

**FILE OF COUNCIL
NO. 7 {2013}**

MAYOR JASON C. KLUSH, IN PLACE

July 17, 2013

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF PITTSTON, LUZERNE COUNTY, PENNSYLVANIA, AMENDING ORDINANCE, FILE OF COUNCIL #9 OF 1972, ADOPTING A FIRE PREVENTION CODE, FOR THE PURPOSE OF ADOPTING AS THE CURRENT FIRE PREVENTION CODE, THE 2009 INTERNATIONAL FIRE CODE, PROVIDING FOR THE ENFORCEMENT OF THE SAME, DESIGNATING ENFORCEMENT OFFICIALS, AND PRESCRIBING PENALTIES FOR VIOLATION.

Be it **ORDAINED** and **ENACTED** and it is hereby **ORDAINED** and **ENACTED** by the City Council of the City of Pittston that:

Section 1. Short Title. This Ordinance may be referred to as the “Pittston City Fire Prevention Code.”

Section 2. Previous Fire Prevention Code Ordinance, Purpose and

Continuation. An Ordinance, designated File of Council #9 of 1972 enacted on December 13, 1972, has been continuously in effect as the Fire Prevention Code ordinance for the City of Pittston. It is the purpose of this Ordinance to continue enforcement of a Fire Prevention Code for the City of Pittston, without interruption, and to adopt a more current model fire prevention code for the city to use for this purpose.

Section 3. Model Code. That a certain document, a copy of which is on file in the Office of the City Administrator, being marked and designated as the *International Fire Prevention Code, 2009 edition*, not including any Appendix Chapters, as published by the International Code Council, be, and is, hereby adopted as the Fire Code of the City of Pittston, Luzerne County, Pennsylvania, regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices, and from conditions hazardous to life or property in the occupancy of buildings and premises as herein provided; providing for the issuance of permits and collection of fees therefor; and each of the regulations, provisions, penalties, conditions and terms of said Fire Prevention Code on file in the office of the City Administrator are hereby referred to, adopted, and made a part hereof, as if fully set out in this ordinance, with the additions, insertions, deletions and changes set forth in Section 4 of this ordinance.

Section 4. Insertions, Amendments, Deletions: That the following sections of the International Fire Prevention Code, 2009 edition, are hereby revised as specified:

- A. **Section 101.1 Insert:** “City of Pittston”
- B. **Section 109.3 Insert:** “Summary Offense” ; “punishable by a fine of not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00)” and “thirty (30) days”
- C. **Section 111.4 Insert:** “not less than five hundred dollars (\$500.00) and not more than one thousand dollars (\$1,000.00)”
- D. **Section 103 Department of Fire Protection:** Delete Sections 103.1 General, Section 103.2 Appointment, and Section 103.3 Deputies, and insert Section 6 of this Ordinance. Retain Sections 103.4 Liability and Section 103.4.1 Legal Defense as set forth in the Fire Prevention Code.
- E. **Section 108 Board of Appeals:** Delete, and replace with Section 5 of this Ordinance.
- F. **Chapter 9 Fire Protection Systems:** No fire protection system shall be required in a residential home or commercial building that is not required by the Commonwealth of Pennsylvania Uniform Construction Code (UCC) (Act 45 of 1999, as amended).
- G. **Uniform Construction Code:** Wherever the Commonwealth of Pennsylvania Uniform Construction Code (UCC) modifies or supersedes the Fire Prevention Code, the UCC shall be followed.
- H. Wherever applicable City Ordinances set forth additional, more stringent requirements, or limitations, they shall be followed.
- I. The City Open Burning Ordinance shall also apply to any open flames or fires or outdoor burnings.

Section 5. Means of Appeal. Any person aggrieved by the enforcement of this ordinance may file an appeal with the City of Pittston Building and Property Maintenance Code Board of Appeals which shall serve as the Fire Code Board of Appeals pursuant to Section 108 Board of Appeals in Chapter 1 Scope and Administration of the Fire Prevention Code. The appeal shall be on a written form provided by the Board, must be filed within twenty (20) days of the date of enforcement, and no appeal shall be considered filed until payment of any fee required by the City Council is remitted in full. Upon receipt of an appeal, the Board shall convene a public hearing within thirty (30) days and render a decision within ten (10) days of the hearing. Filing of an appeal shall stay enforcement action except that action taken under Section 110 Unsafe Buildings of the International Fire Code.

Section 6. Enforcement of Property Maintenance Code Fire Prevention Sections by the Property Maintenance Code Enforcement Officer or the Fire Prevention Code Inspector. Where the City of Pittston Property Maintenance Code [Ordinance, File of Council #9 (2012)] provides for fire prevention within the Property Maintenance Code (Chapter 9), the Code Enforcement Officer or the Fire Code Inspector is empowered to enforce those provisions of the Property Maintenance Code dealing with fire prevention.

Section 7. Enforcement by Fire Code Inspector. This ordinance shall be enforced by a City Fire Prevention Code Inspector as directed by the City Administrator. In the performance of official duties, the Fire Code Inspector shall be indemnified in accordance with Section 103.4.1 of the Fire Code. In addition to the enforcement of this ordinance, all duties and powers identified in the job description, the Fire Code Inspector shall have all of the powers and duties as prescribed under Section 2104, Fire Marshal, as set forth in the Third Class City Code, Act of June 23, 1931 (P.L. 932, No. 317) Reenacted and Amended June 28, 1951 As Amended (P.L. 662. No. 164).

Section 8. Permits and Fees. Wherever a permit or fee is required for administration of the Fire Prevention Code, the City Council shall set forth such permit and fee regulations by means of an adopted Resolution of the City Council.

Section 9. Severability. If a court finds any part of this Ordinance invalid, the remaining parts of the ordinance shall remain in full force and effect.


ORDAINED AND ENACTED to take effect immediately upon adoption, by the City Council of the City of Pittston this 17th day of July, 2013.

ATTEST:



Joseph Moskovitz, City Administrator

APPROVED:



Jason C. Klush, Mayor