

CITY OF BETHLEHEM
INTER-DEPARTMENTAL CORRESPONDENCE

SUBJECT: Request for Approval by City Council the recommended changes amending Article 1501 of the Codified Ordinances of the City of Bethlehem titled Fire Safety and Code Enforcement Inspection Fees
TO: City Council, all members, and Council Solicitor
FROM: Deputy Chief Craig Baer/Fire Marshal
DATE: 5/3/2018

On behalf of the Fire Administration, I request City Council's approval of the attached recommended changes amending Article 1501 of the Codified Ordinances of the City of Bethlehem titled Fire Safety and Code Enforcement Inspection Fees.

Prior to drafting these recommended changes, a thorough review of the entire Fire Code was performed. It was determined that when the International Fire Code was initially adopted by the City of Bethlehem, it was adopted as a standalone document. Meaning it was intended to only be enforced by the fire department and that this would be the only document used to enforce fire code issues. At that time, the International Fire Code was adopted in its entirety with no modifications. Over the years, laws at the state level have changed redistributing responsibility for enforcement of certain portions of the Fire Code. We have identified portions of the code that overlap with the International Building Code which is also adopted by the City of Bethlehem. These overlapping areas of the Codes, generates potential loopholes and conflicts when it comes to enforcement and administration of the International Codes. The administration portion of the International Codes addresses this issue specifically, and explains that it is the responsibility of the local adopting municipality to address these issues internally.

"Because the coordination of technical provisions is one of the benefits of adopting the ICC family of model codes, users will find the ICC codes to be a very flexible set of model documents. To accomplish this flexibility some technical provisions are duplicated in some of the model code documents. While the International Codes are provided as a comprehensive set of model codes for the built environment, documents are occasionally adopted as a stand-alone regulation. When one of the model documents is adopted as the basis of a stand-alone code, that code should provide a complete package of requirements with enforcement assigned to the entity for which the adoption is being made.

*The model codes can also be adopted as a family of complementary codes. When adopted together there should be no conflict of any of the technical provisions. When multiple model codes are adopted in a jurisdiction it is important for the adopting authority to evaluate the provisions in each code document and determine how and by which agency(ies) they will be enforced. It is important, therefore, to understand that where technical provisions are duplicated in multiple model documents that enforcement duties must be clearly assigned by the local adopting jurisdiction. ICC remains committed to providing state-of-the-art model code documents that, when adopted locally, will reduce the cost to government of code adoption and enforcement and protect the public health, safety and welfare."*¹

These changes were carefully considered and are recommended to update the International Fire Code that is currently enforced by the City of Bethlehem, and modify the Code to more appropriately align with the manner in which the Fire Inspection Bureau enforces this Code. These changes will also help close the above mentioned loopholes and reduce the number of internal conflicts regarding enforcement. During the Fire Code review process, any modifications to the Code that would affect other City departments or bureaus, those bureau heads were consulted to ensure none of the changes would affect or conflict with their operations or policies.

Although the content of the Fire Code is proposed to change the overall intent of the Code remains the same. These changes will help streamline daily Fire Prevention operations.

^{^1} *International Fire Code pg. iv*, COPYRIGHT © 2009 INTERNATIONAL CODE COUNCIL, INC.

By: Craig Baer, Deputy Fire Chief

Copies To: Mayor
Director of Administration
Director of Budget and Finance
Law Bureau
Controller

BILL NO. _____

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BETHLEHEM,
COUNTIES OF LEHIGH AND NORTHAMPTON,
COMMONWEALTH OF PENNSYLVANIA, AMENDING
ARTICLE 1501 OF THE CODIFIED ORDINANCES OF
THE CITY OF BETHLEHEM TITLED
FIRE SAFETY AND CODE ENFORCEMENT INSPECTION FEES

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

SECTION 1. That Article 1501 of the Codified Ordinances of the City of Bethlehem, titled "Fire Safety and Code Enforcement Inspection Fees" as presently enacted is hereby restated and re-enacted as follows:

1501.01 AUTHORITY.

The City of Bethlehem Fire Department, Bureau of Inspections is hereby charged with the enforcement of this article.

1501.02 PERMITS REQUIRED.

Permits required by the International Fire Code (current edition) shall be obtained from the Fire Code Official. Issued permits shall be kept on the premises designated therein at all times and shall be readily available for inspection by the Fire Code Official.

A fee for each permit shall be paid in accordance with the fee schedule as is set forth from time to time by resolution of Council of the City of Bethlehem, Pennsylvania. Permit fees shall include one (1) inspection and one (1) re-inspection for the purpose of code violation clearance when the occupancy is unable to clear the violation at the time of the initial inspection. An additional inspection fee will be charged for all subsequent re-inspections in accordance with the fee schedule as is set forth from time to time by resolution of the Council of the City of Bethlehem, Pennsylvania.

1501.03 INSPECTION.

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 Ordinance.

SECTION 2. ADOPTION. The 2009 International Fire Code (hereafter “IFC”) published by the International Code Council, is hereby adopted and made part of this ordinance, subject to the modifications implemented hereinafter and/or by subsequent ordinance(s) of the City of Bethlehem.

SECTION 3. MODIFICATIONS TO 2009 INTERNATIONAL FIRE CODE.

(a) The following subsections are deleted from the IFC relating to required operational permits:

- 105.6.2 Amusement Buildings
- 105.6.3 Aviation Facilities
- 105.6.4 Carnivals and Fairs
- 105.6.5 Cellulose Nitrate Film
- 105.6.11 Cutting and welding
- 105.6.17 Floor Finishing
- 105.6.22 High Piled Storage
- 105.6.24 Industrial Ovens
- 105.6.25 Lumber Yards
- 105.6.27 LP Gas
- 105.6.30 Remove Exception: Recreational Fires
- 105.6.34 Places of Assembly
- 105.6.35 Private Fire Hydrants
- 105.6.38 Refrigeration Equipment
- 105.6.39 Repair Garages
- 105.6.43 Tents and temporary Membrane Structures
- 105.6.46 Wood Products

(b) § 105.6.15 of the IFC which presently reads as follows:

105.6.15 Fire hydrants and valves. ~~An operational permit~~ is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: A permit is not required for authorized employees of the water company that supplies the system or the fire

shall be amended to read as follows:

105.6.15 Fire hydrants and valves. Approval from the Bethlehem Water Authority or its designee is required to use or operate fire hydrants or valves intended for fire suppression purposes which are installed on water systems and accessible to a fire apparatus access road that is open to or generally used by the public.

Exception: A permit 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.

(c) § 105.6.16 of the IFC which presently reads as follows:

105.6.16 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 (DOT) nor does it apply to piping systems.~~

~~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:~~

~~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 code official, would cause an unsafe condition.~~

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

~~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.~~

~~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.~~

~~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.~~

shall be amended to read as follows:

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

1. [reserved].
2. [reserved].
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. [reserved].
5. [reserved].
6. To operate equipment, tanks, distilleries and similar facilities where flammable and *combustible liquids* are produced, processed, stored, dispensed or used.
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. [reserved].
9. [reserved].
10. [reserved].
11. [reserved].

(d) § 105.6.35 of the IFC which presently reads as follows:

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

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

shall be amended to read as follows:

105.6.35 Private fire hydrants. Approval from the Bethlehem Water Authority and the Fire Code Official is required for the removal from service of private fire hydrants.

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

(e) § 105.7.7 of the IFC which presently reads as follows:

105.7.7 Flammable and combustible liquids. A construction permit is required:

- ~~1. To install, repair or modify a pipeline for the transportation of flammable or combustible liquids.~~
2. To install, construct or alter ~~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. To install, alter, remove, abandon or otherwise dispose of a flammable or combustible liquid tank.

shall be amended to read as follows:

105.7.7 Flammable and combustible liquids. A construction permit is required:

1. [reserved].
2. To install, construct or alter tanks, distilleries and similar facilities where flammable and *combustible liquids* are produced, processed, stored, dispensed or used.
3. To install, alter, remove, abandon or otherwise dis- pose of a flammable or *combustible liquid* tank.

(f) The following subsections are deleted:

- 105.7.9 Industrial Ovens
- 105.7.10 LP-Gas

(g) § 105.7.11 of the IFC which presently reads as follows:

105.7.11 Private Fire Hydrants. A construction permit is required for the ~~installation~~ or modification of private fire hydrants.

shall be amended to read as follows:

105.7.11 Private Fire Hydrants. A construction permit is required for the removal or modification of private fire hydrants.

(h) The following subsection is deleted:

105.7.14 Temporary membrane structures and tents

(i) The following subsection is added:

105.7.15 Photovoltaic systems. A construction permit is required to install, modify, or remove a photovoltaic system.

(j) § 107.6 of the IFC which presently reads as follows:

107.6 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, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which constitutes a life safety hazard, shall be authorized to cause the event to be stopped until such condition or obstruction is corrected.

shall be amended to read as follows:

107.6 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, upon finding any overcrowding conditions or obstructions in aisles, passageways or other means of egress, or upon finding any condition which 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.

(k) § 108.1 of the IFC which presently reads as follows:

108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code, ~~there shall be and is hereby created a board of appeals. The board of appeals shall be appointed by the governing body and shall hold office at its pleasure. The fire code official shall be an ex officio member of said board but shall have no vote on any matter before the board. The board shall adopt rules of procedure for conducting its business, and shall render all decisions and findings in writing to the appellant with a duplicate copy to the fire code official.~~

shall be amended to read as follows:

108.1 Board of appeals established. In order to hear and decide appeals of orders, decisions or determinations made by the fire code official relative to the application and interpretation of this code. The Board of Appeal identified in Article 150 of the Codified Ordinances of the City of Bethlehem and/or occasionally known as the "Codes Board of Appeals" shall have exclusive jurisdiction, subject to any right of further appeal therefrom.

(l) § 109.3 of the IFC which presently reads as follows:

109.3 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.~~

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

shall be amended to read as follows:

109.3 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 violating a fire prevention ordinance of the City of Bethlehem, punishable under the Optional Third Class City Charter Law as follows:

(a) a fine not exceeding one per month on a property and limited to no more than one thousand dollars (\$1,000) for the first two continual and uncorrected violations and not exceeding five thousand dollars (\$5,000) for the third and any subsequent continual and uncorrected violation of the same subsection of a building ordinance, housing ordinance, property maintenance ordinance, fire prevention ordinance, electrical ordinance or plumbing ordinance on the same property;

(b) In the event the specific conduct is found to pose a threat to the public's health, safety or property, then penalties may be provided for as follows:

(1) the maximum penalty may be pursued for each citation issued at a rate not to exceed one citation per five calendar days for a continual and uncorrected violation of the same subsection of such ordinance on the same property; and

(2) the penalty shall be no less than five hundred dollars (\$500) and no more than one thousand dollars (\$1,000) for the first two continual and uncorrected violations of the same subsection of such ordinance on the same property and no less than one thousand dollars (\$1,000) and not exceeding ten thousand dollars (\$10,000) for the third and any subsequent continual and uncorrected violation of the same subsection of such ordinance on the same property, or imprisonment for any term not exceeding ninety days, or both.

109.3.1 Abatement of violation. In addition to the imposition of the penalties herein described, the fire code official is authorized to institute appropriate action to prevent unlawful construction or to restrain, correct or abate a violation; or to prevent illegal occupancy of a structure or premises; or to stop an illegal act, conduct of business or occupancy of a structure on or about any premises.

- (m) The definition of the term “approved” found in IFC § 202 relating to General Definitions is amended to read as follows:

Approved. Acceptable to the fire code official, as evidenced by his/her written approval.

- (n) The definition of the term “fire code official” found in IFC § 202 relating to General Definitions which presently reads as follows: (

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

shall be amended to read as follows:

FIRE CODE OFFICIAL. 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.

- (o) The definition of the term “open burning” found in IFC § 302 which presently reads as follows:

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.

is amended to read as follows:

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, 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.

- (p) §307.4 of the IFC which presently reads as follows:

307.4 Location. The location for open burning shall not be 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 (7,572 mm) from a structure.

2. The minimum required distance from a structure shall be 25 feet (7,620 mm) where the pile size is 3 feet (914 mm) or less in diameter and 2 feet (610 mm) or less in height.

is amended to read as follows:

307.4 Location. The location for open burning shall not be 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. [reserved].

2. The minimum required distance from a structure shall be 25 feet (7,620 mm) where approved

(q) §307.4.2 of the IFC which presently reads as follows:

307.4.2 Recreational fires. Recreational fires shall not be conducted within 25 feet (7,620 mm) of a structure or combustible material. Conditions which could cause a fire to spread within 25 feet (7,620 mm) of a structure shall be eliminated prior to ignition.

is amended to read as follows:

307.4.2 Recreational fires. Recreational fires are prohibited.

(r) §307.4.3 of the IFC which presently reads as follows:

307.4.3 Portable outdoor fireplaces. Portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within ~~15 feet (3048 mm)~~ of a structure or combustible material.

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

is amended to read as follows:

307.4.3 Portable outdoor fireplaces. Where approved, portable outdoor fireplaces shall be used in accordance with the manufacturer's instructions and shall not be operated within 25 feet (7,620 mm) of a structure or within 15 feet (7,572 mm) of combustible material.

(s) §307.5 of the IFC which presently reads as follows:

307.5 Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

is amended to read as follows:

307.5 Attendance. Open burning, bonfires, recreational fires and use of portable outdoor fireplaces shall be constantly attended until the fire is extinguished, a dedicated fire watch person must remain on the premises for a minimum of one hour after extinguishment. A minimum of one portable fire extinguisher complying with Section 906 with a minimum 4-A rating or other approved on-site fire-extinguishing equipment, such as dirt, sand, water barrel, garden hose or water truck, shall be available for immediate utilization.

(t) §308.1.6.2 of the IFC which presently reads as follows:

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.

is amended to read as follows:

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 listing.

(u) § 308.2 of the IFC which presently reads as follows:

308.2 Permits required. Permits shall be obtained from the fire code official in accordance with Section 105.6 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.~~
2. Use of open flame, fire or burning in connection with Group A or E occupancies.
3. Use or operation of torches and other devices, machines or processes liable to start or cause fire in or upon wildfire risk areas.

is amended to read as follows:

308.2 Permits required. Permits shall be obtained from the fire code official in accordance with Section 105.6 prior to engaging in the following activities involving open flame, fire and burning:

1. [reserved].
2. Use of open flame, fire or burning in connection with Group A or E occupancies.
3. Use or operation of torches and other devices, machines or processes liable to start or cause fire in or upon wildfire risk areas.

(v) The following subsection is deleted:

311.5 Placards

(w) § 315.3 of the IFC which presently reads as follows:

315.3 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line.

Exceptions:

1. The separation distance is allowed to be reduced to 3 feet (914 mm) for storage not exceeding 6 feet (1829 mm) in height.
2. The separation distance is allowed to be reduced when the *fire code official* determines that no hazard to the adjoining property exists.

is amended to read as follows:

315.3 Outside storage. Outside storage of combustible materials shall not be located within 10 feet (3048 mm) of a property line.

Exceptions:

1. The separation distance is allowed to be reduced to 3 feet (914 mm) for storage not exceeding 3 feet (914 mm) in height.
2. The separation distance is allowed to be reduced when the *fire code official* determines that no hazard to the adjoining property exists.

(x) Add the following subsection to the IFC:

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).

(y) Add the following subsection to the IFC:

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

(z) § 507.3 of the IFC which presently reads as follows:

507.3 Fire flow. Fire flow requirements for buildings or portions of buildings and facilities shall be determined by an approved method.

is amended to read as follows:

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.

(aa) §507.4 of the IFC which presently reads as follows:

507.4 Water supply test. The fire code official, shall be notified prior to the water supply test. Water supply tests shall be witnessed by the fire code official or approved documentation of the test shall be provided to the fire code official prior to final approval of the water supply system.

is amended to read as follows:

507.4 Water supply test. The fire code official and Department of Water and Sewer Resources or its designees 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 designees or approved documentation of the test shall be provided to 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 turned over to the Department of Water and Sewer Resources.

(bb) § 507.5.1 of the IFC which presently reads as follows:

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.

Exceptions:

1. For Group R-3 and Group U occupancies, the distance requirement shall be 600 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 600 feet (183 m).

is amended to read as follows:

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 not be greater than 500 feet (152.4 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 not be greater than 500 feet (152.4 m).

(cc) The following subsection is added:

605.11 Photovoltaic systems. The use, placement, wiring and hazards associated with Photovoltaic systems shall be regulated in the manner prescribed by the International Fire Code of 2012.

(dd) § 901.6.2 of the IFC which presently reads as follows:

901.6.2 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 ~~copied to the fire code official upon request.~~

is amended to read as follows:

901.6.2 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) along with the requisite filing fee per inspection 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.

(ee) § 903.4.2 of the IFC which presently reads as follows:

~~903.4.2 Alarms. Approved audible devices shall be connected to every automatic sprinkler system. Such sprinkler water flow 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. 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.~~

is deleted in its entirety and replaced with the following:

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.

(ff) The following subsection is added:

905.3.8 Building Area. In buildings exceeding 10,000 sq ft in area per story, class I automatic wet or manual wet standpipes shall be provided where any portion of the building's interior is more than 250 feet horizontally and vertically from the nearest approved point of fire department vehicle access.

(gg) § 906.1 of the IFC which presently reads as follows:

906.1 Where required. Portable fire extinguishers shall be installed in 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.

~~Exception: In new and existing Group A, Band E occupancies equipped throughout with quick response sprinklers, portable fire extinguishers shall be required only in locations specified in Items 2 through 6~~

is amended to read as follows:

906.1 Where required, portable fire extinguishers shall be installed in 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.

(hh) § 2403.2 of the IFC which presently reads as follows:

2403.2 Approval required. Tents and membrane structures having an area in excess of 400 square feet (37 m²) shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

is amended to read as follows:

2403.2 Approval required. Tents and membrane structures having an area in excess of 400 square feet (37 m²), or where any warming, heating, or open flame device is operated shall not be erected, operated or maintained for any purpose without first obtaining a permit and approval from the fire code official.

(ii) § 2404.15.4 of the IFC which presently reads as follows:

2404.15.4 Operations. Operations such as warming of foods, cooking demonstrations and similar operations that use solid flammables, ~~butane~~ or other similar devices which do not pose an ignition hazard, shall be approved.

is amended to read as follows:

2404.15.4 Operations. Operations such as warming of foods, cooking demonstrations and similar operations that use solid/gel flammables, or other similar devices which do not pose an ignition hazard, shall be approved.

(jj) § 2404.15.5 of the IFC which presently reads as follows:

2404.15.5 Cooking tents. Tents with ~~sidewalks~~ or drops where cooking is performed shall be separated from other tents or membrane structures by a minimum of 20 feet (6096 mm).

is amended to read as follows:

2404.15.5 Cooking tents. Tents with sidewalls or drops where cooking is performed shall be separated from other tents or membrane structures by a minimum of 20 feet (6096 mm).

(kk) §3301.1 of the IFC which presently reads as follows:

3301.1 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 when packaged in accordance with DOT 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 which 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 when packaged in accordance with DOT packaging regulations.
8. Transportation in accordance with DOT 49 CFR Parts 100-185.
9. Items preempted by federal regulations.

is amended read as follows:

3301.1 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 when packaged in accordance with DOT 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 which 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 when packaged in accordance with DOT packaging regulations.
8. Transportation in accordance with DOT 49 CFR Parts 100-185.
9. Items preempted by laws or regulations of the Commonwealth of Pennsylvania or the United States.

(II) § 3301.1.3 of the IFC which presently reads as follows:

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 3304.
2. Manufacture, assembly and testing of fireworks as allowed in Section 3305.
3. The use of fireworks for fireworks displays as allowed in Section 3308.
4. The possession, storage, sale, handling and use of specific types of ~~Division 1.4G~~ fireworks where allowed by applicable laws, ordinances and regulations, ~~provided such fireworks comply with CPSC 16 CFR, Parts 1500 and 1507, and DOT 49 CFR, Parts 100-185, for consumer fireworks.~~

is amended to read as follows:

3301.1.3 Fireworks. The possession, manufacture, storage, sale, handling and use of fireworks are prohibited.

Exceptions:

1. Storage and handling of fireworks as allowed in Section 3304.
2. Manufacture, assembly and testing of fireworks as allowed in Section 3305.
3. The use of fireworks for fireworks displays as allowed in Section 3308.

4. The possession, storage, sale, handling and use of specific types of fireworks where allowed by applicable laws and regulations of the Commonwealth of Pennsylvania or the United States.

(mm) § 3404.2.9.6.1 of the IFC which presently reads as follows:

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.~~

is amended to read as follows:

3404.2.9.6.1 Locations where above-ground tanks are prohibited. Storage of Class I and II liquids in above-ground tanks outside of buildings is prohibited in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T.

(nn) § 3406.2.4.4 of the IFC which presently reads as follows:

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.~~

is amended to read as follows:

3506.2.4.4 Locations where above-ground tanks are prohibited. The storage of Class I and II liquids in above-ground tanks is prohibited in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T.

(oo) § 3506.2 of the IFC which presently reads as follows:

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.~~

is amended to read as follows:

3506.2 Limitations. Storage of flammable cryogenic fluids in stationary containers outside of buildings is prohibited in the following City of Bethlehem Zoning Districts: RR, RS, R-RC, RG, RT, RR-F, and RR-T.

(pp) § 3804.2 of the IFC which presently reads as follows:

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, the aggregate capacity of anyone installation shall not exceed a water capacity of 2,000 gallons (7570 L)~~

is amended to read as follows:

3804.2 Maximum capacity within established limits. 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 storage of liquefied petroleum gas in anyone installation shall not exceed a water capacity of 2,000 gallons (7570 L).

(qq) The following subsection is added to the IFC:

3308.3.1 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.

(rr) Appendix C, § C105.1 of the IFC which presently reads as follows:

C105.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C105.1.

Exception: The fire chief is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1.

is amended to read as follows:

C105.1 Hydrant spacing. The average spacing between fire hydrants shall not exceed that listed in Table C105.1, unless approved otherwise by the City of Bethlehem Engineering Bureau and fire code official.

Exception: The fire chief is authorized to accept a deficiency of up to 10 percent where existing fire hydrants provide all or a portion of the required fire hydrant service. Regardless of the average spacing, fire hydrants shall be located such that all points on streets and access roads adjacent to a building are within the distances listed in Table C105.1.

(ss) Appendix K – Mobile Cooking Operation is hereby added to the IFC and shall read as follows:

K101 Mobile cooking operations. All mobile cooking operations shall be conducted in accordance with Appendix B to NFPA Standard 96 (2016 edition) and Chapter 50 of NFPA Standard 1 (20yy edition).

SECTION 6. That all Ordinances and parts of Ordinances inconsistent herewith be, and the same are hereby repealed.

Sponsored by _____

PASSED finally in Council on the _____ day of _____, 2018.

President of Council

ATTEST:

City Clerk

This Ordinance approved this day of , 2018.

Mayor