

EAST WHITELAND TOWNSHIP
CHESTER COUNTY, PENNSYLVANIA

ORDINANCE NO. -2010

AN AMENDMENT TO AN ORDINANCE OF EAST WHITELAND TOWNSHIP, CHESTER COUNTY, PENNSYLVANIA, CONCERNING ADDITIONS, INSERTIONS AND CHANGES TO THE INTERNATIONAL FIRE CODE AS CODIFIED IN CHAPTER 90-3 OF THE CODE OF THE TOWNSHIP OF EAST WHITELAND, FOR THE PURPOSE OF UPDATING AND AMENDING THE CODE SINCE THE PUBLISHING OF THE 2009 VERSION.

NOW THEREFORE, BE IT ENACTED AND ORDAINED, BY THE BOARD OF SUPERVISORS OF EAST WHITELAND TOWNSHIP, THAT CHAPTER 90-3 OF THE CODE OF EAST WHITELAND IS HEREBY AMENDED AS FOLLOWS:

Section 1. Chapter 90-3 of the Code of East Whiteland shall be amended by changing the reference in the introductory language from “International Fire Code, 2003 Edition” to “International Fire Code, 2009 Edition”.

Section 2. Chapter 90-3 of the Code of East Whiteland shall be amended by deleting the reference in Subsection I to “307.1.1” and replacing it with a reference to “307.1.2” and by adding the following new exception:

(6) Open burning and recreational fires as permitted in Sections 307.2 and 307.4.2, respectively.

Section 3. Chapter 90-3 of the Code of East Whiteland shall be amended by deleting Subsection J and replacing it with the following:

J. Section 302.1 shall be amended by inserting the following definition for “Barbeque pit and/or fire pit”:

Barbeque pit and/or fire pit. A pit that may or may not be surrounded by masonry, sand or rock materials meant to contain a fire for pleasure, ceremonial, cooking, warmth or similar purposes but excluding Portable Outdoor Fireplaces as defined herein.

Section 4. Chapter 90-3 of the Code of East Whiteland shall be amended by inserting a new subsection K as follows:

K. Section 307.1.1 shall be deleted and replaced with the following:

307.1.1 Prohibited open burning, barbeque pit and fire pit. Open burning that is offensive or objectionable because of smoke emissions or when atmospheric conditions

or local circumstances make such fires hazardous shall be prohibited. Barbeque pits and fire pits shall be prohibited.

Section 5. Chapter 90-3 of the Code of East Whiteland shall be amended by inserting a new subsection L as follows:

L. Section 307.2 shall be deleted and replaced with the following:

307.2 Permit required. A permit shall be obtained from the fire code official in accordance with Section 105.6 prior to kindling a fire for recognized sivicultural or range or wildlife management practices, prevention or control of disease or pests, or a bonfire. Application for such approval shall only be presented by and permits issued to the owner of the land upon which the fire is to be kindled.

Section 6. Chapter 90-3 of the Code of East Whiteland shall be amended by inserting a new subsection M as follows:

M. Section 307.4.1 shall be deleted and replaced with the following:

307.4 Bonfires. A bonfire shall not be conducted within 50 feet of a structure or combustible material or within 200 feet of any property line unless the fire is contained within a barbeque pit. Conditions which would cause a fire to spread within 50 feet of a structure shall be eliminated prior to ignition.

Section 7. Chapter 90-3 of the Code of East Whiteland shall be amended by inserting a new subsection N as follows:

N. Section 307.4.2 shall be deleted and replaced with the following:

307.4.2 Recreational fires. Recreational fires shall not be conducted within 25 feet of a structure or combustible material or within 200 feet of any property line. Conditions which would cause a fire to spread to within 25 feet of a structure shall be eliminated prior to ignition.

Section 8. Chapter 90-3 of the Code of East Whiteland shall be amended by inserting a new subsection O as follows:

O. A new Section 2703.1.5 shall be added which shall state as follows:

2703.1.5 Radioactive material. Unless preempted by requirements of any federal or state agency, the requirements of NFPA 801 and this chapter shall apply to the storage of any radioactive material.

Section 9. Severability. If any sentence, clause, section or part of this Ordinance is for any reason found to be unconstitutional, illegal or invalid, such unconstitutionality, illegality or

invalidity shall not affect or impair any of the remaining provisions, sentences, clauses, sections or parts hereof. It is hereby declared as the intent of the Board of Supervisors of East Whiteland Township that this Ordinance would have been adopted had such unconstitutional, illegal or invalid sentence, clause, section or part thereof not been included herein.

Section 10. Effective Date. This Ordinance shall become effective five (5) days after its enactment, as law provides.

ENACTED and ORDAINED this ____ day of _____, 2010 by the East Whiteland Township Board of Supervisors.

William Holmes

Attest

Township Secretary

Virginia McMichael

John Mott