

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SECTION 1: Article 1733 of the Codified Ordinances of the City of Bethlehem is hereby repealed and replaced in its entirety as follows:

ARTICLE 1733

International Property Maintenance Code

- 1733.01 Adoption.
- 1733.02 Additions, Deletions, and Modifications.

CROSS REFERENCE(S)

Adoption by reference – See Optional Third Class City Charter Law, 53 P.S. §41608
Property Maintenance Code – Third Class City Code, 11 Pa.C.S. 141A04

1733.01 ADOPTION

There is hereby adopted the 2021 International Code Council (ICC) International Property Maintenance Code and Appendix B with deletions and amendments thereto as hereinafter noted.

1733.02 ADDITIONS, DELETIONS, AND MODIFICATIONS.

The following articles, representing revisions or additions to the 2021 ICC International Property Maintenance Code shall be applicable for the purpose of this Ordinance:

CHAPTER 1 ADMINISTRATION

SECTION 101 – SCOPE AND GENERAL REQUIREMENTS

That Sub-section 101.1 titled “Title” which reads as follows:

These regulations shall be known as the International Property Maintenance Code of

[NAME OF JURISDICTION], hereinafter referred to as “this code.”

Be amended to read as follows:

These regulations shall be known as the International Property Maintenance Code of the CITY OF BETHLEHEM, hereinafter referred to as “this code.”

SECTION 103 – CODE COMPLIANCE AGENCY

That Sub-section 103.1 titled “Creation of agency” which reads as follows:

The [INSERT NAME OF DEPARTMENT] is hereby created and the official in charge shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

Be amended to read as follows:

The Bureau of Housing Inspections is hereby created and the official in charge shall be known as the code official. The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.

SECTION 105 – DUTIES AND POWERS OF THE CODE OFFICIAL

That Sub-section 105.8 be added to read as follows:

105.8 ABSENTEE LANDLORD.

No Certificate of Occupancy shall be issued for any rental dwelling, 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 Bureau of Housing Inspections 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.

The authorization shall be signed by the agent designated to accept service, and the landlord or operator shall be required to contact the Bureau of Housing Inspections each year and upon any change of agent 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, shall result in the revocation of the Certificate of Occupancy and the closure of the property to renters until a new and valid Certificate of Occupancy is issued.

SECTION 109 - VIOLATIONS

That Sub-section 109.4 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:

Any person who shall violate a provision of this 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 Bureau of Housing Inspections or of a permit issued under the provisions of this Article shall, upon conviction thereof before a Magisterial District Judge within 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.

CHAPTER 3 GENERAL REQUIREMENTS

SECTION 302 - EXTERIOR PROPERTY AREAS

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

Premises and exterior property shall be maintained free from weeds or plant growth in excess of [JURISDICTION TO INSERT HEIGHT IN INCHES]. All 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 and exterior property shall be maintained free from weeds or plant growth in excess of 12 inches. All 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, inoperative or unlicensed motor vehicle 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.

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 on private property shall 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 inoperable 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 any of the following conditions apply:
 - (a) The vehicle is physically inoperable.
 - (b) The vehicle is left unattended.
 - (c) The vehicle does not have a valid registration plate.
 - (d) The vehicle does not have a current certificate of inspection.
 - (e) The Vehicle Identification Number (VIN) is not ascertainable.
 - (f) The vehicle remains without the consent of the owner or person in charge of the property.

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 that is an accessory use incidental to the dwelling as defined in Article 1302 of the City of Bethlehem Zoning Ordinance. All wrecked car parts and similar unused components of a junk vehicle shall not be stored on any private property in clear view of the public right of way.

- (B) 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, which is authorized to remove said vehicle under Title 67 of the Pennsylvania Code, Chapter 253, titled Salvors, and the Vehicle Code, Title 75, Chapter 73, titled Abandoned Vehicles and Cargos.

- (C) Any vehicle undergoing major overhaul, including body work, shall be registered to the owner of the premises where such work is being done or registered to the lawful resident/tenant of the premises where the work is being done.

SECTION 304 - EXTERIOR STRUCTURE

Sub-section 304.3 Premises identification.

That Sub-section 304.3.1, titled “Rear property signage” be added to read as follows:

304.3.1 Rear property signage.

All existing properties with a thoroughfare of public access to the back of the property 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 or 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” which reads as follows:

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:

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.

That Sub-section 304.20 titled “Boarded up windows” be added to read as follows:

304.20 Boarded up windows.

No exterior window, skylight or door frame of any structure facing toward or visible from the 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 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:

308.4 Furniture.

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 on 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 48 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 109.4.

SECTION 309 - PEST ELIMINATION

Sub-section 309.1 Infestation.

That Sub-section 309.1.1, titled “Certified exterminators” be added to read as follows:

309.1.1 Certified exterminators.

All exterminations 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 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 602.

Exception: At the discretion of the Code Official, pipeless and/or ductless heating systems will be allowed provided 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 units or sleeping units 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 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 units, sleeping units, rooming units, dormitory units or guestrooms shall furnish heat to the occupants thereof 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 minimum temperature of 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:

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.

Shall be amended to read:

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 minimum rating of 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 not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle or a receptacle with a ground fault circuit interrupter. Every bathroom shall contain not less than one receptacle. Any new bathroom receptacle outlet shall have ground fault circuit interrupter protection. All receptable outlets shall have the appropriate faceplate cover for the location.

Be amended to read:

Every habitable space in a dwelling shall contain not less than two separate and remote receptacle outlets. Every laundry area shall contain not less than one grounding-type receptacle. Every bathroom and powder room shall contain at least one 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.

That Sub-section 605.2.1, titled "Ground fault interrupted" be added to read as follows:

605.2.1 Ground fault interrupted.

- a. All existing wall type receptacles which serve kitchen countertop surfaces must be 3 wired 15 or 20 amp GFI (ground fault interrupted) protected. Countertop spaces separated by range tops, refrigerators and sinks shall be considered as separate countertop spaces subject to the requirements of this section.
- b. All kitchen areas shall have two accessible 15 or 20 amp GFI (ground fault interrupted) receptacle to serve countertop surfaces. If no countertop is available, there shall be two accessible GFI (ground fault interrupted) receptacles at countertop height. Refrigerator receptacles shall not be counted in determining the number of GFI (ground fault interrupted) receptacles required in the kitchen areas.
- c. All existing receptacles located within 6 feet 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 GFI (Ground Fault Interrupted) protected in weatherproof boxes and covers.

Exception: 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 purposes 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 dwelling unit.

CHAPTER 7 FIRE SAFETY REQUIREMENTS

SECTION 705 - CARBON MONOXIDE ALARMS AND DETECTION

That Sub-section 705.1 titled “General” which reads as follows:

Carbon monoxide alarms shall be installed in dwellings in accordance with Section 1103.9 of the International Fire Code, except that alarms in dwellings covered by the International Residential Code shall be installed in accordance with Section R315 of that code.

Shall be amended to read:

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 detector shall be installed where the fuel-burning application is located.

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 detector shall be installed in the immediate vicinity of any such sleeping area, unless otherwise approved by the City.

Additional carbon monoxide detectors 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.

That new Sub-section 705.3 titled “Detectors” shall be added to read as follows:

705.3 Detectors.

Approved detectors must have UL rating(s) or an equivalent rating.

That new Sub-section 705.4 titled “Additional responsibilities” shall be added to read as follows:

705.4 Additional responsibilities.

It shall be the responsibility of the property owner to provide functioning carbon monoxide detectors, per the requirements of this Section. Removal of the battery or power source from a carbon monoxide detector, thereby making the detector inoperable, is a violation of this Section.

APPENDIX B – BOARD OF APPEALS

That Sub-section B101.2 titled “Application for appeal” which reads as follows:

Any person shall have the right to appeal a decision of the code official to the board. An application for appeal shall be based on a claim that the intent of this code or the rules legally adopted hereunder have been incorrectly interpreted, the provisions of this code do not fully apply or an equally good or better form of construction is proposed. The application shall be filed on a form obtained from the code official within 20 days after the notice was served.

Be amended to read:

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 of the Codified Ordinances. All appeals from decisions of the code official or from a notice or order issued under this code shall be governed by the procedures set forth in Article 150. 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.

That Sub-section B101.8 titled “Court review” which reads as follows:

Any person, whether or not a previous party of the appeal, shall have the right to apply to the appropriate court for a writ of certiorari to correct errors of law. Application for review shall be made in the manner and time required by law following the filing of the decision in the office of the chief administrative officer.

Be amended to read:

Any person aggrieved by the decision of the board of appeal who has a direct interest in the decision shall have the right to appeal therefrom to the court of common pleas within the time provided by and pursuant to the Local Agency Law, 2 Pa.C.S. §§ 551-555, 751-754. The Local Agency Law shall govern the disposition of all appeals to the court of common pleas pursuant to this Article.

That new Chapter 9 following Chapter 8 Referenced Standards shall be added to read as follows:

The 2021 International Fire Code (hereafter “IFC”) published by the International Code Council, is hereby adopted in its entirety and made part of this Article subject to the modifications implemented hereinafter and/or by subsequent ordinance(s) of the City of Bethlehem (~~strikeouts~~ identify deletions and **bolded underlined** text identify insertions to the 2021). Sections of the IFC that do not appear in or are unmodified by this Article are adopted in full.

101.1 Title. These regulations shall be known as the Fire Code of ~~[NAME OF JURISDICTION]~~ **the City of Bethlehem**, hereinafter referred to as “this code”. **References to “this code” in this Chapter 9 shall refer specifically to the Fire Code and not to the preceding chapters of this Article adopting and amending the 2021 ICC International Property Maintenance Code unless otherwise indicated.**

101.2.1 Appendices. Appendices C, D, E, F, H, I, are adopted as part of this code. ~~Provisions in the appendices shall not apply unless specifically adopted.~~

MODIFICATIONS TO 2021 INTERNATIONAL FIRE CODE

[A] 102.4 Application of building code. The design and construction of new structures shall comply with the **International Building Code, as adopted by PA UCC and the City of Bethlehem**, and any alterations, additions, changes in use or changes in structures required by this code, which are within the scope of the **International Building Code**, shall be made in accordance therewith.

[A] 103.1 Creation of agency. The ~~[INSERT NAME OF DEPARTMENT]~~ **City of Bethlehem Fire Department, Bureau of Inspections** is hereby created and the official in charge thereof shall be known as the fire code official. **or the Fire Marshal of the City of Bethlehem shall be charged with** ~~The function of the agency shall be the implementation, administration and enforcement of the provisions of this code.~~ **The terms “Fire Marshal of the City of Bethlehem” and “Fire Code Official” shall be interchangeable in this and any other ordinance or resolution of the City of Bethlehem.**

[A] 104.2 Applications and permits. The fire code official is authorized to receive applications, review construction documents and ~~issue permits for construction regulated by this code~~, issue permits for operations regulated by this code, inspect the premises for which such permits have been issued and enforce compliance with the provisions of this code.

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

104.3.2.1 Commercial Structures shall be defined as structures that do not fall within the scope of the 2021 International Residential Code section 101.2 (relating to detached one- and two-family dwellings and townhouses not more than three stories above grade plane in height with a separate means of egress and their accessory structures not more than three stories above grade plane in height).

105.1.2 Types of permits.

There shall be two types of permits as follows:

1. Operational permit. An operational permit allows the applicant to conduct an operation or a business for which a permit is required by Section 105.5 for either:

1.1. A prescribed period.

1.2. Until renewed or revoked.

~~2. Construction permit. A construction permit allows the applicant to install or modify systems and equipment for which a permit is required by Section 105.6.~~

105.5 Required operational permits. The fire code official is authorized to issue operational permits for the operations set forth in Sections 105.5.2 through **105.5.52, except as modified by this Article.**

~~105.5.4 Aviation facilities. An operational permit is required to use a Group H or Group S occupancy for aircraft servicing or repair and aircraft fuel servicing vehicles. Additional permits required by other sections of this code include, but are not limited to, hot work, hazardous materials and flammable or combustible finishes.~~

~~105.5.5 Carnivals and fairs. An operational permit is required to conduct a carnival or fair.~~

~~105.5.6 Cellulose nitrate film. An operational permit is required to store, handle or use cellulose nitrate film in a Group A occupancy.~~

~~105.5.12 Cutting and welding. An operational permit is required to conduct cutting or welding operations within the jurisdiction~~

~~105.5.13 Dry cleaning. An operational permit is required to engage in the business of dry cleaning or to change to a more hazardous cleaning solvent used in existing dry cleaning equipment.~~

~~105.5.15 Exhibits and trade shows. An operational permit is required to operate exhibits and trade shows.~~

105.5.17 Fire hydrants and valves. ~~An operational permit~~ **Approval from the Bethlehem Water Authority** is required to use or operate fire hydrants or valves intended for fire suppression purposes that are installed on water systems and provided with ready access from a fire apparatus access road that is open to or generally used by the public.

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

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

~~1. To use or operate a pipeline for the transportation within facilities of flammable or combustible liquids. This requirement shall not apply to the off-site transportation in pipelines regulated by the Department of Transportation (DOTn) nor does it apply to piping systems.~~

1. ~~2.~~ To store, handle or use Class I liquids in excess of 5 gallons (19 L) in a building or in excess of 10 gallons (37.9 L) outside of a building, except that a permit is not required for the following:

1.1 ~~2.1.~~ The storage or use of Class I liquids in the fuel tank of a motor vehicle, aircraft, motorboat, mobile power plant or mobile heating plant, unless such storage, in the opinion of the fire code official, would cause an unsafe condition.

1.2 ~~2.2.~~ The storage or use of paints, oils, varnishes or similar flammable mixtures where such liquids are stored for maintenance, painting or similar purposes for a period of not more than 30 days.

2. ~~3.~~ To store, handle or use Class II or Class IIIA liquids in excess of 25 gallons (95 L) in a building or in excess of 60 gallons (227 L) outside a building, except for fuel oil used in connection with oil-burning equipment.

~~4. To store, handle or use Class IIIB liquids in tanks or portable tanks for fueling motor vehicles at motor fuel dispensing facilities or where connected to fuel-burning equipment.~~

Exception: ~~Fuel oil and used motor oil used for space heating or water heating.~~

~~5. To remove Class I or II liquids from an underground storage tank used for fueling motor vehicles by any means other than the approved, stationary on-site pumps normally used for dispensing purposes.~~

~~6. To operate tank vehicles, equipment, tanks, plants, terminals, wells, fuel-dispensing stations, refineries, distilleries and similar facilities where flammable and combustible liquids are produced, processed, transported, stored, dispensed or used.~~

3. ~~7.~~ To place temporarily out of service (for more than 90 days) an underground, protected above-ground or above-ground flammable or combustible liquid tank.

~~8. To change the type of contents stored in a flammable or combustible liquid tank to a material that poses a greater hazard than that for which the tank was designed and constructed.~~

~~9. To manufacture, process, blend or refine flammable or combustible liquids.~~

~~10. To engage in the dispensing of liquid fuels into the fuel tanks of motor vehicles at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or to engage in on-demand mobile fueling operations in accordance with Section 5707.~~

~~11. To utilize a site for the dispensing of liquid fuels from tank vehicles into the fuel tanks of motor vehicles, marine craft and other special equipment at commercial, industrial, governmental or manufacturing establishments in accordance with Section 5706.5.4 or, where required by the fire code official, to utilize a site for on-demand mobile fueling operations in accordance with Section 5707.~~

105.5.19 Floor finishing. An operational permit is required for floor finishing or surfacing operations exceeding 350 square feet (33 m²) using Class I or Class II liquids.

105.5.25 Hot work operations. An operational permit is required for hot work including, but not limited to:

1. Public exhibitions and demonstrations where hot work is conducted.
2. Use of portable hot work equipment inside a structure.

Exception: Work that is conducted under a construction permit.

~~3. Fixed-site hot work equipment, such as welding booths.~~

3. ~~4.~~ Hot work conducted within a wildfire risk area.

~~4. 5.~~ Application of roof coverings with the use of an open-flame device.

~~5. 6.~~ Where approved, the fire code official shall issue a permit to carry out a hot work program. This program allows approved personnel to regulate their facility's hot work operations. The approved personnel shall be trained in the fire safety aspects denoted in this chapter and shall be responsible for issuing permits requiring compliance with the requirements found in Chapter 35. These permits shall be issued only to their employees or hot work operations under their supervision.

~~105.5.26 Industrial ovens. An operational permit is required for operation of industrial ovens regulated by Chapter 30.~~

~~105.5.27 Lumber yards and woodworking plants. An operational permit is required for the storage or processing of lumber exceeding 100,000 board feet (8,333 ft³) (236 m³).~~

~~105.5.29 LP gas. An operational permit is required for:~~

~~1. Storage and use of LP gas.~~

~~Exception: A permit is not required for individual containers with a 500-gallon (1893 L) water capacity or less or multiple container systems having an aggregate quantity not exceeding 500 gallons (1893 L), serving occupancies in Group R-3.~~

~~2. Operation of cargo tankers that transport LP gas.~~

~~105.5.31 Miscellaneous combustible storage. An operational permit is required to store in any building or on any premises in excess of 2,500 cubic feet (71 m³) gross volume of combustible empty packing cases, boxes, barrels or similar containers, combustible pallets, rubber tires, rubber, cork or similar combustible material.~~

~~105.5.33 Motor fuel dispensing facilities. An operational permit is required for the operation of automotive, marine and fleet motor fuel dispensing facilities.~~

~~105.5.34 Open burning. An operational permit is required for the kindling or maintaining of an open fire or a fire on any public street, alley, road, or other public or private ground. Instructions and stipulations of the permit shall be complied with.~~

~~Exception: Recreational fires.~~

~~105.5.35 Open flames and torches. An operational permit is required to remove paint with a torch, or to use a torch or open flame device in a wildfire risk area.~~

~~105.5.39 Places of assembly. An operational permit is required to operate a place of assembly.~~

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

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

~~105.5.44 Refrigeration equipment. An operational permit is required to operate a mechanical refrigeration unit or system regulated by Chapter 6.~~

~~105.5.45 Repair garages and motor fuel dispensing facilities. An operational permit is required for operation of repair garages.~~

~~105.5.49 Temporary membrane structures and tents. An operational permit is required to operate an air-supported temporary membrane structure, a temporary special event structure or a tent having an area in excess of 400 square feet (37 m²).~~

Exceptions:

~~1. Tents used exclusively for recreational camping purposes.~~

~~2. Tents open on all sides, which comply with all of the following:~~

~~2.1. Individual tents having a maximum size of 700 square feet (65 m²).~~

~~2.2. The aggregate area of multiple tents placed side by side without a fire break clearance of not less than 12 feet (3658 mm) shall not exceed 700 square feet (65 m²) total.~~

~~2.3. A minimum clearance of 12 feet (3658 mm) to structures and other tents shall be provided.~~

~~105.5.50 Tire rebuilding plants. An operational permit is required for the operation and maintenance of a tire rebuilding plant.~~

~~105.5.51 Waste handling. An operational permit is required for the operation of wrecking yards, junk yards and waste material handling facilities.~~

~~105.5.52 Wood products. An operational permit is required to store chips, hogged material, lumber or plywood in excess of 200 cubic feet (6 m³).~~

~~107.3 Permit valuations. The applicant for a permit shall provide an estimated~~

permit value at the time of application. Permit valuations shall include the total value of work, including materials and labor, for which the permit is being issued, such as electrical, gas, mechanical, plumbing equipment and permanent systems. If, in the opinion of the fire code official, the valuation is underestimated on the application, the permit shall be denied unless the applicant can show detailed estimates to meet the approval of the fire code official. Final permit valuation shall be set by the fire code official

[A] 108.1 Inspection authority. The fire code official is authorized to enter and examine any building, structure, marine vessel, vehicle or premises in accordance with Section 104.3 for the purpose of enforcing this code. **In addition, the Fire Code Official shall be allowed to inspect all commercial structures and premises no more than once per calendar year for the purposes of ascertaining, and causing to be corrected, any conditions liable to cause fire, contribute to the spread of fire, interfere with firefighting operations, or endanger life or any violations of the provisions or intent of the International Fire Code (current edition) or any other ordinance affecting fire safety. In the event an inspection reveals one or more deficiencies to exist, the Fire Code Official shall be permitted to return to the premises as many times as needed in any calendar year to ensure compliance with this Article.**

109.3.1 Records for inspection, testing, and maintenance for fire and life safety systems shall be provided pursuant to City of Bethlehem Resolutions 2018-214 and 2018-222.

109.3.1.2 Records shall be provided within 30 days of the date of inspection, testing, or maintenance.

109.3.2 All other information, records and documents required by this Code or requested by the fire code official shall be provided to the Office of the Fire Marshal, unless an alternate designee or method is specified by Resolution approved by the City Council of the City of Bethlehem.

[A] 109.6 Overcrowding. Overcrowding or admittance of any person beyond the approved capacity of a building or a portion thereof shall not be allowed. The fire code official, on finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or on finding any condition that constitutes a life safety hazard, shall be authorized to cause the event to be stopped **and /or order the immediate evacuation of any building that is deemed unsafe due to the hazardous condition** until such condition or obstruction is corrected.

SECTION 111 MEANS OF APPEALS. Section 111, titled Means of Appeals, is hereby deleted in its entirety. Appeals shall be taken in accordance with

Appendix “B” of the 2021 International Property Maintenance Code, as amended and adopted by this Article as set forth above.

~~[A] 112.4 Violation penalties. Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or who shall erect, install, alter, repair or do work in violation of the approved construction documents or directive of the fire code official, or of a permit or certificate used under provisions of this code, shall be guilty of a [SPECIFY OFFENSE], punishable by a fine of not more than [AMOUNT] dollars or by imprisonment not exceeding [NUMBER OF DAYS], or both such fine and imprisonment. Each day that a violation continues after due notice has been served shall be deemed a separate offense.~~

SECTION 202: GENERAL DEFINITIONS

~~[A] APPROVED. Acceptable to the fire code official,~~ **as evidenced by his/her written approval.**

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

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

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

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

Exceptions:

- ~~1. Fires in approved containers that are not less than 15 feet (4572 mm) from a structure.~~

~~2. The minimum required distance from a structure shall be 25 feet (7620 mm). where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.~~

307.4.2 Recreational fires. ~~Recreational fires shall not be conducted within 25 feet (7620 mm) of a structure or combustible material. Conditions that could cause a fire to spread within 25 feet (7620 mm) of a structure shall be eliminated prior to ignition.~~ **Recreational fires are prohibited.**

307.4.3 Portable outdoor fireplaces. **Where approved by obtaining an operational permit,** ~~P~~portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within ~~15 feet (3048 mm)~~ **25 feet** of a structure or **within 15 feet of** combustible material.

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

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

Exceptions:

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

308.2 Permits required. Permits shall be obtained from the fire code official in accordance with Section 105.5 prior to engaging in the following activities involving open flame, fire and burning:

~~1. Use of a torch or flame producing device to remove paint from a structure.~~

1. ~~2.~~ Use of open flame, fire or burning in connection with Group A or E occupancies.

2. ~~3.~~ Use or operation of torches and other devices, machines or processes

liable to start or cause fire in or on wildfire risk areas.

401.2.1 Documentation. Documentation required by this code or the Fire Marshal to support coordination with emergency response forces, including but not limited to emergency operations plans, procedures for managing or responding to emergencies, emergency contact information, hazardous materials inventory, etc. shall be submitted digitally to the Fire Marshal unless otherwise amended by Resolution.

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

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

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

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

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

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

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

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be not more than 600 500 feet (183 m).
2. For buildings equipped throughout with an *approved automatic sprinkler system* installed in accordance with Section 903.3.1.1 or 903.3.1.2, the distance requirement shall be not more than 600 500 feet (183 m).

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

901.6.3.2. Records shall be provided pursuant to City of Bethlehem Resolutions 2018-214 and 2018-222. Records shall be provided within 30 days of the date of inspection, testing, or maintenance.

~~903.4.2 Alarms. An approved audible device, located on the exterior of the building in an approved location, shall be connected to each automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by water flow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system.~~

903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler waterflow alarm devices shall be activated by waterflow equivalent to the flow of a single sprinkler of the smallest orifice size installed in the system. Alarm devices shall be provided on the exterior of the building in an approved location. Where a fire alarm system is installed, actuation of the automatic sprinkler system shall actuate the building fire alarm system. In automatic sprinkler systems where multiple sprinkler risers are required, and the risers are located in separate areas within the building, an outside visible alarm notification appliance shall be required for each riser. Such appliance shall be a white strobe (minimum 95 candela strobe rating) placed in an approved location on the exterior wall, as close as practicable, to each sprinkler riser. The strobe will activate when the water flow alarm for its respective riser is activated.

905.3 Required installations. Standpipe systems shall be installed where required by Sections 905.3.1 through 905.3.8 905.3.9. Standpipe systems are allowed to be combined with automatic sprinkler systems.

Exception: Standpipe systems are not required in Group R-3 occupancies.

905.3.9. Large Area Buildings: Independent of building height, the City requires Class I standpipe connections to access any portion of a building's interior which is more than 250 feet from the nearest approved point of fire department access or the nearest Class I standpipe connection. This distance shall be measured along a path of travel where a fire hose can be deployed for fire suppression activities. For the purpose of this section, the hose connection(s) shall meet all flow and pressure requirements of a Class I standpipe.

905.4 Location of Class I standpipe hose connections. Class I standpipe hose connections shall be provided in all of the following locations:

1. In every required interior exit stairway, a hose connection shall be provided for each story above and below grade plane. Hose connections shall be located at the main floor landing **or, when present, an intermediate landing between stories,** unless otherwise approved by the fire code official

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

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

Exceptions:

- ~~1. 1. In Group R-2 occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each dwelling unit is provided with a portable fire extinguisher having a minimum rating of 1-A:10-B:C.~~
- ~~2. 2. In Group E occupancies, portable fire extinguishers shall be required only in locations specified in Items 2 through 6 where each classroom is provided with a portable fire extinguisher having a minimum rating of 2-A:20-B:C.~~
- ~~3. 3. In storage areas of Group S occupancies where forklift, powered industrial truck or powered cart operators are the primary occupants, fixed extinguishers, as specified in NFPA 10, shall not be required where in accordance with all of the following:~~
 - ~~3.1. Use of vehicle-mounted extinguishers shall be approved by the fire code official.~~
 - ~~3.2. Each vehicle shall be equipped with a 10-pound, 40A:80B:C extinguisher affixed to the vehicle using a mounting bracket approved by the extinguisher manufacturer or the fire code official for vehicular use.~~
 - ~~3.3. Not less than two spare extinguishers of equal or greater rating shall be available on-site to replace a discharged extinguisher.~~
 - ~~3.4. Vehicle operators shall be trained in the proper operation, use and inspection of extinguishers.~~
 - ~~3.5. Inspections of vehicle-mounted extinguishers shall be performed daily.~~

1103.5.1 Group A-2. Where alcoholic beverages are consumed in a Group A-2 occupancy having an occupant load of 300 or more, the fire area containing the Group A-2 occupancy shall be equipped with an automatic sprinkler system in accordance with Section 903.3.1.1. **This section shall become effective upon change in occupant.**

~~[BE] 1104.16.2 Opening protectives. Doors and windows within 10 feet (3048 mm) of fire escape stairways shall be protected with ³/₄-hour opening protectives.~~

~~Exception: Opening protectives shall not be required in buildings equipped throughout with an approved automatic sprinkler system.~~

5601.1 Scope. The provisions of this chapter shall govern the possession, manufacture, storage, handling, sale and use of explosives, explosive materials, fireworks and small arms ammunition.

Exceptions:

1. The Armed Forces of the United States, Coast Guard or National Guard.
2. Explosives in forms prescribed by the official United States Pharmacopoeia.
3. The possession, storage and use of small arms ammunition where packaged in accordance with DOTn packaging requirements.
4. The possession, storage and use of not more than 1 pound (0.454 kg) of commercially manufactured sporting black powder, 20 pounds (9 kg) of smokeless powder and 10,000 small arms primers for hand loading of small arms ammunition for personal consumption.
5. The use of explosive materials by federal, state and local regulatory, law enforcement and fire agencies acting in their official capacities.
6. Special industrial explosive devices that in the aggregate contain less than 50 pounds (23 kg) of explosive materials.
7. The possession, storage and use of blank industrial-power load cartridges where packaged in accordance with DOTn packaging regulations.
8. Transportation in accordance with DOTn 49 CFR Parts 100–185.
9. Items preempted by **laws or regulations of the Commonwealth of Pennsylvania or** federal regulations

5608.1.1 Article 746 of the Codified Ordinances of the City of Bethlehem shall apply to all fireworks. For “display fireworks” as defined by Article 746, the provisions of IFC Sections 5608.1 through 5608.10 shall also apply.

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

5704.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited: ~~JURISDICTION TO SPECIFY~~ **in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T.**

5706.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited within the limits established by law as the limits of districts in which such storage is prohibited: ~~JURISDICTION TO SPECIFY~~ **in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T.**

5806.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited within the limits established by law as the limits of districts in which such storage is prohibited: ~~JURISDICTION TO SPECIFY~~ **in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T.**

6104.2 Maximum capacity within established limits. ~~Within the limits established by law restricting the storage of liquefied petroleum gas for the protection of heavily populated or congested areas,~~ **There shall be no storage of liquefied petroleum gas in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T. In all other Zoning Districts of the City of Bethlehem. The** the aggregate capacity of any one installation shall not exceed a water capacity of 2,000 gallons (7570 L) ~~[JURISDICTION TO SPECIFY]~~.

Exception: In particular installations, this capacity limit shall be determined by the fire code official, after consideration of special features such as topographical conditions, nature of occupancy, and proximity to buildings, capacity of proposed LP-gas containers, degree of fire protection to be provided and capabilities of the local fire department.

SECTION 2. Article 1501 of the Codified Ordinances of the City of Bethlehem, titled “Fire Safety and Code Enforcement Inspection Fees”, is hereby repealed in its entirety.

SECTION 3: Savings clause. The repeal and replacement of Article 1733 effected by this Ordinance shall not: (a) affect any penalty, forfeiture, or liability incurred under the repealed Article; or (b) terminate, modify, or discharge any action, proceeding, or prosecution pending on the effective date of this Ordinance, all of which may be continued and prosecuted to final judgment, conviction or penalty as if this Ordinance had not been enacted. The repeal and replacement of Article 1733 effected by this Ordinance shall not constitute a defense to any action, suit or proceeding instituted by the Commonwealth or the City of Bethlehem, or its officers, employees or agents, with respect to violations of the repealed Article 1733 prior to the effective date of this Ordinance.

SECTION 4. Severability. If any section, subsection, clause, sentence, phrase, or provision of this Ordinance or its application to any person or circumstance is held invalid, unconstitutional or unenforceable by a court of competent jurisdiction, such invalidity shall not affect the validity of the remaining provisions or applications of this Ordinance which can be given effect without the invalid provision, and to this end the provisions of this Ordinance are declared to be severable.

SECTION 5. That all ordinances and sections thereof that are inconsistent with this Ordinance are hereby repealed.

Sponsored by _____

Passed finally in Council this _____ day of _____, 2026.

President of Council

ATTEST:

City Clerk

This Ordinance approved this _____ day of _____, 2026.

Mayor