

**CITY OF BETHLEHEM**  
**INTER-DEPARTMENTAL CORRESPONDENCE**

**SUBJECT:** Request for Approval by City Council the recommended changes amending Article 1501 of the Codified Ordinances of the City of Bethlehem titled Fire Safety and Code Enforcement Inspection Fees  
**TO:** City Council, all members, and Council Solicitor  
**FROM:** Deputy Chief Craig Baer/Fire Marshal  
**DATE:** 10/22/2020

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On behalf of the Fire Administration, I am submitting for City Council's consideration, the attached recommended changes amending Article 1501 of the Codified Ordinances of the City of Bethlehem titled Fire Safety and Code Enforcement Inspection Fees.

The Pennsylvania State Legislature has updated the Uniform Construction Code changing the edition of the International Fire Code (IFC) that is enforceable in Pennsylvania from the 2009 edition of the IFC to the 2015 edition of the IFC. This requires us to adopt a new ordinance to enforce the 2015 IFC.

In the past the City of Bethlehem has made local amendments and modifications to the IFC. Under this proposed ordinance, I recommend we continue the practice of adopting these local amendments and modifications. These changes will allow the Fire Inspection Bureau to enforce a version of IFC that is more suitable to our local needs than the original document. These amendments will help close loopholes in the State adopted model codes and reduce the number of internal conflicts regarding code enforcement. During the Fire Code review process, any modifications to the IFC that would affect other City departments or bureaus, those bureau heads were consulted to ensure none of the changes would affect or conflict with their operations or policies.

Although the proposed amendments and modifications change the content of the IFC, the overall intent of the IFC remains largely unchanged.

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By: Craig Baer, Deputy Fire Chief

Copies To: Mayor  
Director of Administration  
Director of Budget and Finance  
Law Bureau

BILL NO. \_\_\_\_\_

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 1501 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED  
FIRE SAFETY AND CODE ENFORCEMENT INSPECTION FEES

THE COUNCIL OF THE CITY OF BETHLEHEM HEREBY ORDAINS AS FOLLOWS:

SECTION 1. That Article 1501 of the Codified Ordinances of the City of Bethlehem, titled “Fire Safety and Code Enforcement Inspection Fees” as presently enacted is hereby restated and re-enacted as follows:

1501.01 AUTHORITY.

The City of Bethlehem Fire Department, Bureau of Inspections is hereby charged with the enforcement of this article.

1501.02 PERMITS REQUIRED.

Permits required by the International Fire Code (current edition) shall be obtained from the Fire Code Official. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Code Official.

A fee for each permit shall be paid in accordance with the fee schedule as is set forth from time to time by resolution of Council of the City of Bethlehem, Pennsylvania. Permit fees shall include one (1) inspection and one (1) re-inspection for the purpose of code violation clearance when the occupancy is unable to clear the violation at the time of the initial inspection. An additional inspection fee will be charged for all subsequent re-inspections in accordance with the fee schedule as is set forth from time to time by resolution of the Council of the City of Bethlehem, Pennsylvania.

1501.03 INSPECTION.

The Fire Code Official shall be allowed to inspect all commercial structures and premises no-more than once per calendar year for the purposes of ascertaining, and causing to be corrected, any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, or endanger life or any violations of the provisions or intent of the International Fire Code (current edition) or any other ordinance affecting fire safety. In the event an inspection reveals one or more deficiencies to exist, the Fire Code Official shall be permitted to return to the premises as many times as needed in any calendar year to ensure compliance with this Ordinance.

SECTION 2. ADOPTION. The 2015 International Fire Code, including appendices (hereafter “IFC”) published by the International Code Council, which is part of the Pennsylvania Uniform Construction Code pursuant to 34 Pa.Code § 403.21(a)(8), is hereby adopted and made part of this ordinance subject to the modifications implemented hereinafter and/or by subsequent ordinance(s) of the City of Bethlehem (~~strikeouts~~ identify proposed deletions and underlined text identify proposed insertions to the 2015 IFC as adopted by the Commonwealth of Pennsylvania).

SECTION 3. MODIFICATIONS TO 2009 INTERNATIONAL FIRE CODE.

- (a) The following subsections are deleted from the IFC relating to required operational permits:

- 105.6.5 Carnivals and fairs
- 105.6.6 Cellulose nitrate film
- 105.6.12 Cutting and welding
- 105.6.18 Floor finishing
- 105.6.23 High piled storage
- 105.6.25 Industrial ovens
- 105.6.26 Lumber yards and woodworking plants
- 105.6.28 LP gas
- 105.6.31 Motor fuel-dispensing facilities
- 105.6.32 Remove exception for recreational fires
- 105.6.36 Places of assembly
- 105.6.37 Private fire hydrants
- 105.6.40 Refrigeration equipment
- 105.6.41 Repair garages and motor fuel-dispensing facilities
- 105.6.45 Temporary membrane structures and tents
- 105.6.48 Wood products

- (b) § 105.6.16 of the IFC which presently reads as follows:

105.6.16 Fire hydrants and valves. ~~An operational permit~~ is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the ~~water company~~ that supplies the system or the fire department to use or operate fire hydrants or valves.

shall be amended to read as follows:

105.6.16 Fire hydrants and valves. Approval from the Bethlehem Water Authority or its designee is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the Bethlehem Water Authority or its designee that supplies the system or the fire department to use or operate fire hydrants or valves.

(c) § 105.6.17 of the IFC which presently reads as follows:

105.6.17 Flammable and combustible liquids. An operational permit is required:

- ~~1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOT) nor does it apply to piping systems.~~
- ~~2. To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:
  - ~~2.1. The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.~~
  - ~~2.2. The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.~~~~
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.
- ~~4. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel-dispensing facilities or where connected to fuel-burning equipment.

~~Exception: Fuel oil and used motor oil used for space heating or water heating.~~~~
- ~~5. To remove Class I or II liquids from an under-ground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.~~
6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.
7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
- ~~8. To change the type of contents stored in a flammable or combustible liquid~~

~~tank to a material that pose a greater hazard than that for which the tank was designed and constructed.~~

- ~~9. To manufacture, process, blend or refine flammable or combustible liquids.~~
- ~~10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments.~~
- ~~11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments.~~

shall be amended to read as follows:

105.6.17 Flammable and combustible liquids. An operational permit is required:

1. [reserved].
2. [reserved].
3. To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil• burning equipment.
4. [reserved].
5. [reserved].
6. To operate equipment, tanks, distilleries and similar facilities where flammable and combustible liquids are produced, processed, stored, dispensed or used.
7. To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.
8. [reserved].
9. [reserved].
10. [reserved].
11. [reserved].

(d) § 105.6.37 of the IFC which presently reads as follows:

105.6.37 Private fire hydrants. ~~An operational permit~~ is required for the removal from service, use or operation of private fire hydrants.

Exception: A permit is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

shall be amended to read as follows:

105.6.37 Private fire hydrants. Approval from the Bethlehem Water Authority and the Fire Code Official is required for the removal from service of private fire hydrants.

Exception: Approval from the Bethlehem Water Authority and the Fire Code Official is not required for private industry with trained maintenance personnel, private fire brigade or fire departments to maintain, test and use private hydrants.

(e) § 105.7.8 of the IFC which presently reads as follows:

105.7.8 Flammable and combustible liquids. A construction permit is required:

1. ~~To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.~~
2. To install, construct or alter ~~tank vehicles, equipment,~~ tanks, plants, terminals, wells, fuel dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, ~~transported,~~ stored, dispensed or used.
3. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

shall be amended to read as follows:

105.7.8 Flammable and combustible liquids. A construction permit is required:

1. [reserved].
2. To install, construct or alter tanks, distilleries and similar facilities where flammable and combustible liquids are produced, processed, stored, dispensed or used.
3. To install, alter, remove, abandon or otherwise dis- pose of a flammable or combustible liquid tank.

(f) The following subsections are deleted:

105.7.11 Industrial ovens

105.7.12 LP-gas

(g) § 105.7.13 of the IFC which presently reads as follows:

105.7.13 Private Fire Hydrants. A construction permit is required for the ~~installation or~~ modification of private fire hydrants. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

shall be amended to read as follows:

105.7.11 Private Fire Hydrants. A construction permit is required for the removal or modification of private fire hydrants. Maintenance performed in accordance with this code is not considered to be a modification and does not require a permit.

(h) The following subsection is deleted:

105.7.18 Temporary membrane structures and tents

(i) .

(j) § 107.6 of the IFC which presently reads as follows:

107.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

shall be amended to read as follows:

107.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped and /or order the immediate evacuation of any building that is deemed unsafe due to the hazardous condition until such condition or obstruction is corrected.

(k) § 108.1 of the IFC which presently reads as follows:

~~108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex-officio member of said board but shall have not have a vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.~~

shall be amended to read as follows:

108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, the Board of Appeal identified in Article 150 of the Codified Ordinances of the City of Bethlehem and/or occasionally known as the “Codes Board of Appeals” shall have exclusive jurisdiction, subject to any right of further appeal therefrom.

- (l) § 109.4 of the IFC which presently reads as follows:

109.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a ~~[SPECIFY OFFENSE]~~, punishable by a fine of not more than ~~[AMOUNT]~~ dollars or by imprisonment not exceeding ~~[NUMBER OF DAYS]~~, or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

shall be amended to read as follows:

109.4 Violation Penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of violating a fire prevention ordinance of the City of Bethlehem, punishable under the Optional Third Class City Charter Law as follows:

(a) a fine not exceeding one per month on a property and limited to no more than one thousand dollars (\$1,000) for the first two continual and uncorrected violations and not exceeding five thousand dollars (\$5,000) for the third and any subsequent continual and uncorrected violation of the same subsection of a building ordinance, housing ordinance, property maintenance ordinance, fire prevention ordinance, electrical ordinance or plumbing ordinance on the same property;

(b) In the event the specific conduct is found to pose a threat to the public's health, safety or property, then penalties may be provided for as follows:

(1) the maximum penalty may be pursued for each citation issued at a rate not to exceed one citation per five calendar days for a continual and uncorrected violation of the same subsection of such ordinance on the same property; and

(2) the penalty shall be no less than five hundred dollars (\$500) and no more than one thousand dollars (\$1,000) for the first two continual and uncorrected violations of the same subsection of such ordinance on the same property and no less than one thousand dollars (\$1,000) and not exceeding ten thousand dollars (\$10,000) for the third and any subsequent continual and uncorrected violation of the same subsection of such



ordinance on the same property, or imprisonment for any term not exceeding ninety days, or both.

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

- (m) The definition of the term “approved” found in IFC § 202 relating to General Definitions shall be amended to read as follows:

Approved. Acceptable to the fire code official, as evidenced by his/her written approval.

- (n) The definition of the terms “DOT” or “DOTn” shall be added to IFC §202 relating to General Definitions as follows:

DOT or DOTn. The Department of Transportation of the United States unless the context of the regulations can reasonably be interpreted to include the Department of Transportation of the Commonwealth of Pennsylvania in which case the term shall mean the department promulgating the more restrictive regulation not otherwise pre-empted by federal law.

- (o) The definition of the term “fire code official” found in IFC § 202 relating to General Definitions which presently reads as follows:

FIRE CODE OFFICIAL. The fire chief or other designated authority charged with the administration and enforcement of the code, or a duly authorized representative.

shall be amended to read as follows:

FIRE CODE OFFICIAL. The fire chief or other designated authority, including the Fire Marshal of the City of Bethlehem, charged with the administration and enforcement of the code, or a duly authorized representative. The terms “Fire Marshal of the City of Bethlehem” and “Fire Code Official” shall be interchangeable in this and any other ordinance or resolution of the City of Bethlehem.

- (p) The definition of the term “open burning” found in IFC § 202 which presently reads as follows:

OPEN BURNING. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames, ~~recreational fires~~ or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

shall be amended to read as follows:

OPEN BURNING. The burning of materials wherein products of combustion are emitted directly into the ambient air without passing through a stack or chimney from an enclosed chamber. Open burning does not include road flares, smudgepots and similar devices associated with safety or occupational uses typically considered open flames, or use of portable outdoor fireplaces. For the purpose of this definition, a chamber shall be regarded as enclosed when, during the time combustion occurs, only apertures, ducts, stacks, flues or chimneys necessary to provide combustion air and permit the escape of exhaust gas are open.

(q) §307.4 of the IFC which presently reads as follows:

307.4 Location. The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure.

Exceptions:

- ~~1. Fires in approved containers that are not less than 15 feet (4,572 mm) from a structure.~~
- ~~2. The minimum required distance from a structure shall be 25 feet (7,620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.~~

shall be amended to read as follows:

307.4 Location. The location for open burning shall not be less than 50 feet (15,240 mm) from any structure, and provisions shall be made to prevent the fire from spreading to within 50 feet (15,240 mm) of any structure.

Exceptions:

1. [reserved].
2. The minimum required distance from a structure shall be 25 feet (7,620 mm) where approved.

(r) §307.4.2 of the IFC which presently reads as follows:

~~307.4.2 Recreational fires. Recreational fires shall not be conducted within 25 feet (7,620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7,620 mm) of a structure shall be eliminated prior to ignition.~~

shall be amended to read as follows:

307.4.2 Recreational fires. Recreational fires are prohibited.

(s) §307.4.3 of the IFC which presently reads as follows:

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within ~~15 feet (3048 mm)~~ of a structure or combustible material.

~~Exception: Portable outdoor fireplaces used at one and two family dwellings.~~

shall be amended to read as follows:

307.4.3 Portable outdoor fireplaces. Where approved, portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 25 feet (7,620 mm) of a structure or within 15 feet (7,572 mm) of combustible material.

(t) §307.5 of the IFC which presently reads as follows:

307.5 Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

shall be amended to read as follows:

307.5 Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished, a dedicated fire watch person must remain on the premises for a minimum of one hour after extinguishment. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

(u) §308.1.6.2 of the IFC which presently reads as follows:

308.1.6.2 Portable fueled open-flame devices. Portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material.

Exceptions:

1. LP-gas-fueled devices used for sweating pipe joints or removing paint in accordance with Chapter 61.
2. Cutting and welding operations in accordance with Chapter 35.
3. Torches or flame-producing devices in accordance with Section 308.4.
4. Candles and open-flame decorative devices in accordance with Section 308.3.

shall be amended to read as follows:

308.1.6.2 Portable fueled open-flame devices. Portable open-flame devices fueled by flammable or combustible gases or liquids shall be enclosed or installed in such a manner as to prevent the flame from contacting combustible material. All devices shall have an appropriate UL listing.

Exceptions:

1. LP-gas-fueled devices used for sweating pipe joints or removing paint in accordance with Chapter 61.
2. Cutting and welding operations in accordance with Chapter 35.
3. Torches or flame-producing devices in accordance with Section 308.4.
4. Candles and open-flame decorative devices in accordance with Section 308.3.

(v) § 308.2 of the IFC which presently reads as follows:

308.2 Permits required. Permits shall be obtained from the fire code official in accordance with Section 105.6 prior to engaging in the following activities involving open flame, fire and burning:

- ~~1. Use of a torch or flame-producing device to remove paint from a structure.~~
2. Use of open flame, fire or burning in connection with Group A or E occupancies.
3. Use or operation of torches and other devices, machines or processes liable to start or cause fire in or upon wildfire risk areas.

shall be amended to read as follows:

308.2 Permits required. Permits shall be obtained from the fire code official in accordance with Section 105.6 prior to engaging in the following activities involving open flame, fire and burning:

1. [reserved.]
2. Use of open flame, fire or burning in connection with Group A or E occupancies.
3. Use or operation of torches and other devices, machines or processes liable to start or cause fire in or upon wildfire risk areas.

(w) § 315.4 of the IFC which presently reads as follows:

315.4 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line.

Exceptions:

1. The separation distance is allowed to be reduced to 3 feet (914 mm) for storage not exceeding 6 feet (1829 mm) in height.
2. The separation distance is allowed to be reduced when the fire code official determines that no hazard to the adjoining property exists.

shall be amended to read as follows:

315.4 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line.

Exceptions:

1. The separation distance is allowed to be reduced to 3 feet (914 mm) for storage not exceeding 3 feet (914 mm) in height.

2. The separation distance is allowed to be reduced when the fire code official determines that no hazard to the adjoining property exists.

(x) Add the following subsection to the IFC:

401.3.4 Resetting of fire alarm systems. Where a building fire alarm system activates for other than tests or maintenance, owners or occupants shall not reset the system until the fire department arrives and verifies the location of the activated device(s).

(y) § 403.12 THROUGH 403.12.3.3 of the IFC which presently read as follows:

403.12 Special requirements for public safety. Special requirements for public safety shall be in accordance with Sections 403.12.1 through 403.12.3.3.

403.12.1 Fire watch personnel. Where, in the opinion of the fire code official, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall provide one or more fire watch personnel, as required and approved. Fire watch personnel shall comply with Sections 403.12.1.1 and 403.12.1.2.

403.12.1.1 Duty times. Fire watch personnel shall remain on duty while places requiring a fire watch are open to the public, or when an activity requiring a fire watch is being conducted.

403.12.1.2 Duties. On-duty fire watch personnel shall have the following responsibilities:

1. Keep diligent watch for fires, obstructions to means of egress and other hazards.
2. Take prompt measures for remediation of hazards and extinguishment of fires that occur.
3. Take prompt measures to assist in the evacuation of the public from the structures.

403.12.2 Public safety plan for gatherings. Where the fire code official determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official shall have the authority to order the development of or prescribe a public safety plan that provides an approved level of public safety and addresses the following items:

1. Emergency vehicle ingress and egress.

2. Fire protection.
3. Emergency egress or escape routes.
4. Emergency medical services.
5. Public assembly areas.
6. The directing of both attendees and vehicles, including the parking of vehicles.
7. Vendor and food concession distribution.
8. The need for the presence of law enforcement.
9. The need for fire and emergency medical services personnel.

403.12.3 Crowd managers for gatherings exceeding 1,000 people. Where facilities or events involve a gathering of more than 1,000 people, crowd managers shall be provided in accordance with Sections 403.12.3.1 through 403.12.3.3.

403.12.3.1 Number of crowd managers. The mini-mum number of crowd managers shall be established at a ratio of one crowd manager for every 250 persons.

Exception: Where approved by the fire code official, the number of crowd managers shall be permit-ted to be reduced where the facility is equipped throughout with an approved automatic sprinkler system or based upon the nature of the event.

403.12.3.2 Training. Training for crowd managers shall be approved.

403.12.3.3 Duties. The duties of crowd managers shall include, but not be limited to:

1. Conduct an inspection of the area of responsibility and identify and address any egress barriers.
2. Conduct an inspection of the area of responsibility to identify and mitigate any fire hazards.
3. Verify compliance with all permit conditions, including those governing pyrotechnics and other special effects.
4. Direct and assist the event attendees in evacuation during an emergency.
5. Assist emergency response personnel where requested.
6. Other duties required by the fire code official.
7. Other duties as specified in the fire safety plan.

shall be amended to read as follows:

403.12 Special requirements for public safety. Special requirements for public safety shall be in accordance with Sections 403.12.1 through 403.12.3.3. To the extent subsections 403.12.1 through 413.12.3.3 furnish authority to both the fire code official and the City Director of Emergency Management, the determinations and directives of the City Director of Emergency Management shall control in matters not involving fire safety.

403.12.1 Fire watch personnel. Where, in the opinion of the fire code official or the City Director of Emergency Management, it is essential for public safety in a place of assembly or any other place where people congregate, because of the number of persons, or the nature of the performance, exhibition, display, contest or activity, the owner, agent or lessee shall provide one or more fire watch personnel, as required and approved. Fire watch personnel shall comply with Sections 403.12.1.1 and 403.12.1.2.

403.12.1.1 Duty times. Fire watch personnel shall remain on duty while places requiring a fire watch are open to the public, or when an activity requiring a fire watch is being conducted.

403.12.1.2 Duties. On-duty fire watch personnel shall have the following responsibilities:

1. Keep diligent watch for fires, obstructions to means of egress and other hazards.
2. Take prompt measures for remediation of hazards and extinguishment of fires that occur.
3. Take prompt measures to assist in the evacuation of the public from the structures.

403.12.2 Public safety plan for gatherings. Where the fire code official or the City Director of Emergency Management determines that an indoor or outdoor gathering of persons has an adverse impact on public safety through diminished access to buildings, structures, fire hydrants and fire apparatus access roads or where such gatherings adversely affect public safety services of any kind, the fire code official or the City Director of Emergency Management shall have the authority to order the development of or prescribe a public safety plan that provides an approved level of public safety and addresses the following items:

1. Emergency vehicle ingress and egress.
2. Fire protection.
3. Emergency egress or escape routes.
4. Emergency medical services.
5. Public assembly areas.
6. The directing of both attendees and vehicles, including the parking of vehicles.

7. Vendor and food concession distribution.
8. The need for the presence of law enforcement.
9. The need for fire and emergency medical services personnel.

403.12.3 Crowd managers for gatherings exceeding 1,000 people. Where facilities or events involve a gathering of more than 1,000 people, crowd managers shall be provided in accordance with Sections 403.12.3.1 through 403.12.3.3.

403.12.3.1 Number of crowd managers. The mini-mum number of crowd managers shall be established at a ratio of one crowd manager for every 250 persons.

Exception: Where approved by the fire code official or the City Director of Emergency Management, the number of crowd managers shall be permit-  
ted to be reduced where the facility is equipped throughout with an approved automatic sprinkler system or based upon the nature of the event.

403.12.3.2 Training. Training for crowd managers shall be approved.

403.12.3.3 Duties. The duties of crowd managers shall include, but not be limited to:

1. Conduct an inspection of the area of responsibility and identify and address any egress barriers.
2. Conduct an inspection of the area of responsibility to identify and mitigate any fire hazards.
3. Verify compliance with all permit conditions, including those governing pyrotechnics and other special effects.
4. Direct and assist the event attendees in evacuation during an emergency.
5. Assist emergency response personnel where requested.
6. Other duties required by the fire code official or the City Director of Emergency Management.
7. Other duties as specified in the fire safety plan.

(z) Add the following subsection to the IFC:

505.1.1 Only addresses approved and verified by the Department of Public Works Bureau of Engineering will be acceptable.

(aa) § 507.3 of the IFC which presently reads as follows:

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.

shall be amended to read as follows:



507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method determined by Department of Water and Sewer Resources.

507.3.1 Fire flow testing. The fire code official, Department of Water and Sewer Resources or its designees shall be notified prior to conducting fire flow testing. Fire flow tests shall be witnessed by the fire code official, Department of Water and Sewer Resources or its designees and approved documentation of the test and results shall be provided to the Department of Water and Sewer Resources.

(bb) §507.4 of the IFC which presently reads as follows:

507.4 Water supply test. The fire code official, shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.

shall be amended to read as follows:

507.4 Water supply test. The fire code official and Department of Water and Sewer Resources or its designees shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official and Department of Water and Sewer Resources or its designees or approved documentation of the test shall be provided to Department of Water and Sewer Resources prior to final approval of the water supply system.

507.4.1 The property owner is responsible for installation and maintenance of water supply for construction projects until the water system is accepted/approved by the Department of Water and Sewer Resources, and responsibility for the system is formally turned over to the Department of Water and Sewer Resources.

(cc) § 507.5.1 of the IFC which presently reads as follows:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be ~~600 feet (183 m).~~
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be ~~600 feet (183 m).~~

shall be amended to read as follows:

507.5.1 Where required. Where a portion of the facility or building hereafter constructed or moved into or within the jurisdiction is more than 400 feet (122 m) from a hydrant on a fire apparatus access road, as measured by an approved route around the exterior of the facility or building, on-site fire hydrants and mains shall be provided where required by the fire code official and the Department of Water and Sewer Resources

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall not be greater than 500 feet (152.4 m).
2. For buildings equipped throughout with an approved automatic sprinkler system installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall not be greater than 500 feet (152.4 m).

(dd) § 901.6.2 of the IFC which presently reads as follows:

901.6.2 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be ~~copied to the fire code official upon request.~~

shall be amended to read as follows:

901.6.2 Records. Records of all system inspections, tests and maintenance required by the referenced standards shall be maintained on the premises for a minimum of three years and shall be provided by the company performing the inspection(s) along with the requisite filing fee per inspection to the Office of the Fire Marshal, unless an alternate designee is specified by Resolution approved by the City Council of the City of Bethlehem.

(ee) § 903.4.2 of the IFC which presently reads as follows:

~~903.4.2 Alarms. An approved audible device, located on the exterior of the building in an approved location, 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.~~

is deleted in its entirety and replaced with the following:

903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. In automatic sprinkler systems where multiple sprinkler risers are required, and the risers are located in separate areas within the building, an outside visible alarm notification appliance

shall be required for each riser. Such appliance shall be a white strobe (minimum 95 candela strobe rating) placed in an approved location on the exterior wall, as close as practicable, to each sprinkler riser. The strobe will activate when the water flow alarm for its respective riser is activated.

(ff) The following subsection is added:

905.3.9 Access. The City requires Class I standpipes to access any portion of a building's interior which is more than 250 feet from the nearest approved point of fire department access or the nearest Class I standpipe connection. This distance shall be measured along a path of travel where fire hose can be deployed for fire suppression activities.

(gg) § 906.1 of the IFC which presently reads as follows:

906.1 Where required. Portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies.

~~Exception: In new and existing Group A, Band E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6~~

shall be amended to read as follows:

906.1 Where required, portable fire extinguishers shall be installed in the following locations.

1. In new and existing Group A, B, E, F, H, I, M, R-1, R-2, R-4 and S occupancies without exception.

(hh) § 3103.2 of the IFC which presently reads as follows:

3103.2 Approval required. Tents and membrane structures having an area in excess of 400 square feet (37 m<sup>2</sup>) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exceptions:

1. Tents used exclusively for recreational camping purposes.

2. Tents open on all sides that comply with all of the following:

2.1 Individual tents having a maximum size of 700 square feet (65 m<sup>2</sup>).

2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet (3658 mm), not exceeding 700 square feet (65 m<sup>2</sup>) total.

2.3. A minimum clearance of 12 feet (3658 mm) to all structures and other tents.

shall be amended to read as follows:

3103.2 Approval required. Tents and membrane structures having an area in excess of 400 square feet (37 m<sup>2</sup>), or where any warming, heating, or open flame device is operated shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

Exceptions:

1. Tents used exclusively for recreational camping purposes.
2. Tents open on all sides that comply with all of the following:
  - 2.1 Individual tents having a maximum size of 700 square feet (65 m<sup>2</sup>).
  - 2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of 12 feet (3658 mm), not exceeding 700 square feet (65 m<sup>2</sup>) total.
  - 2.3. A minimum clearance of 12 feet (3658 mm) to all structures and other tents.

(ii) § 3104.15.4 of the IFC which presently reads as follows:

3104.15.4 Operations. Operations such as warming of foods, cooking demonstrations and similar operations that use solid flammables, ~~butane~~ or other similar devices which do not pose an ignition hazard, shall be approved.

shall be amended to read as follows:

3104.15.4 Operations. Operations such as warming of foods, cooking demonstrations and similar operations that use solid/gel flammables, or other similar devices which do not pose an ignition hazard, shall be approved.

(jj) Exception number 9 to §5601.1 of the IFC which presently reads as follows:

9. Items preempted by ~~federal regulations~~.

shall be amended read as follows:

9. Items preempted by laws or regulations of the Commonwealth of Pennsylvania or the United States.

(kk) § 5704.2.9.6.1 of the IFC which presently reads as follows:

Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited ~~within the limits established by law as the limits of districts in which such storage is prohibited.~~

shall be amended to read as follows:

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T.

- (ll) § 5706.2.4.4 of the IFC which presently reads as follows:

~~Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.~~

shall be amended to read as follows:

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T.

- (mm) § 5806.2 of the IFC which presently reads as follows:

~~Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited.~~

shall be amended to read as follows:

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T.

- (nn) § 6104.2 of the IFC which presently reads as follows:

~~Maximum capacity within established limits. Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas, the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L)~~

shall be amended to read as follows:

6104.2 Maximum capacity within established limits. There shall be no storage of liquefied petroleum gas in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T. In all other Zoning Districts of the City of Bethlehem, the storage of liquefied petroleum gas in any one installation shall not exceed a water capacity of 2,000 gallons (7570 L).

- (oo) Section 5608.0 shall be added to IFC §5608 relating to Fireworks Displays as follows:

5608.0. Article 746 of the Codified Ordinances of the City of Bethlehem shall apply to all fireworks. For “display fireworks” as defined by Article 746, the provisions of IFC Sections 5608.1 through 5608.10 shall also apply.

- (pp) The following subsection is added to the IFC:

5608.3.1 Stand By Required. Fire Department Stand By is required for all approved fireworks displays. No approved fireworks display shall be initiated without the approval of the required Stand By officer in charge.

(qq) Appendix C, § C102.1 of the IFC which presently reads as follows:

~~C102.1 Minimum number of fire hydrants for a building. The number of fire hydrants available to a building shall be not less than the minimum specified in Table C102.1.~~

shall be amended to read as follows:

C102.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C102.1, unless approved otherwise by the City of Bethlehem Engineering Bureau and fire code official.

Exception: The fire chief is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C102.1.

(rr) Appendix N – Mobile Cooking Operation is hereby added to the IFC and shall read as follows:

N101 Mobile cooking operations. All mobile cooking operations shall be conducted in accordance with Appendix B to NFPA Standard 96 (2017 edition) and Chapter 50 of NFPA Standard 1 (2015 edition).

SECTION 4. That all Ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

SECTION 5. This Ordinance shall take effect thirty-five (35) days after enactment in the manner required by 35 P.S. § 7210.503(j)-(k).

Sponsored by \_\_\_\_\_

\_\_\_\_\_

PASSED finally in Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2021.

\_\_\_\_\_  
President of Council

ATTEST:

\_\_\_\_\_  
City Clerk

