

**ORDINANCE NO. 2022-881**  
**UPPER MERION TOWNSHIP**  
**MONTGOMERY COUNTY, PENNSYLVANIA**

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**AN ORDINANCE AMENDING THE UPPER MERION TOWNSHIP CODE, CHAPTER 69, "CONSTRUCTION CODES, UNIFORM", TO ADOPT PROVISIONS OF THE 2018 INTERNATIONAL BUILDING CODE, RESIDENTIAL CODE, FIRE CODE, PLUMBING CODE, MECHANICAL CODE, EXISTING BUILDING CODE, AND URBAN-WILDLAND INTERFACE CODE, AND 2017 NATIONAL ELECTRICAL CODE, WITH CERTAIN ADDITIONS, INSERTIONS, AND CHANGES**

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**WHEREAS**, the Board of Supervisors has met the procedural requirements of the Second-Class Township Code, 53 P.S. § 65101, *et seq.*, for the adoption of the proposed ordinance;

**WHEREAS**, the Second-Class Township Code authorizes the Board of Supervisors to make and adopt Ordinances that are consistent with the Constitution and the laws of the Commonwealth that it deems necessary for the proper management and control of the Township and welfare of the Township and its citizens;

**WHEREAS**, the Township, having previously adopted certain provisions of the Pennsylvania Uniform Construction Code subject to certain additions, insertions, and changes, and with the preservation of certain established standards, now desires to conform to certain requirements of the Pennsylvania Construction Code Act, having adopted provisions of the 2018 Uniform Construction Code, 2017 National Electrical Code, and associated regulations to the Pennsylvania Construction Code Act promulgated by the Pennsylvania Department of Labor and Industry, collectively, the "Code", with certain additions, insertions, changes, and preservations of pre-existing stricter standards;

**WHEREAS**, the Code requires the enactment of an appropriate ordinance by municipalities electing to administer and enforce the building code provisions of the Code.

**WHEREAS**, the Board of Supervisors, after due consideration of the proposed ordinance at a duly advertised public meeting, has determined that the health, safety, and general welfare of the citizens and residents of the Township will be served by an amendment to the Upper Merion Township Code to adopt certain, revised provisions of Code with certain additions, insertions and changes;

**NOW, THEREFORE, BE IT ORDAINED AND ENACTED** by the Board of Supervisors for Upper Merion Township, and it is hereby ordained and enacted, by the authority of the same, to wit:

**SECTION 1. CODE AMENDMENT. CHAPTER 69, "CONSTRUCTION CODES, UNIFORM" OF THE UPPER MERION TOWNSHIP CODE IS HEREBY AMENDED AS FOLLOWS:**

**§ 69-1. Adoption and Incorporation of Standards.**

- A. Subject to the additions, insertions, deletions, changes, and preservations set forth below, Upper Merion Township has elected to administer and enforce the provisions of the Pennsylvania Construction Code Act, Act 45 of 1999 and the Uniform Construction Code contained in 34 Pa. Code, Chapters 401 through 405, as amended from time to time, collectively, the "Code", as the municipal building code of Upper Merion Township.
- B. Subject to the additions, insertions, deletions, changes, and preservations set forth below, Upper Merion Township hereby adopts, as if fully set out in this Chapter, the 2018 International Building Code, Chapter 11 of the 2021 International Building Code, 2018 International Residential Code, 2018 International Fire Code and Appendices A, B, C, D, I, K, M, N, 2018 International Plumbing Code, 2018 International Mechanical Code, 2018 International Existing Building Code, 2017 National Electrical Code, and the 2018 International Urban-Wildland Interface Code as published by the International Code Council including, but not limited to, the regulations, provisions, penalties, conditions, and terms set forth within said codes.

**§ 69-2. Effect on other Ordinances.**

This Chapter is intended to amend all Upper Merion Township building code ordinances or portions of ordinances with requirements that are less than the minimum requirements of the Code. This Chapter shall not be intended to amend any existing Upper Merion Township building code ordinance or portion of any such ordinance that equals or exceeds the requirements of the Code.

**§ 69-3. Amendments to UCC definitions.**

The following amendment to the definitions set forth in Section 103 of the Code is hereby adopted by Upper Merion Township:

- A. Amend the definition of "utility and miscellaneous structures" to read:

Buildings or structures of an accessory character and miscellaneous structures not classified by the International Code Council in any specific use group. The term includes carports, detached private garages, greenhouses, sheds and recreational structures having a building area of less than 120 square feet.

**§69-4. Amendments to Building Code.**

The following amendments to the 2018 International Building Code are hereby adopted by Upper Merion Township.

- A. Add Section 117, Time restrictions, to read:

**117.1 Time restrictions.** Any work done pursuant to the permit issued under this Code, or ancillary thereto, and occurring in residential districts, or on any property which adjoins a residential district may proceed only between the hours of 0700 and 2100 hours (7:00 a.m. to 9:00 p.m.), prevailing time. This shall include site work, approved under the subdivision or development plan, as well as building construction.

**Exceptions:**

1. Work which produces no more than the hearing threshold (3 db above ambient) at the property line.
2. Work of an emergency nature.
3. On Saturdays and Sundays, such work may proceed only between the hours of 0800 and 2100 (8:00 a.m. and 9:00 p.m.), prevailing time.
4. Upon written approval of the Board of Supervisors, these times may be modified for specific jobs and specific locations.

**B. Add Section 402.4.2.4, Floor/ceiling assemblies to read:**

402.4.2.4 Floor/ceiling assemblies and their supporting columns and beams within multilevel covered malls shall be of one-hour fire-resistant-rated noncombustible construction.

**C. Add Section 403.7 to read:**

**Resource Centers.**

**403.7.1** In buildings greater than seventy-five (75) feet in height, at five (5) floor intervals, starting with the fifth floor, the building shall be equipped with a room comprising of a minimum of ten (10) square feet. This room shall be used by the fire department to store equipment that might be needed in the event of an emergency. These resource centers shall be located adjacent to a stair tower.

**403.7.2** The equipment to be stored in these rooms shall be determined by the fire department and provided by the building owner.

**403.7.3** The rooms shall be equipped with locksets, the key to which will be stored in a Knox Box® keybox located at the discretion of the fire department.

**403.7.4** These room shall be signed "FOR FIRE DEPARTMENT USE ONLY — NO UNAUTHORIZED ACCESS"

**403.7.5** These rooms shall be equipped with access alarms that will be connected to the fire alarm system required in Section 907.2.13.

**D. Add the following definitions to Section 202:**

**ADDRESSABLE DEVICE:**

A fire alarm system component with discrete identification that can have its status individually identified or that is used to individually control other functions.

**ADDRESSABLE SYSTEM:**

A fire alarm system where each alarm device is indicated individually on the annunciator panel(s).

**ALARM RESET:**

Clearing all indicators of an alarm system such that all alarm and trouble signals are cleared and the system is returned to normal operating condition.

**ALARM SILENCE:**

Shutting down the audible alarm devices connected to a fire alarm system, but leaving the annunciator panels in such condition that the zone from which the alarm is received still indicates the problem.

E. Amend Section 903.2 to read:

**903.2** Automatic fire suppression systems shall be installed and maintained in full operating condition in the locations indicated in Sections 903.2.1 through 903.2.3.

F. Amend Section 903.2.1 to read:

**Use Groups A, B, E, F, H, I, M, R, S and U:**

In all buildings or structures or portions thereof when more than two thousand (2,000) square feet or more than thirty-five (35) feet in height.

**Exception:** Open parking structures as defined in Section 406.

G. Renumber Section 903.2.11 to 903.2.2 (et al).

H. Amend Section 907.2.12.1:

907.2.12.1, **Fire alarm systems.** All high-rise buildings shall be protected with an addressable fire alarm system meeting the requirements of the current edition of NFPA Standard 72. Each individual alarm-initiating device shall annunciate to a panel in the lobby of the building.

I. Add Section 907.5.3 to read:

**907.5.3** Where buildings are provided with both a fire alarm and an automatic fire sprinkler system, a visible alarm appliance shall be installed on the outside wall, above the fire department connection for the sprinkler system.

J. Amend Section 1013.2 to read:

**1013.2. Floor level exit signs.** In addition to the exit signs and lights required in Section 1013.1, internally illuminated exit signs shall be provided on the wall immediately adjacent to the exit, the bottom of the sign within twelve inches (12") of the floor.

K. Add Section 3107.2 to read:

**3107.2** Permits shall be required for all signs, unless otherwise provided for in the Zoning Code. Construction documents shall be prepared and filed in accordance with Sections 107.1 and 107.2.

§ 69-5. **Amendments to Fire Code.**

The following amendments to the 2018 International Fire Code are hereby adopted by Upper Merion Township.

A. Add the following definition to Section 202:

**OCCUPIED.** As applied to a building or portion thereof, shall be construed as though followed by the words "or intended, arranged or designed to be occupied, or having a certificate of use and occupancy."

B. Add section 506.3 to read:

**Standard box.** The Standard Key Box for Upper Merion Township will be manufactured by the Knox Company and shall be of the hinged type.

C. Add Section 903.2.11.6.1 to read:

**903.2.11.6.1 Fire Suppression Systems in High-Rise buildings.** All existing high-rise buildings which contain a mix of occupancies shall be equipped with an automatic fire suppression system in those areas, other than those classified as R-1 and R-2, when such use occurs on the same floor as the residential use or on a floor beneath the residential use.

D. Amend Section 903.4.2 to read:

**903.4.2 Alarms.** An approved visual device, located above the fire department connection, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.

E. Amend Section 907.2.12.1.1 to read:

**907.2.12.1.1 Corridor Smoke Detection Systems in High-Rise Buildings.** All high-rise buildings, except those buildings protected throughout with an automatic fire suppression system, shall have all exit access corridors protected with an automatic fire alarm system. This system shall include smoke detectors as its primary initiating device and shall annunciate to a panel in the lobby of the building.

- F. Insert "all residential districts" in Section 5704.2.9.6.1.
- G. Insert "all residential districts" in Section 5706.2.4.4.
- H. Insert "all residential districts" in Section 5806.2.
- I. Insert "all residential districts" in Section 6104.2.
- J. Add Section D103.6.3 to read:

**D103.6.3 Placement of signs.** No Parking by Order of the Fire Marshal signs shall be erected no greater than 300 feet apart on the same side of the road.

**§ 69-6. Amendments to Plumbing Code.**

The following amendments to the 2018 International Plumbing Code are hereby adopted by Upper Merion Township.

- A. Insert "36 inches" in Section 305.4.1.
- B. Add Section 405.2.1 to read:

**405.2.1** In all use groups, with the exception of the nonpublic areas in Use Group R, water closets and lavatories shall be supported entirely off the floor without stress or strain on the wall.

- C. Insert "24 inches" in Section 903.1.
- D. Add Section 1003.11 to read:

**1003.11** The use of chemical/biological additives shall be prohibited. The cleaning method utilized shall be of the suction type, and flushing of traps shall be prohibited. A record of said cleaning shall be kept on file at the site of the grease trap and presented for inspection to the Code Official upon request.

**§ 69-7. Amendments to Residential Code.**

The following amendments to the 2018 International Residential Code are hereby adopted by Upper Merion Township.

- A. Amend Table 301.2(1) concerning climatic and geographic design criteria to:

Roof snow load	30 psf
Wind pressure	90 mph
Topographic effects	No

Seismic condition	B
Weathering	Severe
Frost line depth	36 inches
Termite protection	Moderate to heavy
Decay	Yes
Winter design temperature	14° F.
Ice barrier required	Yes
Air freezing index	689
Mean annual temperature	53.1° F.
Radon resistant	Yes
Flood hazards	FEMA Map dated March 2, 2016

B. Amend Section R313.1 to read:

**R313.1 Automatic sprinklers.** An automatic residential sprinkler system shall be installed in all new One- and Two-Family Dwellings and Townhouses.

Exception: An automatic residential fire sprinkler system shall not be required when additions or alterations are made to existing buildings that are not already provided with an automatic residential sprinkler system.

C. Delete Section R313.2.

**SECTION 2. REPEALER.**

Unless specified above or otherwise preserved, all Ordinances or parts of Ordinances inconsistent herewith or in conflict with any of the specific terms enacted hereby, to the extent of said inconsistencies or conflicts, are hereby specifically repealed.

**SECTION 3. REVISIONS.**

The Upper Merion Township Board of Supervisors does hereby reserve the right, from time to time, to adopt modifications of, supplements to, or amendments of its Ordinance, including this provision.

**SECTION 4. SEVERABILITY.**

In the event that any section, sentence, clause, phrase or word of this Ordinance shall be declared illegal, invalid or unconstitutional by any Court of competent jurisdiction, such declaration shall not prevent, preclude or otherwise foreclose enforcement of any of the remaining portions of this Ordinance.

**SECTION 5. EFFECTIVE DATE.**

This amendment shall become effective at 0001 hours on August 1, 2022.

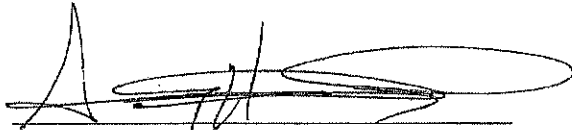
**SECTION 6. FAILURE TO ENFORCE NOT A WAIVER.**

The failure of Upper Merion Township to enforce any provision of this Ordinance shall not constitute a waiver by the Township of its rights of future enforcement hereunder.

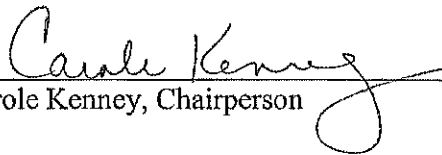
**ORDAINED AND ENACTED** by the Board of Supervisors for Upper Merion Township, Montgomery County, Pennsylvania, this 14th day of July, 2022.

**ATTEST:**

**UPPER MERION TOWNSHIP  
BOARD OF SUPERVISORS:**



Anthony T. Hamaday  
Township Manager / Secretary

By:   
Carole Kenney, Chairperson

Advertised Ordinance in Times Herald: June 22, 2022 and June 29, 2022  
Proof of Publication Dated: June 29, 2022  
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Ordinance Entered: 7/15/2022