

ORDINANCE NO. 02 - 24

**AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF THE TOWNSHIP OF BETHLEHEM, NORTHAMPTON COUNTY, PENNSYLVANIA, AMENDING CHAPTER 131, "FIRE PREVENTION " OF THE TOWNSHIP OF BETHLEHEM'S CODE OF CODIFIED ORDINANCES, ADOPTING THE 2018 EDITION OF THE INTERNATIONAL FIRE CODE, AND REPEALING ALL ORDINANCES INCONSISTENT HEREWITH**

**WHEREAS**, pursuant to the authority granted by the First-Class Township Code, the Board of Commissioners of the Township of Bethlehem, Northampton County, Pennsylvania (the "Board"), has from time to time adopted provisions from the International Fire Code, the last such enactment being the adoption of the 2009 International Fire Code, pursuant to Ordinance No. 11-11, being duly ordained and enacted at a regular public meeting of the Board of Commissioners on December 29, 2011; and

**WHEREAS**, the Board desires to amend Chapter 131, "Fire Prevention " of the Bethlehem Township Code of Codified Ordinances by adopting the 2018 International Fire Code.

**NOW THEREFORE BE IT AND IT IS HEREBY ORDAINED AND ENACTED** by the Board of Commissioners of the Township of Bethlehem, County of Northampton, and Commonwealth of Pennsylvania, as follows:

**SECTION 1.** The Bethlehem Township Code of Codified Ordinances, Ch. 131 Fire Prevention; is deleted in its entirety and replaced as follows:

**"Chapter 131. Fire Prevention**

**§131-1. Definitions.** For the purpose of this Chapter, the following terms shall have the meaning respectively ascribed to them in this Section unless from the particular context it clearly appears that some other meaning is intended. Other than the words in this Section, those words which are defined in the International Fire Code, 2018 Edition, shall have the same definition as that employed in the International Fire Code, 2018 Edition.

EXISTING - Buildings, facilities, or conditions that are already in existence, constructed or officially authorized prior to the adoption of this code.

NEW – Buildings, renovations, additions, facilities, or conditions not in existence prior to the adoption of this code. Such buildings, facilities or conditions shall be regulated by the Pennsylvania Uniform Construction Code, land development or new subdivisions under the Municipalities Planning Code.

**§131-2. Adoption of Provisions in the International Fire Code.** The Township of Bethlehem hereby adopts, for the purpose of establishing rules and regulations for regulating and governing the safeguarding of life and property from fire and explosion hazards arising from the storage, handling, and use of hazardous substances, materials and devices and from conditions hazardous to life or property in the occupancy of buildings and premises in the Township of Bethlehem, including administration, enforcement and penalties, International Fire Code, 2018 Edition, in its entirety and inclusive of all appendices, or any subsequent edition(s), if any, save and except such portions as are hereinafter deleted, modified, or amended of which three (3) copies have been and are now filed in the office of the Construction Official and the same is hereby adopted and incorporated by reference as fully as if set out at length herein:.

**§131-3. Amendments to the International Fire Code.** In order to complete this chapter, the following information shall be inserted in the International Fire Code, 2018 Edition. or any successor edition(s).

A. Insert "Bethlehem Township, Northampton County, Pennsylvania ("Township")" at the following location: First line. Section 101.1 Title (Page 1).

B. Section 110.1 is deleted and the following is inserted: "**110.1 Unlawful acts.** It shall be unlawful for a person, firm or corporation to utilize a building, occupancy, premises or systems regulated by this code, or cause same to be done, in conflict with or in violation of any of the provisions of this code."

C. Section 110.4 is deleted, and the following is inserted: "**110.4 Violation penalties.** Persons who shall violate a provision of this code or shall fail to comply with any of the requirements thereof or directive of the fire code official. 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."

D. Insert "Summary Offense" at the following location: Sixth line. Section 110.4 Violation penalties (Page 14).

E. Insert "One Thousand Dollars (\$1,000.00)" at the following location: Seventh line, Section 110.4 Violation penalties (Page 14).

F. Insert "ninety (90) days" at the following location" Eighth line. Section 110.4 Violation penalties (Page 14).

G. Section 104.11.3: add "Silencing or resetting a fire alarm shall not be done without the authorization of the Fire Code Official or their designee."

H. Insert "Three Hundred Dollars (\$300.00)" and "One Thousand Dollars (\$1,000.00), respectively, at the following location: Fifth line, Section 112.4 Failure to comply (Page 15).

I. Section 307.4.1: delete "unless the fire is contained in a barbeque pit."

J. Section 307.4.3: delete "Exception: Portable outdoor fireplaces used at one- and two-family dwellings.

K. Section 308.1.4: delete: Exception: 1. One- and two-family dwellings. 2. Where buildings, balconies and decks are protected by an automatic sprinkler system. 3. LP-gas cooking devices having LP-gas container with a water capacity not greater than 2 ½ pounds [nominal 1 pound (0.454kg) LP-gas capacity].

L. Insert "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 devices(s)." in Section 401.3 Emergency responder notification.

M. Sections 503.1.1: Add "Current roads may be utilized as fire apparatus access roads at the discretion of the Township Fire Marshal." to the first paragraph before *Exceptions*.

N. That Chapter 56, "Explosives and Fireworks" is hereby amended by modifying and amending portions thereof as hereinafter set forth:

- (1) Statement of Purpose. This Part has as its purpose the protection of the health, safety, and welfare of the general public through limiting the use of fireworks. Fireworks contain explosives, which can damage property and endanger human life when misused, or used under conditions which create hazards which would not exist but for the presence of such conditions. This Part 2 will allow for outdoor displays of fireworks to be put on by professional competent pyrotechnicians in a safe manner.
- (2) Definitions.
  - (A) Words employed herein which are defined in the International Fire Code, 2018 Edition. shall have the same definition as that employed in the International Fire Code, 2018 Edition.
  - (B) DISPLAY SITE. The immediate area where a fireworks display is conducted. The display area includes the discharge site, the fallout area, and the required separation distance from the mortars to spectator viewing areas. The display area does not include spectator viewing areas or vehicle parking areas.
- (3) Incorporation of International Fire Code. Chapter 56, "Explosives and Fireworks" of the International Fire Code, 2018 Edition, shall constitute "reasonable rules and regulations for displays of consumer fireworks and display fireworks" as such phrase is employed in the Act of November 30, 2004, P.L. 1598, No. 204 §5, Title 35 P.S. "Health and Safety", Chapter 13A. "Fireworks and Explosives" §1275.2. "Supervised public displays permitted; permits", and the provisions thereof are hereby incorporated by reference as if set forth here at length. In the event of any irreconcilable conflict between the provisions of the International Fire Code and this Part 2, those provisions which provide greater safety and protection to persons and property, or which is more restrictive on the conduct of outdoor display of fireworks, shall apply.
- (4) Delegation of Authority. The Board of Commissioners hereby delegates to the Bethlehem Township Fire Code Official its authority pursuant to Title 35 P.S. "Health and Safety", Chapter 13A, "Fireworks and Explosives", § 1275.2, "Supervised public displays permitted; permits", to grant permission and issue permits for outdoor displays of fireworks provided that the permit applicant fully meets the requirements of the International Fire Code, including without limitation the requirements of Chapter 33,

"Explosives and Fireworks" and, in particular, Section 3308, "Fireworks Displays" thereof, and the additional rules and regulations set forth in this Part 2.

- (5) Permit Required for Displays. It shall be unlawful, and a violation of this Part 2, for any person or entity to conduct an outdoor display of fireworks within the limits of the Township of Bethlehem unless a permit therefore has first been issued by the Bethlehem Township Fire Code Official.
- (6) Permit Applications. All applications for a permit for an outdoor display of fireworks shall be made in writing by use of a Bethlehem Township application form and submitted to the Bethlehem Township Fire Code Official with all required information, documentation, and plans not later than forty-five (45) days prior to the scheduled display. No permit shall be issued for any late application.
- (7) Permittee to be Owner of Display Property. The applicant and proposed permittee shall be the fee simple title owner of the display property, other than displays conducted on Township property with the permission of the Township.
- (8) Structures Disallowed in Display Site. The permittee shall ensure that there are no dwellings, buildings, or any other structures (including tents) located within the display site, whether or not the dwelling, building or structure will be unoccupied during the display, and whether or not the dwelling, building, or any other structure provides protection through substantial noncombustible or fire-resistant construction for the occupants. No permit shall be issued for any outdoor display of fireworks where plans submitted to the Bethlehem Township Fire Code Official evidence that there are or will be dwellings, buildings, or any other structures (including tents) located within the display site.
- (9) Financial Responsibility Requirements. After the permit application is approved, but before a permit is issued by the Bethlehem Township Fire Code Official, the applicant or operator shall file with the Bethlehem Township Fire Code Official, a corporate surety bond in the principal sum of not less than \$1,000,000 or a public liability insurance policy for the same amount, for the purpose of the payment of all potential damages to a person or persons or to property by reason of the permitted display or the conduct or any act authorized by the permit, and arising from any acts of the permittee, the operator, and their agents, employees or subcontractors.
- (10) Location or Display Site on the Display Property. The display site shall be situated on the display property at such location as is the greatest distance from the nearest dwelling, building structure (including tents), or public street while still meeting the International Fire Code clearance and separation distance requirements.
- (11) Revocation of permit: Cancellation or Discontinuance of Display. The permit for any outdoor display of fireworks may be immediately revoked and the display immediately canceled or discontinued at any time deemed necessary by the Bethlehem Township Fire Code Official or any authorized representative of a Bethlehem Township fire company at their sole discretion as a result of any noncompliance with any legal requirements, including without limitation the requirements of this Part 2, or due to weather conditions such as drought, extremely low humidity, or wind factors. Any permitted outdoor display of fireworks shall be canceled if wind gusts exceed 25 mph as measured immediately prior to the commencement of the display, and shall be discontinued if wind gusts exceed 25 mph at any time prior to the end of the display. The display may also be ordered discontinued immediately whenever in the sole discretion of the Bethlehem Township Fire Code Official, an authorized representative of a Bethlehem Township fire company, or the operator determines that a hazardous condition exists, and shall not resume until such time as the hazardous condition is corrected to the satisfaction of the person ordering the display discontinued. The permit shall be immediately revoked and the display shall be discontinued in the event of accidental ignition of any form of combustible or flammable material as a result of falling debris from the display.
- (12) Fire Company Presence at, and call for Emergency medical Services to, Display Property. The permittee shall make arrangements with a Bethlehem Township fire company for the presence at the display property of the Bethlehem Township fire pumper and / or other firefighting equipment as determined by such fire company, and a minimum of three firefighters, for a period beginning thirty (30) minutes prior to the display and ending thirty (30) minutes after the display is concluded. All costs related to the provision of fire

personnel and apparatus, and calls for emergency medical services and apparatus, shall be paid by the permittee in an amount decided by Bethlehem Township.

- (13) Traffic Control Arrangements with the Bethlehem Township Police Department. Not less than ten (10) business days prior to conducting the display, the permittee shall make arrangements acceptable to the Bethlehem Township Police Department for traffic control. Traffic control shall be conducted by either Bethlehem Township Police Department officers, or Special Fire Police officers of a Bethlehem Township fire company. Traffic control measures shall be sufficient to prevent motorists, whether or not attending the display, from parking, stopping or standing motor vehicles within the right-of-way or shoulder of that portion of any public street abutting the display property, or that portion of any public street in sufficiently close proximity to the display property to be affected by the traffic to be generated thereby as determined by the Bethlehem Township Police Department. The permittee shall submit to the Bethlehem Township Police Department for its review and approval its traffic control plans. Such plans shall include provisions for handling ingress and egress of motor vehicles to and from the display property, interior circulation of vehicles within the display property, and demonstrate adequate parking on the display property. In the event that the permittee anticipates the necessity for additional parking facilities, other than those available on the display property, the permittee may contract with a nearby property owner or owners for overflow parking, provided that either:
- (a) shuttle service from the overflow parking site to the display property is provided; or,
  - (b) safe pedestrian pathways are available from the overflow parking to the display property. Such plans shall be sufficiently detailed so as to permit meaningful review by the Bethlehem Township Police Department. All costs related to the provisions of police officers and police vehicles shall be paid by the permittee in an amount determined by Bethlehem Township. The permittee shall not conduct the display unless such traffic control measures and plans have been approved in writing by the Bethlehem Township Police Department.
- (14) Enforcement of Requirements. The Bethlehem Township Fire Code Official and Bethlehem Township police officers are authorized to enforce all legal requirements relating to outdoor displays or fireworks, including the requirements of this Part 2, and, in addition to criminal sanctions or civil remedies, he/ she may revoke any permit and order the cancellation and / or discontinuance of a display upon any failure of refusal of the permittee to comply with such legal requirements, including without limitation this Part 2, or upon any failure or refusal to comply with the orders and directives of the Bethlehem Township Fire Code Official, a Bethlehem Township police officer, or an authorized representative of a Bethlehem Township Fire Company.
- (15) Property Owners to be Notified. The permittee shall notify in writing the owners of all real estate located within 2,000 feet of all boundaries of the display property. The notice shall be mailed by United States certified mail, return receipt requested, to such owners no later than ten (10) days prior to the date on which the display is to take place, and proof of such mailing shall be delivered to the Bethlehem Township Fire Code Official not later than three (3) days prior to the date on which the display is to take place. The notice shall contain not less than the following information: (1) the name, address and phone number of the permittee and of its contract person responsible for the display; (2) the name, address and phone number of the operator and of its contact person directly responsible for conducting the display; (3) the date, time, and location of the display; and (4) a general statement describing the display. The permittee shall not conduct the display unless such proof of mailing has been delivered to the Bethlehem Township Fire Code Official.
- (16) Removal of Debris and Trash from Display Area. The permittee shall remove all combustible debris and trash from the display areas prior to the commencement of the display.
- (17) Inspection and Approval of Discharge Site Set Up. After the discharge site has been completely set up, and prior to the commencement of the display, the permittee shall cause the discharge site to be inspected and approved by the Bethlehem Township Fire Code Official or an authorized representative of a Bethlehem Township fire company. The permittee shall not conduct the display unless such approval has been obtained.

- (18) Removal of Display Debris. In the event that any property owner or occupant notifies the Township, the permittee, or the operator that debris from the display has fallen on such property, the permittee shall remove such debris from such property within twenty-four (24) hours of notice to the permittee or the operator from the owner, occupant, or the Township.

O. For the purposes of the International Fire Code, Edition 2018, the term "Board of Appeals" shall mean the Board of Appeals established under Chapter 186 of the Code of Codified Ordinances known as the Property Maintenance Code, Board of Appeals.

**§131-4. State Laws and Regulations.** In all matters that are regulated by the laws of the Commonwealth of Pennsylvania or by regulations of departments or agencies of the Commonwealth promulgated by authority of law, such laws or regulations, as the case may be, shall control where requirements thereof are more restrictive than the provisions of this International Fire Code.

**§131-5 Provisions to be Continuation of Existing Regulations.** The provisions of this Code insofar as they are the same as those of ordinances and / or code in force immediately prior to the adoption hereof are intended as a continuation or such ordinances and /or codes and not as new enactments. The provisions of this Code shall not affect any act done or liability incurred prior to the adoption hereof, nor shall they affect any suit or prosecution pending or to be instituted to enforce any right or penalty or punish any offense under the authority of any of the repealed ordinances and or codes.”

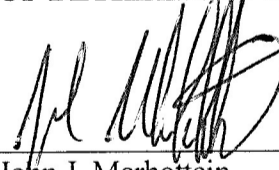
**SECTION 2. SEVERABILITY.** The provisions of this Ordinance are severable, and if a court of competent jurisdiction declares any provision of this Ordinance to be invalid or ineffective in whole or in part, the effect of such decision shall be limited to those provisions which are expressly stated in the decision to be invalid or ineffective, and all other provisions of this Ordinance shall continue to be separately and fully effective.

**SECTION 3. REPEALER.** All Ordinances or parts of Ordinances or Resolutions conflicting with the provisions of this Ordinance are hereby repealed to the extent of such conflict.


**SECTION 4. EFFECTIVE DATE.** This Ordinance shall be effective five (5) days after adoption.

**ORDAINED AND ENACTED** this 6<sup>th</sup> day of May, 2024, at a regular public meeting after public hearing thereon.

**BOARD OF COMMISSIONERS  
OF BETHLEHEM TOWNSHIP**

  
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John J. Merhottein  
President

ATTEST:

  
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Doug Bruce  
Township Manager/Secretary