



# **CITY COUNCIL**

## **Meeting Agenda**

**REGULAR MEETING**  
**9, 2013**

**MONDAY, DECEMBER**

**COUNCIL CHAMBERS**

**7:00 P.M.**

*The Regular Meetings of City Council are filmed and can be viewed LIVE while the meeting is taking place or at your convenience at any time after the meeting on the City's website at [www.ReadingPa.gov](http://www.ReadingPa.gov), under Info and Downloads/Meetings and Agenda. All electronic recording devices must be located behind the podium area in Council Chambers and located at the entry door in all other meeting rooms and offices, as per Bill No. 27-2012.*

### **1. OPENING MATTERS**

#### **A. CALL TO ORDER**

**B. INVOCATION:** Rev. Sandra Fees, First UU Church

#### **C. PLEDGE OF ALLEGIANCE**

#### **D. ROLL CALL**

### **2. PROCLAMATIONS AND PRESENTATIONS**

- None

### **3. PUBLIC COMMENT – AGENDA MATTERS:**

*Citizens have the opportunity to address the Council, by registering with the City Clerk by 5 pm on the day of the scheduled Council meeting. All remarks must be directed to Council as a body and not to any individual Council member or public or elected official in attendance. Any person making personally offensive or impertinent remarks or any person becoming unruly while addressing Council may be called to order by the Presiding Officer and may be barred from speaking before Council, unless permission to continue speaking is granted by the majority vote of Council.*

*All comments by the public shall be made from the speaker's podium. Citizens attending the meeting may not cross into the area beyond the podium. Any materials to be distributed to Council must be given to the City Clerk before the meeting is called to order.*

*Those commenting on agenda business shall speak at the beginning of the meeting and shall limit their remarks to 5 minutes. Those commenting on general matters shall speak after the legislative business is concluded and shall limit their remarks to 3 minutes. No comments shall be made from any other location except the podium, and anyone making "out of order" comments may be subject to removal. There will be no demonstration at the conclusion of anyone's remarks. Citizens may not ask questions of Council members or other*

*elected or public officials in attendance.*

#### **4. APPROVAL OF AGENDA**

**A. MINUTES:** Regular Meeting of November 25, 2013

**B. AGENDA:** Regular Meeting of December 9, 2013

#### **5. Consent Agenda Legislation**

**A. Resolution 101-2013** – authorizing the City to obtain reimbursement for costs associated with obtaining financing for improvements to the Wastewater Treatment Plant and Collection System (**Adm Services Dir**)

**B. Resolution** – authorizing the contract award for the Biosolids Removal Project in connection with the disposal of sewage sludge and biosolids generated by the Wastewater Treatment Plant to Advanced Disposal Services Shippensburg, LLC, in an amount equal to \$897,963.25, subject adjustment based on the proposed unit prices (**Purchasing**)

**C. Resolution** – authorizing the submission of an Application for Traffic Signal Approval for 2<sup>nd</sup> and Penn Streets to PennDOT and to sign said Application on behalf of the City of Reading (**Law**)

**D. Resolution** – authorizing the submission of an Application for Traffic Signal Approval at 2<sup>nd</sup> and Washington Streets to PennDOT and to sign said Application on behalf of the City of Reading (**Law**)

**E. Resolution** – authorizing the execution of a General Reimbursement Agreement for Federal-Aid Highway Projects for the River Road Extension on behalf of the City of Reading. Said Agreement (**Law**)

#### **6. ADMINISTRATIVE REPORT**

#### **7. REPORT FROM OFFICE OF THE AUDITOR**

#### **8. REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS**

None

#### **9. ORDINANCES FOR FINAL PASSAGE**

**Withdrawn by the Administration due to the  
Court Ruling on the Commuter Tax**

**A. Bill No. 65-2013** – Resident Home Rule EIT; a tax of one and five tenths percent (1.5%) (Reduction of 0.1%) (**Law**) *Introduced at the Sept 16th Special Mtg; Advertised Sept 30th, Oct 7th and Oct 14<sup>th</sup>; Tabled at the Nov 25 regular meeting – WITHDRAWN BY THE ADMINISTRATION*

**Withdrawn by the Administration due to the  
Court Ruling on the Commuter Tax**

**B. Bill No. 66-2013** – Commuter EIT; a tax of up to a maximum of one and two tenths percent (1.2%) (Reduction of 0.1%) **(Law) Introduced at the Sept 16<sup>th</sup> Special Mtg; Advertised Sept 30<sup>th</sup>, Oct 7<sup>th</sup> and Oct 14<sup>th</sup>; Tabled at the Nov 25 regular meeting- WITHDRAWN BY THE ADMINISTRATION**

**C. Bill No. 68-2013** – Commuter EIT; a tax of up to a maximum of one and three tenths percent (1.3%) **(Law) Introduced at the Nov 25 regular meeting; Advertised on 12-2**

**D. Bill No. 69-2013** – Amending Chapter 576, Part 8 Entitled “Impounding And Booting Of Vehicles” by amending section 576-811 Definitions to restate in its entirety the definition for unsettled parking violations and amending and restating in its entirety section 576-812 Boot Installation **(RPA) Introduced at the Nov 25 regular meeting; Advertised on 12-2**

**As these ordinances relate to like items,  
the ordinances can be considered with one motion**

**E. Bill No. 70-2013** - Amending the Code of Ordinances by amending Chapter 496 Solid Waste Part 1 Dumpster Placement by setting the set out time at 5:00 pm and correcting the snow removal requirements **(Council Staff) Introduced at the Nov 25 regular meeting; Advertised on 12-2**

**F. Bill No. 71-2013** - Amending the Code of Ordinances by amending Chapter 496 Solid Waste Part 2 Storage and Collection by setting the set out time at 5:00 pm **(Council Staff) Introduced at the Nov 25 regular meeting; Advertised on 12-2**

**G. Bill No. 72-2013** - Amending the Code of Ordinances by amending Chapter 180 Construction Codes Part 12 Property Maintenance Rules and Regulations by setting the set out time at 5:00 pm **(Council Staff) Introduced at the Nov 25 regular meeting; Advertised on 12-2**

**H. Bill No. 73-2013** – Amending the Code of Ordinances Chapter 251 Food Code Part 9 Administration Section 0901.03 Permit/License by removing references to small processing and large processing **(Council Staff) Introduced at the Nov 25 regular meeting; Advertised on 12-2**

**I. Bill No. 74-2013** – Amending the Code of Ordinances Chapter 508 Street Cuts by adding an inspection fee, modifying the re-pavement requirements, modifying the permit and application requirements and making other clarifications. **(Bus Analyst Work Group) Introduced at the Nov 25 regular meeting; Advertised on 12-2**

**J. Bill No. 75-2013** – Memorandum of Understand regarding the Pagoda (**Law and Council Office**) *Introduced at the Nov 25 regular meeting; To be distributed*

**As these ordinances relate to like items,  
the ordinances can be considered with one motion**

**K. Bill No. 76-2013** – amending the Administrative Code, Exhibit A Purchasing Policies And Procedures, Section 11 Bid Evaluation, Parts 11.4.5 And 11.4.6, by reducing the amount required for contract approvals to \$10,000 (**Council Staff**) *Introduced at the Nov 12 regular meeting*

**L. Bill No. 77-2013** – amending the Administrative Code, Section 5-806 Fiscal Provisions by Reducing the amount of expenditures and allocations requiring Council's approval from \$25,000 to \$10,000. (**Council Staff**) *Introduced at the Nov 12 regular meeting*

**M. Bill No. 78-2013** – amending the City Code Chapter 212 Fee Schedule by making additions and corrections (**Council Staff/Business Analyst**) *Introduced at the Nov 12 regular meeting; Advertised on Nov 25<sup>th</sup>; Request to Table until 12-16-13 Reg Meeting*

**As these ordinances relate to like items,  
the ordinances can be considered with one motion**

**N. Bill No. 79-2013** – authorizing the transfer of \$250,000.00 from Contingency to Charter Board for legal fees (**Adm Services**) *Introduced at the Nov 12 regular meeting*

**O. Bill No. 80-2013** – authorizing the transfer of \$215,000.00 from Contingency 01-14-91-4739 to Public Works 01-07-14-4501 \$175,000, fuel and 01-07-74-4216 \$40,000 dam assessment reviews. (**Adm Services**) *Introduced at the Nov 12 regular meeting*

**P. Bill No. 81-2013** – amending the City Code, Chapter 467 Sewers And Sewage Disposal, Part 3 Sewer Service Rental, Sections 467-103 And 467-104 to establish sewer service rentals, and such sewer service rental shall be effective until amended (**Pub Works**) *Introduced at the Nov 12 regular meeting; Advertised Nov 25<sup>th</sup>*

**Q. Bill No. 82-2013** – authorizing the transfer of \$21,000.00 from Building and Trades Salaries 01-10-38-4000 to Building and Trades Contracted Services; and \$29,170.00 from Zoning Contracted Services to Building and Trades Contracted Services (**Bus Analyst**) *Introduced at the Nov 12 regular meeting*

**R. Bill No. 83-2013** – Amending the City of Reading Zoning Ordinance by making corrections and clarifications throughout (**Council Staff/Bus Analyst**) *Introduced at the Oct 14 regular meeting ; Advertised Oct 21<sup>st</sup> and 28<sup>th</sup>, Reintroduced on Nov 12<sup>th</sup>; Re-advertised on Nov 20<sup>th</sup> and 27<sup>th</sup>; Public Hearing Dec 2<sup>nd</sup> at 5:00 pm; Eligible for enactment 12-09-13*

**S. Bill No. 84-2013** – Amending the Act 47 Recovery Plan by retaining the 2013 Commuter EIT rate. **(Law & PFM) Introduced at the Nov 25 regular meeting**

## **10. INTRODUCTION OF NEW ORDINANCES**

None

## **11. RESOLUTIONS**

**A. Resolution** – appointing Wynton Butler to the Diversity Board **(Nom & Appts)**

**B. Resolution** – reappointing Carl Herbein to the Berks County Convention Center Authority **(Nom & Appts)**

## **12. PUBLIC COMMENT – GENERAL MATTERS**

*Please see public speaking rules on first page*

## **13. COUNCIL BUSINESS / COMMENTS**

## **14. COUNCIL MEETING SCHEDULE**

**\*\*\*Monday, December 16 – Advertised 12-2-13**

*Committee of the Whole – Council Office – 5 pm*

*Regular Meeting – Council Chambers – 7 pm*

**Tuesday, December 17**

*Conditional Use hearings – 34 N 6<sup>th</sup> St and 918 Lancaster Av – Council Chambers – 5 pm*

**Monday, December 23**

*No COW or Regular Business Meetings due to the holidays*

**Wednesday, December 25**

*\*City Hall Closed\**

**Monday, January 6<sup>th</sup>**

*Inauguration at the Lincoln Hotel – 6 pm*

## **15. BAC AND COMMUNITY GROUP MEETING SCHEDULE**

**Monday, December 9**

*Fire Civil Service Board – Penn Room – 4 pm*

*6<sup>th</sup> & Amity Neighborhood & Playground Assn – 6<sup>th</sup> & Amity Fieldhouse – 6:30 pm*

**Tuesday, December 10**

*Water Authority Workshop – Water Authority Office – 4 pm*

District 11 Crime Watch – Orthodox Presbyterian Church – 7 pm

**Wednesday, December 11**

Zoning Hearing Board – Council Chambers – 5:30 pm

Center City Community Organization – Holy Cross Church – 6 pm

**Thursday, December 12**

Police Pension Board – Penn Room – 10 am

Outlet Area Neighborhood – St Mark’s Lutheran Church

**Monday, December 16**

Library Board – 113 S 4<sup>th</sup> St – 4 pm

RESOLUTION NO. \_\_\_\_\_

**CITY OF READING**  
**Berks County, Pennsylvania**

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**RESOLUTION**

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**A RESOLUTION**

**DECLARING THE OFFICIAL INTENT OF THE CITY OF READING TO REIMBURSE ITSELF FOR EXPENDITURES MADE FOR ONE OR MORE CERTAIN CAPITAL PROJECTS PRIOR TO AND AFTER THE DATE OF ADOPTION OF THIS RESOLUTION; REPRESENTING THAT REIMBURSEMENTS SHALL BE MADE FROM PROCEEDS OF CERTAIN TAXABLE AND/OR TAX-EXEMPT OBLIGATIONS ISSUED TO FINANCE THE COSTS OF THE CAPITAL PROJECTS; DECLARING THE INTENT OF THE CITY THAT THIS RESOLUTION COMPLY WITH THE PROVISIONS OF UNITED STATES TREASURY REGULATION SECTION 1.150-2.**

WHEREAS, The City of Reading, Berks County, Pennsylvania, (the "City") is a municipality and a political subdivision organized and existing under the laws of the Commonwealth of Pennsylvania (the "Commonwealth"); and

WHEREAS, The City is a local government unit as defined in the Local Government Unit Debt Act [53 Pa. C. S. §8001 et seq.] (the "Debt Act"), which Debt Act defines the classes of "projects" that may be financed by the City pursuant to the Debt Act; and

WHEREAS, The City owns and operates a sanitary sewer system consisting of collection and conveyance lines, and appurtenances thereto (collectively, the "Collection and Conveyance System"), and a wastewater treatment plant (the "Wastewater Treatment System" and together with the Collection and Conveyance System, collectively, the "Sewer System"); and

WHEREAS, The City, under applicable law and pursuant to a consent decree with the United States Department of Justice, is required to undertake capital improvements to the Wastewater Treatment System, and after studies thereof by City personnel and the City's Sewer System engineers, has determined to undertaken

specific capital project upgrades, renovations and improvements to the wastewater treatment plant (the "Wastewater Treatment System Project") in order, at a minimum, to comply with the United States Department of Justice consent decree; and

WHEREAS, While undertaking the Wastewater Treatment System Capital Project, the City may consider undertaking further improvements to the Collection and Conveyance System, such improvements having been underway for the past 8 years (the "Collection and Conveyance System Project" and together with the Wastewater Treatment System Project, the "Sewer System Projects")

WHEREAS, The City is in the planning phase for the issuance of one or more series of taxable and/or tax-exempt general obligations in calendar year 2014 and, possibly, 2015 and 2016 to finance on a long-term basis the Sewer System Projects (for convenience, the "Sewer System Bonds" and as a financing, the "Permanent Financing") for the purpose of providing funds to be applied for and toward one or both of the Sewer System Projects and, which Permanent Financing shall include the cost incurred for the issuance and, if applicable, the insurance of the Sewer System Bonds; and

WHEREAS, The City may have made prior to the date of adoption of this Resolution, and reasonably anticipates hereafter making expenditures for the Sewer System Projects, from one or more City funds and accounts, which it would otherwise pay from proceeds of the Sewer System Bonds if the proceeds of such issue were available at the time of the expenditures; and

WHEREAS, The City desires to reimburse itself for expenditures paid from any City fund or account on behalf of the Sewer System Projects from proceeds of the Permanent Financing; provided that such payments have been made by the City not more than sixty (60) days prior to the date of the adoption of this Resolution or hereafter, and to do so in accordance with regulations promulgated by the United States Treasury as 26 C.F.R. §1.150-2 (the "Reimbursement Regulations"), proposed under authority of the Internal Revenue Code of 1986, as amended (the "Code"); and

WHEREAS, This Resolution is being presented to the Council of the City ("Council") for its consideration and approval at a regularly scheduled public meeting, duly advertised and notice given in accordance with applicable law.

**NOW THEREFORE, BE IT RESOLVED** by the Council of the City of Reading after consideration of the City's budgetary and financial practices and circumstances:

1. This Resolution constitutes a declaration of official intent under the Reimbursement Regulations to reimburse the City for expenditures made on behalf of the Sewer System Projects. This official intent encompasses original expenditures made not more than sixty (60) days prior to the date of adoption of this Resolution or thereafter from proceeds of the Permanent Financing when issued.

2. The City expresses its reasonable expectation that City funds may be expended prior to issuance of the Permanent Financing for costs of the Sewer System Projects prior to issuance thereof, and the City reasonably expects to issue the Sewer System Bonds, and to reimburse itself therefrom.

3. The Recitals including the general, functional description of the Sewer System Projects are incorporated herein. The Sewer System Projects constitutes capital expenditures under the Debt Act, applicable accounting practices and the Code. The City funds to be used for the Sewer System Projects are reasonably expected to be made from any available City funds and accounts, including the General Fund and the Sewer Fund.

4. To the extent that hereafter a specific designation is to be made for each expenditure paid from City funds for which a reimbursement allocation will be made from proceeds of the Permanent Financing under authority of this Resolution, the Mayor, the Managing Director, and the Director of Administrative Services, as applicable, are empowered to designate such expenditures and to specify the amount of each expenditure. The Managing Director and/or Director of Administrative Services shall provide to the Council at regularly scheduled meetings, not less often than monthly, a list of the expenditures so designated.

5. This Resolution will be made available after adoption to any member of the public upon request in any form made to the City Clerk at the earliest practical time, but in no event more than thirty (30) days after the latter of adoption hereof or request.

6. The reasonable expectations set forth in this Resolution are consistent with the budgetary and financial circumstances of the Sewer System Projects. .

**Passed Council \_\_\_\_\_, 2013..**

CITY OF READING  
BERKS COUNTY, PENNSYLVANIA

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President of Council

ATTEST:

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City Clerk

(SEAL)

CITY OF READING  
RESOLUTION NO. \_\_\_\_\_

RESOLUTION FOR AWARD OF BIOSOLIDS REMOVAL CONTRACT

**WHEREAS**, the City of Reading, (the "City") solicited and received competitive proposals for the Biosolids Removal Project in connection with the disposal of sewage sludge and biosolids generated by the City of Reading Fritz Island Wastewater Treatment Plant (the "Project"); and

**WHEREAS**, the City desires to proceed expeditiously with the award of contract and commencement of services with respect to the Project.

**NOW, THEREFORE**, the undersigned, an authorized representative of the Council for the City of Reading, hereby certifies that at a Regular Meeting held on 9<sup>th</sup> day of December 2013, after due notice, at which a quorum was present, the Council for the City of Reading adopted the following Resolution:

**"RESOLVED**, that City hereby elects to award the contract on the basis of the Base Bid Items (Item Nos. 1A, 2, 3, 4 and 5 as listed on the Proposal Form) and not to award any alternate solicited for the Project (Item Nos. 1B, 1C, 1D and 6 as listed on the Proposal Form) and.

**"RESOLVED**, that, after consideration of the competitive proposals received in connection with the Project, the Council for the City of Reading authorizes the Mayor of the City of Reading to award a contract for the Project to Advanced Disposal Services Shippensburg, LLC, in an amount equal to Eight Hundred Ninety-Seven Thousand Nine Hundred Sixty Three Dollars and Twenty-Five Cents (\$897,963.25), subject adjustment based on the proposed unit prices.

**"RESOLVED**, that the Council for the City of Reading authorizes the Mayor of the City of Reading to extend such contract for up to four (4) additional one-year terms at discretion of the Mayor based upon the reliability of the services provided, subject to an annual adjustment of the unit prices not to exceed three percent (3%).

**"RESOLVED**, that the award of the contract set forth above is expressly made contingent upon receipt of the executed contract, Payment Bond, Performance Bond, Certificate of Insurance in compliance with the contract documents from Advanced Disposal Services Shippensburg, LLC.

**"RESOLVED**, that Council for the City of Reading further authorizes its officers, administration, solicitor and special counsel to take any and all necessary actions in order to effectuate the intent and purposes of this resolution.

Adopted by Council on \_\_\_\_\_

Attest:

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

City Clerk

**RESOLUTION NO. \_\_\_\_\_-2013**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:**

That Charles M. Jones is authorized to submit the Application for Traffic Signal Approval (copy attached hereto) to the Pennsylvania Department of Transportation and to sign said Application on behalf of the City of Reading. Said Application is for the Second Street & Penn Street location.

Adopted by Council \_\_\_\_\_ 2013

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

Attest:

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

**RESOLUTION NO. \_\_\_\_\_-2013**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:**

That Charles M. Jones is authorized to submit the Application for Traffic Signal Approval (copy attached hereto) to the Pennsylvania Department of Transportation and to sign said Application on behalf of the City of Reading. Said Application is for the Second Street & Washington Street location.

Adopted by Council \_\_\_\_\_ 2013

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

Attest:

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

**RESOLUTION NO. \_\_\_\_\_-2013**

**THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS FOLLOWS:**

That the Mayor is authorized to execute the General Reimbursement Agreement for Federal-Aid Highway Projects (copy attached hereto) on behalf of the City of Reading. Said Agreement is for the River Road Extension Project.

Adopted by Council \_\_\_\_\_ 2013

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

Attest:

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

**City of Reading City Council  
Regular Business Meeting  
Monday, November 25, 2013**

Council President Francis Acosta called the meeting to order.

The invocation was given by Councilor Corcoran gave the invocation.

All present pledged to the flag.

## **ATTENDANCE**

Council President Acosta  
Councilor Corcoran, District 1  
Councilor Goodman-Hinnershitz, District 2  
Councilor Sterner, District 3  
Councilor Marmarou, District 4  
Councilor Reed, District 5  
Councilor Waltman, District 6  
City Auditor D. Cituk  
City Solicitor C. Younger  
City Clerk L. Kelleher  
Managing Director C. Snyder  
Mayor V. Spencer

## **PROCLAMATIONS AND PRESENTATIONS**

City Council issued the following commendations:

- Council Commendation recognizing Rosario Amato
- Council Commendation recognizing the Garden of Good Thoughts, accepted by Ed Terrell

## **PUBLIC COMMENT**

Council President Acosta reviewed the public speaking regulations and stated that one (1) individual is registered to address Council this evening on non-agenda matters. He inquired if anyone objected to suspending the rule requiring non agenda comment at the end of the meeting. As no one objected, the rule was suspended. He reviewed the remaining public speaking rules.

**Jose Corterreal, of McKnight St**, expressed the belief that the City's communications platform is ineffective and inefficient. He noted that newspaper readership has dropped and that the news coverage on WFMZ is limited. He suggested modernizing the City's communications techniques to better inform residents about City news and activities.

## **APPROVAL OF THE AGENDA & MINUTES**

Council President Acosta called Council's attention to the agenda for this meeting and the minutes for the November 12th Regular Meeting of Council. He noted the need to add an ordinance for introduction regarding an amendment to the Act 47 Recovery Plan.

**Councilor Marmarou moved, seconded by Councilor Sterner, to approve the minutes from the November 12<sup>th</sup> Regular Meeting of Council and the agenda for this meeting, as amended. The motion was approved unanimously.**

## **Consent Agenda**

None.

## **ADMINISTRATIVE REPORT**

Mayor Spencer called Council's attention to the report distributed at the meeting in summary:

- Progress report on the CRIZ Authority's activities
- Update on the leaf collection and the preparation for winter weather
- Recap of the Holiday Parade weekend

Managing Director Snyder reported that the CRIZ Authority is working diligently to prepare the required application. She described the activities of the Authority Board and their subcommittees.

Councilor Waltman commended the CRIZ Authority for their work to complete the application under such a short timeframe. He expressed hope that the CRIZ will reposition the City financially and take the City to the next level. He noted the City's work to improve its financial picture under Act 47.

Councilor Goodman-Hinnershitz expressed appreciation for the investment of the CRIZ members. She noted the cohesiveness of the group in a relatively short period of time.

## **AUDITOR'S REPORT**

City Auditor Cituk read the report distributed to Council at the meeting. In summary:

- Report on the collection of the 2013 Admission Tax
- Report on the collection of the 2013 Real Estate Transfer Tax
- Report on the collection of the 2013 Traffic Fines and Motor Codes
- Report on the collection of the Cable Franchise Fee
- The Submission of his Charter required Budget Comments

Councilor Waltman noted the need to sustain the EIT commuter and resident rates.

He noted that the Act 47 Recovery Plan originally called for the gradual tapering off of the EIT tax; however, the City was unable to sustain itself with a reduced rate due to the financial woes created by unfunded state mandates and other financial issues.

**REPORT FROM DEPT. DIRECTORS, BOARDS, AUTHORITIES, & COMMISSIONS**

None.

**ORDINANCES FOR FINAL PASSAGE**

**A. Bill No. 60-2013** – 2014 Property Tax at fifteen and six hundred eighty-nine thousandths mills (.015689) on the dollar **(Council President)** *Introduced at the Sept 23 Reg Mtg*

Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 60-2013.

Bill No. 60-2013 was enacted by the following vote:

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**

**Nays: None - 0**

**B. Bill No. 61-2013** – 2014 Land Value Property Tax at twenty-two and nine hundred ninety-five thousandths mills (0.022995) on the dollar, or twenty dollars and ninety-nine point five cents (\$22.995) on each one thousand dollars is hereby levied and assessed on land, and a tax of twelve and five hundred fifty-nine thousandths mills (0.012559) on the dollar, or twelve dollars and fifty-five point nine cents (\$12.559) on each one thousand dollars is hereby levied and assessed on improvements to land **(Mayor)** *Introduced at the Sept 23 Reg Mtg; Advertised Oct 23; Public Hearing Nov 4<sup>th</sup> at 5 pm*

Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 61-2013.

Bill No. 61-2013 was NOT enacted by the following vote:

**Yeas: Waltman – 1**

**Nays: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Acosta, President - 6**

**C. Bill No. 62-2013** – 2014 General Fund Budget; *Introduced at the Sept 16th Special Mtg Advertised Sept 20th; Public Hearing Held October 8th*

Councilor Goodman-Hinnershitz moved, seconded by Councilor Reed, to enact Bill No. 62-2013.

Councilor Goodman-Hinnershitz thanked the Managing Director and Administrative Services Director for working with Council to develop a compromise that developed a fair and balanced budget. She noted that we have stability in 2014 and challenges in 2015.

Councilor Waltman echoed the comments by Councilor Goodman-Hinnershitz and added that the budget is not a spending plan, but an investment in the City. He stated that 2015 presents challenges and opportunities.

Councilor Reed thanked the Managing Director, the Finance Division and the Auditor for their work through the various budget issues.

Council President Acosta stated that the budget process worked well this year. He stated that he was surprised that many expected issues did not surface. He also thanked the Finance staff and the Managing Director for their work to make the process smooth. He stated that the recycling litigation presents a problem as the requested stay was not granted.

**Bill No. 62-2013 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**

**Nays: None - 0**

**D. Bill No. 63-2013 – 2014 Capital Improvement Program Budget *Introduced at the Sept 16th Special Mtg Advertised Sept 20th; Public Hearing Held October 7th***

**Councilor Corcoran moved, seconded by Councilor Reed, to enact Bill No. 63-2013.**

Managing Director Snyder stated that the Central Pennsylvania African American Museum (CPAAM) is the only capital project this year and that the CPAAM is in the process of assembling the required funds. The mayor stated that the City's funds will be used as the required match for the RCAP funding.

**Bill No. 63-2013 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**

**Nays: None - 0**

**E. Bill No. 64-2013 – 2014 Position Ordinance *Introduced at the Sept 16th Special Mtg***

**Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 64-**

2013.

Councilor Goodman-Hinnershitz stated that there are some members of the Charter Review Commission who want to uncouple the position ordinance and the annual budget; however, she noted that the link between the two is necessary.

Councilor Reed agreed, noting that tying the two together protects the public trust, as taxpayer dollars are used to fund the positions included in the budget.

**Bill No. 64-2013 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**

**Nays: None - 0**

**F. Bill No. 65-2013** – Resident Home Rule EIT; a tax of one and five tenths percent (1.5%) (Reduction of 0.1%) ***Introduced at the Sept 16th Special Mtg; Advertised Sept 30th, Oct 7th and Oct 14th***

**Councilor Marmarou moved, seconded by Councilor Reed, to table Bill No. 65-2013.**

**Bill No. 65-2013 was tabled by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**

**Nays: None - 0**

**G. Bill No. 66-2013** – Commuter EIT; a tax of up to a maximum of one and two tenths percent (1.2%) (Reduction of 0.1%) ***Introduced at the Sept 16th Special Mtg; Advertised Sept 30th, Oct 7th and Oct 14th***

**Councilor Marmarou moved, seconded by Councilor Reed, to table Bill No. 66-2013.**

**Bill No. 66-2013 was tabled by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner, Waltman, Acosta, President - 7**

**Nays: None - 0**

**H. Bill No. 67-2013** – increasing the Home Rule Per Capita Tax to \$20 ***(Law) Public***

***Hearing Nov 4<sup>th</sup> at 5 pm; Advertised Oct 16<sup>th</sup>, 23<sup>rd</sup> (Pub Hearing), 28<sup>st</sup>, Nov 4<sup>th</sup>; Introduced at the Oct 14 regular meeting***

**Councilor Marmarou moved, seconded by Councilor Reed, to enact Bill No. 67-2013.**

Councilor Corcoran stated that the concept for this increase was discussed at an Act 47 meeting. He expressed the belief that the approach is a positive change from the administration's previous position on the collection of this tax. He stated that the administration plans to retain the services of an outside collector.

Councilor Waltman stated that he disagrees with the proposed increase, as the budget assumptions are only based on those who currently pay. He stated that if broader collection is projected the budget revenue should match that projection.

Managing Director Snyder explained the rationale behind the conservative projection and noted that the administration plans broad based and aggressive collection.

Councilor Corcoran expressed his belief with the rationale behind the conservative projection in the budget.

Councilor Goodman-Hinnershitz agreed with a more aggressive collection approach, as all who are expected to pay this tax should actually pay.

Councilor Sterner stated that the City's lax approach in the past allowed those who should pay to ignore this tax. He agreed with the new aggressive approach.

Councilor Reed expressed the belief that the increase is reasonable; however, she noted that some Reading residents are financially challenged. She stated that many are able to afford extra expenses, so this should be affordable.

Councilor Waltman stated that this hike represents a 300% increase and he suggested that the budget projection should show a more realistic, rather than a conservative approach. He stated that he will not support this increase as Council has not reviewed an implementation plan.

Councilor Marmarou noted his work to bring attention to the need for residents to pay this tax over the years. He stated that the increase is representative of the City's rising service costs.

City Auditor Cituk agreed with the concerns expressed about the conservative budget projection and he explained the rationale. He reminded everyone that

improved collection will also benefit the Reading School District.

Council President Acosta stated that he disagrees with the proposed increase, as not all residents can afford this increased payment, noting that an unpaid bill of \$30 will quickly escalate into a \$60-\$80 uncollected bill using an outside collector. He expressed the belief that the billing and collection should be internal, rather than external.

Managing Director Snyder stated that the City will prepare and mail the tax bills and an outside agency will perform collection services.

Council President Acosta again stated that he will not support the increased tax. He stated that residents and business owners are already complaining about the multi-layered tax and fee system used in Reading. He noted the need to simplify these systems to make them more manageable for residents and business owners. He also noted the City's collective inability to capture all that need to pay various taxes and fees.

Councilor Goodman-Hinnershitz expressed agreement with the plan prepared by the administration and noted that this increase amounts to 50 cents per week, which is affordable when considering the cost of the services provided.

Councilor Waltman agreed that many people choose not to pay for a variety of things that they should be paying and the City does little to capture those people. He noted that Reading wage earners already pay the second highest EIT rate in Pennsylvania.

**Bill No. 67-2013 was enacted by the following vote:**

**Yeas: Corcoran, Goodman-Hinnershitz, Marmarou, Reed, Sterner - 5**

**Nays: Waltman, Acosta, President - 2**

## **INTRODUCTION OF NEW ORDINANCES**

Councilor Waltman left the meeting at this time.

Council President Acosta read the following ordinances into the record:

**A. Ordinance** – Commuter EIT; a tax of up to a maximum of one and three tenths percent (1.3%) **(Law) Advertised on 12-2**

**B. Ordinance** – Amending Chapter 576, Part 8 Entitled “Impounding And Booting Of

Vehicles” by amending section 576-811 Definitions to restate in its entirety the definition for unsettled parking violations and amending and restating in its entirety section 576-812 Boot Installation **(RPA) Advertised on 12-2**

**C. Ordinance** - Amending the Code of Ordinances by amending Chapter 496 Solid Waste Part 1 Dumpster Placement by setting the set out time at 5:00 pm and correcting the snow removal requirements **(Council Staff) Advertised on 12-2**

**D. Ordinance** - Amending the Code of Ordinances by amending Chapter 496 Solid Waste Part 2 Storage and Collection by setting the set out time at 5:00 pm **(Council Staff) Advertised on 12-2**

**E. Ordinance** - Amending the Code of Ordinances by amending Chapter 180 Construction Codes Part 12 Property Maintenance Rules and Regulations by setting the set out time at 5:00 pm **(Council Staff) Advertised on 12-2**

**F. Ordinance** – Amending the Code of Ordinances Chapter 251 Food Code Part 9 Administration Section 0901.03 Permit/License by removing references to small processing and large processing **(Council Staff) Advertised on 12-2**

**G. Ordinance** – Amending the Code of Ordinances Chapter 508 Street Cuts by adding an inspection fee, modifying the re-pavement requirements, modifying the permit and application requirements and making other clarifications. **(Bus Analyst Work Group) Advertised on 12-2**

**H. Ordinance** – Memorandum of Understand regarding the Pagoda **(Law and Council Office) To be distributed**

**I. Ordinance** – amending the Act 47 Recovery Plan by retaining the 2013 EIT commuter rate (Law)

**PENDING**

**A. Ordinance** - amending the Administrative Code, Exhibit A Purchasing Policies And Procedures, Section 11 Bid Evaluation, Parts 11.4.5 And 11.4.6, by reducing the amount required for contract approvals to \$10,000 which will bring the section into compliance with the expenditure reduction approved in Bill No. 14-2012 **(Council Staff)**

**B. Ordinance** - amending the Administrative Code, Section 5-806 Fiscal Provisions by Reducing the amount of expenditures and allocations requiring Council's approval from \$25,000 to \$10,000. **(Council Staff)**

**C. Ordinance** – amending the City Code Chapter 212 Fee Schedule by making additions and corrections **(Council Staff/Business Analyst) Advertised on Nov 25<sup>th</sup>**

**D. Ordinance** – authorizing the transfer of \$250,000.00 from Contingency to Charter

Board for legal fees **(Adm Services)**

**E. Ordinance** - authorizing the transfer of \$215,000.00 from Contingency 01-14-91-4739 to Public Works 01-07-14-4501 \$175,000, fuel and 01-07-74-4216 \$40,000 dam assessment reviews. **(Adm Services)**

**F. Ordinance** - amending the City Code, Chapter 467 Sewers And Sewage Disposal, Part 3 Sewer Service Rental, Sections 467-103 And 467-104 to establish sewer service rentals, and such sewer service rental shall be effective until amended **(Pub Works)**  
*Advertised Nov 25<sup>th</sup>*

**G. Ordinance** - authorizing the transfer of \$21,000.00 from Building and Trades Salaries 01-10-38-4000 to Building and Trades Contracted Services; and \$29,170.00 from Zoning Contracted Services to Building and Trades Contracted Services **(Bus Analyst)**

**H. Ordinance** - Amending the City of Reading Zoning Ordinance by making corrections and clarifications throughout **(Council Staff/Bus Analyst)** *Introduced at the Oct 14 regular meeting ; Advertised Oct 21<sup>st</sup> and 28<sup>th</sup>, Public Hearing Nov 7<sup>th</sup> at 5:30 pm; Eligible for enactment 11-12-13*

## RESOLUTIONS

None.

## COUNCIL COMMENT

Councilor Corcoran congratulated those honored with commendations at this meeting and thanked the gentleman who provided public comment. He encouraged other citizens to address Council, noting that Council is always open to public input.

Councilor Goodman-Hinnershitz thanked Councilor Reed, Sandy Stief and Lori Kaplan for preparing the downtown baskets for the holiday season. Councilor Reed also noted Councilor Goodman-Hinnershitz's participation.

Councilor Goodman-Hinnershitz provided an update on the events planned at the Pagoda during December.

**Councilor Marmarou moved, seconded by Councilor Reed, to adjourn the regular meeting of Council.**

*Respectfully submitted by  
Linda A. Kelleher CMC, City Clerk*

**BILL NO. \_\_\_\_\_**

**A N O R D I N A N C E**

**AN ORDINANCE PROVIDING FOR A TAX OF UP TO A MAXIMUM OF ONE AND THREE TENTHS PERCENT (1.3%) ON ALL EARNED INCOME AND NET PROFITS GENERATED IN THE CITY OF READING BY NON-RESIDENTS OF THE CITY OF READING FOR 2014.**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The City of Reading hereby imposes a tax of three tenths of one percent (0.3%) on all earned income and net profits generated by non-residents of the City of Reading within the City of Reading who are subject to payment of earned income and net profits tax to the taxpayer's resident (domicile) taxing authority in the amount of one percent (1.0%).

**SECTION 2.** The City of Reading hereby imposes a tax of one and three tenths percent (1.3%) on all earned income and net profits generated by non-residents of the City of Reading within the City of Reading who are not subject to payment of earned income and profits tax to the taxpayer's resident (domicile) taxing authority.

**SECTION 3.** The City of Reading hereby imposes a tax of a certain percentage which when added to the percentage imposed by the taxpayer's resident (domicile) taxing authority equals one and three tenths percent (1.3%) on all earned income and net profits generated by non-residents of the City of Reading within the City of Reading.

**SECTION 4.** This tax on non-residents is hereby imposed on; (a) all salaries, wages, commissions and other compensation earned on or after January 1, 2014, during the calendar year 2014, by non-residents of the City for work done or services performed or rendered in the City of Reading; (b) the net profits earned on or after January 1, 2014, during the calendar year 2014, of businesses, professions or other activities conducted in the City of Reading by non-residents.

**SECTION 5.** This tax levied above shall not be shared by the School District, of Reading or otherwise, and non-residents shall continue to be given credit for the amount of earned income tax paid to their home municipal taxing authorities.

**SECTION 6.** The revenues resulting from the above tax may be used for general revenue purposes.

**SECTION 7.** This tax shall first be levied, collected and paid beginning on January 1, 2014, and during the calendar year of 2014 under all circumstances whether or not a fiscal year is used by the taxpayer.

**SECTION 8.** Should any section of this Ordinance be declared invalid for any reason, said declaration shall not have any affect on the remainder of this Ordinance.

**SECTION 9.** This Ordinance shall become effective January 1, 2014 and shall continue in effect until it may be repealed or modified by ordinance enacted by the City of Reading Council in accordance with the applicable Home Rule Charter provisions.

Enacted on \_\_\_\_\_ 2013

\_\_\_\_\_  
Francis Acosta  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_ - 2013

AN ORDINANCE OF THE CITY OF READING AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 576 ENTITLED "MOTOR VEHICLES AND TRAFFIC", PART 8 ENTITLED "IMPOUNDING AND BOOTING OF VEHICLES", SUBSECTION B ENTITLED "BOOTING OF MOTOR VEHICLES" BY: (1) AMENDING SECTION 576-811 ENTITLED "DEFINITIONS" TO AMEND AND RESTATE IN ITS ENTIRETY THE DEFINITION FOR UNSETTLED PARKING VIOLATIONS; AND (2) AMENDING AND RESTATING IN ITS ENTIRETY SECTION 576-812 ENTITLED "BOOT INSTALLATION".

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

SECTION 1. Amending the City of Reading Codified Ordinances, Chapter 576 entitled "Motor Vehicles and Traffic", Part 8 entitled "Impoundment and Booting of Vehicles", Subsection B entitled "Booting of Motor Vehicles, as attached in Exhibit A:

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended by this Ordinance shall remain in full force and effect.

SECTION 3. If any section, subsection, sentence or clause of this Ordinance is held for any reason to be invalid, such decisions shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. This Ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

ENACTED:

\_\_\_\_\_, 2013

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

Attest:

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

(Council Office & Parking Authority)

Submitted to the Mayor: \_\_\_\_\_

Date: \_\_\_\_\_, 2013

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_, 2013

Approved by the Mayor: \_\_\_\_\_

Date: \_\_\_\_\_, 2013

Vetoed by the Mayor: \_\_\_\_\_

Date: \_\_\_\_\_, 2013

## EXHIBIT A

### B. Booting of Motor Vehicles.<sup>1</sup>

#### §576-811. Definitions.

As used in this Part, the following words shall have the following meanings:

**BOOT, BOOTING or BOOTED** – the act of immobilizing a motor vehicle in such a manner as to prevent its operation with a device or by means which will cause no damage to such vehicle unless it is moved while such device is in place or such means are employed.

**UNSETTLED PARKING VIOLATIONS** – outstanding violation(s) of this Part or the Pennsylvania Motor Vehicle Code **indicated by notice, ticket or for which citation(s) have been filed with a District Justice and a summons has been issued** to which either no response has been made or for which a **summons or** warrant has been issued, **and** including **any** adjudicated citation(s) **for which where** the fine and costs **have been** imposed **and remain are** unpaid **in full**.

#### §576-8012 Boot Installation.

Any vehicle or conveyance parked within the City upon any public ground at any time may, by or under direction of a Parking Enforcement Officer or member of the Department of Police, be booted if there are five or more unsettled parking violations pending against the owner of the vehicle or conveyance **on file with a District Justice or the Reading Parking Authority**. The booted vehicle may be towed by the Parking Authority any time after the boot is installed.

#### §576-814. Boot Removal Hearing.

1. The owner of a booted vehicle or other authorized person shall be permitted to secure release of the vehicle upon:

A. Depositing of the collateral required for an appearance before a District Justice to answer for each unsettled parking violation.

B. Paying the amount of the fine, penalty and court costs, if any, for each unsettled parking violation.

C. The owner of a booted vehicle or other authorized person shall have the right to a post-immobilization hearing limited to the determination of the validity of the booting. Such hearing shall be requested within 15 days after the vehicle is booted and shall be conducted by the Executive Director of the Parking Authority. The hearing shall be held during normal business hours within 1 business day of the demand thereof, or as soon as practical. The post-immobilization hearing shall not be determined of or adjudicate the merits of any citation issued relative to any immobilized vehicle but shall be limited solely to whether the vehicle was properly subject to booting under the provisions of this Part.

#### §576-815. Booting or Towing and Storage of Vehicles.

The Reading Area Parking Authority may immediately tow any vehicle that is booted for having a minimum of five (5) unsettled parking tickets. The booted vehicle may be towed by the Parking Authority any time after the boot is installed. If the booting

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<sup>1</sup> Power to Establish – see Vehicle Code 75 Pa.C.S.A. §6109 *et seq.*  
Removal and Storage – see Vehicle Code 75 Pa.C.S.A. §3352.

occurs when a vehicle is parked in any zone regulated by towing provisions, then such vehicle is subject to immediate towing and storage. Towing and storage fees, as specified in this Chapter shall be paid, along with fees specified in §15-814 before the owner of such vehicle or authorized person, shall be permitted to repossess or secure the release of the vehicle. Unclaimed within 60 days of towing and storage shall be deemed abandoned and subject to disposal as such in the manner authorized by law.

§576-816. Booting Fee.

The owner of a booted vehicle shall be subject to a fee in an amount as established from time to time by resolution of City Council for such immobilization in addition to any outstanding fines, which fee shall be paid prior to removal unless otherwise ordered in accordance with §15-814.

§576-817. Tampering with Boot Prohibited.

Any person who shall tamper with, remove or attempt to remove any device used to immobilize a motor vehicle that has been booted pursuant to this Part, or who shall move or attempt to move the vehicle booted before release of the vehicle has been officially secured shall be, upon conviction thereof, sentenced to pay a fine of not less than \$500 nor more than \$1,000 plus costs of repairing or replacing said device, together with the cost of prosecution, and, in default of payment of said fine and costs, to a term of imprisonment not to exceed 30 days.

§576-818. Implementation and Enforcement.

This Part shall be enforced by the Reading Parking Authority whose Executive Director shall have authority for implementing the parking enforcement provisions thereof and to promulgate such rules and regulations as are necessary therefore, which regulations shall become effective upon approval by Council.

§576-819. Right to Hearing Not Waived.

Nothing in this Part shall be construed to deprive any person of the constitutional right to a hearing or trial as to the violations for which citations have been issued.

**ORDINANCE \_\_\_\_\_ - 2013**

**AN ORDINANCE OF THE CITY OF READING AMENDING THE CODE OF  
ORDINANCES BY AMENDING CHAPTER 496 SOLID WASTE PART 1  
DUMPSTER PLACEMENT BY SETTING THE SET OUT TIME AT 5:00 PM**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The Code of Ordinances of the City of Reading Chapter 496 – Solid Waste, Part 1 Dumpster Placement is hereby amended as follows:

**§ 496-103. Conditions of use.**

A. Placement and maintenance of trash receptacles.

(1) Placement. Trash receptacles shall be located in the rear of properties and may not be visible from the public right-of-way area of a property. Trash receptacles shall not be stored within the public right-of-way on commercial, industrial property, or residential property unless it has been determined by the Codes Enforcement Division and Department of Public Works that no other location is available for trash storage and a permit for such storage has been obtained from the City.

(a) Outside view of or public right-of-way. Trash receptacles are permitted to be placed in areas that are not in or visible from the public right-of-way without obtaining a permit from the Codes Enforcement Division.

(b) Generally visible from or in public right-of-way. Trash receptacles may be permanently placed within the public right-of-way when it has been determined by the Code Enforcement Division and Department of Public Works that no other accessible location is available for trash collection and storage and the owner has received the necessary permit. The permit shall be placed on the trash receptacle. The Codes Enforcement Division, in conjunction with the Department of Public Works, shall have the authority to determine feasibility.

(c) Historical districts. No permanent trash receptacles shall be allowed on any public right-of-way or be allowed to be visible from any public right-of-way in any area designated as a historic district in the Code of the City. Where it is preclusive to place a trash receptacle out of view of the public right-of-way as a result of the design of the structure, the location of placement of the receptacle shall be determined and a permit issued accordingly upon consultation with the Codes Division

and Historic Preservation Officer. Issuance of a permit for placement of a container in a historic district with the view of the public right-of-way is subject to Chapter 295, Historic Districts, where appropriate.

(d) In areas under the jurisdiction of the Downtown Improvement District. No permanent trash receptacles shall be installed in any public right-of-way or be visible from any public right-of-way in any area under the jurisdiction of the Downtown Improvement District without review and approval by the Department of Public Works, Historic Preservation Specialist and the Downtown Improvement District Authority pursuant to Chapter 14, Part 5, Reading Downtown Improvement District Authority.

(2) Identification. The owner of the trash receptacles shall place and maintain, on the outside of each container in legible letters not less than one inch in height, the owner's name, address receptacle is servicing (if private) the permit issued by the Codes Enforcement Division for such container, where applicable.

(3) Maintenance. Each trash receptacle shall be covered at all times by a clean, leakproof, proper fitting and functioning lid. All trash receptacles shall not be loaded at any time in such a manner to constitute overloading thereby preventing suitable required covering.

(4) Clearance requirements. Permitted trash receptacles shall not obstruct or otherwise limit or prevent the full and unrestricted use of any public right-of-way. Minimum sidewalk clearances of five feet must be retained at all times.

(5) Set-out requirements. Trash receptacles may be placed temporarily at curbside directly in front of the property being serviced no earlier than ~~8:30~~ **5:00** p.m. the day before and shall be removed from the public right-of-way by 8:00 p.m. the day of scheduled refuse collection.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 4: This Ordinance shall become effective in ten (10) days in accordance with Charter Section 219 after passage.

Enacted \_\_\_\_\_, 2013

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

Attest:

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

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDINANCE \_\_\_\_\_ - 2013**

**AN ORDINANCE OF THE CITY OF READING AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 496 SOLID WASTE PART 2 STORAGE AND COLLECTION BY SETTING THE SET OUT TIME AT 5:00 PM**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The Code of Ordinances of the City of Reading Chapter 496 – Solid Waste, Part 2 Storage and Collection is hereby amended as follows:

**§ 496-202. Authorization of recycling collection.**

A. Contracts for collection; authority. The City shall contract for the curbside collection, removal, transportation and marketing of recyclable materials from single-family dwellings and multifamily dwellings with four or fewer residential units.

B. Private collection responsibility. It shall be the responsibility of the owner/operator of residential, commercial, industrial and institutional properties, and multifamily dwellings, with five or more residential units, to provide, at their own expense, for the storage, collection and disposal of all recyclables from their properties. Such storage, collection and disposal shall be carried out in such a manner as to avoid the creation of a public nuisance. Only a licensed hauler shall collect, transport or dispose of municipal waste, refuse or recyclables.

C. Separation of recyclables. Recyclables shall be kept separate from and marketed or processed separately from municipal solid waste.

(1) Owners and occupants of all residential properties of four or fewer units shall keep separate the following recyclables: clear, brown and green glass containers, all types of plastic bottles, aluminum and tin cans and mixed paper.

(a) Mixed paper shall be placed in easy-to-manage bundles not to exceed 12 inches in height and kept dry. All recyclables except mixed paper may be mixed together and placed in the recycling container provided by the City or any other solid container which, when full, shall not exceed 50 pounds.

(b) All recyclables for collection shall be set out at curbside.

(c) All recycling containers shall be placed curbside directly in front of the eligible entity, no earlier than ~~6:00~~ 5:00 p.m. the day before the scheduled

collection and shall be removed from the public right-of-way by daybreak of the day after pickup. Recycling collection begins at 6:30 a.m. Containers must be removed by daybreak of the day after pickup.

**§ 496-204. Collection requirements; municipal waste collection fee.**

A. The City of Reading is authorized to award a contract for collection, removal, transportation and disposal of municipal solid waste which is generated from single-family residential dwellings and multifamily residential dwellings with four or fewer residential units. Said contract may be for a term not exceeding five years.

(1) Placement of municipal waste. Only such persons participating in the City-contracted solid waste collection system may place their municipal waste at the designated set- out location for collection by said contractor after ~~6:00~~ 5:00 p.m. the day before collection and must remove all containers by daybreak of the day after pickup. Any article found within a municipal waste container or garbage bag, intended to be collected by the City contractor, displaying the name and/or address of another person and/or address, that container or bag shall be presumed to be the property of such persons and shall be cited in accordance with all applicable sections of this Part.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 4: This Ordinance shall become effective in ten (10) days in accordance with Charter Section 219 after passage.

Enacted \_\_\_\_\_, 2013

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

Attest:

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

**ORDINANCE \_\_\_\_\_ - 2013**

**AN ORDINANCE OF THE CITY OF READING AMENDING THE CODE OF ORDINANCES BY AMENDING CHAPTER 180 CONSTRUCTION CODES PART 12 PROPERTY MAINTENANCE RULES AND REGULATIONS BY SETTING THE SET OUT TIME AT 5:00 PM**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The Code of Ordinances of the City of Reading Chapter 180 – Construction Codes, Part 12 Property Maintenance Rules and Regulations is hereby amended as follows:

**§ 180-1203. Quality of life (QOL) violations.**

- A. QOL.001 Accumulation of rubbish or garbage. All exterior property and the interior of every structure shall be free from any accumulation of waste, trash, rubbish or garbage.
- B. QOL.002 Animal maintenance and waste/feces cleanup. People owning, harboring or keeping an animal within the City of Reading shall not permit any waste matter/feces from the animal to collect and remain on the property so as to cause or create an unhealthy, unsanitary, dangerous or offensive living condition. All waste from animals must be cleaned up on a daily basis.
- C. QOL.003 Disposal of rubbish or garbage/dumping. Improper disposal of rubbish or garbage or dumping or disposing of rubbish or garbage on vacant, unoccupied, or other property.
- D. QOL.004 High weeds, grass or plant growth. All premises and exterior property shall be maintained free from weeds or plant growth in excess of six inches (152.4 mm). All noxious weeds shall be prohibited. Weeds shall be defined as all grasses, annual plants and vegetation. Cultivated flowers, gardens, trees and shrubs shall not be included as a violation of this Part.
- E. QOL.005 Littering or scattering rubbish. No person shall throw, dump, place, sweep or dispose of any waste, trash, garbage or rubbish upon any public sidewalk, alley, street, bridge, public passageway, public parking area or on any public property.
- F. QOL.006 Motor vehicles. It shall be unlawful to store, park or place any unregistered, uninspected, inoperative, unlicensed or nuisance motor vehicle on any premises. No vehicle 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.

G. QOL.007 Operating a food cart illegally. It shall be unlawful to operate any food cart without the proper permits and/or inspections. It shall also be unlawful to operate any food cart while any portion of the cart is inoperable.

H. QOL.008 Operating or vending without the proper permit/license. It shall be unlawful for any person, business, partnership or entity to operate, including but not limited to any business, vending cart, store or establishment without the proper permits.

I. QOL.009 Outside placement of indoor appliances/furniture. It is prohibited to store or place any/all appliances or furniture, including but not limited to ranges, refrigerators, air conditioners, ovens, washers, dryers, microwaves, dishwashers, mattresses, recliners, sofas, interior chairs or interior tables on the exterior of any property for the purpose of sale or any other reason except for the temporary purpose to perform maintenance in said property.

J. QOL.010 Ownership presumption of waste, trash and/or recyclables for illegal dumping and illegal hauling. It shall be the responsibility of every owner and/or occupant to dispose of their waste, trash or recyclables in a proper manner. Any business or person who is unable to show proof that they have legally disposed of any waste, trash or recyclables will be in violation of this Part. Should any person or business use an unlicensed hauler to dispose of their waste, trash or recyclables, said person or business shall be in violation of this Part. Upon request of the Property Maintenance/Codes Administrator or his/her designee, any owner or occupant must show proof of their appropriate trash and/or recyclable hauler. Any parts found within a municipal waste container, recycling container, garbage bag or loose trash/waste displaying the name and/or address of a person and/or persons, that trash or waste shall be presumed to be the property of such person and/or persons. It shall be unlawful for any person, business, partnership or entity to remove or haul waste, trash or recyclables without the proper approval or license. Any waste, trash or recyclables found not to be disposed of in accordance with this Part, will be a violation of this Part.

K. QOL.011 Placement or littering by private advertising matter. No person shall throw, place, sweep or dispose of litter or private advertising matter upon any public sidewalk, alley, street, bridge, public passageway, public parking area or any public property. No person, group, organization or entity will hang, place or advertise on any public property in any manner. No person, group, organization or entity will hang, place or advertise on any property that they do not have any ownership rights without written approval of said owner.

L. QOL.012 Snow and ice removal from sidewalks. Every owner, tenant, occupant, lessee, property agent or any other person who is responsible for any property within the City of Reading is required to remove any snow or ice from their sidewalk. Any property located along Penn Street, Washington Street and/or Court Street or along Second Street, Third Street, Fourth Street, Fifth Street, Sixth Street, Seventh Street, Eighth Street and Ninth Street, between Penn Street and Washington Street, shall have all snow or ice removed within two hours of the cessation of said snow and ice falling. Furthermore, the entire sidewalk must be free of all snow and ice in these areas. Any other property within the City of Reading shall have all snow and ice removed within four hours of the cessation of said snow and ice falling and must create a path, free from any snow or ice, of three feet on said sidewalk. Should any property be a place of business within the City of Reading, all snow and ice must be removed within ~~two~~ **four** hours of the cessation of said snow and ice falling. For any property deemed a business, the entire sidewalk must be free from any snow and ice. If/when the snow and/or ice cessation happens during the hours of darkness, the time limit of removal of all snow and ice begins at daybreak.

M. QOL.013 Storage containers for waste or trash. The owner of every premises shall supply approved containers for waste or trash as well as be responsible for the removal of rubbish. All containers that store waste or trash shall be durable, watertight and made of metal or plastic. Containers must have tight-fitting covers and must be kept clean and odor free at all times. All containers must be stored in the rear of every property so said containers are not visible from the public right-of-way. Waste or trash containers may only be placed in front of any property ~~when darkness occurs~~ **after 5:00 pm** the night before the day of the scheduled pickup day. Once the licensed hauler removes the waste or trash from any property, all containers must be returned to the rear of any property before daybreak on the day following pickup. (Example: Jim Smith's trash collection day is Wednesday. Jim Smith may place his trash containers out front of his property on Tuesday night, ~~once night falls~~ **after 5:00 pm**. Jim Smith must place his trash containers in the rear of his yard before daybreak on Thursday morning.)

N. QOL.014 Storing or discarding of appliances. Refrigerators and similar equipment, including but not limited to washers, dryers, dishwashers and ranges not in operation, shall not be discarded, stored or abandoned on any premises without first removing the doors.

O. QOL.015 Storing of hazardous material. It shall be unlawful for any person, business or entity to store combustible, flammable, explosive or other hazardous materials, including but not limited to paints, volatile oils and cleaning fluids or combustible rubbish, including but not limited to wastepaper, boxes or rags unless

the storage of said materials is stored in compliance with the applicable Building Codes.

P. QOL.016 Storing of recyclables. It shall be the responsibility of the owner of all residential, commercial and industrial property to ensure storage, collection and disposal of all recyclables from their property in such a manner not to create a public nuisance. Storage of recyclables is only allowed in approved containers which must be kept clean and sanitary at all times.

Q. QOL.017 Storing or serving of potentially hazardous food. No person, business, partnership or entity shall store or serve potentially hazardous food, including but not limited to out-of-date food, food being stored above or below the appropriate temperature, food being stored directly on a flooring surface, infestation problems at the location or serving food that had previously been open are considered a violation of this Part.

R. QOL.018 Swimming pools. Swimming pools shall be maintained in good repair at all times. They shall also be kept clean, safe, covered and sanitary as well.

S. QOL.019 Violating the terms of any vending license. It shall be unlawful to violate any term, part, portion or in total, any vending license. Any person, business, partnership or entity violating their vending license shall be in violation of this Part.

T. QOL.020 Historic District violation. It shall be the responsibility of the owner of a property located in a Historic District, so designated by City ordinance, to obtain a certificate of appropriateness from the Preservation Officer or the Historic Architecture Review Board before making any alteration, including paint, to the exterior of a structure visible from a public right-of-way. Failure to produce a bona fide certificate of appropriateness upon request by a Codes official shall constitute a violation of this Part.

U. QOL.021 Visible Satellite Dish in Historic District. It shall be the responsibility of the owner of a property located in a Historic District, so designated by City ordinance, to obtain a certificate of appropriateness from the Preservation Officer or the Historic Architecture Review Board before installing or retaining any satellite dish visible from a public right- of-way.

V. QOL.022 Registered trash hauler required. It shall be the responsibility of the owner of every property to register a licensed trash hauler with the City.

W. QOL.023 Temporary dumpster permit required. Each temporary dumpster, whether placed on private property or in a public right-of-way, shall display a valid permit issued by the City of Reading.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

Section 4: This Ordinance shall become effective in ten (10) days in accordance with Charter Section 219 after passage.

Enacted \_\_\_\_\_, 2013

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

Attest:

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

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDINANCE \_\_\_\_\_ - 2013**

**AN ORDINANCE OF THE CITY OF READING AMENDING THE CODE OF ORDINANCES CHAPTER 251 FOOD CODE PART 9 ADMINISTRATION SECTION 0901.03 PERMIT/LICENSE BY REMOVING REFERENCES TO SMALL PROCESSING AND LARGE PROCESSING**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

SECTION 1. The Code of Ordinances of the City of Reading Chapter 251 Food Code Part 9 Administration Section 0901.03 Permit/license is hereby amended by removing references to small processing and large processing in 251-0901.03 A (1).

§ 251-0903.03 Permit/license.

A. Required [Amended 5-10-2010 by Ord. No. 25-2010]

(1) No person shall operate a restaurant or facility as set forth below in the City of Reading without a valid, non-suspended/unrevoked permit from the Health Officer and a food employee certification from the Department of Agriculture. New establishments will have 90 days to comply with said requirement; existing establishments which are not in compliance due to lack of current certification, employee turnover or other loss of certified person shall have 90 days from the effective date of this section or the date of loss to comply. The facilities and restaurants governed by and required to comply with this Part include obtaining of a permit from the City of Reading Health Officer prior to and to continue operation thereof as well as obtaining a food employee certification include, but are not limited to:

Small restaurant

Large restaurant

Itinerant restaurant

Ancillary restaurant

Small grocery

Large grocery

Supermarket

One-item wholesale

Multi-item wholesale

~~Small processing~~

~~Large processing~~

Vending machine (enclosed)

Vending machine (public right-of-way)

Mobile vending unit

Catering/commissary

Bakery

Delicatessen

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days in accordance with Charter Section 219 after passage.

Enacted \_\_\_\_\_, 2013

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

Attest:

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



# AGENDA MEMO

OFFICE OF THE MANAGING DIRECTOR

**TO:** City Council  
**FROM:** David Kersley, Business Analyst  
**PREPARED BY:** David Kersley, Business Analyst  
**MEETING DATE:** November 25, 2013  
**AGENDA MEMO DATE:** November 20, 2013  
**RECOMMENDED ACTION:** Street Cuts Ordinance

## RECOMMENDATION

The Public Works Streets Division, in collaboration the Law Department, the Business Analyst, the City Clerk, is proposing modifications to the City's Street Cut Permits Ordinance (§508, Part 7).

## BACKGROUND

Utilities are increasing street cutting activity throughout the City. In recent months, we have seen a significant increase in street cut permits issued by UGI. Street cuts significantly and adversely impact the integrity of street surfaces. This ordinance establishes several policies to help control, regulate and mitigate damage from, street cuts. These include the following: 1) Requires utilities to pay the City to permanently restore cuts made in streets that have been paved within 10 years; 2) Establishes a two-week application period for a street cut permit; 3) Adopts specific industry standards for back-filling methods and materials; 4) Provides for an inspection of back-filling methods; 5) Establishes an inspection fee for each street cut; 6) Requires a surety bond against which the City may make a claim in a street cut restoration fails within two years; 7) Requires utilities working in intersections to bring curb ramps up to ADA and Penn DOT standards; 8) Establishes communication protocols related to emergency street cuts made to repair a failed underground utility; and 9) Provides for monetary fines for violating the Ordinance.

## BUDGETARY IMPACT

The establishment of the inspection fee is expected to generate approximately \$70,000 per year in revenue, which is offset in the 2014 budget by the salary and benefits for an inspector.

## PREVIOUS ACTION

Bill No. 53-2013, adopted by Council on October 28, also amended §508, Part 7. This legislation, among other things, established a restoration fee surcharge for street cut permits issued for streets paved within the past 10 years.

**SUBSEQUENT ACTION**

Formal action by Council is required to authorize these changes.

**RECOMMENDED BY**

Public Works, Law, Business Analyst and Council Staff.

**RECOMMENDED MOTION**

Motion to approve this Ordinance

cc: File

BILL NO. \_\_\_\_\_ - 2013

AN ORDINANCE OF THE CITY OF READING AMENDING THE CITY OF READING CODIFIED ORDINANCES, CHAPTER 508 STREET CUTS BY ADDING AN INSPECTION FEE, MODIFYING THE RE-PAVEMENT REQUIREMENTS, MODIFYING THE PERMIT AND APPLICATION REQUIREMENTS AND MAKING OTHER CLARIFICATIONS.

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

SECTION 1. Amending the City of Reading Codified Ordinances, Chapter 508 Street Cuts by adding an inspection fee, modifying the re-pavement requirements, modifying the permit and application requirements and making other clarifications, as attached in Exhibit A:

SECTION 2. All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended by this Ordinance shall remain in full force and effect.

SECTION 3. If any section, subsection, sentence or clause of this Ordinance is held for any reason to be invalid, such decisions shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4. This Ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, in accordance with Section 219 of the City of Reading Home Rule Charter.

ENACTED: \_\_\_\_\_

2013

\_\_\_\_\_

President of Council

Attest: \_\_\_\_\_

City Clerk

(Bus Analyst Work Group)

Submitted to the Mayor: \_\_\_\_\_

Date: \_\_\_\_\_, 2013

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_, 2013

Approved by the Mayor: \_\_\_\_\_

Date: \_\_\_\_\_, 2013

Vetoed by the Mayor: \_\_\_\_\_

Date: \_\_\_\_\_, 2013

§ 508-701  
706

**EXHIBIT A**  
**STREETS AND SIDEWALKS**

§ 508-

**Part 7**  
**Street Cut Permits**

**§ 508-701. Purpose.**<sup>20</sup>

No person, firm or corporation shall break the pavement or surface of any legally open street, between the curblines thereof, until a Street Cut Permit (Permit) is obtained from the Department of Public Works. It shall be the responsibility of the person receiving the Permit (the Permittee) to promptly restore the permitted street cut and any other affected facility in proper order and repair in accordance with this ordinance and associated guidance documents. When the street cut involves the use of a utility the Permittee shall be the owner of the utility or the owner's legal agent.

**§ 508-702. Application.**

Applications for a Permit to break the pavement or surface of any legally open streets shall be submitted on the form provided by the Department of Public Works, shall include all information and applicable fees, and shall be signed by the applicant. The application information and fees shall include the following:

- A. **Permit Fee.** Each application shall be accompanied by a permit fee as provided in Chapter 212, Fees.
- B. **Inspection Fee.** An inspection fee will be assessed for each separate street cut as provided in Chapter 212, Fees.
- C. **Pavement Restoration Fee.** The Permittee shall pay a permanent pavement restoration fee for those cuts where the permanent pavement restoration is provided by the City of Reading, in accordance with Chapter 212, Fees, unless otherwise stipulated. Refer to Section 508-706 Pavement cuts on recently paved streets for additional charges that may apply to recently paved streets. Permittee's who prefer to have their contractor perform the permanent pavement restoration work must have completed a Letter of Agreement with the City to that effect and will not be assessed the permanent pavement restoration fee.
- D. **Detailed Plan of the work.** A scale plan shall accompany the application showing the extent and nature of the planned work at each street cut location within the Right-of-Way. The Permittee shall include all other important details on the plan that the Permittee is aware of and other information as required by this section and as directed by the City Engineer or his/her designee (City Engineer).
- E. **Letter of Agreement.** A properly executed Letter of Agreement will be required for all Permits with the exception of a single Permit application for one street cut by a non-utility applicant.
- F. **Bond.** Each street cut will require a bond or other acceptable form of surety before a Permit is issued. The bond shall be signed by the applicant in the amount as specified in Chapter 212, Fees. The bond shall accompany the Permit application and shall

remain in effect for a period of two years from the date of the acceptance of the final pavement restoration. Public utility companies shall provide a bond as specified in Chapter 212, Fees that will warrant all street cut work performed in that calendar year. Bonds for utility companies shall be renewable on an annual basis. If the condition is such that the Permittee fails to comply with this ordinance by not promptly completing the permitted work, including trench restorations and restoration of other affected facilities or fails to maintain such restorations in proper order and repair following construction, the City Engineer shall have cause to remedy that condition by calling on the Permittee's bonding company to perform the work necessary to restore the street and other affected facilities to proper order.

- G. **Additional fees and information.** The size and type of street cut(s) may require payment of additional fees and submission of additional information as prescribed in this ordinance.

All fees, plan information, bonding, application and Letter of Agreement must be provided and approved before the City will issue a Permit. Permits are issued subject to all other applicable ordinances of the City of Reading, and all applicable state and federal laws.

#### **§ 508-703. Rejection of application**

Street Cut Permits shall not be issued to any person, firm or corporation indebted to the City due to a previously issued permit.

The City Engineer may deny or delay issuance of a Permit if existing or anticipated conditions for the use of the street indicate that the street cut work will interfere with the safety and judicious use of the street and the Right-of-Way.

#### **§ 508-704. Permit issuance and schedule for construction of street cuts**

Permit applications shall be submitted a minimum of two weeks prior to the start of the proposed street cut work. The Permittee shall notify the City at least three days in advance of breaking the street. Each Permit shall be valid for a period of six months. If deemed necessary, Permit time extensions may be granted as specified in Section 508-709 Other related permits and fees.

#### **§ 508-705. Charged surface**

In computing the surface area of the permanent pavement restoration surface to be charged, twelve inches shall be added to all sides of the proposed cut. If the Permittee or City inspector determines that the Permittee removed, disturbed or damaged a pavement area greater than what is stated on the Permit, the Permittee shall pay a proportionate amount to be fixed by the Department of Public Works.

#### **§ 508-706. Pavement cuts on recently paved streets**

Final pavement restorations for street cuts on recently paved streets will be provided by the City, and are subject to additional charges to recover the premature degradation caused by the work. The restoration fee for pavement cuts on streets paved more than 10 years before the date of the application shall be calculated at the permanent pavement restoration rate specified in Chapter 212, Fees. The restoration fee for pavement cuts on streets paved within ten

years from the date of the application shall be issued based on the following additional fees; 100% additional for the current year through the fifth year; and 80% additional for years six through ten.

### **§ 508-707. Special site conditions**

Where, in the opinion of the City Engineer and at his/her sole discretion, site conditions are determined to involve construction work beyond that required for a small single utility service connection, the Permittee shall provide additional information, and may be required to perform additional work and pay additional fees. Where additional work is required to restore the pavement and other features within the Rights-of-Way, those terms shall be included in the Letter of Agreement before issuance of the Permit.

Special site conditions include, but are not limited to, permanent restoration of the street surface by the applicant, permanent restoration of the street beyond the area of the trench cut opening, construction of features within the Rights-of-Way other than trench restoration, and other special site construction work determined during the application. Examples of special site conditions are described below:

- A. **Large cuts.** Additional restoration of the pavement wearing surface will be required for cuts larger than those made for small single utility service connections. Large street cuts include, but are not limited to, the following conditions:
1. Where two or more transverse or longitudinal cuts are made within a 100 foot long section of street. (Transverse cuts are typically made for laterals that run across the street, and longitudinal cuts are typically made for mains running with the street.)
  2. Where a single longitudinal cut exceeds 100 feet.

The additional restoration for these cuts shall comply with the City's drawing and specifications for Large Street Cut Restoration which shall include milling and overlaying of the wearing surface of the entire travel lane(s) between the curb and the street centerline within the area bounded by the cut(s).

- B. **Curb ramps.** For conditions where the Permittee proposes a street cut within a street intersection, or along or through a pedestrian walkway within the City's Rights-of-Way and where the existing curb ramps at that intersection do not meet the current requirements of the Americans with Disabilities Act (ADA), the Permittee will be required to install ADA compliant curb ramps at all corners within that intersection. The area within a street intersection is the area delineated by the curb radii and the lines drawn across the streets that connect the termini of the curb radii, or the lines drawn parallel to the outside edge of the pedestrian walkways, whichever generates the larger area. This condition also applies where the work will disturb any street corner beyond the curbline. For street cuts proposed under these conditions the Permittee will be required to construct, or reconstruct curb ramps at each and every corner of the intersection or alley to meet the current ADA and Penn DOT requirements. To facilitate the proper construction of the ramps, the Permittee shall include with their Permit application the following additional provisions:
1. An existing conditions survey that includes all of the curb ramps within the intersection, alley or other accessible route where the cut is proposed to determine compliance and/or non-compliance with ADA.
  2. Curb ramp designs for construction of each new and non-compliant curb ramp. The curb ramp designs must comply with the most current applicable Penn DOT standard for curb ramps. The existing condition survey and the ramp designs must be sealed

by a qualified engineer or surveyor registered in the Commonwealth of Pennsylvania.

3. An amendment to the Letter of Agreement that states that the Permittee will construct or replace curb ramps within the intersection or alley that does not currently meet ADA and Penn DOT requirements.
4. A bond, letter of credit or other form of appropriate surety that includes an amount equal to cost to construct the ramps per the approved design. The form of surety other than a bond must be approved by the City Solicitor. The amount of the surety must be approved by the City Engineer.

Ramp designs will be reviewed by the City Engineer for approval prior to issuance of the Permit. For projects that involve state and/or federal funding, additional Penn DOT approval shall be required.

Following construction of the curb ramps, The Permittee shall submit to Public Works completed as-built (record) drawings of the work indicating that the ramps were properly inspected and were found to comply with the approved design.

#### **§ 508-708. Inspection.<sup>22</sup>**

If the City of Reading determines that the permitted work is of sufficient magnitude or importance to warrant additional inspection beyond routine spot-inspection or due to noncompliance with the Permit conditions, the Permittee shall be charged for all expenses incurred by the City of Reading for the additional inspection(s).

#### **§ 508-709. Other related permits and fees.**

A separate Permit shall be issued for each individual street cut. In addition to the streets cut previously described, Street Cut Permits will be issued for the following:

A. **Bore holes.** Bore holes are small auger drilled excavations, up to 8 inches in diameter and no deeper than 18", made in the pavement section for the purpose of investigating pavement conditions, or to open the pavement for investigations below the pavement section. Bore holes made below the pavement section must utilize non-destructive excavation methods. Non-destructive excavation shall be limited to methods that use pressurized air and vacuum systems to excavate borings, up to 4 square feet in area, for visual examination of underground utilities and other subsurface conditions. Non-destructive methods other than air-vacuum systems must be approved in writing by the City Engineer prior to issuance of the Permit. Bore holes are street cuts and a bore hole fee will be charged for each bore hole made, as specified in Chapter 212, Fees. A Permit will be required for each bore hole grouping. The Permittee shall restore the bore holes in the same manner as a standard street cut. The work shall be completed within 30 days of boring. If the applicant does not restore the bore holes within that time period, the City of Reading reserves the right to take any steps deemed necessary to repair the street and the associated costs shall then be paid by the Permittee.

B. **Emergency cuts.** Emergency street cuts and excavation required to access leaking utility mains or other installations that pose a potential hazard, or bore holes required to search out threatening conditions, may be made in advance of a Permit at the discretion of the utility company conducting the investigation and repairs. Upon commencing an emergency cut, the

City's Police Department shall be notified immediately at (610) 655-6111, as well as other potentially affected utilities and the PA One Call System. An authorized representative of the responsible party(ies) shall notify the Department of Public Works the next business day, and a proper Permit application accompanied by appropriate fees and other required documents shall be submitted to the City within seven business days of the commencement of the work.<sup>23</sup>

C. **Ahead of Paving Permit.** Applicants proposing street cuts at locations that are scheduled for street improvements by the City of Reading will be charged at the Ahead of Paving Permit fee rate as specified in Chapter 212, Fees. A detailed construction plan must accompany each application for an Ahead of Paving Permit. Excavation, backfilling and temporary street cut restoration will be performed by the Permittee at his/her cost and in accordance with the schedule as directed by the City Engineer.

D. **Time extension.** For conditions where the permitted work may not be completed, or has not been completed, on or before the Permit expiration date, the City Engineer may, if he/she deems it advisable, take steps to backfill the trench and replace a permanent pavement over the opening. If an extension of time beyond the Permit expiration date is necessary for the Permittee to complete the work, then a written application must be submitted and signed by the Permittee at least two weeks prior to the expiration date. Permit time extensions will only be granted upon the timely submission of the Permit extension application and the payment of the time extension fee, as specified in Chapter 212, Fees.

## § 508-710. Construction Standards

A. **Plan and subsurface drawings and record drawings.** All applicants shall include with their application scale drawings that clearly and accurately shows the location of the proposed work with respect to existing facilities within the vicinity of the proposed work that will be, or could be, affected by the work. The scope of the drawings shall include as a minimum: all adjacent underground utilities, curb lines, sidewalks, traffic control loops, and similar features in both plan and cross section view. Upon completion of work, the Permittee shall furnish to the City Engineer record drawing(s) that indicates the as-constructed location, size and type of utility or feature installed or altered and its location with reference to the street surface and the adjacent curb lines. The standard of accuracy for the drawings shall be:

1. For standard single utility service connections: the same as those submitted for Final Plan under Chapter 515 Subdivision and Land Development Ordinance.
2. For large street cuts and cuts required for work other than a single service connection: as specified on the City of Reading's Street Cut Restoration drawing.

B. **Excavation notice.** Pennsylvania law (Act No. 187, as amended)<sup>24</sup> requires those who intend to excavate or demolish to file certain notices (PA One Call) before commencing work. Applicants for Permits to break the pavement or surface of any legally open street shall comply with all the requirements of this Act and the City of Reading permits issued where this obligation has not been met shall be deemed null and void.

The Permittee shall deliver a construction schedule in writing to the City indicating the date which the street cut will begin, the estimated date when the restoration of the trench will begin, and any other milestones that may be critical to the inspection of the work.

C. **Pavement edges.** The paved surface shall be cut to a neat edge using an asphalt/concrete saw or jackhammer. The Permittee shall take the necessary precautions to protect the neat edge, and is responsible to restore any edges that become broken.

D. **Barricades, trench covers and lighting.** All street openings shall be properly barricaded and protected by the Permittee. Excavations shall not be left open at the end of the work shift or when left unattended. Permittees are responsible for the protection of the public within the construction areas and all work zones shall be marked in accordance with PennDOT's work zone traffic control regulations until the permitted street cut is restored and approved. Nothing contained in this Part or other legislation of the City of Reading shall release the person or persons opening the street from any liability associated with claims for injury or damage resulting therefrom.

E. **Backfilling.** Materials excavated in conjunction with street cuts should be promptly hauled away and shall be removed before nightfall. The Permittee shall arrange for the immediate repair of the affected utility and backfill the trench without delay. Backfill material shall consist of crushed stone placed and properly compacted in accordance with the details and specifications issued by the City Engineer.

F. **Paving restoration.** Immediately following backfilling and compaction, the Permittee shall apply a temporary pavement restoration in accordance with the City of Reading's Street Cut Restoration drawing and specifications. For those permits where the Permittee performs the permanent pavement restoration, this work shall be completed not less than 3 months or more than 6 months following the temporary pavement restoration. The surface material shall be compacted with a gravity roller or vibrating compactor subject to the approval of the City Engineer. The Permittee shall maintain the restoration by re-excavating and/or applying additional surface material in order to provide a smooth-riding surface for a period of one year after restoration, or where applicable, until the City provides a permanent surface repair. Repairs shall be made by the Permittee within 24 hours' notice by the City. The Permittee is responsible for the continual protection and maintenance of the cut whether or not he/she is notified by the City to perform additional work.

g. **Notices to begin and end work.** The Department of Public Works shall be notified at least three work days prior to the start of the pavement cut, and shall be notified at least three work days prior to when the trench is to be backfilled and the restoration completed.<sup>25</sup>

**Work to conform to the City of Reading standards.** The work shall be done at such time and in such manner as shall be consistent with the safety of the public and shall conform to all requirements and standards of the City of Reading. If the City of Reading discovers that the work has been discontinued or has not been properly performed, the Permittee, upon being

notified thereof in writing by the City of Reading, shall immediately take all necessary steps, at Permittee's own expense, to place the work in such condition, as to conform to the City's requirements or standards. If a dispute arises between the Permittee and the City of Reading's inspector, the City of Reading's inspector shall have the authority to suspend work until the matter can be referred to the City Engineer for resolution.

**§ 508-711. Violations and penalties.**

Any person, firm or corporation who breaks or cuts in any manner the surface of any street of the City without first having obtained the proper permit and paid the application fee and charges hereinbefore set forth, including any time extension fee, or violates any of the other provisions of this section shall, upon conviction before Magisterial District Judge, be sentenced to pay a fine not exceeding \$300 for each offense, plus costs; and in default of the payment of such fine and costs, said person and/or the responsible agents or officers of firms or corporations, violating the provisions of this section, shall be imprisoned in the Berks County Prison for a period not exceeding 90 days.

ORDINANCE NO. \_\_\_\_\_-2013

**AUTHORIZING THE MAYOR TO EXECUTE THE FIRST MEMORANDUM  
OF UNDERSTANDING BETWEEN THE CITY OF READING AND THE  
FOUNDATION FOR THE READING PAGODA**

**WHEREAS**, the City of Reading (“City”) is the fee simple owner of a piece of property located in the City of Reading, Berks County, Pennsylvania, known as the Reading Pagoda; and

**WHEREAS**, the City and the Foundation for the Reading Pagoda jointly desire to find a long term solution to protect, enhance and preserve this valuable Reading landmark.

**NOW, THEREFORE THE COUNCIL OF THE CITY OF READING HERBY  
ORDAINS AS FOLLOWS:**

**SECTION 1.** That the Mayor is authorized to execute the Memorandum of Understanding between the City of Reading and the Foundation for the Reading Pagoda as attached in Exhibit A.

**SECTION 2.** This Ordinance shall become effective in ten (10) days after its adoption and approval by the Mayor in accordance with Section 219 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2013

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

Attest:

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

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor’s Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A

### **MEMORANDUM OF UNDERSTANDING BETWEEN THE CITY OF READING AND THE FOUNDATION FOR THE READING PAGODA**

**WHEREAS**, the City of Reading (“City”) is the owner of a piece of property with improvements located in the City and known as the Reading Pagoda; and

**WHEREAS**, the Foundation for the Reading Pagoda (“Foundation”) was established to assist in the preservation, enhancement, and maximum community utilization of the Reading Pagoda; and

**WHEREAS**, the City and the Foundation desire to set forth in writing certain understandings related to the Reading Pagoda; and

**WHEREAS**, this Memorandum of Understanding between the City and the Foundation will set forth the terms of these understandings:

1. The Foundation will operate all programming, events, and daily use at the Reading Pagoda.
2. The Foundation will ensure appropriate staffing and supervision of all programming, events, and daily use at the Reading Pagoda.
3. In consultation with the City, the Foundation will set fees and guidelines for building rentals, and will divide all revenues from the Reading Pagoda in a manner to be mutually agreed upon by the City and the Foundation.
4. In consultation with the City, the Foundation will develop a long-term strategic plan for both the operation and the physical maintenance of the Reading Pagoda.
5. The Foundation will submit to the City on a monthly basis both programming and financial reports relevant to the operation of the Reading Pagoda.

6. The City will continue to be responsible for the physical maintenance of all Reading Pagoda property which is owned by the City and managed by the Foundation.

7. The City will continue to assume all liability for the Reading Pagoda property and acts occurring thereon, and will maintain sufficient liability insurance for that purpose.

8. The City and the Foundation will establish an SOP for security at the Reading Pagoda.

9. The City and the Foundation agree to take all action necessary to carry forth the provisions of this Memorandum of Understanding.

10. To the extent not otherwise covered by the terms of this Memorandum of Understanding, the City and the Foundation will consult with each other and mutually and jointly agree on resolution of any other issues in re the Reading Pagoda. All amendments to this Memorandum of Understanding shall be in writing and approved by the governing bodies of each party.

CITY OF READING

By: \_\_\_\_\_  
Mayor

Attest:

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

FOUNDATION FOR THE  
READING PAGODA

By: \_\_\_\_\_

Attest:

\_\_\_\_\_

BILL NO. \_\_\_\_-2013

AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 5 ADMINISTRATIVE CODE, EXHIBIT A PURCHASING POLICIES AND PROCEDURES, SECTION 11 BID EVALUATION, PART 11.4.5 AND 11.4.6, BY REDUCING THE AMOUNT REQUIRED FOR CONTRACT APPROVALS.

The Council of the City of Reading hereby ordains as follows:

**Section 1.** Amending the Code of Ordinances, Chapter 5 Administrative Code, Exhibit A Purchasing Policies And Procedures, Section 11 Bid Evaluation, Part 11.4.5 And 11.4.6, by reducing the amount required for contract approvals as follows:

**Section 11 Bid Evaluation and Award**

**11.4 Bid Award.**

11.4.1 It is the policy of the City to make awards to the vendor who meets the specifications for the items or services to be purchased at the lowest cost. Factors such as delivery time, quality, operating and maintenance costs, service, etc., as well as initial price, should be taken into consideration in determining the lowest cost vendor.

11.4.2 The department director shall review all bids and make a recommendation to the purchasing manager by completing the "Recommendation to Award Contract" form.

If the purchasing manager does not agree with the recommendation of the department director, the award will be referred to the purchasing committee for determination.

11.4.3 The Director of Finance shall review the recommendation to ensure an award is compatible with the budget.

11.4.4 The Managing Director shall approve all recommendations.

11.4.5 The Mayor shall have final approval of contract under ~~\$50,000~~ **\$10,000**.

11.4.6 City Council shall award or reject all contracts ~~exceeding \$50,000~~ **that are \$10,000 or more**.

11.4.7 A purchase order shall be initiated after the contract award; however, it shall not be issued until the contract documents have been finalized.

11.4.8 The successful vendor, after receiving the contract documents, has 10 working days to sign and return with the necessary bonds.

11.4.9 If the selected vendor fails to deliver a bond or items bid within the time limits specified, the purchasing manager may choose to recommend rescinding the award and readvertise for bids. In such event, the delinquent bidder shall be responsible for the costs of rebidding and the amount of any increase in the contract

price thereby resulting. The purchasing manager shall properly document the action, the reasons for the action and retain the vendor bid surety not as a penalty, but as liquidated damages for inability to comply with the contractual agreement.

**Section 2.** This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

**Section 3.** Any and all ordinances which are contrary to the amendment are hereby repealed.

Enacted by Council \_\_\_\_\_, 2013

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

Attest:

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

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**ORDINANCE NO. \_\_\_\_-2013**

**AN ORDINANCE AMENDING THE CITY OF READING CODE OF ORDINANCES CHAPTER 5 ADMINISTRATIVE CODE, SECTION 5-806 FISCAL PROVISIONS BY REDUCING THE AMOUNT OF EXPENDITURES AND ALLOCATIONS REQUIRING COUNCIL'S APPROVAL FROM \$25,000 TO \$10,000.**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION ONE.** Amending the City of Reading Code of Ordinances Chapter 5 Administration and Government, Section 5-806 Fiscal Provisions, Part C.7 by reducing the amount of expenditures and allocations requiring council's approval from \$25,000 to \$10,000 as follows:

**Fund Accounts. §5-806. Fiscal Provisions.**

**C. Regulations concerning appropriations and transfers.**

**[Amended 4-11-2011 by Ord. No. 17-2011; 2-27-2012 by Ord. No. 14-2012]**

1. The authorization and expenditure of all funds and preparation of department budgets shall be in accordance with a policy adopted by the Council and a financial procedures manual to be prepared and periodically reviewed and updated by the Administrative Services Department. Expenditures shall be executed in a uniform manner for every City Department.

2. The Administrative Services Director shall prepare and submit a monthly report to the Mayor, the Managing Director, and Council. This monthly report shall include all expenditures, borrowing, or any use for each City department and each City Fund account, and status reports comparing those expenditures with the adopted budget, as well as any Department justification of transfer, borrowing, or any use of funds within departments, between departments and within or between City Funds account.

3. In order to allow flexibility in the administration of the City's business, Departments may transfer money between line items within the department. A majority of Council, in response to any monthly report, may place a limit on the amount of additional excess expenditure allowed for any program or line item. This is not intended to restrict unduly the Mayor's ability to manage and administer the budget.

4. Justification for transferring, borrowing or any use of funds between departments and/or City Fund accounts must be presented to and approved by Council. The financial procedures manual will stipulate the following:

- (a) Expenditure procedures.
- (b) Justification procedures for transferring money between line items.

- (c) Justification procedures for transferring money between departments.
- (d) Administration of petty cash funds.
- (e) Justification procedures for transferring, borrowing, or any use of money between City Fund accounts.

5. Requiring an amendment to the City's annual Budget Ordinance authorizing the transfer, borrowing, or any use of all monies including, but not limited to, transfers, borrowing, or any use of funds between departments, and transfers, borrowing, or any use of funds in and out of any City Fund account, account or line item either attached in part or unattached to a departmental budget. The City Funds include all general, operating, capital and enterprise funds. The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer, borrowing, or any use of funds and the proposed use for the funds transferred at least two weeks before the transfer is required.

6. Requiring an amendment to the City's annual Budget Ordinance to authorize any cumulative modification to any departmental overall budget or line item exceeds \$10,000. The request for a budget amendment must be submitted to City Council with an agenda memorandum explaining the justification for transfer and the proposed use for the funds transferred, borrowed or used at least two weeks before the transfer is required.

- 7. Requiring City Council approval, via ordinance, for the following:
  - a. Salary increases that were not approved in or included in the budget for the fiscal year and fall outside the labor contract for union employees.
  - b. All expenditures not approved and listed in the operating or capital budgets for the fiscal year prior to those expenditures occurring.
  - c. All expenditures and allocations of ~~\$25,000~~ **\$10,000** or more from and to any and all agency funds and any and all line items falling in the Departmental and Nondepartmental area of the General Fund.

**SECTION TWO.** All other parts of the Ordinance remain unchanged.

**SECTION THREE.** This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council \_\_\_\_\_, 2013

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

Attest:

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

(Council Staff)

**ORDINANCE \_\_\_\_\_ - 2013**

**AN ORDINANCE OF THE CITY OF READING AMENDING THE CODE OF  
ORDINANCES CHAPTER 212 FEES AS ATTACHED**

**THE COUNCIL OF THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

SECTION 1: The Code of Ordinances of the City of Reading Chapter 212 Fees is hereby amended as attached.

SECTION 2: All relevant ordinances, regulations and policies of the City of Reading, Pennsylvania not amended per the attached shall remain in full force and effect.

SECTION 3: If any section, subsection, sentence or clause of this ordinance is held for any reason to be invalid such decision shall not affect the validity of the remaining portions of the Ordinance.

SECTION 4: This Ordinance shall become effective in ten (10) days in accordance with Charter Section 219 after passage.

Enacted \_\_\_\_\_, 2013

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

Attest:

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

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

**§ 212-101. Alarm systems.**

<b>Ordinance No.</b>	<b>Description Code Citation</b>	<b>Fee</b>		
	Permit application (nonrefundable)	fee \$50	126-1995	§ 120-104G
	Alarm business permit (annual)	\$50	126-1995	§ 120-105
	Alarm user permit fee	\$25	14-2001	§ 120-113
	Unnecessary/needless false burglary alarms. A service fee shall be charged for each unnecessary/needless false alarm in a calendar year, pursuant to the chart set forth below:		41-2010	§ 120-115

Alarm in Calendar Year

1	Free (no charge)
2	\$50
3	\$50
4	\$100
5	\$100
6	\$150
7	\$150
8	\$150
9	\$150
10	\$250
11	\$250
12	\$250
13	\$500

For each alarm 14 and greater (over 13) in a calendar year \$500 per alarm

~~Fire protection contractor false alarm – \$50 ————— ? ————— ?~~

**212-104. Business licenses – annual license tax**

<b>Description</b>	<b>Fee</b>	<b>Ordinance</b>	<b>Code Citation</b>
Solicitations (taking orders for goods)	<del>\$80</del> \$30	60-1980	339-103
Pawnbroker	<del>\$800</del> \$100	50-1954	339-103
Market house	<del>\$800</del> \$100	50-1954	339-103
Express companies, power companies, communications	<del>\$800</del> \$100	50-1954	339-103
Motor vehicles for hire (per vehicle)	<del>\$800</del> \$100	50-1954	339-103
Motor buses (per vehicle)	<del>\$800</del> \$100	50-1954	339-103
Motor buses (per vehicle) from the City to points with a radius of 10 miles	<del>\$400</del> \$50	50-1954	339-103
Taxi	<del>\$80 each not to exceed \$800</del> <del>\$10 each not to exceed \$100</del>	50-1954	339-103
Bowling alley, pool and billiard tables, gaming tables (per alley or table)	<del>\$50</del> \$20	60-1980	339-103
Theaters with live performances, circuses	<del>\$800</del> \$100	50-1954	339-103
Movie theaters (no stage production)	<del>\$800</del> \$100	50-1954	339-103
Amusement devices	<del>\$100</del> \$40	50-1954	339-103
Shuffleboard	<del>\$100</del> \$20	50-1954	339-103
Juke box	<del>\$100</del> \$40	60-1980	339-103
Coin-operated riding device	<del>\$100</del> \$20	4-1961	339-103
Public dump or junkyard	<del>\$800</del> \$100	50-1954	339-103
<del>Newspaper vendor at sidewalk stands</del>	<del>\$10</del>	<del>60-1980</del>	<del>339-104</del>
Business license fee (annual)	\$55	36-2009	339-205

**212-105. Commercial laundries.**

<b>Description</b>	<b>Fee</b>	<b>Ordinance</b>	<b>Code Citation</b>
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Commercial laundry establishment permit (annual)	\$50	19-2004; 40-2012 124-2012	173-106
Each washer and/or dryer	<del>\$10</del> \$5 per unit	19-2004	173-106

**212-108. Existing Building Code.**

<b>Description</b>	<b>Fee</b>	<b>Ordinance</b>	<b>Code Citation</b>
Permit fee: (based on labor & materials)		96-2006	180-502
\$0 to \$250	\$50		
\$250.01 to \$500	\$70		
\$500.01 to \$1,000	\$90		
Excess of the first \$1,000 for each Additional \$1,000 or part thereof	\$15		
Administrative Fee	\$4	96-2006	180-502
Consultation Fee	\$50 per hour	96-2006	180-502
Removal of Placard	\$150	42-2011	180-502
<i>Accessibility Plan Review</i>	<i>2.5%</i>	<i>43-2011</i>	<i>180-902</i>

**212-116. Housing permits.**

<b>Description</b>	<b>Fee</b>	<b>Ordinance</b>	<b>Code Citation</b>
Adding:			
<i>Abandoned Real Property Registration</i>	<i>\$200</i>	<i>48-2013</i>	<i>308.303</i>

**212-119. Miscellaneous.**

<b>Description</b>	<b>Fee</b>	<b>Ordinance</b>	<b>Code Citation</b>
City of Reading Code	<del>\$600</del> \$450	31-2002	N/A
Tax, water, and sewer certifications	<del>\$35</del> \$25	54-2005	N/A
Dishonored check fee	<del>\$35</del> \$32	53-2002	N/A
Payment in coin <i>surcharge</i>	<i>20%</i> \$10	53-2002	N/A
Law Dept: Lien statement request received by the City's Law Dept from individuals or entities, except requests from City employees in the course of their duties	\$25	41-2009	N/A

~~Handicapped permit~~ ~~\$0~~ ~~31-2009~~ ~~N/A~~

**212-120 Parks and recreation.**

<b>Description</b>	<b>Fee</b>	<b>Ordinance</b>	<b>Code Citation</b>
<del>Chairs and tables</del>	<del>\$1/chair</del> <del>\$4/table</del> <del>\$4/bench</del> <del>\$25 deposit</del> <del>\$20 to activate electricity</del>	<del>20-2008</del>	<del>N/A</del>
Small stage (per day)	\$175 Resident \$200 Non-resident <b>\$200 deposit</b>	20-2008	N/A
Large stage (per day)	\$275 Resident \$300 Non-resident <b>\$250 deposit</b>	20-2008	N/A
<i>Portable stage (per day)</i>	<b>\$100 Resident</b> <b>\$150 Non-resident</b> <b>\$200 deposit</b>		
Showmobile rental (per day)	\$350 <b>\$300 deposit</b>	20-2008	N/A
Barricades (per 4)	<del>\$2.50 Resident</del> <del>\$3.50 Non-resident</del> <b>\$10 deposit</b> <b>\$100</b>	20-2008	N/A
<i>Banners on light poles</i>	<b>\$50 each</b>		
<i>Banners across streets</i>	<b>\$175</b>		
<i>City Park Portable Potties</i>	<b>\$50 each</b> <b>\$100 handicapped accessible</b>		

<del>Bingo cage</del>	<del>\$10 Resident \$15 Non-resident \$25 deposit</del>	<del>20-2008</del>	<del>N/A</del>
<del>PA system</del>	<del>\$50 Resident \$55 Non-resident \$100 deposit</del>	<del>20-2008</del>	<del>N/A</del>
Picnic kit	\$20 Resident \$25 Non-resident \$25 deposit	20-2008	N/A
Small bleachers (per day)	\$100 Resident \$150 Non-resident \$100 Deposit <del>\$150 Non-Resident deposit</del>	20-2008	N/A
Large bleachers (per day)	\$200 resident <del>\$200 resident deposit</del> \$250 non-resident <del>\$250 non-resident deposit</del> \$100 deposit	20-2008	N/A
<del>Popcorn machine</del>	<del>\$50 resident \$55 non-resident \$25 deposit</del>	<del>20-2008</del>	<del>N/A</del>
Schlegel pool admission fee	\$2 for age 8—16 \$5 age 17 and up <i>3 and under free with paid adult</i> <i>\$5 for age 4 and older</i>		N/A
Schlegel pool membership fee	\$15 age 8—16 \$50 age 17—64 <del>\$20 age 65 and older</del> <del>\$75 single family</del> <del>\$90 family w 3 or fewer children</del> <del>\$110 family w for or more children</del>		N/A



				<i>increase</i>
<i>6-inch</i>	<i>100,000</i>	<i>\$915.84</i>	<i>\$952.47</i>	<i>4% annual increase</i>
<i>8-inch</i>	<i>160,000</i>	<i>\$1,458.84</i>	<i>\$1,517.19</i>	<i>4% annual increase</i>
<i>10-inch</i>	<i>230,000</i>	<i>\$2,092.34</i>	<i>\$2,176.03</i>	<i>4% annual increase</i>

***Volumetric Service Charge***

<i>Volumetric Rates Based on Customer Meter Size</i>	<i>2014 Monthly Volumetric Service Charge (per 1,000 gallons in excess of Volumetric Allowance)</i>	<i>2015 Monthly Volumetric Service Charge (per 1,000 gallons in excess of Volumetric Allowance)</i>	<i>Monthly Volumetric Service Charge After 2015</i>
<i>5/8-inch Uniform Rate</i>	<i>\$8.49</i>	<i>\$8.83</i>	<i>4% annual increase</i>
<i>For Meters Larger than 5/8-inch</i>			
<i>First 750,000 Gallons</i>	<i>\$9.05</i>	<i>\$9.41</i>	<i>4% annual increase</i>
<i>Next 3,000,000 Gallons</i>	<i>\$7.24</i>	<i>\$7.53</i>	<i>4% annual increase</i>
<i>Over 3,750,000 Gallons</i>	<i>\$6.83</i>	<i>\$7.10</i>	<i>4% annual increase</i>

Initial industrial waste discharge permit application for categorical industries, each site	\$500	17-1998	§ 467-215C
Reapplication or revision to and industrial waste discharge permit for categorical industries, each site	\$250	17-1998	§ 467-215C
Initial industry's waste discharge permit application for noncategorical industries, each site	\$100	17-1998	§ 467-215C
Reapplication or revisions to an industrial waste discharge permit for noncategorical industries	\$50	17-1998	§ 467-215C
Scheduled or industry requested sampling and analysis and/or inspection — minimum per site	\$300	17-1998	§ 467-215C
Sampling of multiple discharge points	\$300 for the first sample and \$250 for each additional sample	17-1998	§ 467-215C
Unscheduled sampling and analysis	\$300 per sample plus out-of-pocket expenses for testing	17-1998	§ 467-215C

and related costs  
if there is a permit  
exceedance

**212-136. Solid Waste and Recycling.**

<b>Description</b>	<b>Fee</b>	<b>Ordinance</b>	<b>Code Citation</b>
Recycling service fee (annual)	\$82.33	72-2011	496-203
Municipal waste collection and disposal service fee (annual)	<del>\$212.65</del> \$203.65	72-2011	496-204
Administrative fee for an application for an appeal to the Solid Waste and recycling Appeals Board	\$25	43-2006	496-207
Trash/recycling certification	<del>\$35</del> \$25	68-2002	N/A

**212-140. Streets and sidewalks.**

<b>Description</b>	<b>Fee</b>	<b>Ordinance No.</b>	<b>Code Citation</b>
Curb permit (feet)		31-2009	§ 508-301B
0 to 24	\$250		
25 to 49	\$300		
50 to 99	\$350		
100 to no limit	\$350 for every 100 feet plus \$3.50 per foot for every foot over 100 feet		
Street restoration		31-2009	§ 508-302A
1 foot wide	\$35/foot		
2 feet wide	\$70/foot		
Building line survey, first side (feet)		31-2009	§ 508-304B
0 to 49	\$200		
50 to 99	\$250		
Second, third or fourth sides	Repeat rates		
Residential driveway permit fee	\$400	31-2009	§ 508-305B
Commercial driveway permit fee	\$450	31-2009	§ 508-305B

Driveways spanning property line for joint use of abutting properties	\$250 for each user		
Reconstruction of driveway	\$50	31-2009	§ 508- 305B
Sidewalk <del>occupancy</del> <i>cut</i> permit	<del>\$50</del> <b><i>\$100 per cut</i></b>	31-2009	
<del>Street cut permit</del>		<del>31-2009</del>	
<del>0 to 5 square yards</del>	<del>\$150/sq. yard</del>		
<del>Over 5 square yards, per additional square yard</del>	<del>\$120/sq yard</del>		
Vault, areaway, basement stairs or structure (each)			
Sidewalk vault fee	\$80	31-2009	§ 508-306A
Sidewalk repair construction permit	\$80	31-2009	§ 508-307A
Time limit extension	\$10	35-2008	§ 508-309A
Annual license for commercial parking lot	\$5 per space with \$25 minimum	35-2008	§ 508-403

Street occupancy permit \$10 35-2008 § 508-702

Street restoration fee 35-2008 § 508-702

Not to exceed five square yards \$150/square yard

Each additional square yard over five \$120/square yard

***Street cut permit 31-2009***

***Street Cut Permit \$10 / permit***

***Street Cut Inspection Fee \$100 / street cut***

***0 to 5 square yards \$150/sq. yard 508-704***

***Over 5 square yards, per additional square yard \$120/sq. yard***

***For cuts on streets paved within 5 years of the application date, add 100% to the above fee.***

***For cuts on streets paved 6 – 10 years prior to the application date, add 80% to the above fee.***

Bore hole fee \$5 per bore hole 35-2008 § 508-707A

Ahead of paving permit \$10 per block and/ or street intersection

Time extension fee \$10 per month or fraction thereof

## **212-146. Zoning.**

<b>Description</b>	<b>Fee</b>	<b>Ordinance</b>	<b>Code Citation</b>
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Adding:

<b><i>Failure to Appear or Gain Access</i></b>	<b><i>\$150</i></b>		
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<b><i>Zoning Map Amendment</i></b>	<b><i>\$1000</i></b>		
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## FUND TRANSFER

**TO:** Members of City Council  
**FROM:** Christian F. Zale, City Controller  
**PREPARED BY:** Christian F. Zale, City Controller  
**MEETING DATE:** November 12, 2013  
**AGENDA MEMO DATE:** November 5, 2013  
**RECOMMENDED ACTION:** Fund Transfer

**BACKGROUND:**  
Requesting transfer of \$250,000.00 from Contingency to Charter Board for legal fees.

**BUDGETARY IMPACT:**  
\$250,000.00 added expense

**PREVIOUS ACTION:**  
None

**RECOMMENDED BY:**  
City Controller

**RECOMMENDED MOTION:**  
Approve the request.

**BILL NO. \_\_\_\_\_ - 2013**

AN ORDINANCE

**AN ORDINANCE REQUESTING AUTHORIZATION TO TRANSFER FUNDS FROM CONTINGENCY TO CHARTER BOARD WITHIN THE GENERAL FUND.**

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$250,000.00 from Contingency 01-14-91-4739 to Charter Board 01-17-91-4777.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2013

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

**Attest:**

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

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

# FUND TRANSFER

**TO:** Members of City Council  
**FROM:** Christian F. Zale, City Controller  
**PREPARED BY:** Christian F. Zale, City Controller  
**MEETING DATE:** November 12, 2013  
**AGENDA MEMO DATE:** November 6, 2013  
**RECOMMENDED ACTION:** Fund Transfer

**BACKGROUND:**

Requesting transfer of \$215,000.00 from Contingency to Public Works for vehicle fuel, \$175,000 and dam assessment reviews, \$40,000.

**BUDGETARY IMPACT:**

\$215,000.00 added expense

**PREVIOUS ACTION:**

None

**RECOMMENDED BY:**

City Controller

**RECOMMENDED MOTION:**

Approve the request.

**BILL NO. \_\_\_\_\_ - 2013**

**AN ORDINANCE**

**AN ORDINANCE REQUESTING AUTHORIZATION TO TRANSFER FUNDS FROM CONTINGENCY, \$215,000 TO PUBLIC WORKS FOR VEHICLE FUEL \$175,000 AND DAM ASSESSMENT REVIEWS, \$40,000 .**

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$215,000.00 from Contingency 01-14-91-4739 to Public Works 01-07-14-4501 \$175,000, fuel and 01-07-74-4216 \$40,000 dam assessment reviews.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2013

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

**Attest:**

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

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_\_

AN ORDINANCE

AMENDING CODE OF ORDINANCES OF THE CITY OF READING, BERKS COUNTY, PENNSYLVANIA, CHAPTER 467 SEWERS AND SEWAGE DISPOSAL, PART 3 SEWER SERVICE RENTAL, SECTIONS 467-103 AND 467-104 TO ESTABLISH SEWER SERVICE RENTALS, AND SUCH SEWER SERVICE RENTAL SHALL BE EFFECTIVE UNTIL AMENDED.

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

SECTION 1. On January 1, 2014, Section 467-103 Metered Service; Due Date; Interest Penalty; Reductions and Rebates of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 467 Sewers and Sewage Disposal, Part 1 Sewer Service Rental shall be deleted, in its entirety, and replaced with the following:

**SECTION 467-103. Sewer Service Rental.**

1. The sewer service rental is divided into a meter service charge and a volumetric service charge for properties with a water meters. To the extent a property does not have a water meter and is subject to a gross fixed or flat water rate, the monthly sewer service rental for such property shall equal one hundred fifty percent (150%) of the fixed or flat water rates assessed to such property by the Reading Area Water Authority or its successor.
2. Monthly Meter Service Charge. For properties with water meters, the meter service charge will be assessed as a fixed monthly charge based on the size of a property's water meter, with a maximum monthly volumetric allowance for water consumption set by meter size, as identified in the Table 1, below:

Table 1: Monthly Meter Service Charge Schedule

Water Meter Size	Monthly Volumetric Allowance (Gallons)	2014 Monthly Meter Service Charge	2015 Monthly Meter Service Charge	Monthly Meter Service Charge After 2015
5/8-inch	2,000	\$27.82	\$28.93	4% annual increase
3/4-inch	3,000	\$37.99	\$39.51	4% annual increase
1-inch	5,000	\$56.09	\$58.33	4% annual increase

1.25-inch	6,660	\$71.11	\$73.96	4% annual increase
1.5-inch	10,000	\$101.34	\$105.39	4% annual increase
2-inch	16,000	\$155.64	\$161.86	4% annual increase
3-inch	30,000	\$282.34	\$293.63	4% annual increase
4-inch	50,000	\$463.34	\$481.87	4% annual increase
6-inch	100,000	\$915.84	\$952.47	4% annual increase
8-inch	160,000	\$1,458.84	\$1,517.19	4% annual increase
10-inch	230,000	\$2,092.34	\$2,176.03	4% annual increase

3. Monthly Volumetric Service Charge. In the event water is consumed on a property with a water meter in excess of the applicable monthly volumetric allowance, as identified in Table 1, a monthly volumetric service charge, as calculated in Table 2, shall be included in such property's sewer service rental in addition to the meter service charge. No volumetric service charge shall apply in any month that a property's water consumption does not exceed the applicable monthly volumetric allowance.
- a. For properties with a water meter equal to 5/8-inch, a uniform volumetric rate per one thousand gallons of water consumed shall be charged as the volumetric service charge.
  - b. For properties with water meter larger than 5/8-inch, a tiered rate structure per one thousand gallons of water consumed shall be charged as the volumetric service charge.

Table 2: Volumetric Service Charge Schedule

Volumetric Rates Based on Customer Meter Size	2014 Monthly Volumetric Service Charge (per 1,000 gallons)	2015 Monthly Volumetric Service Charge (per 1,000 gallons)	Monthly Volumetric Service Charge After 2015
5/8-inch Uniform Rate	\$8.49	\$8.83	4% annual increase
For Meters Larger than 5/8-inch			
First 750,000 Gallons	\$9.05	\$9.41	4% annual increase
Next 3,000,000 Gallons	\$7.24	\$7.53	4% annual increase

Over 3,750,000 Gallons	\$6.83	\$7.10	4% annual increase
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- The meter service charge and volumetric service charge shall be increased on January 1<sup>st</sup> of each calendar year in accordance with schedules set forth in Tables 1 and 2.

SECTION 2. On January 1, 2014, Section 467-104 Fixed Rate Service; Due Date and Interest Penalty of the Code of Ordinances of the City of Reading, Berks County, Pennsylvania, Chapter 467 Sewers and Sewage Disposal, Part 3 Sewer Service Rental shall be deleted, in its entirety, and replaced with the following:

**Section 467-104. Sewer Service Rental Due Date and Interest Penalty.**

- Bills for sewer service rentals shall be rendered on a monthly. All sewer service rentals shall be due and payable to the City within thirty (30) days of the issuance of a bill.
- A penalty of ten (10%) shall be added to bills not paid by the due date printed on the bills, which date shall be thirty (30) days after date of issuance of such bills.
- Reductions or rebates may be provided to customers who do not discharge a significant portion of their metered water to the sewage system. Such adjustments shall be determined pursuant to rules and procedures adopted by resolution of Council.

SECTION 4. All remaining sections of Part 3 Sewer Service Rental shall remain in effect (Sections 467-101 through and including 467-106).

SECTION 5. Any court determination that a portion of this Ordinance is unconstitutional or invalid shall not affect the remaining portion of this Ordinance.

SECTION 6. This Ordinance shall become effective on the date of passage by City Council and approval by the Mayor, override of the Mayor's veto, or passage by City Council and the Mayor's failure to approve or veto within ten (10) days of submittal to him.

Passed Council \_\_\_\_\_, 2013

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

Attest:

\_\_\_\_\_

City Clerk

**BILL NO. \_\_\_\_ - 2013**

AN ORDINANCE

AN ORDINANCE REQUESTING AUTHORIZATION TO TRANSFER FUNDS TOTTALLING \$50,170 WITHIN THE 2013 DEPARTMENT OF COMMUNITY DEVELOPMENT BUDGET TO FUND INSPECTION SOFTWARE FOR THE BUILDING & TRADES DIVISION.

THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:

SECTION 1. Authorizing the transfer of \$21,000.00 from Building and Trades Salaries 01-10-38-4000 to Building and Trades Contracted Services 01-10-38-4216; and \$29,170.00 from Zoning Contracted Services 01-10-37-4216 to Building and Trades Contracted Services 01-10-38-4216.

SECTION 2. This ordinance shall become effective ten (10) days after its adoption, in accordance with Sections 219 & 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2013

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

**Attest:**

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

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

BILL NO. \_\_\_\_-2013

AN ORDINANCE

AN ORDINANCE AMENDING THE CITY OF READING CODE, CHAPTER 600  
ZONING MAKING CORRECTIONS AND CLARIFICATIONS

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

**Section 1.** Amending the City of Reading Code, Chapter 600 Zoning making corrections and clarifications as attached in Exhibit A.

**Section 2.** Any and all ordinances which are contrary to the amendment are hereby repealed.

**Section 3.** This ordinance shall become effective ten (10) days after its adoption in accordance with Sections 219 and 221 of the City of Reading Home Rule Charter.

Enacted by Council \_\_\_\_\_, 2013

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

Attest:

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

Submitted to Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Received by the Mayor's Office: \_\_\_\_\_

Date: \_\_\_\_\_

Approved by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

Vetoed by Mayor: \_\_\_\_\_

Date: \_\_\_\_\_

## EXHIBIT A

### **§600-105. Applicability to City – Buildings for Public Purposes.**

~~This Chapter shall not regulate uses or structures owned or operated by the City of Reading that serve valid public purposes, such as for public works, stormwater or recreation purposes. See Section 1202 L Special Exceptions - Parks, Playgrounds and Public Buildings~~

### **§ 600-109. Applicability to utilities.**

~~This chapter shall apply to utilities that are not owned or operated by the City of Reading, except as provided in § 619 of the Pennsylvania Municipalities Planning Code, 53 P.S. § 10619, and except that public utility poles, lines and pipes are not regulated by this chapter. See 1203 H Conditional Use~~

### **§ 600-201. Zoning Administrator.**

Duties. The Zoning Administrator shall:

- (1) Administer this chapter in accordance with its literal terms.
- (2) Be available to register nonconforming lots, uses, and structures, upon request of the owner or lessee.
- (3) Receive and examine all applications required under this chapter.
- (4) Issue or refuse permits after receiving a complete application, except as specifically provided in this chapter.
- (5) Prepare agendas, schedules and information packets for Zoning Hearing Board meetings.
- (6) Receive complaints of violations of this chapter.
- (7) Issue an enforcement notice to any person violating any provision of this chapter, and institute civil enforcement proceedings as a means of enforcing this chapter, as hereinafter set forth.
- (8) Keep records of applications and permits issued for actions of the Zoning Hearing Board, complaints received, inspections made, reports rendered, and notice or orders issued. Such records shall be and are the property of the City, and shall be available for the use of the Zoning Hearing Board, City Council, other City officials and staff, and City residents.
- (9) Make all required inspections and perform all other duties as called for in this chapter.
- (10) Have the authority to enter, at any reasonable hour, any structure, premises or land in the City to enforce the provisions of this chapter, within the limitations of state law. If refused entry, the Zoning Administrator shall have the authority to seek an administrative warrant.

- (11) Complete such other roles as provided in this chapter.
- (12) In accordance with Chapter 308, Housing, of the Code of the City of Reading, as amended, the Zoning Administrator shall be empowered to perform the duties described and imposed herein.
- (13) *Have the authority to enforce the Historic District Ordinance.*

#### **§ 600-408. Applications.**

Every application for a variance, special exception or interpretation of a ruling of the Zoning Administrator shall be made in writing on a form prepared by the Zoning Hearing Board. Such application shall be filed with the Board, and shall include the following:

- A. The name, address and signature of the applicant or appellant.
- B. The name and address of the owner of the property.
- C. A brief description and location of the property to be affected by such proposed change or appeal.
- D. A statement of the present zoning classification of the property in question and the present use thereof.
- E. A reasonably accurate description of the new construction, additions or changes intended to be made under this application indicating the size, height and uses of such proposed improvements. A plot plan of the property to be affected, indicating the location and size of the lot and the size of existing and intended improvements, shall be attached to the description. Plot plans shall be clear, legible and accurately drawn to scale.
- F. Submittal of appropriate fees.
- G. *Applicants may ask the Zoning Administrator to delay or continue their hearing before the Zoning Hearing Board no later than three (3) days before the date of the hearing and no more than two (2) times if a continuance fee to be established by the Zoning Administrator is paid when the request is made. Third requests for a delay or a continuance must be made to and approved by the Chair of the Zoning Hearing Board.*

#### **§600-416 Appeals**

1. All appeals for securing review of this Chapter or any decision, determination or order of this Board or of City Council, or of any of the City's agencies or officers issued pursuant to this Chapter, shall be in conformance with the Municipalities Planning Code, as amended, 53 P.S. §10101 *et seq.*
2. Questions of an alleged defect in the process of enactment or adoption of this Chapter or the Zoning Map(s) associated herewith shall be raised by an appeal

taken directly from the action of City Council to the Berks County Court of Common Pleas filed no later than 30 days from the effective date of such ordinance or map.

~~3. No person may file a new zoning application of any type with the Zoning Administrator if there is currently an appeal or litigation relating to any part of the Zoning Ordinance for the same property pending before the Zoning Hearing Board or any of the local, state or federal Court systems.~~

3. No person may file a subsequent zoning application with the Zoning Administrator if there is currently an appeal or litigation relating to the same property pending before the Zoning Hearing Board or any of the local, state or federal Court systems requesting the same or substantially similar relief.

#### § 600-1013. Accessory Uses – Creating a new section “Swimming Pools”

- A. All in-ground swimming pools, as defined in § 600-2202, shall conform to all requirements as a structure for the zone in which it is situated, shall be included in computing the lot coverage and shall be in conformance with Chapter 180 Construction Codes.
- B. All above ground pools, as defined in § 600-2202, must be situated in rear yards so as to provide a minimum of three (three) feet open space area around the entire perimeter of the pool
- C. All pools must be enclosed with a permanent barrier or fence not less than four (4) feet in height, such fence having no opening with a dimension greater than four (4) inches on a side (or in diameter in the case of round openings). Walls of buildings may serve as a part of the fence or barrier. Where such pools are of the type having above ground construction, that portion of the pool wall extending above the ground may be included as part of the barrier or fence. Fences shall have a gate, which shall be securely locked when not in use. Above ground pools shall have a ladder or stairway, which can be removed or rendered unusable, and the entrance to the pool shall be capable of being securely closed to a height of four (4) feet. When draining or backwashing swimming pools, water shall not be drained onto other properties without the owner’s consent. Hot tubs/spas and inflatable pools in lieu of four (4) foot fence, must have covers that secure to prevent access when not in use.

#### § 600-1101. Mid-rise or Low-rise apartments.

When permitted, *low-rise and* mid-rise apartments shall conform to the following:

**§ 600-1006. Home Occupations**

B. Both major and minor home occupations shall meet the requirements listed in Subsection A above. *A zoning permit is required for both major and minor home occupations; however, the zoning permit for the minor home occupation shall be issued without a fee.* The following additional requirements shall apply to a "minor home occupation":

**§ 600-1203. Conditions for Conditional Use.**

D. Conversions. This section applies to an existing building where it is allowed by the zoning district regulations to be converted into new dwelling units. ~~*Conversion of a single family property properties into a multi-unit property rentals is not permitted under this act.*~~ *The conversion of an existing one-family detached dwelling, one-family attached dwelling or one-family semidetached dwelling into two or more dwelling units shall be prohibited, as per § 600-803 and 804*

**§ 600-1203. Conditions for Conditional Use**

K. Student home. ~~The following regulations shall apply to student homes in the *Student Homes in the R-1A, R-1 and R-2 Districts are permitted only in an existing lawful apartment dwelling, as per sections 801, 802 and 803.*~~ In all other districts and in the Institutional Overlay Zone, the student home regulations shall not apply and instead the occupancy of a dwelling shall be regulated by the definition of a "family."

- (1) A student home shall meet the same regulations as apply to the type of dwelling unit, in addition to the student home regulations.
- (2) The owner of any existing student home shall register its location with the Zoning Administrator within one year after the enactment of this chapter.
- (3) ~~Where a student home is lawfully nonconforming because it is occupied by four or more college or university students~~ *at least two (2) with a maximum of three (3) college or university students, Where a property is used for student housing and has been legally established as a nonconforming use,* the use shall only be allowed to continue in such nonconforming manner if the owner registers such nonconformity with the Zoning Administrator within one year after the effective date of this chapter or a zoning amendment that made the use nonconforming.

**§ 600-1203. Conditions for Conditional Use**

**I. Residential Care Facility, Including Group Care Facilities and Group Care Institutions**

2. b. No group care facility shall have more than ~~10~~ *nine (9)* residents at any given time, not including live-in supervisors.

**§ 600-1705. Signs allowed in Commercial Core and Commercial Residential Districts (CC, C-R).**

*Window identity signs are permitted in commercial storefronts located in all Commercial Core and Commercial Residential zones given the following conditions:*

- (1) Signs on show window glass shall be limited to 30% of the glass area, or 600 square inches, whichever is greater.*
- (2) Temporary signs on window glass (e.g., "sale") shall be limited to 35% of the glass area, or 700 square inches, whichever is greater, for a thirty-day maximum.*

**§600-1706. Signs Allowed in the Commercial Neighborhood District (C-N)**

F. Private parking lots shall have no signs except for directional signs, warning signs, and one identification sign not exceeding 12 square feet in surface area for each fronting street. Such sign shall be a ground-mounted sign not extending more than 4 feet above ground or a wall sign and shall not extend into the public right-of way. *Retail Stores 1,500 gross square feet or larger that have an onsite, off-street parking lot, that meets the requirements under §600-1603.33 shall be permitted to have one sandwich board sign as defined in §600-1706. I below.*

**§600-1706. Signs Allowed in the Commercial Neighborhood District (C-N).**

I. In addition to other signs, one sandwich board sign shall be allowed for each lot occupied by a commercial use. Such sign shall not exceed ~~2 feet~~ *36 inches* in width and ~~4 feet~~ *96 inches* in height, shall not obstruct the main pedestrian pathway, and shall be moved inside when the business is not open. In addition:

1. *The height of such signs may not be artificially increased above the allowed maximum by placing material underneath the base of such sign.*
2. *A sandwich board sign may be placed no closer than 150' from another such sign.*
3. *Sandwich board signs must be secured to withstand strong winds and to prevent a roadway hazard.*
4. *No sandwich board sign shall be placed in the public street right-of-way or in any public parking space.*
5. *Sandwich board signs may be used only during the hours when the business is open to the public.*
6. *No sandwich board sign shall be placed so as to obstruct vehicular traffic or sight distance triangle requirements.*
7. *All sandwich boards signs shall be constructed of weather resistant material and shall comply with design standards for material and color.*
8. *No sandwich board sign shall contain foil, mirrors, bare metal or other reflective materials which could create hazardous conditions to motorists, bicyclists, or pedestrians.*
9. *No sandwich board sign may contain lights of any kind.*

#### § 600-2202. General Definitions

*Awning/Canopy – a temporary hood or roof-like cover, often of fabric, metal, or glass, that projects from the wall of a building and designed and intended for protection from weather or as a decorative element that may include a type which can be retracted, folded or collapsed against the face of a supporting building*

Group-Care Facility — A household facility of ~~more than three persons, but fewer than 10 persons~~ *no more than nine (9) persons*, other than persons related by blood, marriage, adoption or legal guardianship, who because of their physical or emotional condition or their social or interpersonal skills otherwise would limit, inhibit or prevent their ability to function as useful or productive members of society, are provided supportive services and supervision through a nonprofit social service agency or other established entity. This use is also known as a "group home." This use shall not include a treatment center. See also § 600-1201B.

*Institutional Use - An establishment, especially one of an organized society or corporation, which is anticipated to remain in public use, including government-owned administration buildings and offices, fire stations, public hospitals and health care facilities, public schools, colleges and educational research lands. Cemeteries, churches, and other religious facilities not designated in Low Density Residential or Low*

*Medium Density Residential are included in this land use category. Institutional uses in residential areas will continue as the current use. If an institutional use vacates property in residential areas then the property should be redeveloped as a low density residential use.*

*Low-rise Apartment – buildings that have no more than forty-six (46) feet containing one or more multi-unit family dwellings, with the dwellings therein leased to occupants for a definite period of time of at least 30 days.*

**BILL NO. \_\_\_\_\_**

**A N O R D I N A N C E**

**AN ORDINANCE AMENDING THE RECOVERY PLAN FOR THE CITY OF READING (PA) ADOPTED THROUGH ORDINANCE NO. 26 OF 2010 (ENACTED JUNE 11, 2010) AS AMENDED.**

**THE CITY OF READING HEREBY ORDAINS AS FOLLOWS:**

**SECTION 1.** The Municipalities Financial Recovery Act Plan for the City of Reading (PA) shall be and is hereby amended as set forth in Exhibit A attached hereto and made a part hereof.

**SECTION 2.** All other items, parts, sections, etc. of the Recovery Plan for the City of Reading (PA) shall remain in effect unchanged and likewise are ratified.

**SECTION 3.** This ordinance shall be effective ten (10) days after its adoption and approval by the Mayor, or repassage by City Council over the Mayor's veto, in accordance with Section 219 of the City of Reading Home Rule Charter, or as set forth in Section 221 of the City of Reading Home Rule Charter.

Enacted \_\_\_\_\_, 2013

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

Attest:

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

## **EXHIBIT A**

### **Plan Amendment**

With the exception of the amendment noted below, the Recovery Plan as filed May 28, 2010 shall continue in full force and effect.

### **RE08. Temporarily expand earned income tax**

**Target outcome:** Increased revenue

**Responsible party:** Finance Department

To assist in addressing the structural imbalance, the City shall enact a temporary increase in the Earned Income Tax (EIT) rate for residents and a temporary earned income tax on non-residents who work in the City (i.e. "commuters")

For residents the City shall increase its earned income tax rate by 0.4 percent in 2011, bringing the City's levy to 2.10 percent. In 2012 the City shall reduce its EIT rate on residents to 1.9 percent.

In 2013 the City shall increase its EIT rate on residents by 0.20 percent to 2.10 percent with the associated revenue from the 0.20 percent increase restricted to helping the City make its annual required contributions to the employee pension funds. In 2014 the City shall keep the EIT rate on residents at 2.1 percent.

The additional amount of tax revenue associated with this initiative shall not be subject to sharing with the Reading School District or any other governmental entity. The table below summarizes these changes and shows the total earned income tax rate for residents based on the current School District levy of 1.5 percent.

### **Earned Income Tax Rate - Residents**

2010	1.70%	1.50%	3.20%
2011	2.10%	1.50%	3.60%
2012	1.90%	1.50%	3.40%
2013	2.10%	1.50%	3.60%
2014	2.10%	1.50%	3.60%

For non-residents, the City shall petition the Court of Common Pleas of Berks County, pursuant to Section 141 of Act 47, to increase the rate of earned income taxation upon non-residents by 0.3 percent in 2011. The crediting provisions of Act 511 provide for the home jurisdiction of nonresidents to have first preference on the tax imposed on their residents up to their amount so imposed. The additional amount of tax revenue resulting from the City's non-resident EIT rate shall not be subject to sharing with the Reading School District or any other governmental entity.

In 2012 the City shall reduce its EIT rate on non-residents to 0.1 percent. In 2013 the City shall increase its EIT rate on non-residents by 0.20 percent with the associated revenue from the 0.20 percent increase restricted to helping the City make its annual required contributions to the employee pension funds.

While the City intended to eliminate the non-resident EIT rate by 2014, the rising pension contributions necessitate that it be extended through December 31, 2014. In 2014 the City's EIT rate on non-residents shall be 0.30 percent with the associated revenue restricted to helping the City make its annual required contribution to the employee pension funds. The table below summarizes these changes assuming that the non-resident's home jurisdiction has an earned income tax rate of 1.0 percent.

### **Earned Income Tax Rate – Non-Residents**

2010	0.00%	1.00%	1.00%
2011	0.30%	1.00%	1.30%

2012 0.10% 1.00% 1.10%  
2013 0.30% 1.00% 1.30%  
2014 0.30% 1.00% 1.30%

Every other provision from the Recovery Plan as filed on May 28, 2010 remains in full force and effect.

**R E S O L U T I O N N O.**\_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Wynton Butler is appointed to the Diversity Board with a term ending December 9, 2016. This term will be effective upon the resignation of Mr. Butler from the Water Authority when a new member has been appointed to the Water Authority.

Adopted by Council\_\_\_\_\_, 2013

\_\_\_\_\_  
Francis G. Acosta  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk

**R E S O L U T I O N N O.**\_\_\_\_\_

THE COUNCIL OF THE CITY OF READING HEREBY RESOLVES AS  
FOLLOWS:

That Carl Herbein is reappointed to the Berks County Convention Center  
Authority with a term ending August 29, 2017

Adopted by Council\_\_\_\_\_, 2013

\_\_\_\_\_  
Francis G. Acosta  
President of Council

Attest:

\_\_\_\_\_  
Linda A. Kelleher  
City Clerk