

**TOWNSHIP OF UPPER BERN
COUNTY OF BERKS
COMMONWEALTH OF PENNSYLVANIA**

ORDINANCE NO.: 172 of 2026

AN ORDINANCE OF THE TOWNSHIP OF UPPER BERN, BERKS COUNTY, PENNSYLVANIA, ADOPTING THE 2021 EDITION OF THE INTERNATIONAL FIRE CODE 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 IN THE TOWNSHIP OF UPPER BERN; PROVIDING FOR THE ISSUANCE OF PERMITS AND COLLECTION OF FEES THEREFOR; REPEALING ALL OTHER ORDINANCES OR PARTS OF LAWS IN CONFLICT THEREWITH.

WHEREAS, the Board of Supervisors of the Township of Upper Bern is desirous of adopting certain regulations governing the conditions and maintenance of all property, buildings and structures within the Township, and 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 in the Township of Upper Bern; and providing for the issuance of permits and collection of fees therefor; and

WHEREAS, the Board of Supervisors has determined it is in the best interest of the health, safety and general welfare of the Township and its residents to adopt the International Fire Code of 2021 for the purposes above-stated, subject to the amendments stated herein, which may be amended by majority vote of the Board, from time to time.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED, that the Board of Supervisors of the Township of Upper Bern does hereby approve and adopt the 2021 edition of the International Fire Code, subject to certain amendments, as follows:

Section 1. That a certain document, three (3) copies of which are on file in the office of the Township Secretary of Upper Bern Township, being marked and designated as the International Fire Code, 2021 edition, including Appendix Chapters B-I, Chapter K and Chapter N (see International Fire Code Section 101.2.1, 2021 edition), as published by the International Code Council, be and is hereby adopted as the Fire Code of the Township of Upper Bern, in the County of Berks and Commonwealth of 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 and all of the regulations, provisions, penalties, conditions

and terms of said Fire Code on file in the office of Upper Bern Township are hereby referred to, adopted, and made a part hereof, as if fully set out in this legislation, with the additions, insertions, deletions and changes, if any, prescribed in Section 2 of this ordinance.

Section 2. The following sections are hereby revised:

Section 101.1. Insert Upper Bern Township to replace [NAME OF JURISDICTION].

Section 110.4. is hereby deleted in its entirety and restated as follows:

110.4. Violations and Penalties

Any person who shall violate any of the provisions of this Ordinance or the Codes hereby adopted or fail to comply therewith, or who shall violate or fail to comply with any order made thereunder, or fail to pay a fee or fine set by this Ordinance or the Codes hereby adopted, or who shall erect, install, alter, repair or do work in violation of any detailed statement of specifications or plans submitted and approved thereunder and from which no appeal has been taken, or who shall fail to comply with such an order as affirmed or modified by the Board of Appeals or by a court of competent jurisdiction, within the time fixed therein, shall severally for each and every such violation and noncompliance respectively, be punishable by a fine of not less than Fifty (\$50.00) Dollars nor more than One Thousand Five Hundred (\$1,500.00) Dollars, plus all legal fees and all costs caused by enforcement. Any such violation shall also be required to be corrected or remedied by all such persons as soon possible. Each day that prohibited conditions are maintained shall constitute a separate offense.

Section 112.4. is hereby deleted in its entirety and restated as follows:

112.4. Failure to Comply

Any person who shall continue any work 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 condition, shall be liable for a fine in an amount of not less than Fifty (\$50.00) Dollars nor more than One Thousand Five Hundred (\$1,500.00) Dollars, plus all legal fees and all costs caused by enforcement. Each day that prohibited conditions are maintained shall constitute a separate offense.

Section 1103.5.3. Insert May ____, 2027 to replace [DATE BY WHICH SPRINKLER SYSTEM MUST BE INSTALLED].

Section 3. That the geographic limits referred to in certain sections of the 2021 *International Fire Code* are hereby established as follows:

Section 5704.2.9.6.1 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks outside of buildings is prohibited): Insert “Limits and Locations under this Section shall be determined by the Fire Code Official.” to replace [JURISDICTION TO SPECIFY].

Section 5706.2.4.4 (geographic limits in which the storage of Class I and Class II liquids in above-ground tanks is prohibited): Insert “Limits and Locations under this Section shall be determined by the Fire Code Official.” to replace [JURISDICTION TO SPECIFY].

Section 5806.2 (geographic limits in which the storage of flammable cryogenic fluids in stationary containers is prohibited): Insert “Limits and Locations under this Section shall be determined by the Fire Code Official.” to replace [JURISDICTION TO SPECIFY].

Section 6104.2 (geographic limits in which the storage of liquefied petroleum gas is restricted for the protection of heavily populated or congested areas): Insert “Limits and Locations under this Section shall be determined by the Fire Code Official.” to replace [JURISDICTION TO SPECIFY].

Section 4. That Upper Bern Township Ordinance No. 31 of 1992 entitled “AN ORDINANCE ESTABLISHING MINIMUM REGULATIONS GOVERNING THE DESIGN, CONSTRUCTION, ALTERATION, ENLARGEMENT, REPAIR, DEMOLITION, REMOVAL, MAINTENANCE AND USE OF ALL BUILDINGS AND STRUCTURES; PROVIDING FOR THE ISSUANCE OF FEES, MAKING OF INSPECTIONS; AND PROVIDING PENALTIES FOR THE VIOLATION THEREOF BY ADOPTING “THE BOCA NATIONAL BUILDING CODE/1990”, TOGETHER WITH CERTAIN AMENDMENTS CONSISTING OF ADDITIONS AND DELETIONS THERETO”, and all other ordinances or parts of laws in conflict herewith are hereby repealed.

Section 5. If any section, subsection, sentence, clause or phrase of this legislation is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this ordinance. The Board of Supervisors of Upper Bern Township hereby declares that it would have passed this law, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 6. That nothing in this legislation or in the Fire Code hereby adopted shall be construed to affect any suit or proceeding impending in any court, or any rights acquired, or liability incurred, or any cause or causes of action acquired or existing, under any act or ordinance hereby repealed as cited in Section 3 of this law; nor shall any just or legal right or remedy of any character be lost, impaired or affected by this legislation.

Section 7. That the Secretary of Upper Bern Township is hereby ordered and directed to cause this legislation to be published as required by operation of law.

Section 8. That this law and the rules, regulations, provisions, requirements, orders and matters established and adopted hereby shall take effect and be in full force and effect immediately from and after the date of its final passage and adoption.


Section 8. That Upper Bern Township acknowledges and agrees that the International Code Council, Inc. (“ICC”) owns registered copyrights in the 2021 edition of the ICC International Fire


Code. ICC makes the 2021 edition of the International Fire Code and numerous other International Codes (I-Codes) available to view for free on its website at: codes.iccsafe.org. Without advance written permission from the copyright owner, no part of the 2021 edition of the International Fire Code may be reproduced, distributed or transmitted in any form or by any means, including without limitation, electronic, optical or mechanical means (by way of example, and not limitation, photocopying, or recording by or in an information retrieval system).

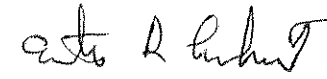
ORDAINED AND ENACTED by the Board of Supervisors of Upper Bern Township, Berks County, Pennsylvania, in lawful session duly assembled, this 14th day of May, 2026, by a vote of 3 to 0.


Attest:

**UPPER BERN TOWNSHIP
BOARD OF SUPERVISORS**


Secretary

By: 
Gloria Grim, Chairperson

By: 
Arthur Lambert, Vice Chairperson

By: 
Lisabeth A. Lynn, Supervisor