



CITY OF BETHLEHEM

DEPARTMENT OF COMMUNITY & ECONOMIC DEVELOPMENT

INTER-OFFICE MEMORANDUM

To: Michael Colón, Council President

From: Michael Simonson, Chief Building Inspector

Re: Proposed Ordinances Amending Articles 1703 and 1705

Date: May 10, 2023

Enclosed for Council's review and potential action are two proposed ordinance, one amending and restating Article 1703 (relating to licensing requirements for electricians) and one amending and restating Article 1705 (relating to licensing requirements for plumbers). The purposes of these amendments are to modernize the City's ordinances governing electricians' and plumbers' licenses and to bring greater uniformity between the ordinances by including similar provisions in each. Of significant note, both proposed ordinances eliminate unnecessary provisions pursuant to which the City's electricians and plumbers examination boards create and administer examinations for license applicants; instead, the proposed amendments require examinations conducted by the International Codes Council, which will ensure that applicants undergo professional examinations under the aegis of the leading national/international source of model codes and standards. Further, the proposed ordinances eliminate the electricians and plumbers examination boards, which are largely inactive and redundant.

A handwritten signature in black ink, appearing to read "Michael Simonson", is written over a horizontal line.

Michael Simonson
Chief Building Inspector

Cc: J. William Reynolds
Laura Collins, Esq.
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 AND RESTATING ARTICLE 1703 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM, TITLED "REQUIREMENTS AND QUALIFICATIONS TO OBTAIN LICENSING TO PERFORM ELECTRICAL WORK WITHIN THE CITY OF BETHLEHEM"

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

SECTION 1: Article 1703 of the Codified Ordinances of the City of Bethlehem, titled "Requirements and Qualifications to Obtain Licensing to Perform Electrical Work Within the City of Bethlehem" shall be amended and restated as follows: (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

ARTICLE 1703

Requirements and Qualifications to Obtain Licensing
to Perform Electrical Work Within the
City of Bethlehem

<u>1703.00</u>	<u>Scope.</u>
1703.01	Definitions.
1703.02	Applicants' Qualifications, Applications and Examinations.
1703.03	Geographical Requirement.
1703.04	Licenses and Fees.
1703.05	Change in <u>Registration License.</u>
1703.06	Proof of Responsibility.
1703.07	Suspensions or Revocations.
1703.08	Non-Licensed Work.
1703.09	False Statements.
1703.10	Reciprocity.
1703.11	Escrow.
1703.12	License Board.
1703. <u>123</u>	Owner Performance.
1703. <u>134</u>	Designation of Telecommunication Installation Companies.
<u>1703.14</u>	<u>Abolition of Electricians Examining Board.</u>
<u>1703.99</u>	<u>Penalties and Enforcement.</u>

CROSS REFERENCES

Adoption by reference - See 3rd Class Charter Law § 608(a) [53 P.S. § 41608(a)];
3rd Class City Code [11 53 Pa.C.S. § 11018.1(a)(2)(iii)(C)] 37403(67)]

Electrical system - See BLDG. Art. 1733

Pennsylvania Uniform Construction Code – See Article 1701

1703.00 Scope

This ~~section~~ Article shall regulate the business of installing, altering, or repairing wiring and appliances for electric light, heat, and power within the City of Bethlehem, and to provide for the licensing of all persons who engage in such business. The purpose of this licensing procedure is to foster the safety of those who reside, work or visit in the City of Bethlehem. This licensing procedure shall not be construed in such a manner as to provide artificial and unnecessary barriers to the conduct of electrical work by firms located both inside and outside of the City limits. Telecommunication installations, outside of this scope shall be covered by Section 1703.14 of this ~~Ordinance~~ Article.

1703.01 Definitions

For the purposes of this Article, ~~article~~ the following definitions shall apply:

- (a) “Master Electrician” shall mean any person, or employee of a proprietorship, partnership, or corporation or similar entity who, within the City of Bethlehem, engages in or carries on the business of installing, erecting, altering, extending, maintaining, or repairing electrical wiring, apparatus, fixtures, devices, appliances, or equipment utilized or designated for the utilization of electricity for light, heat, or power purposes or for signaling systems, and who carries on such business as an independent contractor or employee of a proprietorship, partnership or corporation or similar entity and who has the final determination and the full responsibility for the manner in which the work is done, for the materials used and for the selection, supervision and control of Journeyman Electricians and apprentices employed on the work engaged in by said person, proprietorship, partnership, or corporation or similar entity.
- (b) “Master Electrician's License” shall mean a license issued to a Master Electrician as herein defined, who, by passing the required examination and tests, has qualified as a competent person to be a Master Electrician.
- (c) “Residential Electrician” shall mean any person, or an employee of a proprietorship, partnership, or corporation or similar entity who, within the

City of Bethlehem, engages in or carries on the business of installing, erecting, altering, extending, maintaining or repairing electrical wiring, apparatus, fixtures, devices, appliances or equipment utilized or designated for the utilization of electricity for light, heat or power purposes, or signaling systems, and who carries on such business as an independent contractor, or employee of a proprietorship, partnership, or corporation or similar entity and who has the final determination and the full responsibility for the manner in which the work is done, and for the materials used and for the selection, supervision and control of any workers engaged by said person, proprietorship, partnership, or corporation or similar entity.

Such licensed Residential electrician Electrician shall be restricted to residential electrical work in one (1) and two (2) family dwelling and dwelling units. Work may not be performed in non-residential buildings nor in mixed-use buildings where a single electrical service is utilized for the entire building. Residential Electricians electricians are restricted to the installation of 600 amp single phase services or less and in buildings of not more than three (3) stories.

- (d) “Residential Electrician's License” shall mean a license issued to a Residential Electrician as herein defined, who, by passing the required examination and tests, has qualified as a competent person to be a Residential Electrician. At least one licensed Residential Electrician is required per job.
- (e) “Journeyman Electrician” shall mean any person who shall have passed the Journeyman Electrician's examination and qualified and registered in accordance with the terms of this Article ~~article and under the rules and regulations of the said Examining Board~~, and one who is the holder of a Journeyman Electrician's License and is employed as defined in the definition of Master Electrician.
- (f) “Journeyman Electrician's License” shall mean a license issued to a Journeyman Electrician as herein defined, who, by passing the required examination and tests, has qualified as a competent person to be a Journeyman Electrician. At least one licensed Journeyman Electrician is required per job.
- (g) “Special Electrician” shall mean any person, who installs, alters or repairs electrical wiring, appliances for heat, light, power, and/or signaling systems in or on buildings or lots in the City, and who is an employee of a proprietorship, partnership, or corporation or similar entity which owns, leases, or manages a building, buildings, or parts thereon situated in the City of Bethlehem. The Special Electrician so employed shall be authorized to

determine the method of doing the electrical work, the materials to be used, and the persons to be employed on such work.

- (h) "Special Electrician's License" shall mean a license issued to a Special Electrician, as herein defined, whom, by passing the required examination and tests has qualified as a competent person to be a Special Electrician.
- (i) "Electrical Appliance Installer" shall mean any person, or employee of a proprietorship, partnership, or corporation or similar entity who, within the City of Bethlehem, engages in or carries on the business of installing and/or repairing electrical equipment, air conditioning, signs, or equipment utilized or designated for the utilization of electricity for heat, power, or lighting purposes, and who has the final determination and the full responsibility for the manner in which the work is done, for the material used and for the selection, supervision, and control of any persons employed on the work engaged in by said proprietorship, partnership, or corporation or similar entity.

Such licensed Electrical Appliance installer ~~Installer~~ shall be limited to the installation, only, of; circuit and control wiring and connection to motors rated not in excess of five (5) horsepower, heating equipment loads not in excess of ten (10) KW, and sign equipment loads not in excess of two and one-half (2-1/2) KW. When necessary to alter or increase service board equipment, service feeders, or distribution to accommodate any additional light, heat, or power loads, such changes shall be performed by a registered licensed Master Electrician or Residential Electrician, as appropriate.

- (j) "Electrical Appliance Installer's License" shall mean a license issued to an Electrical Appliance Installer, who, by passing the required examinations and tests has qualified as a competent person to be an Electrical Appliance Installer.
- (k) Items covered defined - "Materials," "Electrical," ~~or "Electrical Work"~~, "Electrical Materials ~~materials~~", "Electrical Appliances" and "Electrical Fixtures" shall mean and include all electrical apparatus, electrical appliances, electric wiring, electrical fixtures, and all electrical supplies of whatever kind or nature used as a part of any installation for the transmission or consumption of electrical energy, including, without limitation, the electrical installation and apparatus used in a connection with and adjunctive to lighting, cooling, heating, cooking, plumbing, ventilating and refrigerating equipment, display and advertising signs and water heaters, provided, however, said terms shall not include incandescent lamps or; domestic electrical appliances severable from the freehold without material damage thereto.

- (l) “Electrical Work” shall mean the installation, alteration, and repair of Electrical Materials, Electrical Appliances, and/or Electrical Fixtures.
- (m) ~~Public Services Corporation – The This Code code~~ shall not apply to the following: electrical equipment used in connection with railroads, television receiving, telephone communication which is P.U.C. regulated, radio broadcasting, elevators, and dumbwaiters and electric stairs, nor shall ~~the this Code code~~ apply to electrical equipment used in connection with lighting and power companies as shown in NFPA 70-2002 (2002 National Electrical Code).
- (n) “Code”, or “the Code”, shall mean the version of the National Electrical Code, in effect as adopted by Article 1701 of the Codified Ordinances of the City of Bethlehem.
- (o) “Corporation or similar entity” shall have the same meaning as that term is prescribed in Rule 2176 of the Pennsylvania Rules of Civil Procedure.

1703.02 Applicants' Qualifications, Applications and Examinations

- (a) Applicants' Qualifications: ~~Every applicant for a Master or Residential Electrician's license shall be over the age of twenty-one (21) years.~~ An applicant for a Master Electrician's license or a Journeyman Electrician's License, at the time of application, shall have had a least four (4) years practical experience in the installation, alteration, and repair of wiring and electrical construction for electric light, heat, and power in or on buildings. An applicant for a Residential Electrician's License or a Special Electrician's License at the time of application, shall have had not less than two (2) years practical experience. An applicant for an Electrical Installer's License at the time of application shall have had not less than one (1) year practical experience.
- (b) Applications: Every application for a license shall be made in writing in such form and shall furnish such information as the ~~Electricians Examining Board~~ Chief Code Official may, from time to time, require.
- ~~Applications must be filed at least thirty (30) days prior to the date of examinations as hereinafter provided.~~
- (c) Examinations: ~~Written, or written and practical~~ examinations shall be prepared by the ~~Electricians Examining Board and/or~~ International Code Council (ICC) and administered by it to applicants to test each applicant's knowledge of the provisions of ~~this~~ the Code and the work covered thereby

and no license shall be issued unless the applicant attains a passing mark in such examination.

1703.03 Geographical Requirement

No restriction based on location shall be made on applicants for Master, Residential, Journeyman, or Special Licenses who reside, or whose business is located, or who are employed by a business with its headquarters located outside the City of Bethlehem.

1703.04 Licenses and Fees

- ~~(a) Application Fee: At the time of filing application for an examination, each applicant shall pay a fee. The application fee will be based on the cost of administering the exam and will be assessed at the time of the examination.~~
- ~~(ab)~~ License Fees: Before any license will be issued to an approved applicant, the applicant shall pay a fee as per the Fee Schedule set forth in Section 1703.04(fg).
- ~~(be)~~ No license shall be transferable.
- ~~(cd)~~ License Term: Each license shall be issued for the calendar year during which it is issued and the full fee shall be payable irrespective of the date of issue.

Each license shall continue in force only so long as the employee-licensee continues to be associated with the license holder same proprietorship, partnership, or corporation or similar entity.

- ~~(de)~~ License Renewal: Any license issued hereunder may be renewed without examination, provided the application for renewal is accompanied by the renewal fee prescribed hereinafter. Where an applicant seeking renewal of his or her license can show good and sufficient cause for his or her inability to renew his or her license before January 1st of any year, the Chief Code Official ~~Director of Community and Economic Development~~ may, within thirty (30) days thereafter, permit the issuance without examination of a license upon payment of the prescribed fee for such new license within said thirty (30) days.

~~(1) — All master and residential licensees shall be required to provide written evidence that they have satisfactorily completed 30 hours of continuing education in electrical code compliance and an additional 6 hours of safety continuing education within the three years prior to the license renewal date.~~

~~For the purposes of the license renewals that become effective for the 36 months following the passage of this ordinance the license renewal requirement shall be limited to 0 credits within 0-12 months of the date of the ordinance, 12 credits within 13-24 months of the ordinance and the full 36 credits within 25-36 months of the ordinance and all renewals thereafter.~~

~~(2) All Journeyman shall be required to provide written evidence that they have satisfactorily completed 24 hours of Electricians Examining Board approved continuing education, of which at least 6 hours shall be safety continuing education and the remaining hours shall be electrical code compliance, continuing education, within a three (3) year period.~~

(ef) Renewal Fees: The fees as required herein are to be established in accordance with the requirements as per Fee Schedule Section 1703.04(fg).

(fg) Electricians License Fee

The yearly electricians license fee, renewable January 1 through January 31 each year, shall be:

- \$75.00 Master Electrician License;
- \$65.00 Residential Electrician License;
- \$50.00 Journeyman Electrician License;
- \$40.00 Special Electrician License;
- \$40.00 Electrician Appliance Installer License;
- \$40.00 Telecommunications Installer (no test required).

1703.05 Change in Registration License:

- (a) An application for a change of license from Master Electrician to a Residential, Special or Journeyman Electrician shall be granted without examination.
- (b) An application for a change of license from Residential Electrician to Special or Journeyman Electrician shall be granted without examination.
- (c) An application for a change of license from Residential, Special or Journeyman Electrician to Master Electrician shall be granted only upon compliance by the applicant with all applicable provisions of this the Code code.

1703.06 Proof of Responsibility

At the time of, and as a condition of, issuance of a all permits license under this Article, the applicant shall furnish a certificate evidencing proof of Workmen's Compensation, Bodily Injury and Property Damage Insurance applicable to the applicant, unless such evidence is currently on file in the Bureau of Inspections.

1703.07 Suspensions or Revocations

Every holder of a license, upon retiring from the electrical business or upon the occurrence of any other cause for suspension or revocation of such license, shall notify the ~~Director of Community and Economic Development~~ Chief Code Official in writing of such fact, at the same time enclosing the license certificate and identification card. The ~~Chief Code Official~~ Director of Community and Economic Development may, by an order in writing, suspend or revoke any license issued by him ~~after a hearing on notice before the Electricians Examining Board for and, upon~~ good cause shown, including but not limited to the following: permitting unauthorized or fraudulent use of the license by another, failure to file applications for certificates performing work which fails to meet the ~~Electrical~~ Code, fraudulent dealing, or misrepresentation. Any licensee whose license has been suspended or revoked shall have the right to file an appeal to, and receive a hearing before, the Board of Appeals pursuant to Article 150 of the Codified Ordinances of the City of Bethlehem.

1703.08 Non-Licensed Work

No person shall perform Electrical Work as a Master Electrician, Residential Electrician, Journeyman Electrician, Special Electrician, or Electrical Appliance Installer without being issued and validly holding, respectively, a Master Electrician's License, Residential Electrician's License, Journeyman Electrician's License, Special Electrician's License, or Electrical Appliance Installer's License by the Chief Code Official, nor shall ~~not the holder of an appropriate license, nor a any person, proprietorship, partnership, or corporation or similar entity permit any employee or independent contractor thereof to perform Electrical Work if such employee or independent contractor has not been issued the appropriate license required by this Section 1703.08.~~ ~~not employing a holder of an appropriate license shall install, alter, or repair any wiring or electrical equipment for electric light, heat, or power in or on any building. No person, proprietorship, partnership or corporation shall cause any such work to be done by any person not the holder of such license, nor by any proprietorship, partnership or corporation not employing a holder of such license as herein defined. For the purpose of all work discussed and regulated by this article, "under the supervision of a person holding a license" shall be deemed satisfied by the employment and supervision of at least one Journeyman Electrician.~~ ~~No person, not the valid holder of such a~~

license issued pursuant to this Article, nor any proprietorship, partnership, or corporation or similar entity not employing a valid holder of such license, shall falsely represent that he or it holds such license or shall use in any advertising the words "Master Electrician", "Residential Electrician", "Journeyman Electrician", "Special Electrician", or "Electrical Appliance Installer", or the words "Licensed Electrician" or the words "electrical contractor" or any words of similar meaning or import on any sign, card, letterhead, or in any other manner.

1703.09 False Statements

Any person who, with intent to defraud or deceive, knowingly makes, causes, procures to be made, or aids and assists in the making of a false statement in an application for a license, or the renewal of a license, ~~in an application for a license, or the renewal of a license,~~ in an application for a permit or certificate of electrical inspection and approval, in any application provided for in this Article title, in any proof or instrument in writing in connection therewith, or who shall in any examination hereunder, deceive or substitute, shall be in violation of this ~~article~~ Article.

1703.10 Reciprocity

The Chief Code Official ~~Director of Community and Economic Development~~ will accept, as Master Electricians, valid licenses from other municipalities that also recognize a Bethlehem Master ~~Electricians~~ Electrician's License without requiring formal testing of the Bethlehem Master Electrician in such other municipalities ~~and in addition all other classifications listed in this Code,~~ provided that ~~said such other municipality~~ municipalities have has a testing process for their own licensees, and provided that such licensees from such other municipalities comply with all other applicable provisions of ~~this the~~ the Code, including payment of the applicable ~~permit~~ license fee.

1703.11 Escrow

The holder of any valid license as herein defined may, upon written request to the ~~Electricians Examining Board~~ Chief Code Official, have the ~~Director of Community and Economic Development~~ Chief Code Official hold said license in escrow for a period of up to five (5) years, during which time the licensee may not perform any work which would, under the provisions of ~~this the~~ the Code, require the issuance of a license. Upon proper application for renewal of the license being held in escrow, the applicant shall be granted same without examination contingent upon payment of the applicable annual license fee as set forth in Section 1703.04(f), ~~provided the Electricians Examining Board is satisfied as to the applicant's fitness to engage in the work covered by said license.~~

~~1703.12 License Board~~

~~(a) Membership of Board: There shall be appointed by the Mayor, with the advice and consent of City Council, an Examining Board to be known as the Electricians Examining Board, to determine the fitness of applicants for licenses and to investigate and report on all proposed suspensions or revocations of licenses, and the Mayor may, for cause shown, remove any member thereof and shall fill any vacancy therein. Said Board shall consist of two (2) Master Electricians, one (1) Residential Electrician, the City Electrical Inspector, one (1) electrical engineer fully employed by local industry and two (2) citizens at large. With the exception of the Master Electrician and Residential Electrician categories, Board membership shall not include representation from the regulated industry.~~

~~(b) Terms~~

~~The terms of the members of the Electricians Examining Board shall be as follows:~~

~~(1) Three (3) members of the Board shall be appointed originally for a term of one (1) year, two (2) members for a term of two (2) years, and two (2) members for a term of three (3) years.~~

~~(2) As the terms of office of each of the original member of the Board expires, their successors shall be appointed for a term of three (3) years.~~

~~(c) Organization~~

~~The members of the Electricians Examining Board shall within thirty (30) days from their appointment, meet specially and organize and shall elect from their members a Chairman. They shall also elect a Secretary who need not be a member of the Board. The Board shall meet three (3) times per year, after public notice each and every year, for the purpose of considering and disposing of all applications for licenses, providing, however, that when any of the days appointed for a meeting shall fall on a legal holiday, the Board may hold special meetings as frequently as is necessary for the propriety and efficient discharge of its business. Such meetings shall be held upon forty eight (48) hours written notice to each member of the Board, stating the purpose of such special meeting. Four (4) members of the Board shall constitute a quorum for the transaction of any and all business. (Ord. 2012-7. Passed 3/6/2012)~~

~~(d) Rules and Regulations~~

~~The Electricians Examining Board shall formulate its own rules and regulations for all examinations. Such rules and regulations shall become effective immediately upon the adoption by the Board and the approval of the City Council of the City of Bethlehem.~~

~~————— (e) Duties~~

~~————— The Electricians Examining Board shall investigate all applicants for licenses and shall report to the Director of Community and Economic Development the results of all examinations which it shall administer to applicants. It shall investigate and hear all written complaints against holders of such licenses and designations and report to the Director of Community and Economic Development its findings and recommendations. It shall keep minutes of its proceedings and hearings and records of its investigations and examinations of applicants for licenses.~~

~~————— (f) Appeals from decisions of the Board shall be made to the Board of Appeals~~

1703.123 Owner Performance

Any permit required by ~~the~~ this Article Ordinance may be issued to a bona fide owner, occupant of a single family dwelling, which is to be occupied exclusively for living purposes by the owner, to do any work regulated by ~~this the~~ Code on the said dwelling and on the condition that the said owner personally purchase all material and perform all labor in connection ~~herewith~~ therewith.

1703.134 Designation of Telecommunication Installation Companies

(a) Scope.

This section shall regulate the business of installing telecommunications equipment including telephone systems, signaling systems, computer systems, communication links, fiber optics, alarm systems or any system designed to carry information rather than electricity for the purposes of heat, power or light and to provide for the designation of those companies which are allowed to perform this work in the City of Bethlehem. The purpose of this designation procedure is to foster the safety of those who reside, work or visit the City of Bethlehem. This designation procedure shall not be construed in such a manner as to provide artificial and unnecessary barriers to the conduct of telecommunication work by firms located both inside and outside of the City limits.

(b) Exemption

Public Service Corporations - This Section ~~section~~ 1703.13 shall not apply to P.U.C. regulated telephone and electric power companies.

(c) Application for Designation

(1) Applications: Every application for designation shall be made in writing in

such form and shall furnish such information as the ~~Electricians Examining Board~~ Chief Code Official may, from time to time, require. No examination shall be required.

- (2) Proof of Responsibility: At the time of issuance of all permits, the applicant shall furnish a certificate evidencing proof of Workmen's Compensation, Bodily Injury, and Property Damage Insurance applicable to the applicant unless such evidence is currently on file in the Bureau of Inspections.
- (3) Geographical Requirement: No restriction based on location shall be made on applicants who reside outside of, or whose business is located with its headquarters located outside of, the City of Bethlehem.

(d) Designation and Fees

(1) Designation Fees

Before any designation will be issued to an applicant's business, the applicant shall pay a fee. The fee as required herein is to be established in accordance with the requirements of the Fee Schedule set forth in Section 1703.04(fg).

(2) Designation Term

Each designation shall be issued for the calendar year during which it is issued and the full fee shall be payable irrespective of the date of issue.

(3) Transferability

Designations are not transferable.

(4) Suspension or Revocation of Designation

The ~~Director of Community and Economic Development~~ Chief Code Official may, by written notice, suspend or revoke any designation issued by him after a hearing on notice before the ~~Codes Board of Appeal~~ Electricians Examining Board and ~~for~~ upon good cause shown, including but not limited to the following: permitting unauthorized or fraudulent use of the designation by another, failure to file application for permits, performing work which fails to meet the ~~Electrical Code~~ and other applicable codes, fraudulent dealing, or misrepresentation.

(5) False Statements

Any person who, with intent to defraud or deceive, knowingly makes, causes, procures to be made, or aids and assists in the making of a false statement in an application for a designation, or the renewal of a designation, in an application for a permit or certificate of inspection and approval, in any application provided for in this ~~title~~ Article, in any proof or instrument in writing in connection therewith, or who shall in any application; hereunder, deceive or substitute, shall be in violation of this Article ~~article~~.

(e) Permits

Permits shall be required for all permanent installation of telecommunication equipment, except in one (1) and two (2) family dwellings. Permits shall only be issued to designated companies or homeowners.

(f) Non-Permitted Work

Except as otherwise provided in this Article, No no person, proprietorship, partnership, or corporation or similar entity shall cause any such-work within the scope set forth in Section 1703.13(a) to be done by non-designated companies.

1703.14 Abolition of Electricians Examining Board.

The Electricians Examining Board of the City of Bethlehem is hereby abolished.

1703.99 Penalties and Enforcement.

(a) Any person, proprietorship, partnership, or corporation or similar entity who violates any provision of this Article shall be subject to the following penalties: (1) First Violation - A fine of \$200, or thirty days imprisonment, or both; (2) Second Violation - A fine of \$500, or sixty days imprisonment, or both; (3) Third and Subsequent Violations - A fine of \$1,000, or ninety days imprisonment, or both;

(b) The Director of Community and Economic Development is hereby granted the power to designate those having the power to enforce this Article and issue citations.

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

Sponsored by _____

Passed finally in Council this _____ day of _____, 2023.

President of Council

ATTEST:

City Clerk

This Ordinance approved this _____ day of _____, 2023

Mayor

Bill No. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BETHLEHEM, COUNTIES OF LEHIGH AND NORTHAMPTON, COMMONWEALTH OF PENNSYLVANIA, AMENDING AND RESTATING ARTICLE 1705 OF THE CODIFIED ORDINANCES OF THE CITY OF BETHLEHEM, TITLED “REQUIREMENTS AND QUALIFICATIONS TO OBTAIN LICENSING TO PERFORM PLUMBING WORK WITHIN THE CITY OF BETHLEHEM”

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

SECTION 1: Article 1705 of the Codified Ordinances of the City of Bethlehem, titled “Requirements and Qualifications to Obtain Licensing to Perform Plumbing Work Within the City of Bethlehem” shall be amended and restated as follows: (underlined text denotes additions, whereas ~~strikeouts~~ denote deletions):

ARTICLE 1705

Requirements and Qualifications to Obtain Licensing
to Perform Plumbing Work Within the
City of Bethlehem

- ~~1705.01~~ ~~Plumbers Examining Board.~~
- 1705.021 Definitions:
- 1705.02 Applicants’ Applications and Examinations
- 1705.03 Reciprocity
- 1705.04 Owner Performance:
- 1705.05 Fees:
- 1705.06 Proof of Responsibility
- 1705.07 Suspensions or Revocations
- 1705.08 Non-Licensed Work
- 1705.09 False Statements
- 1705.10 Escrow
- 1705.11 Abolition of Plumbers Examining Board
- 1705.99 Penalties and Enforcement

CROSS REFERENCES

- Pennsylvania Uniform Construction Code – See BLDG. Art. 1701
- Mechanical food waste disposals - See BLDG. Art. 1717
- Plumbing or plumbing fixtures - See BLDG. Art. 1733

Required plumbing facilities in rooming houses - See BLDG. Art. 1735

~~1705.01 PLUMBERS EXAMINING BOARD~~

~~(a) Membership~~

~~There is hereby established a Plumbers Examining Board (hereinafter referred to as the Board) to consist of five (5) members. One member shall be a registered master plumber with at least five (5) years of experience as a plumbing contractor. One member shall be a journeyman plumber with at least five (5) years experience as a journeyman. One member shall be a registered professional engineer with at least five (5) years experience in the field of plumbing design. One member shall be a layman who is a voting taxpayer in the City of Bethlehem. One member shall be a plumbing inspector who shall act as secretary to the Board and shall vote only in the event of a tie.~~

~~(b) Terms~~

~~Each member, except the plumbing inspector, shall be appointed by the Mayor for a term of four (4) years except at the formation of the Board when appointments shall be made for 1,2,3 and 4 years respectively so that only one (1) member is appointed annually thereafter.~~

~~Upon the death or resignation of a member the Mayor shall appoint a successor, equally qualified to fill the unexpired term.~~

~~Members may be reappointed to the Board for additional terms.~~

~~(c) Organization~~

~~The Board shall meet and organize within thirty (30) days after the passage of this Ordinance and shall elect a Chairman who shall conduct meetings of the Board. Thereafter, the Board shall meet at such intervals as may be necessary for the proper performance of its duties, but not less than twice in any one calendar year.~~

~~At the first meeting in any calendar year the Board shall reorganize and elect a chairman to serve for the ensuing year. Members of the Board shall be paid a fee of twenty five dollars (\$25.00) for each attendance or meeting held in connection with official business of the Board.~~

~~(d) Duties~~

~~It shall be the duty of the Board to establish standards and procedures for the qualification, examination and licensing of Master and Journeyman plumbers and approve appropriate licenses to each person who meets the qualifications thereof, and successfully passes the examination given by the Board.~~

~~————The Plumber’s Examining Board shall schedule an Annual date for examinations for licenses.~~

~~————Examination shall be based upon the rules and regulations contained in this Code, the basic laws of hydraulics as applied to the plumbing industry, and the knowledge of mathematics as applied to a practical utilization of the foregoing requirements.~~

~~————It shall be the duty of the Board to supervise enforcement and interpretation of this Code by the Plumbing Inspector and to suggest amendments or revisions of this Code, as it deems necessary.~~

~~————It shall be the duty of the Board to receive complaints from persons who are aggrieved by decisions of the Plumbing Inspector, to set a date for a formal hearing of the complaint and to rule upon the matter, provided such ruling is within a reasonable interpretation of this Code.~~

~~————Appeals from decisions of the Board shall be made to the Board of Appeals.~~

1705.012 DEFINITIONS

(a) Master Plumber

A master plumber is a person who regularly engages in and works at the plumbing trade, who employs and directs journeyman plumbers and apprentice plumbers, and who is entitled to secure permits for the installation or repair of plumbing.

(b) Journeyman Plumber

A journeyman plumber is a person who regularly engages in and works at the plumbing trade and is employed and supervised by a licensed Master Plumber.

(c) Apprentice Plumber

~~————An apprentice plumber is a person who is learning the plumbing trade and is employed and supervised by a licensed Master Plumber.~~

(c) Code

“Code”, or “the Code”, shall mean the version of the International Plumbing Code in effect as adopted by Article 1701 of the Codified Ordinances of the City of Bethlehem.

(d) Corporation or similar entity

“Corporation or similar entity” shall have the same meaning as that term is prescribed in

Rule 2176 of the Pennsylvania Rules of Civil Procedure.

1705.02 APPLICANTS’ APPLICATIONS AND EXAMINATIONS

(a) Applications: Every application for a license shall be made in writing in such form and shall furnish such information as the Chief Code Official may, from time to time, require.

(b) Examinations: Written examinations shall be prepared by the International Code Council (ICC) and administered by it to applicants to test each applicant's knowledge of the provisions of the Code and the work covered thereby and no license shall be issued unless the applicant attains a passing mark in such examination.

1705.03 RECIPROCITY

Master Plumbers, registered in First, Second or Third Class Cities of Pennsylvania, but not registered in the City of Bethlehem who desire to engage in plumbing within the City, shall without examination secure the necessary plumbing permit before engaging upon said work. The Chief Code Official will accept, as a Master Plumber or a Journeyman Plumber, valid licenses from other municipalities, provided that such other municipalities have a testing process for their own licensees, and provided that such licensees from such other municipalities comply with all other applicable provisions of the Code, including payment of the applicable license fee.

1705.04 OWNER PERFORMANCE

(a) Single Family Dwellings. Any permit required by the this Article Ordinance may be issued to a bona fide owner, occupant of a single family dwelling, which is to be occupied exclusively for living purposes, to do any work regulated by this the Code on the said dwelling and on the condition that the said owner personally purchase all material and perform all labor in connection herewith therewith.

1705.05 FEES

(a) Examination Fees:

Master’s Exam Fee	_____	\$50.00
Journeyman’s Exam Fee	_____	\$30.00
Special Exam Tests	_____	\$250.00

(b) License Fees:

Master Plumber (annual)	\$75.00
Journeyman <u>Plumber</u> (annual)	\$50.00

1705.06 PROOF OF RESPONSIBILITY

At the time of, and as a condition of, issuance of a license under this Article, the applicant shall furnish a certificate evidencing proof of Workmen's Compensation, Bodily Injury and Property Damage Insurance applicable to the applicant, unless such evidence is currently on file in the Bureau of Inspections.

1705.07 SUSPENSIONS OR REVOCATIONS

Every holder of a license, upon retiring from the plumbing business or upon the occurrence of any other cause for suspension or revocation of such license, shall notify the Chief Code Official in writing of such fact, at the same time enclosing the license certificate. The Chief Code Official may, by an order in writing, suspend or revoke any license issued by him for good cause shown, including but not limited to the following: permitting unauthorized or fraudulent use of the license by another, failure to file applications for certificates performing work which fails to meet the Code, fraudulent dealing, or misrepresentation. Any licensee whose license has been suspended or revoked shall have the right to file an appeal to, and receive a hearing before, the Board of Appeals pursuant to Article 150 of the Codified Ordinances of the City of Bethlehem.

1705.08 NON-LICENSED WORK

(a) No person shall perform plumbing work, including but not limited to as a Master Plumber or Journeyman Plumber, without being issued a license by the Chief Code Official pursuant to this Article. No person, proprietorship, partnership, or corporation or similar entity shall permit any employee or independent contractor thereof to perform plumbing work, including but not limited to as a Master Plumber or Journeyman Plumber, if such employee or independent contractor has not been issued the appropriate license required by this Article.

(b) Only Master Plumbers may apply for a permit to perform plumbing work in the City. An application for a plumbing permit shall be made to the Chief Code Official, and the Chief Code Official shall issue plumbing permits only to Master Plumbers.

1705.09 FALSE STATEMENTS

Any person who, with intent to defraud or deceive, knowingly makes, causes, procures to be made, or aids and assists in the making of a false statement in an application for a license, or the renewal of a license, in an application for a permit, in any application provided for in this Article, in any proof or instrument in writing in connection therewith, or who shall in any examination hereunder, deceive or substitute, shall be in violation of this Article.

1705.10 ESCROW

The holder of any valid license as herein defined may, upon written request to the Chief Code Official, have the Chief Code Official hold said license in escrow for a period of up to five (5) years, during which time the licensee may not perform any work which would, under the provisions of the Code, require the issuance of a license. Upon proper application for renewal of the license being held in escrow, the applicant shall be granted same without examination contingent upon payment of the applicable annual license fee as set forth in Section 1705.05.

1705.11 ABOLITION OF PLUMBERS EXAMINING BOARD

The Plumbers Examining Board of the City of Bethlehem is hereby abolished.

1705.99 PENALTIES AND ENFORCEMENT

(a) Any person, proprietorship, partnership, or corporation or similar entity who violates any provision of this Article shall be subject to the following penalties: (1) First Violation - A fine of \$200, or thirty days imprisonment, or both; (2) Second Violation - A fine of \$500, or sixty days imprisonment, or both; (3) Third and Subsequent Violations - A fine of \$1,000, or ninety days imprisonment, or both.

(b) The Director of Community and Economic Development is hereby granted the power to designate those having the power to enforce this Article and issue citations.

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

Sponsored by _____

Passed finally in Council this _____ day of _____, 2023.

President of Council

ATTEST:

City Clerk

This Ordinance approved this _____ day of _____, 2023

Mayor