

**CITY OF BETHLEHEM**  
**City Council Memorandum**

**SUBJECT:** Proposed Ordinances Related to Third-Party Inspections  
**TO:** Members of City Council  
**FROM:** Bryan G. Callahan, Member of Council  
**DATE:** December 10, 2020

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Attached are three proposed ordinances related to enabling third party inspections in the City of Bethlehem. The ordinances would amend the following Codified Ordinance Articles:

Article 119 - Registration, Sale and Transfer of Real Estate;  
Article 1701 - Pennsylvania Uniform Construction Code; and  
Article 1731 - Inspections

I respectfully request that you consider these ordinances at the December 15, 2020 City Council meeting. I will be introducing them as a communication.

Thank you.



Bryan G. Callahan  
Member of Council

CC: Mayor  
W. Leeson, Esq.

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 119 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM TITLED "REGISTRATION, SALE AND TRANSFER OF REAL ESTATE".

THE COUNCIL OF THE CITY OF BETHLEHEM DOES HEREBY ORDAIN AND ENACT THE FOLLOWING ORDINANCE:

**SECTION 1:** Article 119 of the Codified Ordinances of the City of Bethlehem, Section 119.04, is hereby amended to read as follows (underlined text denotes additions to the existing Section, whereas ~~strikeouts~~ denote deletions from such Section):

119.04 DUTIES OF TITLE HOLDER AND SELLER.

(a) It shall be the duty of every purchaser, devisee or person acquiring title by partition or otherwise to any real estate within the City limits, within one (1) month after acquiring such title, to furnish to the City Engineer, at his office, descriptions of his respective properties upon blanks to be furnished by the City and, at the same time, to present his conveyance to be stamped by the City Engineer, without charge, as evidence of the registration thereof. (1946 Code C. 25 §4)

(b) It shall be the duty of every seller or his agent to, within a reasonable time of offering for sale or listing for sale, but no later than ten (10) business days from the date on which the building or structure is offered or listed for sale, contact the Housing Inspections Office for the City of Bethlehem to schedule an inspection of the building or structure. A report concerning any discovered or uncorrected violations of housing, building, safety or fire ordinances shall be made by the Housing Inspections Office. Such report shall contain a statement concerning zoning classification and legality of the present use of such property. Alternatively, the inspection, reporting, and related duties may be performed by a third-party inspector under contract with the City, as set forth in Articles 1731. The costs of the third-party inspection shall be the responsibility of the parties to the sale as per their agreement. The report shall be made known to the purchaser and attached as an addendum to any offer to purchase or agreement of sale. However, in addition thereto, the seller shall likewise deliver to the purchaser any notice of assessment for public improvements. Nothing in this section shall be construed as relieving a purchaser from the obligation of obtaining a Certificate of Occupancy. (Ord. 2987 §4. Passed 4/2/85; Ord. 4044. Passed 11/21/00.)

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**SECTION 2:** All Ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

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

PASSED finally in Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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

This Ordinance approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor



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BILL NO. \_\_\_\_ - 2020

ORDINANCE NO. 2020-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 1701 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED  
“PENNSYLVANIA UNIFORM CONSTRUCTION CODE”.

THE COUNCIL OF THE CITY OF BETHLEHEM DOES HEREBY ORDAIN AND ENACT  
THE FOLLOWING ORDINANCE:

**SECTION 1:** Article 1701 of the Codified Ordinances of the City of Bethlehem relating to the Pennsylvania Uniform Construction Code, is hereby amended to read as follows, by adding a new Section 1701.03 (underlined text denotes additions to the existing Article, whereas ~~strikeouts~~ denote deletions from the existing Article):

1701.03. Third Party Inspection

(a) For any project requiring a permit and inspection under this Article the applicant shall have the option to elect a third party inspector approved by the City pursuant to this Article to review plans and inspect the work for the duration of the project. The applicant shall notify the City of that election, and the City shall then select and assign a third-party inspector. The applicant shall be responsible for the costs related to said review and inspections.

(b) The City will maintain a list of three (3) licensed and qualified inspection entities available to carry out third-party inspections pursuant to City ordinances and regulations when that option is elected by the party seeking the inspection, and the City will select and assign the third-party inspector upon being contacted for that purpose by the party seeking the inspection.

**SECTION 2:** All Ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

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

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PASSED finally in Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.





BILL NO. \_\_\_\_ - 2020

ORDINANCE NO. 2020-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 1731 OF THE CODIFIED ORDINANCES OF  
THE CITY OF BETHLEHEM TITLED "INSPECTIONS".

THE COUNCIL OF THE CITY OF BETHLEHEM DOES HEREBY ORDAIN AND ENACT  
THE FOLLOWING ORDINANCE:

**SECTION 1:** Article 1731 of the Codified Ordinances of the City of Bethlehem relating to Inspections is hereby amended to read as follows (underlined text denotes additions to the existing Article, whereas ~~strikeouts~~ denote deletions from the existing Article):

1731.01 INSPECTIONS REQUIRED.

- (a) All properties being offered for sale 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 being offered for sale shall be subject to Section 119.04(b), titled Duties of Title Holder and Seller, including the requirement that every seller or his agent to, within a reasonable time of offering for sale or listing for sale, but no later than ten (10) business days from the date on which the building or structure is offered or listed for sale, contact the Housing Inspections Officer for the City of Bethlehem to schedule an inspection of the building or structure. Alternatively, the inspection, reporting, and related duties may be performed by a third-party inspector approved by the City pursuant to this Article. The costs of the third-party inspection shall be the responsibility of the parties to the sale as per their agreement.
- (b) Every dwelling, commercial unit and structure that is a rental, shall be inspected for purposes of ascertaining compliance with City codes, each time the unit becomes vacant.
- (c) All fraternities and sororities must be inspected annually.

Possession by the owner of a renewed certificate of occupancy is required to maintain occupancy and use of a dwelling unit.

The Department of Community and Economic Development shall establish rules and regulations to implement this requirement and violations of such rules and regulations shall be deemed a violation of this ordinance. The rules and regulations shall be as follows:



- a) Where such properties are 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.
- b) When such properties are being refinanced by the current owner, the certificate set forth in this Article shall not be required.
- c) "Agreement of Sale" means any agreement or written statement which provides the title to any property shall therefore be transferred from one owner to another owner. Additionally, written leases which provide that the lessee of the property acquire title after a predetermined number of payments or a predetermined period of time, the Certificate set forth in this Article shall be required.
- d) The Certificate of Occupancy report shall be valid for one (1) year from the date of the original inspection or until such time as the property has become vacant, in the case of a rental dwelling, whichever time period is greater.
- 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 that occur between the inspection and settlement date and/or rental period.
- f) Transfer of ownership – Prior to transfer of ownership, the current owner of any dwelling unit or structure shall first furnish the grantee, transferee, mortgagee or lessee a true copy of any compliance order or notice of 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 and fully accepting the responsibility without condition for making the corrections or repairs required by such compliance order or notice of violation. All violations shall be abated within ninety (90) days of transfer. If said property is occupied as a rental property, violations must be abated within thirty (30) days. The only exception to the time limits would be if special arrangements are agreed upon with the code official. In the event the parties elect the option of a third-party inspector as set forth in this Article, the third-party inspector shall forward to the City the signed statement and acknowledgement of the grantee, transferee, mortgagee or lessee referenced herein within forty-eight (48) hours of receipt thereof.

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- (d) Failure and/or refusal by the owner or his/her designated agent to secure the necessary certificate of occupancy, or failure and/or refusal to provide access for inspection upon reasonable notice, and/or any other violation of Article 1731 shall also be deemed a violation of this Ordinance.
- (e) A party electing third party inspection must first contact the City within the time-frame set forth in this Article, and obtain City approval of the third party inspector selected. The inspection shall be conducted in accordance with City ordinances and regulations

**SECTION 2:** All Ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

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

PASSED finally in Council on the \_\_\_\_\_ day of \_\_\_\_\_, 2020.

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

ATTEST:

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

This Ordinance approved this \_\_\_\_\_ day of \_\_\_\_\_, 2020.

\_\_\_\_\_  
Mayor