



CITY OF BETHLEHEM  
OFFICE OF THE CITY SOLICITOR

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INTER-OFFICE MEMORANDUM

To: Michael Colón, Council President  
From: Matthew J. Deschler, Assistant Solicitor  
Re: Proposed Ordinance Amending Article 1733  
Date: March 10, 2022

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Enclosed for Council's review and action is a proposed ordinance amending Article 1733 in order to adopt the 2018 version of the International Property Maintenance Code.

A handwritten signature in black ink that reads "Matthew J. Deschler".

Matthew J. Deschler  
Assistant Solicitor

Cc: J. William Reynolds  
Laura Collins, Esq.  
Mike Simonson  
John F. Spirk, Jr., Esq.

Bill No. \_\_\_\_\_

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

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING ARTICLE 1733 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM, TITLED "INTERNATIONAL PROPERTY MAINTENANCE CODE"

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

SECTION 1: The Cross Reference(s) section of Article 1733 of the Codified Ordinances of the City of Bethlehem shall be amended as follows: (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

**CROSS REFERENCE(S)**

Adoption by reference - ~~See 3rd Class Charter Law 608(a)~~ See Optional Third Class City Charter Law, 53 P.S. § 41608  
(~~53 P.S. 41608(a); 3rd Class 2403(67)~~) (~~53 P.S. 37403(67)~~)  
Property Maintenance Code – Third Class City Code, 11 Pa.C.S. § 141A04

SECTION 2: Article 1733.01, titled Adoption, of the Codified Ordinances of the City of Bethlehem shall be amended as follows: (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

**1733.01 ADOPTION**

There is hereby adopted the ~~2009~~ 2018 International Code Council (ICC) International Property Maintenance Code with deletions and amendments thereto as hereinafter noted.

SECTION 3: Article 1733.02, titled Additions, Deletions, and Modifications, of the Codified Ordinances of the City of Bethlehem shall be amended as follows: (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

**1733.02 ADDITIONS, DELETIONS, AND MODIFICATIONS.**

The following articles, representing revisions or additions to the ~~2009~~ 2018 ICC International Property Maintenance Code shall be applicable for the purpose of this Ordinance:

**CHAPTER 1 ADMINISTRATION**

**SECTION 106 - VIOLATIONS**

That Sub-section PM-106.4 titled Violation Penalties which reads as follows:

Any person who shall violate a provision of this code, or fail to comply therewith, or with any of the requirements thereof, shall be prosecuted within the limits provided by state or local laws. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

Be amended to read as follows:

#### 106.4 Penalty

Any person who shall violate a provision of this ~~Ordinance~~ Article or shall fail to comply with any of the requirements thereof, or shall be in violation of an approved plan or directive of the Inspector or of a permit issued under the provisions of the ~~Ordinance~~ Article shall, upon conviction thereof before the District Magistrate of the City of Bethlehem, Pennsylvania, be liable to pay the following penalties:

- a) First Violation – A fine of \$200.00, or thirty (30) days imprisonment, or both;
- b) Second Violation – A fine of \$500.00, or sixty days imprisonment, or both;
- c) Third and each subsequent violation – A fine of \$1,000.00, or ninety days imprisonment, or both.

Each day that a violation continues shall be deemed a separate offense.

### SECTION 107 - NOTICES AND ORDERS

That Sub-section 107.7 be added to read as follows:

#### 107.7 ABSENTEE LANDLORD

No Certificate of Occupancy shall be issued for any ~~rental dwelling unit let for occupancy~~, excluding a dormitory and hotel (~~as defined in Article 2, PM-201.0 APPLIED MEANING OF WORD AND TERMS~~), unless there is provided to the Inspection Bureau the name and address of an agent residing within a twenty mile radius of the City of Bethlehem, authorized to accept service of process on behalf of the title owner or operator of said dwelling unit.

The authorization shall be signed by the agent designated to accept service and the ~~landlord~~ owner or operator shall be required to contact the Housing Bureau each year and/or upon the change of agency in order to update the City records with regard to the name, address and telephone number of the locally designated agent.

Failure to provide the information on the designated local agent, after two (2) weeks notice, will result in the revocation of the Certificate of Occupancy and the closure of the ~~property~~ dwelling unit to ~~renters~~ tenants for let until a new and valid Certificate of Occupancy is

issued.

## SECTION 111 - MEANS OF APPEALS

That Sub-section 111.1 titled Application for appeal that reads as follows:

111.1. Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 20 days after the day the decision, notice or order was served. An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.

Shall be amended to read:

111.1. Application for appeal. Any person directly affected by a decision of the code official or a notice or order issued under this code shall have the right to appeal to the board of appeals, provided that a written application for appeal is filed within 10 days after the day the decision, notice or order was served and is filed in the manner provided for in Article 150.03 of the Codified Ordinances. ~~An application for appeal shall be based on a claim that the true intent of this code or the rules legally adopted thereunder have been incorrectly interpreted, the provisions of this code do not fully apply, or the requirements of this code are adequately satisfied by other means.~~ Notwithstanding the foregoing, or any other inconsistent provision of this code, there shall be no right of appeal to the board of appeals from a notice of violation issued by the code official alleging a violation of this code. Where a person has been served with a notice of violation and has failed, within the time provided for in the notice, to correct the violation, the code official may immediately issue a summary citation to the person based upon the violation and may issue subsequent citations as frequently as permitted by law until the violation is corrected.

## CHAPTER 3 GENERAL REQUIREMENTS

### SECTION 302 - EXTERIOR PROPERTY AREAS

That Sub-section 302.4 titled Weeds which reads as follows:

~~All premises~~ Premises and exterior property shall be maintained free from weeds or plant growth in excess of (jurisdiction to insert height in inches). ~~All noxious~~ Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

Be amended to read as follows:

~~All premises~~ Premises and exterior property shall be maintained free from weeds or plant

growth in excess of 12". ~~All noxious~~ Noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation, other than trees or shrubs provided; however, this term shall not include cultivated flowers and gardens.

That Sub-section 302.8 titled Motor Vehicles which reads as follows:

Except as provided for in other regulations, ~~no~~ inoperative or unlicensed motor ~~vehicle~~ vehicles shall not be parked, kept or stored on any premises, and ~~no vehicle~~ vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled. Painting of vehicles is prohibited unless conducted inside an approved spray booth.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work, provided that such work is performed inside a structure or similarly enclosed area designed and approved for such purposes.

Be amended to read as follows:

- (A) ~~No person shall abandon and/or store any unregistered vehicle on private property within the City of Bethlehem. No vehicle at any time shall be in a state of major disassembly, disrepair or in the process of being stripped or dismantled. Except as provided for in other regulations, inoperative, unregistered, abandoned or unlicensed motor vehicles shall not be parked, kept or stored on any premises, and vehicles shall not at any time be in a state of major disassembly, disrepair, or in the process of being stripped or dismantled.~~ Painting of vehicles is prohibited unless conducted inside an approved spray booth.
- (1) A vehicle, other than a pedalcycle, shall be presumed to be abandoned under one or more of the following circumstances, but the presumption is rebuttable by a preponderance of the evidence:
- (i) ~~The vehicle is physically an inoperable motor vehicle and is left unattended on private property for more than 48 hours.~~
  - (ii) The vehicle has remained illegally on private property for more than 48 hours.
  - (iii) The vehicle is left unattended on private property for more than 48 hours and does not bear the following:
    - (a) A valid registration plate.
    - (b) A current certificate of inspection.
    - (c) An ascertainable vehicle identification number.

Exception: A vehicle of any type is permitted to undergo major overhaul, including body work provided that such work is performed inside a structure ~~or similarly enclosed area designed and approved for such purpose,~~ or similarly enclosed area designed and approved for such purpose, that is an accessory building or use, incidental to the dwelling as defined in Article 1302.02 of the City of Bethlehem Zoning Ordinance #2210. All wrecked car parts and similar unused components of a junk vehicle ~~must~~ shall not be stored on any private property in clear view ~~of~~ from

the a public right of way.

(B) ~~— A vehicle shall be deemed to be abandoned when it remains on private property for more than (48) hours and any of the following conditions apply:~~

- ~~(1) — The vehicle is physically an inoperable motor vehicle.~~
- ~~(2) — The vehicle is left unattended.~~
- ~~(3) — The vehicle does not have a valid registration plate.~~
- ~~(4) — The vehicle does not have a current certificate of inspection.~~
- ~~(5) — The Vehicle Identification Number (VIN) is not ascertainable.~~
- ~~(6) — The vehicle remains without the consent of the owner or person in charge of the property.~~

- (B) ~~(C)~~ If the owner of an abandoned and/or junked motor vehicle cannot be located or does not remove the vehicle, the code official shall contact the Bethlehem Police Department, ~~who~~ which is authorized to remove said vehicle under Title 67 of the Pennsylvania Code, Transportation, 67 PA Code Chapter 253, titled Salvors, and the Vehicle Code, Vehicles Title 75, Chapter 73, titled of the Abandoned Vehicles and Cargos Code of the Commonwealth of PA.
- (C) ~~(D)~~ Any vehicle undergoing major overhaul, including body work, shall be registered to the owner of the property premises where such work is being done or registered to the lawful resident/tenant of the property premises where the work is being done.

## SECTION 304 - EXTERIOR STRUCTURE

### Sub-section 304.3 Premises Identification

That Sub-section 304.3.1 be added to read as follows:

All existing properties with a thoroughfare of public access to the back of the property shall be identified with approved address numbers placed in a position to be plainly legible and visible from the thoroughfare running behind the property. This may require the address numbers be attached to a garage, shed, fence, retaining wall and any other similar structure. The numbers shall contrast with the background. Address numbers shall be Arabic numerals or alphabet letters. Numbers shall be a minimum of 4 inches high with a minimum stroke width of 0.5 inches.

That Sub-section 304.14 titled Insect Screens ~~is hereby reinstated and reincorporated into Article 1733 and reads as follows~~ which reads as follows:

304.14 Insect screens. During the period from [DATE] to [DATE], every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored shall be supplied with approved tightly fitting screens of minimum 16 mesh per inch (16 mesh per 25 mm),

and every screen door used for insect control shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

Be amended to read as follows:

304.14. Insect Screens. Every door, window and other outside opening required for ventilation of habitable rooms, food preparation areas, food service areas or any areas where products to be included or utilized in food for human consumption are processed, manufactured, packaged or stored, shall be supplied with approved tightly fitting screens of ~~not less than~~ minimum 16 mesh per inch (16 mesh per 25 mm) and every ~~swinging screen~~ door shall have a self-closing device in good working condition.

Exception: Screens shall not be required where other approved means, such as air curtains or insect repellent fans, are employed.

That Sub-section 304.19 20 titled Boarded up windows be added to read as follows:

No exterior window, skylight or door frame of any structure facing toward or visible from ~~the a public right-of~~ way shall be covered with plywood or other non-approved materials longer than 60 days.

After 60 days, all temporary cover over exterior windows, skylights and doors that face toward or are visible from ~~the a public right-of~~ way, shall be removed, and the exterior windows, skylights and doors shall be restored.

Restoration of exterior windows, skylights and doors must include proper fitting windows and door frames, hardware, locks and glazing and be maintained in proper working condition.

All exposed exterior metal or wood surfaces shall be protected from the elements and against decay or rust by periodic application of weatherproofing/coating material.

## SECTION 308 - RUBBISH AND GARBAGE

That Section 308.4 titled Furniture be added to read as follows:

All furniture, materials and other similar products designed, built, and manufactured exclusively for indoor living use shall not be placed or stored on exterior porches, in yards or any part of an exterior property in residential and non-residential areas. The storage or placement of automobile car seats and other non-weather resistant materials shall also be prohibited. Any person who fails to comply with this Section after forty-eight hours notice from the City to do so, shall be guilty of violating the provisions of this Section and shall be subject to the fines set forth in Article 1733 Section PM 106.4.

## SECTION 309 - PEST ELIMINATION

### Sub-section 309.1 Infestation

That Sub-section 309.1.2 be added to read as follows:

All extermination must be administered by a state certified technician.

## CHAPTER 6 MECHANICAL AND ELECTRICAL REQUIREMENTS

### SECTION 602 - HEATING FACILITIES

That Sub-section 602.1 titled Facilities required which reads as follows:

Heating facilities shall be provided in ~~structures~~ structures as required by this section.

Be amended to read as follows:

All dwelling units shall have permanently installed, non-portable type central heating facilities or fixed electrical heating systems that are approved for the purpose and location where installed. Heating facilities shall be capable of maintaining the required temperatures in all habitable areas of the dwelling unit.

NOTE: Pipeless and/or ductless heating systems do not meet the requirements of section PM-602.01.

Exception to read: At the discretion of the Code Official, pipeless and/or ductless heating systems will be allowed providing said system shall be capable of maintaining the required temperatures in all habitable areas of the dwelling unit.

That Sub-section 602.3 titled Heat supply which reads as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling ~~unit~~ units or sleeping units, ~~rooming unit, dormitory or guestroom~~ on terms, either expressed or implied, to furnish heat to the occupants thereof shall supply heat during the period from [DATE] to [DATE] to maintain a minimum temperature of ~~not less than~~ 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a



minimum temperature of 65°F (18°C), shall be maintained.

Be amended to read as follows:

Every owner and operator of any building who rents, leases or lets one or more dwelling ~~unit units or sleeping units, rooming unit, dormitory or guestroom~~ shall furnish heat to the occupants thereof ~~shall supply heat~~ during the period from {October 1} to {May 15} to maintain a temperature of not less than 68°F (20°C) in all habitable rooms, bathrooms, and toilet rooms.

Exceptions:

1. When the outdoor temperature is below the winter outdoor design temperature for the locality, maintenance of the minimum room temperature shall not be required provided that the heating system is operating at its full design capacity. The winter outdoor design temperature for the locality shall be as indicated in Appendix D of the International Plumbing Code.
2. In areas where the average monthly temperature is above 30°F (-1°C) a minimum temperature of 65°F (18°C), shall be maintained.

That Sub-Section 602.4 titled Occupiable work spaces which reads as follows:

Indoor occupiable work spaces shall be supplied with heat during the period from [DATE] to [DATE] to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

Be amended to read:

Indoor occupiable work spaces shall be supplied with heat during the period from {October 1} to {May 15} to maintain a temperature of not less than 65°F (18°C) during the period the spaces are occupied.

Exceptions:

1. Processing, storage and operation areas that require cooling or special temperature conditions.
2. Areas in which persons are primarily engaged in vigorous physical activities.

## SECTION 604 - ELECTRICAL FACILITIES

That Sub-section 604.2 titled Service that reads as follows:

604.2. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 60 amperes. Every single family dwelling and housing rental unit shall be served by a main that is not less than 100 amperes. Inadequate services must be upgraded to meet the requirements of the National Electrical Code.

Shall be amended to read:

604.2. Service. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with NFPA 70. Dwelling units shall be served by a three-wire, 120/240 volt, single-phase electrical service having a minimum rating of 100 amperes. The size and usage of appliances and equipment shall serve as a basis for determining the need for additional facilities in accordance with the ICC Electrical Code. Dwelling units shall be served by a three wire, 120/240 volt, single-phase electrical service having a rating of not less than 100 amperes.

## SECTION 605 - ELECTRICAL EQUIPMENT

That Sub-section 605.2 titled Receptacles which reads as follows:

Every habitable space in a dwelling shall contain ~~at least~~ not less than two separate and remote receptacle outlets. Every laundry area shall contain ~~at least~~ not less than one ~~grounded~~ grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain ~~at least~~ not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptacle outlets shall have the appropriate faceplate cover for the location.

Be amended to read:

Every habitable space in a dwelling shall contain ~~at least~~ not less than two separate and remote receptacle outlets. Every laundry area shall contain ~~at least~~ not less than one ~~grounded~~ grounding-type receptacle. Every bathroom and powder room shall contain at least one (1) 3 wire 15 or 20 amp GFI (Ground Fault Interrupter) and all outlets on light fixtures and bathroom cabinets must be disconnected if not GFI protected. All receptacle outlets shall have the appropriate faceplate cover for the location.

That Sub-section 605.2.1 be added to read as follows:

- a. All existing wall type receptacles which serve kitchen counter top surfaces must be 3 wired 15 or 20 amp GFI (ground fault interrupted) protected. Counter top spaces separated by range tops, refrigerators and sinks shall be considered as separate counter top spaces and apply to the requirements of this section.
- b. All kitchen areas shall have two (2) accessible 15 or 20 amp GFI (ground fault

interrupted) ~~receptacle~~ receptacles to serve counter top surfaces. If no counter top is available, there shall be two (2) accessible GFI (ground fault interrupted) receptacles at counter top height. Refrigerator receptacles shall not be counted in determining the number of GFI (ground fault interrupted) ~~receptacle~~ receptacles required in the kitchen areas.

- c. All existing receptacles located within 6' on either side of an auxiliary sink shall be 3 wired 15 or 20 amp GFI (ground fault interrupted).
- d. All exterior receptacles must be 3 wired 15 or 20 amp ~~G.F.I.~~ GFI (Ground Fault Interrupter) protected in weatherproof boxes and covers.

Exception: to read, All GFI outlets built into exterior walls must have damp proof covers.

- e. All electrical receptacles that cannot be tested for improper wiring, installation, deterioration or damage due to immovable furniture, appliances, or other obstructions shall be the responsibility of the owner and/or the agent.

NOTE: The inspection of electrical panels and boxes is limited to a visible inspection only.

Add new Sub-section 605.2.2 titled Common Area Branch Circuits to read as follows:

Branch circuits in dwelling units shall supply only loads within that dwelling unit or loads associated only with that dwelling unit. Branch circuits required for purpose of lighting, central alarm, signal communications or other needs for public or common areas of a two family or multi-family dwelling shall not be supplied from equipment that supplies an individual dwelling unit.

Add new Sub-section 605.2.3 titled Occupant to Have Ready Access to read as follows:

Each occupant of a dwelling unit shall have ready access to all overcurrent devices protecting the conductors supplying that ~~occupancy~~ dwelling unit.

## ~~CHAPTER 7 FIRE SAFETY REQUIREMENTS~~

~~Add new Sub-section 705 titled Carbon Monoxide Detectors to read as follows:~~

### ~~SECTION 705 – CARBON MONOXIDE DETECTION~~

~~705.1 General. An approved carbon monoxide (CO) detector shall be installed, per the requirements of this Section, in all dwelling units when a fossil fuel or solid fuel appliance is maintained or utilized as the primary or supplemental heat source and in all dwelling units with an attached garage, where the garage contains, is adjoining to, adjacent to, contiguous with, and/or in the immediate vicinity of a sleeping area.~~

~~705.2 Installation and Location of Detectors. An approved carbon monoxide (CO) detector shall be installed in the following locations:~~

~~In all dwelling units where a fossil fuel or solid fuel appliance is maintained or utilized as the primary or supplemental heat source, a carbon monoxide (CO) detector shall be installed where the fuel burning appliance is being used.~~

~~In all dwelling units with an attached garage where the garage contains, is adjoining to, adjacent to, contiguous with, and/or in the immediate vicinity of a sleeping area, a carbon monoxide (CO) detector shall be installed in the immediate vicinity of any such sleeping areas, unless otherwise approved by the City.~~

~~Additional carbon monoxide (CO) detector shall be installed in each location as required by the code inspector. It is the responsibility of the owner of each dwelling unit or garage to obtain the advice and approval of such inspector.~~

~~705.3 Detectors. Approved detectors must have h UL ratings or equivalent rating.~~

~~705.4 Additional responsibilities. It shall be the responsibility of the property owner to provide functioning carbon monoxide alarms, per the requirements of this Section. Removal of the battery or power source from a carbon monoxide alarm, making the detector inoperable, is a violation of this Section.~~

SECTION 4: That all ordinances and sections thereof that are inconsistent with this Ordinance are hereby repealed.

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

\_\_\_\_\_

Passed finally in Council this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

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

ATTEST:

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

This Ordinance approved this \_\_\_\_\_ day of \_\_\_\_\_, 2022.

\_\_\_\_\_  
Mayor