries, assisted living facilities, health care centers and nursing homes.

- (5) Places that require a special license or permit, including bars, restaurants, beer distributors, temporary membrane structures, tents and canopies.
- (6) Schools.
- (7) Common areas and occupancies in a mall greater than 5,000 square feet.

B. All other commercial properties and/or businesses shall have a routine fire inspection every three years. Commercial properties shall include all non-residential occupancies, as defined in Section 202 Occupancy Classifications, of the International Fire Code.

C. The residential occupancies listed below shall have a routine fire inspection every three years.

- (1) Hotels
- (2) Motels
- (3) Dormitories
- (4) Monasteries and Convents
- (5) Alcohol and Drug Rehabilitation Facilities

§ 259-33. Notification; notice of violation; re-inspections.

A. Fire Rescue shall notify the property owner or representative of the business operating on the property of its intent to inspect the property or business at least five days prior to the inspection. Such notification shall be in the form of written communication or by phone. If the property owner or representative of the business operating on the property refuses to consent to an inspection of the property as required under this ordinance, the Manheim Township Fire Chief, the Fire Marshal, a designee of the Fire Chief or the Manheim Township Solicitor shall be authorized to obtain an administrative search warrant to conduct the inspection.

B. After the inspection, the Fire Rescue shall submit any violations in writing to the owner of record of the property on which the violation has occurred and to a representative of the business operating on the property. In addition to identifying the specific violations, the notice shall (a) specify the date that any violations must be corrected; (b) advise the recipient of the notice of the right to file an appeal to the Board of Appeals within ten (10) days pursuant to the procedures set forth in the International Fire Code; and (c) provide a notice that a failure to file an appeal within the proscribed time period will waive any right to challenge said violations and will subject the owner and business to the penalties set forth in § 259-37. Reinspections shall be conducted every 30 days until all of the violations have been corrected. If the violation is deemed a life-safety hazard, then the Fire Marshal or Inspector may notify the owner of the property or representative of the business

operating on the property that the violation must be corrected immediately or the property will be closed until the violation is corrected.

§ 259-34. Adoption of International Fire Code

A. The Commissioners hereby adopt and incorporate by reference, as if set out at length herein, for the purpose of prescribing regulations to safeguard life and property from the hazards of fire and explosion arising from the storage, handling and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the use or occupancy of buildings or premises, that certain code known as the 2015 edition of the International Fire Code, as published by the International Code Council, Inc., subject to the additions, insertions, deletions and changes, if any, prescribed in § 259-34 of this chapter. The facilities will be evaluated in accordance with the 2015 International Fire Code, as amended by § 259-34.B of this chapter during the inspections. The inspections shall include, but need not be limited to the following matters:

- (1) Fire-suppression and alarm systems.
- (2) Means of egress.
- (3) Fire Rescue access.
- (4) Electric service and panels.
- (5) Utility and storage areas.
- (6) Room occupancy loads.
- (7) Construction requirements for existing buildings in accordance with Chapter 11 of the 2015 International Fire Code.
- (8) Storage and handling of hazardous substances and materials.

B. The following sections of the International Fire Code are hereby revised:

- (1) Section 101.1: to insert "Township of Manheim."
- (2) Section 109.4: to insert that a violation shall be a "summary offense," with a fine amount of not more than "\$1,000" and imprisonment of not more than "30 days."
- (3) Section 111.4: insert dollar amounts of not less than "\$250" and not more than "\$1,000."

C. The following appendixes of the International Fire Code are hereby adopted:

- (1) Appendix "D": Fire Apparatus Access Roads.
- (2) Appendix "E": Hazard Categories.

(3) Appendix "H": Hazardous Materials Management Plan (HMMP) and Hazardous Materials Inventory Statement (HMIS) Instructions.

(4) Appendix "I": Fire Protection Systems—Noncompliant Conditions.

D. Applicability.

(1) This article shall not apply to new construction that is otherwise regulated or under construction through permits issued under the Pennsylvania Uniform Construction Code and the International Codes which are mandatorily adopted by the Township of Manheim thereunder (collectively the "UCC").

(2) To the extent of any conflict between the provisions of the UCC (including, without limitation, the International Fire Code to the extent the International Fire Code is referenced by the International Building Code), the provisions of the UCC shall apply.

§ 259-35. Fees.

- A. The Manheim Township Fire Rescue shall establish and the Township of Manheim shall from time to time adopt a Schedule of Fees and Costs for the fire safety and emergency equipment inspections shall.
- B. The Schedule(s) of Fees and Costs, attached as Appendix A hereto, is hereby adopted, and it shall remain in full force and effect until amended by Township resolution from time to time.
- C. The Manheim Township Fire Rescue shall from time to time as appropriate prepare and establish, and submit to the Township for its approval and adoption by resolution, proposed updated Schedule(s) of Fees and Costs for their respective services.
- D. Such Schedules of Fees and Costs shall be posted at the Manheim Township Fire Rescue or at the Manheim Township municipal building and shall be made available to persons upon request.

§ 259-36. Board of Appeals.

A Board of Appeals shall be established by resolution of the Commissioners in conformity with the requirements of the relevant provisions of the International Fire Code, and for the purposes set forth therein. All appeals to violation notices taken pursuant to § 259-33 shall be heard by the Board of Appeals pursuant to the procedures established under the IFC.

§ 259-37. Enforcement; violations and penalties.

The provisions of this chapter shall be enforced by the Manheim Township Fire Chief, the Fire Marshal, a designee of the Fire Chief or the Manheim Township Solicitor. The owner or occupier of any use required to comply with the terms of this chapter who shall fail to

comply herewith shall be in violation of this chapter. Violations of this chapter shall be enforced by an action brought by citation and tried before a Magisterial District Judge in the same manner provided for the enforcement of summary offenses under the Pennsylvania Rules of Criminal Procedure. Each day that a violation continues shall constitute a separate violation. Upon conviction in a summary proceeding, the violator shall be subject to a fine not exceeding \$1,000 per violation and/or imprisonment for up to 30 days. Violations of this chapter include but are not limited to the failure to permit an inspection, failure to pay the inspection fee and failure to correct any deficiencies noted during an inspection. The provisions of this chapter also may be enforced through an equitable action brought in the Lancaster County Court of Common Pleas as may be required to remedy violations. Manheim Township shall be able to recover its costs and reasonable attorneys fees incurred in enforcing a violation of the provisions of this chapter.

§ 259-38. Curing of violations.

The imposition of any one penalty for any violation shall not excuse the violation or permit it to continue, and all persons who violate any of the provisions of this chapter shall be required to correct or remedy such violation or defect within a reasonable time period, but in no event shall a violation remain uncured for longer than 45 days. When not otherwise specified, a separate offense shall be deemed to have been committed on each day during which a violation or noncompliance occurs or continues.

§ 259-39. Construal of provisions; liability.

This fire safety and emergency equipment inspection ordinance shall not be construed to affect the responsibility of any party owning, operating, maintaining or installing any equipment, or owning, operating or maintaining any building, for injuries or damage to persons or property caused by any defect therein. Nor shall the Township be held to assume any liability by reason of an inspection or reinspection authorized herein, by reason of a permit issued or by reason of the approval or disapproval of any building or equipment. Nor does the Township assume liability for any death or personal injury or property damage alleged to have arisen in connection with any of the places and things inspected as detailed at § 208-4 above, whereupon it is claimed that an inspection was improperly performed or that a permit was improperly granted.

SECTION 2. Should any paragraph, sentence, clause or phrase of this Ordinance be declared unconstitutional or invalid for any reason, the remainder of said Ordinance shall remain in full force and effect, and the same shall not affect the validity of the remaining portions of this Ordinance.

SECTION 3. This Ordinance shall become effective upon enactment.

ENACTED AND ORDAINED by the Board of Commissioners of the Township of Manheim on this 25 day of January, 2021.

Attest: Susan Schaeffer
(Assistant) Secretary

By: Dean G. Ober
~~(Vice)~~ President
Board of Commissioners

(SEAL)

EXHIBIT A

FEE SCHEDULE



1840 MUNICIPAL DRIVE
LANCASTER, PA 17601-4162

PHONE: 717.397.5881
FAX: 717.397.5866

Fire and Life Safety Inspection Fee Schedule

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|---|-----------|
| Up to 2,000 square feet | \$ 50.00 |
| 2,001 to 4,000 square feet | \$ 75.00 |
| 4,001 to 6,000 square feet | \$ 125.00 |
| 6,001 to 10,000 square feet | \$ 150.00 |
| 10,001 to 25,000 square feet | \$ 175.00 |
| 25,001 to 40,000 square feet | \$ 200.00 |
| 40,001 to 60,000 square feet | \$ 250.00 |
| 60,001 to 80,000 square feet | \$ 300.00 |
| Greater than 80,000 square feet | \$ 400.00 |
| Plus, \$25.00 for every 5,000 square feet over 80,000 | |
| Re-inspection Fee | \$ 80.00 |

VERIFICATION STATEMENT

I hereby verify that the enclosed document is a true and correct copy of the ordinance that the Manheim Township Board of Commissioners will consider during a public hearing on Monday, January 25, 2021, and, if appropriate, take action to enact following the public hearing or at a later scheduled meeting.

A handwritten signature in black ink, appearing to read "J. Dwight Yoder".

Date: January 4, 2021

J. Dwight Yoder, Esquire
Solicitor for Manheim Township Board of Commissioners