

ARTICLE 1731
Inspections

1731.01	Definitions.
1731.02	Inspections Required.
1731.03	Certificate of Occupancy Required.
1731.04	Issuance of Certificate of Occupancy.
1731.05	Applicability.
1731.06	Compliance Requirements.
1731.07	Fees.
1731.08	Registration.
1731.99	Penalty.

1731.01 DEFINITIONS.

The following words and phrases when used in this act shall have the meanings given to them in this section unless the context clearly indicates otherwise:

“Date of purchase.” The date on which title and right to possess the property transfers to the purchaser or, in cases where the property is sold pursuant to the act of May 16, 1923 (P.L. 207, No. 153), referred to as the Municipal Claim and Tax Lien Law, the first day following the right of redemption period authorized under the Municipal Claim and Tax Lien Law.

“City.” The City of Bethlehem, Pennsylvania.

“Substantial violation.” A violation of an adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that makes a building, structure or any part thereof unfit for human habitation and is discovered during the course of a City inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a City inspection report.

“Temporary access certificate.” A certificate issued by the City as a result of the City inspection of a property incident to the resale of the property that identifies at least one substantial violation, and the purpose of the certificate is to authorize the purchaser to access the property for the purpose of correcting substantial violations pursuant to the maintenance and repair provisions of this Article. No new occupant who has not previously occupied a property may occupy a property during the term of a temporary access certificate, but tenants, in the case of a tenant-occupied property, already occupying the property may remain in the property at the discretion of code enforcement based on human habitability. The owner shall be permitted to store personalty that is related to the proposed use or occupancy of the property or is needed to repair the substantial violations during the time of the temporary access certificate.

“Temporary certificate of occupancy.” A certificate issued by the City as a result of

the municipal inspection of a property incident to the resale of the property that reveals a violation but no substantial violation, and the purpose of the certificate is to authorize the purchaser to fully utilize or reside in the property while correcting violations pursuant to the maintenance and repair provisions of this Article. A temporary certificate of occupancy shall have the same meaning as a “temporary use and occupancy certificate” in the Municipal Code and Ordinance Compliance Act, 68 P.S. § 1081-1084.

“Unfit for human habitation.” A condition which renders a building or structure, or any part thereof, dangerous or injurious to the health, safety or physical welfare of an occupant or the occupants of neighboring dwellings. The condition may include substantial violations of a property that show evidence of: a significant increase to the hazards of fire or accident; inadequate sanitary facilities; vermin infestation; or a condition of disrepair, dilapidation or structural defects such that the cost of rehabilitation and repair would exceed one-half of the agreed-upon purchase price of the property.

“Certificate of occupancy.” A certificate issued by the City stipulating that the property meets ordinances and codes and may be used or occupied as intended. A certificate of occupancy shall have the same meaning as a “use and occupancy certificate” in the Municipal Code and Ordinance Compliance Act, 68 P.S. § 1081-1084.

“Violation.” A violation of a properly adopted building, housing, property maintenance or fire code or maintenance, health or safety nuisance ordinance that does not rise to the level of a substantial violation and is discovered during the course of a municipal inspection of a property and disclosed to the record owner or prospective purchaser of the property through issuance of a City inspection report.

“Commercial”. Refers to non-residential.

(Ord. 2026-19 – Passed 7/21/26.)

1731.02 INSPECTIONS REQUIRED.

- (a) All properties for which title is to be transferred shall be inspected under Article 119 titled Registration, Sale and Transfer of Real Estate and be subject to Section 119.07 titled Rules and Regulations where applicable. In addition, all properties for which title is to be transferred shall be subject to Section 119.04(b), titled Duties of Title Holder and Seller, including the requirement that every transferor or their agent schedule an inspection by the City’s Housing Inspections Bureau of the property at least thirty (30) days prior to the transfer thereof. In addition, for any property offered for sale, the transferor shall contact the City’s Housing Inspections Bureau to schedule an inspection within ten (10) days of the property being offered for sale. For any property for which title is to be transferred, the property shall be inspected by the City prior to the date of purchase. It shall be the responsibility of the transferor of title to contact the City to schedule the inspection.

(Ord. 2023-22. Passed 6/20/23.)

- (b) A commercial unit, structure or building shall be inspected by the City for purposes of ascertaining compliance with City codes each time the unit, structure or building changes occupants. It shall be the responsibility of the owner of the unit, structure or building to contact the City to schedule the inspection prior to the change in occupancy.
- (c) All fraternities and sororities must be inspected annually by the City.
- (d) Rental residential dwelling units shall be inspected in accordance with Article 1735, Article 1738, and Article 1739, as applicable.

(Ord. 2023-22. Passed 6/20/23; Ord. 2026-19. Passed 7/21/26 *modified and moved section.)

1731.03. CERTIFICATE OF OCCUPANCY REQUIRED.

- (a) Possession by a property's owner of a current certificate of occupancy for the property is required to permit occupancy and use of the property and units, structures or buildings located thereon. A new certificate of occupancy shall be required each time (1) a commercial unit, structure or building changes occupants, (2) title to a residential property is transferred, and (3) an inspection is required for a residential dwelling unit under Article 1735, Article 1738, or Article 1739.
- (b) Where a property is intended to be demolished and a valid demolition permit conforming to the Building Code of the City of Bethlehem has been obtained, the provisions set forth in this Article shall not be applicable.
- (c) When a property is being refinanced by the current owner, the certificate set forth in this Article shall not be required.
- (d) The Certificate of Occupancy inspection report for a residential property, rental residential dwelling unit, or commercial unit, structure or building shall be valid for one (1) year from the date of the original inspection.
- (e) Where the inspection is incident to the property being sold or leased, the Department of Community and Economic Development will not be responsible for violations or substantial violations that occur between the inspection and the date of purchase and/or the commencement of the rental period.
- (f) Transfer of ownership – Prior to transfer of ownership, the current owner of the property shall first furnish the intended grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of

violation or substantial violation issued by the code official and shall furnish to the code official a signed statement from the grantee, transferee, mortgagee or lessee acknowledging the receipt of such compliance order or notice of violation or substantial violation and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation or substantial violation.

1731.04. ISSUANCE OF CERTIFICATE OF OCCUPANCY.

(a) General rule.—The City shall issue a certificate of occupancy in the following manner:

- (1) If the City inspection reveals no violations.
- (2) If the City inspection reveals at least one violation, but no substantial violations, the City shall issue a temporary certificate of occupancy.
- (3) If the City inspection reveals at least one substantial violation, the City shall specifically note those items on the inspection report and shall issue a temporary access certificate.

1731.05. APPLICABILITY.

Except as set forth in subsection (b), this Article shall not apply to a certificate of occupancy, a temporary certificate of occupancy or a temporary access certificate for a real estate transfer, including a residential or nonresidential transfer, as provided under 68 Pa.C.S. § 7103(b)(2) (relating to application of part), to any of the following which take title to property for the purpose of holding the property for sale to offset losses incurred on a loan or other obligation in default secured by a mortgage, deed of trust or other lien on the property:

- (1) Bank.
- (2) Savings association.
- (3) Credit union.
- (4) Mortgage lender.
- (5) Financial institution similar to an institution listed in paragraphs (1) through (4).
- (6) Subsidiary of a financial institution listed in paragraphs (1) through (5).

(b) Exception.--A financial institution not subject to this act under subsection (a) shall be required to correct a substantial violation.

1731.06. COMPLIANCE REQUIREMENTS

(a) General rule.--Within 12 months of the date of purchase, the purchaser of a property known to be in violation or substantial violation of a City code or ordinance shall, at their option, either:

(1) bring the property into compliance with City codes or ordinances; or

(2) demolish the building or structure in accordance with law.

(a.1) Negotiation of longer time periods.--At the request of the property owner, the City may negotiate, at its discretion, longer time periods for maintenance and repair of the structure under a temporary certificate, but the time periods stated in subsection (a) may not be shortened.

(a.2) Reinspection of property.--

(1) At the expiration of the time period set forth in subsection (a) or before that time, if requested by the property owner, the City shall reinspect the property for the purpose of determining compliance with the cited violations.

(2) If a temporary access certificate has been issued and reinspection indicates that the noted substantial violations have been corrected and no other substantial violations that make the property unfit for human habitation are noticed but other cited violations have not yet been corrected, the City shall issue a temporary certificate of occupancy to be valid for the time remaining on the original temporary access certificate.

(3) If the reinspection indicates that all noted violations have been corrected, the City shall issue a certificate of occupancy for the property.

(b) Penalty.--

(1) Failure to comply with the requirements of subsection (a) shall result in:

(i) Revocation of the temporary certificate.

(ii) The purchaser being subject to any existing City ordinances or codes, including, without limitation, the fines set forth in this Article 1731.99, relating to the occupation of a property without a certificate of occupancy.

(iii) The purchaser being personally liable for the costs of maintenance, repairs or demolition sufficient to correct the cited violations, and a fine of not less than \$1,000 and not more than \$10,000.

(f) Exception.--A violation of a City code or ordinance, for which a fine, other penalty or a judgment to abate or correct was imposed by a magisterial district judge, or a judgment at law or in equity was imposed by a court of common pleas prior to purchase, shall not be subject to the requirements of this section.

(g) Nonapplicability.--This section shall not apply where the City denies the certificate or permit pursuant to 53 Pa.C.S. Ch. 61 (relating to neighborhood blight reclamation and revitalization).

(Ord. 2026-19. Passed 7/21/26 *modified and added sections .03-.06.)

1731.07 FEES.

Fees for inspections shall be assessed against property owners and shall be determined as follows:

- (a) Inspections made pursuant to the requirements of Article 119 to be paid by the owner:
\$150.00 per residential dwelling unit

- (b) Inspections of commercial units, structures or buildings under Article 119 or Article 1731.02(b) above:

For each commercial unit, structure or building containing 2,000 square feet or less of floor area, the fee shall be \$200.00.

For each commercial unit, structure or building containing more than 2,000 square feet of floor area, the fee shall be \$200.00 plus \$100.00 for every additional 2,000 square feet. The owner of a commercial unit, structure or building must acquire a certificate of occupancy each time that unit, structure or building changes occupants.

- (c) Reinspections following an inspection of any residential or commercial unit, structure, building or property to verify correction of violations and/or substantial violations, second or additional reinspections:

First reinspection: no charge;
\$ 75.00 per second reinspection;
\$100.00 per third reinspection;
\$125.00 additional reinspections.

- (d) Fraternities and sororities shall be \$150.00 plus \$10.00 for each bedroom.
- (e) The City may double the inspection fee for anyone selling or renting a residential dwelling unit without obtaining an inspection for a certificate of occupancy.
- (f) Fees for inspections and reinspections of residential dwelling units pursuant to Article 1735 and Article 1738 are governed by the respective applicable Article. Fees for inspections and reinspections of residential dwelling units pursuant to Article 1739 shall be the same as those fees set forth in this Article 1731.07(a) and (c) for residential dwelling units.

- (g) All inspection fees shall be paid prior to the inspection regardless of the number of units. Failure of a property's owner to pay inspection fees shall be deemed a failure and/or refusal to comply with the provisions contained herein, and shall be subject to the penalty contained in 1731.99. Failure and/or refusal by the owner of a property to provide access for inspection upon reasonable notice shall be a violation of this Article, and shall be subject to the penalty contained in 1731.99.

(Ord. 3646 – Passed 11/1/94; Ord. 4236 – Passed 12/16/03; Ord. 4341 Passed 9/20/05; Ord. 2010-29 – Passed 12/21/10; Ord. 2014-48 – Passed 12/16/14; Ord. 2026-19. Passed 7/21/26 *modified and moved section.)

1731.08 REGISTRATION.

(a) All property owners who have rental residential dwelling units in the City of Bethlehem shall be required to have the units registered with the Bureau of Inspections of the Department of Community and Economic Development.

(b) The registration form shall list the name, address and telephone number of the property owner, the location of the rental property, and the number of units that are provided.

(c) Failure to register the units with the Bureau of Inspections within thirty days following the date of purchase or conversion of a structure to a rental property shall constitute a violation of this Article.

(Ord. 2026-19. Passed 7/21/26 *modified and moved section.)

1731.99 PENALTY.

Any person, firm or corporation which violates the provisions of this Article shall be subject to the following penalties:

(a) A fine not exceeding one thousand dollars (\$1,000.00) or a term of imprisonment not exceeding ninety days or both.

(Ord. 3290 – Passed 10/17/89; Ord. 2014-48 – Passed 12/16/14; Ord. 2023-22 – Passed 6/20/23; Ord. 2026-19. Passed 7/21/26 *modified and moved section.)