



# 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 1701

Date: March 21, 2022

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Enclosed for Council's review and action is a proposed ordinance amending Article 1701 in order to adopt the 2018 version of the Pennsylvania Uniform Construction Code. Pursuant to The Pennsylvania Construction Code Act, this proposed ordinance was required to be transmitted to the Pennsylvania Department of Labor & Industry for review at least 30 days prior to the holding of a required public hearing by City Council. At the time of the transmission of the proposed ordinance, which was done on March 7, 2022, the City was also obligated to provide to the Department a proposed date for the holding of the public hearing, and the Council meeting on April 19, 2022, provided sufficient time for the Department's review to be concluded. Accordingly, it is requested that this proposed ordinance be placed on Council's agenda for April 19, 2022, for a public hearing.

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. \_\_\_\_\_ - 2022

ORDINANCE NO. 2022-\_\_\_\_\_

AN ORDINANCE OF THE CITY OF BETHLEHEM,  
COUNTIES OF LEHIGH AND NORTHAMPTON,  
COMMONWEALTH OF PENNSYLVANIA, AMENDING  
ARTICLE 1701 OF THE CODIFIED ORDINANCES  
ENTITLED PENNSYLVANIA UNIFORM CONSTRUCTION CODE,  
BY ADOPTING THE 2018 PENNSYLVANIA UNIFORM  
CONSTRUCTION CODE.

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

SECTION 1. Article 1701 of the Codified Ordinances of the City of Bethlehem, titled Pennsylvania Uniform Construction Code is hereby repealed in its entirety and replaced as follows:

ARTICLE 1701

Pennsylvania Uniform Construction Code

- 1701.01 Adoption.
- 1701.02 Additions and Modifications.

CROSS REFERENCES

Adoption by reference - See 3rd Class City Code, 11 Pa.C.S. §§ 141A01 - 141A05  
Zoning-building permit - See ZON. Art. 1324  
Table of Building Regulations - See ZON. Appx. A  
Structures unfit for human occupancy - See BLD. Art. 1733  
Registration, Sale and Transfer of Real Estate - See ADM. Art. 119

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1701.01 ADOPTION.

That certain documents, viz, the Pennsylvania Uniform Construction Code (PA UCC), Act No. 45-1999, 35 P.S. §§ 7210.101 – 7210.1103, as amended, and the Uniform Construction Code, 34 Pa. Code, Chapters 401 – 405, as amended, be adopted as the official Codes of the City of Bethlehem, in accordance with the provisions of the Third Class City Code, 11 Pa.C.S. §§ 141A01 - 141A05, with the changes and amendments noted hereinafter, for the erection, construction, enlargement, alteration, repair, moving, removal, demolition, conversion, occupancy and maintenance of all buildings and structures of the City of Bethlehem providing for the issuance of permits and each and all of the regulations, provisions, conditions, and terms of the PA UCC, as amended, are hereby referred to,

adopted, and made a part hereof as is fully set forth in this ordinance, with the changes and amendments noted hereinafter.

#### 1701.02 ADDITIONS AND MODIFICATIONS.

Additions and deletions to be made to the PA UCC are as follows:

UCC 403.1(b)(3); Change 1000 square feet to read 200 square feet, in accordance with section 303(b)(1) of the Act, delete sections 403.1(b)(8), 403.1(b)(9), 403.1(b)(10).

UCC 403.3(a): Delete subject paragraph and substitute the following:

##### UCC 403.3(a) Appointment

The Chief Code Official shall be appointed by the head of the Department to which the Bureau of Code Enforcement is administratively assigned. At a minimum the Chief Code Official shall have an "Accessibility Inspector/Plan Examiner" certification through the International Code Council in addition to a "Building Code Official" certification through the State of Pennsylvania. After appointment, he shall not be removed from office except in compliance with the City of Bethlehem Personnel Manual, as amended.

UCC 403.3(b)(1); The Fire Marshal of the City of Bethlehem Fire Department and his designees shall be responsible for the enforcement of the International Fire Code. The Fire Marshal's designees shall include Fire Inspectors, Fire Officers, Hazardous Materials Officers, and Police Officers.

Additions and deletions to be made to 403.21(a) of the referenced PA UCC are as follows:

Whenever [name of Jurisdiction] appears, insert "City of Bethlehem".

##### 403.21(a)(1) amendments to the International Building Code

##### Add IBC 202.0 General Definitions

Day and Night Average Sound Level - The 24 hour energy average of the A-weighted sound pressure level, with the levels during the period 10:00 P.M. to 7:00 A.M. the following day increased by 10 dBA before averaging.

##### Add IBC 720.08 Installation of Sound Insulation

Any new residential structure affected by vehicular, industrial or aircraft noise shall be designed so that the interior sound levels do not exceed a day-night average sound level of forty-five (45) decibels (calculated with the windows and doors closed). This may be accomplished by the acoustical insulation of the structure as specified in the U.S. Department of Transportation Federal Highway Administration Publication FHWA-TS-77-202 available from the City Planner.

IBC 903.4.4 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.

Add IBC 3107.2 Bonds and Liability Insurance

No person shall erect, install, remove or rehang any projecting sign for which a permit is required under the provisions of the Basic Code until there shall have been filed with the City Solicitor's office, a bond in the sum of Five Thousand Dollars (\$5,000) as herein required, or a Certificate of Liability Insurance coverage, adequate in the opinion of the City Solicitor.

Add IBC 3303.8 Extermination

The owner or contractor must present a letter from an exterminating company to the building inspector that the building has been exterminated or does not require extermination for rodents or insects prior to issuing razing permit.

Add IBC 3307.2 Party Wall Maintenance

In the case of an existing party wall or an existing exposed wall which is structurally sound and which is not intended to be used by the owner of the building being demolished and further that the surface of the said wall is to remain exposed, then the owner of the building being demolished shall preserve, at his own expense, the party or exposed wall, by ensuring that the exposed surfaces shall be made permanently waterproof by the application of stucco, brickote, gunite or other approved noncombustible materials.

Add IBC 3307.3 Party Wall Repair or Replacement

If a home is gutted for remodeling or, if a fire occurs and the party wall is damaged and needs to be replaced, it shall be replaced in accordance with the requirements of this code.

3412.2 Insert "January 1, 1946".

403.21(a)(5) Amendments to the International Plumbing Code

302 Exclusion of Materials Detrimental to the Sewer System

303.1 Detrimental or Dangerous Material

Delete subsection and substitute the following:

Controlled by Article 921

302.2 Industrial Wastes

Delete and substitute the following:

Controlled by Article 921 and Article 923.

305.4.1 Sewer Depth – Insert Thirty-six Inches (36”).

413.3 Commercial Foodwaste grinder outlets - Delete subsection and substitute the following:

Commercial food waste grinder waste outlets are not permitted in the City of Bethlehem, Pennsylvania.

701.2 Sewer Required - Add subsection.

701.2.1. Public Systems Available

A public water supply system and/or public sewer system shall be deemed available to premises used for human occupancy if such premises abut along a street, alley, or easement, of the public water supply or sewer system and a connection conforming with the standards set forth in this Code may be made thereto.

903.1      Roof Extension – Insert Twelve Inches (12”).

1002.6 Building Traps - Delete and substitute the following.

1002.6 Building Traps

An approved house trap shall be installed in each house drain located below the cellar floor and just inside the foundation wall. There shall be an air inlet for fresh air entering the house drain just inside the water seal of the trap.

Size of house traps: the house trap shall not be less in size than the pipe it taps and in no case less than four (4) inches. Air inlets shall be four (4) inches in size for five (5) inch and six (6) inch drains, six (6) inches for eight (8) inch drains, and not less than eight (8)

inches for all drains larger than eight (8) inches. All house traps shall be of the double hub pattern and shall in all cases be located and installed below the cellar floor.

403.21(a)(6) Amendments to the International Residential Code

Insert the following in Table R301.2(1):

Ground snow Load – 30 lbs.  
 Wind Speed – 115  
 Topographic effects - no  
 Seismic Design Category – B  
 Weathering – severe  
 Frost line depth – 30”  
 Termite – moderate  
 Winter design temp – 9 degrees  
 Ice shield underlayment required – yes  
 Flood hazards – October 25, 1970; May 6, 2001  
 Air freezing index – 1000  
 Mean annual temperature – 50 degrees

P2603.5.1 Insert '36 inches' in both locations.

403.21(a)(7) Amendments to the International Fire Code

403.21(a)(7) Add section 806.1.1

Amend Section 5601.2.4 Financial Responsibility: Remove “\$100,000” and replace with \$1,000,000”.

SECTION 2. That all ordinances and sections thereof that are inconsistent with this Ordinance are hereby repealed.

SECTION 3. This Ordinance shall take effect in 36 days.

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

\_\_\_\_\_

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

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

ATTEST:

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

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

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Mayor